

NAME: **Staff Grievance Policy**

Approved by: MD

Last reviewed: 18 February 2012

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SECTION 1 - INTRODUCTION**PURPOSE**

This policy defines the PK Financial Consultants ("PK Financial") policy and procedure as pertaining to the management of staff grievances. It outlines the procedures to be followed when a grievance is lodged and provides guidance on the approach to be taken. This is to ensure that the appropriate course of action is followed in order to facilitate a prompt, fair, confidential and effective resolution.

SCOPE

This policy and procedure applies to all employees of the PK Financial unless otherwise provided for.

DEFINITIONS

| Work/Term | Definition |
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| Grievance | <p>"Grievance means an issue raised by employee/s which relates to an action, inaction or decision that directly affects the employee and is perceived by The employee to be:</p> <p>Unfair or unreasonable; or</p> <p>In breach of, or inconsistent with, the Equal Opportunity Act 2010 (Vic)</p> <p>In breach of, or inconsistent with, the Occupational Health and Safety Act 2004 (Vic),</p> <p>A grievance may relate to any matter arising from the employment of a staff member other than:</p> <p>Performance management processes (including the Performance, Development and Reward process);</p> <p>Actions taken to transfer or retrench a staff member;</p> <p>A decision not to provide a promotion in connection with the staff member's employment;</p> <p>Disciplinary actions;</p> <p>Allocated work in compliance with systems and policies;</p> <p>Injury and illness procedures;</p> <p>Change to business processes, such as workplace change or restructuring.</p> <p>When a person initiates grievance resolution using external resolution processes, prescribed by legislation outside the PK Financial, any action under this Policy may cease. A decision to cease action may be made with the parties involved.</p> |
| | <p>Or</p> <ul style="list-style-type: none"> • Reasonable management decisions, discussions or action (including performance counselling and managing underperformance), as long as they are accurate, constructive, courteous and not humiliating or threatening. • Management instructions, directions and requirements that are made fairly and appropriately, for example, made without intimidation, belittling comments or favouritism. |
| Complainant | The employee raising the grievance, whether informally or formally. |
| Respondent | The person alleged to have caused the grievance and who is responsible for responding to the grievance. |

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| Unreasonable/Unfair Action, inaction, decision | An action, inaction or decision that a reasonable person, having regard to all the circumstances, would expect to victimize, humiliate, undermine, threaten, degrade, offend or intimidate. |
| Manager | Any person appointed to manager or supervises the duties of others. |
| Employee | Any person directly employed by the PK Financial Consultants (not including independent contractors and persons employed on a casual basis Through an agency). |
| Support person | Any person (other than a practising solicitor or barrister), who is nominated by an employee to provide support on their behalf, but who is not entitled to make representations or act as an advocate. |
| Vexatious Grievance | A grievance that is put forward on insufficient grounds and with the intention of causing annoyance or anxiety to the respondent. This includes lodging grievances without any reasonable grounds, a repletion of arguments which have already been rejected, disregard for the PK Financial Consultants policies and practices and rulings, and persistent attempts to abuse the PK Financial Consultants processes. It may also include deliberately defaming someone. |
| Balance of Probabilities | The standard of proof that is required. This means that the investigator must find that it is more likely that the main facts in issue are so. |
| Group Complainant | Where one or more persons raise a grievance. Group complaints will be regarded as one grievance for the purposes of this policy. |
| Group Respondent | A grievance against two or more people, which may include a department, business unit or faculty. |
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**SECTION 2- POLICY
PRINCIPLES**

The PK Financial Consultants is committed to ensuring that employees are treated fairly and consistently. Prompt and effective resolution of grievances is vital to this commitment. Staff are assured that the PK Financial Consultants will provide fair resolved with impartiality, due care and confidentiality. Grievances should always be treated seriously and resolved as close to their source as is practicable. This policy aims to outline underlying principles and define appropriate courses of action.

Complainants and/or respondents are not compelled to use the informal process if they feel that it is not appropriate and both have the option of proceeding immediately to a formal process.

The PK Financial Consultants takes seriously its responsibilities to handle complaints promptly and impartially. It has delegated appropriately the handling of these complaints to managers. The PK Financial Consultants undertakes to train individuals involved in the resolution of complaints and to have available staff with relevant expertise to provide advice.

