

Grievance & Complaints

DISPUTE RESOLUTION POLICY & PROCEDURE

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Siona Glasson

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Reviewed by

Siona Glasson

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Signed

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Policy Validity Statement

If this document has passed its review date (as shown on the cover page), it may be invalid. Please ensure you are referring to the most current version before relying on its contents.

Purpose

This policy explains the process and procedure followed at Anois Wellness Pty Ltd to resolve any grievance or complaint against any individual, expeditiously and where possible, at the lowest organisational level within the workplace or classroom.

Scope

This policy applies to all current employees, students, volunteers, contractors, subcontractors, suppliers, customers or agents (collectively, "Client") in respect of grievances or complaints regarding workplace or classroom issues, including but not limited to:

- decisions made by management in relation to a person's engagement with Anois Wellness Pty Ltd;
- discrimination, bullying, sexual harassment and other inappropriate behaviours;
- terms and conditions of employment or study; and
- the application of policies and procedures.

This policy does not apply to decisions made to terminate an employee's employment.

References

- 1.1. *Safe Work Australia: Guide for Preventing and Responding to Workplace Bullying*
- 1.2. *Commonwealth Racial Discrimination Act 1975*
- 1.3. *Commonwealth Sex Discrimination Act 1984*
- 1.4. *Commonwealth Australian Human Rights and Equal Opportunity Commission Act 1986*
- 1.5. *Commonwealth Disability Discrimination Act 1992*
- 1.6. *Commonwealth Workplace Gender Equality Act 2012*
- 1.7. *Commonwealth Age Discrimination Act 2004*
- 1.8. *South Australian Equal Opportunity Act 1984*
- 1.9. *South Australian Work Health and Safety Act 2012*
- 1.10. *South Australian Whistleblowers Protection Act 1993*
- 1.11. *Enhancing Whistleblower Protections Act 2019*
- 1.12. *Public Interest Disclosure Act (SA) 2018*

- 1.13. *South Australian Work Health and Safety Regulations 2012*
- 1.14. *South Australian Racial Vilification Act 1996*
- 1.15. *Fair Work Act 2009 (Cth)*
- 1.16. *Code of Conduct for Certain Health Care Workers 2019*

Definitions

Complaint

A concern, dissatisfaction or frustration with an aspect of Anois Wellness Pty Ltd. This could include an issue relating to a policy or procedure or the behaviour of another individual or group of individuals.

Grievance

An alleged wrong doing or hardship suffered, which is the ground for a complaint. It could include action or inaction from another person, behaviours or decisions which a Client feels is unjustified or unfair or a repeated course of conduct.

Our Grievance Principles

Anois Wellness Pty Ltd is committed to ensuring that all Clients are treated justly and fairly by providing a prompt and straightforward process for dealing with complaints and grievances. We seek to foster a culture of respect, dignity and fair treatment as a daily reality for everyone who works with us.

Anois Wellness Pty Ltd aims to resolve problems and grievances promptly and as close to the source as possible with graduated steps for further discussions and resolution at higher levels of authority as necessary.

Clients are encouraged to act promptly in respect of complaints and grievances and raise them as soon as possible rather than letting issues escalate. Complaints and grievances should be raised in accordance with the procedure set out in this policy.

Clients may wish to keep a diary noting the events giving rise to the grievance or complaint, the names of any witnesses to events and the effect that the events have had on them. This information may be needed as the complaint or grievance progresses.

Anois Wellness Pty Ltd encourages direct dealing wherever possible but understands that in some circumstances it may not be possible or appropriate for people to speak directly to the person involved or central to the complaint or grievance and in such circumstances the matter may need to be escalated.

All formal complaints and grievances will be taken seriously by and in most circumstances will be the subject of some form of mediation or investigation.

Clients must ensure that they do not make frivolous, false or vexatious complaints or grievances.

When dealing with complaints and grievances Anois Wellness Pty Ltd will endeavour to ensure that Clients are treated with dignity and respect and that they are afforded procedural fairness and natural justice.

All Clients involved in a complaint or grievance (whether as a complainant, witness or respondent) must keep the details of the matter confidential and must not discuss the matter with anyone other than the reporting officer involved in resolving the matter.

In the event that a complaint or grievance relates to