Employees may only lodge grievances in respect of matters which directly affect them.

SECTION 2-POLICY

POLICY

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| 1. | Staff Grievance Policy |
| 1.1 | Role and responsibilities |
| | <p>The PK Financial Consultants seeks to ensure that grievances are dealt with fairly, confidentially, impartially and in a timely manner.</p> <p>The PK Financial will therefore ensure that the Staff Grievance Policy is:</p> <ul style="list-style-type: none"> • Widely distributed to staff • Reviewed, updated and reissued as required • Accompanied by other strategies such as training and awareness raising |
| 1.2 | Potential outcomes of grievance resolution |
| | <p>The far as possible it is the intention of the PK Financial Consultants that grievances can be best resolved by discussion between the parties. This means that the parties can and should use PK Financial Consultants procedures to achieve mutually acceptable outcomes. In these</p> |

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| | <p>circumstances no further action would result from the grievance.</p> <p>In some instances it may be useful to engage appropriate PK Financial managers or outside specialists to help resolve staff grievances.</p> <p>Under certain circumstances, finding by an appropriate officer of the PK Financial pursuant to this procedure may lead to disciplinary action against a party to a grievance. Disciplinary action will be taken in accordance with the relevant policy or industrial</p> |
| 1.3 | Protection against victimisation |
| | <p>The PK Financial recognises that grievance handling procedures must be fair to all parties. A person must not victimise another person because he or she has or intends to:</p> <ul style="list-style-type: none"> • Make a grievance • Be a witness • Support an individual who intends to or has made a grievance • Act in good faith in bringing information or an allegation forward |
| 1.4 | Vexatious grievances |
| | <p>Individuals found to have made vexatious grievances may incur disciplinary action in accordance with the relevant PK Financial Consultants procedure.</p> |
| 1.5 | Roles and responsibilities of managers |
| | <p>Managers of organisational units have a responsibility for:</p> <ul style="list-style-type: none"> ▪ Ensuring the promotion of the policy across the organisational unit ▪ Implementing appropriate measures across the organisational unit where informal complaints have been made ▪ Implementing appropriate disciplinary procedures where required. |

PROCEDURES

| | Procedure steps | Responsibility |
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| 1. | Informal resolution process | |
| | <p>The PK Financial Consultants has established an informal process to enable grievances to be resolved as close to their source as possible. Complainants and respondents are not compelled to use the informal process is not appropriate they Have the option of proceeding immediately to a formal process.</p> <p>Informal resolution measures are the preferred way of resolving Complaints other than those of physical attack and serious harassment for the following reasons:</p> <ul style="list-style-type: none"> ○ Ensuring a bullying and harassment free work and study environment should be a normal activity. ○ Cases can be resolved without a person being labelled as a bully/harasser (this is appropriate where the behaviour is unintentional). ○ Cases can be resolved without a formal determination (this is appropriate where the behaviour is unintentional). ○ Matters can be resolved without involving parties in formal, complex and time-consuming procedures. ○ Management can institute preventative measures throughout a work or teaching area at anytime. <p>Receipt of a informal complaint of bullying/ harassment is not proof of an individual's culpability and any such assumption should not be made during discussions with alleged respondents.</p> <p>A grievance can also be withdrawn at any time.</p> | |
| 1.1 | Steps to be taken in the informal process | |
| | <p>Complainants are encouraged to proceed through the following steps of the informal process:</p> <p>Step 1</p> <ul style="list-style-type: none"> ○ Asking or telling a person to stop. ○ Asking or telling a person to stop, accompanied by an Advisor or other support person if they feel a need. ○ Seeking from a PK Financial Consultant. <p>The complainant may approach the respondent with the details of their allegations and the outcomes they request in the first instance. If the matter is not satisfactorily resolved or if the behaviour, action, inaction or decision continues then the</p> | Complainant |

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| | <p>complainant may proceed to the next step.</p> <p>If an individual or group of staff wishes to complain against a respondent/s, they are encouraged to contact their appropriate manager and PK Financial Consultants to discuss an approach to resolve their issue.</p> | |
| 1.2 | <p>Step 2</p> <ul style="list-style-type: none"> ○ Making an informal grievance to the person's manager or another senior staff member in the management unit. <p>The respondent has 5 working days (subject to the availability of the respondent) to respond to the complaint either verbally or in writing. On receipt of the response, the complainant may consider the matter satisfactorily resolved or may proceed to step 3.</p> | Complainant |
| 1.3 | <p>Step 3</p> <ul style="list-style-type: none"> ○ Informal conciliation <p>Informal conciliation involves a meeting of the complainant/s And respondent to present their concerns in person in an attempt to achieve best agreed outcomes. This may be facilitated by a manager, a PK Financial Consultant or an external, independent person.</p> <p>The aim of this meeting is to table the concerns of the complainant and provide the respondent with an opportunity to respond to the allegations. If an agreement is determined between the complainant and respondent at this meeting the matter may then be closed.</p> <p>If Director, PK Financial, will decide if the grievance will proceed to the Formal process, based on the principles outlined in this policy.</p> | |
| 1.4 | <p>What a complainant or respondent can do throughout the informal process</p> <p>Complainants and respondents are encouraged to engage a Discrimination/Harassment Advisor or other support person for assistance if required.</p> | |
| 1.5 | <p>Timelines for managing informal grievances:</p> <p>The informal resolution process should not extend beyond 20 Working days in duration from the time a grievance is first raised. If the informal resolution process has not resolved the grievance within 20 working days the formal resolution process should be invoked or a request be made for the complaint to be Withdrawn.</p> <p>Timeframes should only be extended if the employees involved Demonstrate a justifiable reason for the delay. If requested, the Director, PK Financial, will determine whether the time frames are reasonable.</p> | |
| 1.6 | <p>Monitoring outcomes of informal resolution process:</p> | |

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| | The parties involved may agree to establish a mechanism to monitor the outcome of an informal resolution process. It is the responsibility of the Manager at the next level above to Implement and monitor the outcome of the informal resolution. | Manager |
| 2 | Formal Resolution Process | |
| | The complainant is encouraged to contact a PK Financial Consultant for advice on proceeding with a formal resolution to their grievance. The complainant can seek to have a grievance resolved through a formal process by notifying the Director, PK Financial In writing. Both conciliation and investigation procedures are available for the resolution of formal grievances. The Director, PK Financial, can determine if the grievance will proceed straight to the investigation stage, without going through conciliation, based on the principles outlined in the policy. | |
| 2.1 | Steps to be taken in the formal resolution process | |
| | The PK financial has established a staged approach to handling formal grievances as follow: Step 1- Conciliation <ul style="list-style-type: none"> ○ Is confidential and without prejudice process, the purpose of which is to achieve a resolution that is agreed to by both parties. The conciliation process is not a fact-finding exercise. Step 2- Investigation <ul style="list-style-type: none"> ○ Will be used in cases where a formal grievance is lodged and a satisfactory resolution cannot be reached through the conciliation process or in cases where the complainant and/or respondent decide participation in the conciliation process. Where the grievance is of a serious nature the PK Financial may elect to move straight to the investigation stage. | |
| 2.2 | Step 1 - Conciliation | |
| | The complainant lodges their grievance, in writing, with Director PK Financial | Complainant |
| 2.3 | The Director PK Financial, or nominee, will forward the grievance to respondent. The respondent will be advised that the grievance is confidential and that all parties are protected | Director, PK Financial |

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| | from victimisation. | |
| 2.4 | Within 5 working days of contacting the respondent the Director, PK Financial, or nominee, will consult with the complainant and the respondent to identify whether they agree To conciliate the grievance. Where conciliation is agreed the Director, PK Financial, or nominee, will identify a conciliator acceptable to both parties. | |
| 2.5 | The Director, PK Financial, or nominee, will assist the conciliator by explaining the application of this policy and planning to be taken in attempting to resolve the grievance. | Director, PK Financial |
| 2.6 | The complainant and respondent will be required to agree that any statements made in the course of the conciliation process shall be confidential and without prejudice. | Complainant and Respondent |
| 2.7 | Within 5 working days the conciliator will discuss possible resolutions with both the complainant and the respondent and seek to achieve a resolution satisfactory to both parties. | Conciliator |
| 2.8 | Where a resolution is agreed the complainant and respondent will sign a statement to indicate complete and final settlement Of the grievance. | Complainant and Respondent |
| 2.9 | An agreed resolution may involve: <ul style="list-style-type: none"> o A compulsory counselling session to be attended by the respondent; and/or o An acknowledgment by the respondent that their behaviour caused offence even if it was unintentional and an undertaking to modify their behaviour; and/or o Person/s attend equal employment opportunity and bullying awareness training (if appropriate) and/or, o Any other outcome agreed to by the parties to the complaint <p>The respondent should be advised that victimisation or some other form of reprisal by them that affects the complainant is unacceptable and is a potential cause for separate disciplinary action.</p> | |
| 2.10 | Monitoring outcomes of the conciliation process: <ul style="list-style-type: none"> o Where agreement to resolve the grievance is reached a monitoring process should be put in place to ensure compliance with the terms of the agreement. o An appropriate person should be agreed to by the parties to monitor progress of the agreement. | |
| 2.11 | Failure to achieve a Resolution Agreement: | |
| | <ul style="list-style-type: none"> o Where a resolution to the grievance cannot be conciliated between the complainant and the respondent, either party may apply to the Director, PK Financial, to have the matter proceed to the investigation stage. | |
| 2.12 | Step 2- Investigation | |
| | An investigation is conducted to determine findings of fact. | |

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| | These facts are used to recommend actions to be taken by the PK Financial Consultants to resolve a grievance. The legal test for the findings in an investigation carried out under this policy is on the “balance of probabilities”. | |
| 2.13 | Appointment of Investigators | |
| | Investigators will be assigned to a particular grievance by the Director, PK Financial, or nominee. Investigators should have no prior knowledge of the case and must be impartial. Every effort will be made to expedite the process. | Director, PK Financial |
| 2.14 | Timelines for Formal Grievances undergoing Investigation: | |
| | The following timetable is indicative only and is subject to the Availability of the parties to the investigation and other relevant circumstances. | |
| 2.15 | Within 5 working days of notification of the need for a formal investigation an investigator should be appointed to carry out the investigation. | Director, PK Financial |
| 2.16 | Within 5 working days of appointment the investigator should interview the complainant. | Investigator |
| 2.17 | Within 5 working days of the interview the investigator should Prepare a written account of the grievance and present this to the respondent. | Investigator |
| 2.18 | The respondent will be given at least twenty four hours to read the grievance prior to being by the investigator, in order to provide a response. | Respondent |
| 2.20 | Following the interview the investigator is to produce a report and recommendations for the Vice Chancellor or his/her nominee within 5 working days. | Investigator |
| 2.21 | On receipt of the report a decision will be made on any action that may be taken. The complainant and respondent will be notified within 5 working days of the outcome of the investigator’s report. | Vice Chancellor |
| 2.22 | Outcomes of Investigation | |
| | <p>A decision will be made on the basis of the report to either dismiss the grievance if it is found to be vexatious or without substance, or take appropriate disciplinary action against the respondent if the grievance is upheld.</p> <p>In cases where the grievance is not substantiated and is identified as being vexatious, misconceived or without substance, further action may need to be taken by PK Financial management.</p> <p>Where disciplinary action is appropriate the relevant PK Financial Consultants discipline procedures for staff will be invoked</p> <p>It is the responsibility of the Director, PK Financial, in collaboration with the appropriate Manager, to ensure that the recommendations of the Investigation are implemented.</p> | Director, PK Financial/ Manager |
| 2.23 | Complaints to the Board of Management | |
| | Grievances about administrative actions, the process undertaken | |

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| | <p>to resolve a formal grievance, and decisions of the PK Financial, can be made to the Board of Management</p> <p>Assistance from the Board Management is generally the last resort.</p> <p>If the steps laid down in this procedure have not been followed the Board of Management may ask the parties to do so before accepting the grievance.</p> <p>Further information about the office of the Board of Management can be found at pk.kubheka@mweb.co.za</p> | |
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POLICY

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| 1. | Staff Grievance Policy |
| 1.1 | Role and responsibilities of the PK Financial Consultants |
| | <p>The PK Financial seeks to ensure that grievances are dealt with fairly, confidentially, Confidentially, impartially and in a timely manner.</p> <p>The PK Financial Consultant will therefore ensure that the Staff Grievance Policy is:</p> <ul style="list-style-type: none"> • Widely distributed to staff • Reviewed, updated and reissued as required • Accompanied by other strategies such as training and awareness raising |
| 1.2 | Potential outcomes of grievance resolution |
| | <p>As far as possible ,it is the intention of the PK Financial that grievances can be best resolved by discussion between the parties. This means that the parties can and should use PK Financial procedures to achieve mutually acceptable outcomes. In these circumstances no further action would result from the grievance.</p> <p>In some instances it may be useful to engage appropriate PK Financial managers or outside specialists it may be useful to engage appropriate PK Financial managers or outside specialists to help resolve staff grievances.</p> <p>Under certain circumstances, findings by an appropriate officer of the PK Financial pursuant to this procedure may lead to disciplinary action against a party to a grievance. Disciplinary action will be taken in accordance with the relevant policy or industrial instrument.</p> |
| 1.3 | Protection against victimisation |
| | <p>The PK Financial recognises that grievance handling procedures must be fair to all parties. A person must not victimise another person because he or she has or intends to:</p> |

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| | <ul style="list-style-type: none"> • Make a grievance • Be a witness • Support an individual who intends to or has made a grievance • Act in good faith in bringing information or an allegation forward |
| 1.4 | Vexatious grievances |
| | Individuals found to have made vexatious grievances may incur disciplinary action in accordance with the relevant PK Financial procedure. |
| 1.5 | Roles and responsibilities of managers |
| | <p>Managers of organisational units have a responsibility for:</p> <ul style="list-style-type: none"> ▪ Ensuring the promotion of the policy across the organisational unit ▪ Implementing appropriate measures across the organisational unit where informal complaints have been made ▪ Implementing appropriate appropriate disciplinary procedures where required. <p>Managers of organisational units are responsible for handling they receive which are of an informal nature. Formal complaints are handled by the Director PK Financial, or nominee, in accordance with the procedures.</p> |

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| 1.6 | Sources of advice |
| | <p>Advice for parties to grievances may be sought from an appropriate manager, Discrimination/Harassment Advisors, PK financial Consultants or appropriate external independent persons.</p> <p>Staff may also seek assistance from the Employee Assistance Program.</p> |
| 1.7 | Grievances to be Board |
| | <p>Grievances about administrative actions of the PK Financial can be made to the Board. The Board is generally the office of last resort. If a grievance has not been followed in accordance the step laid down in this procedure, the Board may ask the parties to do so before the grievance is accepted.</p> <p>Further information about the Office of the Board can be found at pk.kubheka@mweb.co.za</p> |

SECTION 4- GOVERNANCE

RESPONSIBILITY

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| Policy Owner | Director, PK Financial Consultants |
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VERSION CONTROL AND CHANGE HISTORY

| Version Number | Approval Date | Approved by | Amendment |
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| | | Managing Director | <p>*The Resolution process for the following policies has also been incorporated into the Staff Grievance policy: Eliminating Bullying and Violence in the workplace, Sexual Harassment and Anti-Discrimination.</p> <p>*The policy now excludes staff raising a grievance for certain matters, ie;</p> <ul style="list-style-type: none"> - Performance management processes (including Performance, Development and Reward process); -Actions taken to transfer or retrench a staff Member, -A decision not to provide a promotion in Connection with the staff member’s employment; -Disciplinary actions; -Allocated work in compliance with systems and Policies; -Injury and illness procedures; -Business processes, such as workplace change or Restructuring. -when a person initiates grievance resolution using external resolution processes, prescribed by legislation outside the PK Financial, any action under this Policy may cease. A decision to cease action may be made by the Director, PK Financial after consultation with the parties involved. -Reasonable management decisions discussions or actions (including performance |

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| | | | <p>counselling and managing underperformance), as long as they are accurate, constructive, courteous and not humiliating or threatening.</p> <p>*The complainant must apply to the Director, PK Financial for the Grievance to proceed to the Formal Resolution Procedure.</p> <p>*The Director, PK Financial, can determine if the grievance will proceed straight to the investigation stage, without going through conciliation</p> <p>*Time frames for the informal resolution process may be extended if the employees involved demonstrate a justifiable reason for the delay. If requested, the Director will determine whether the time frames are reasonable.</p> |
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REVIEW DATE:

This policy will be reviewed every two years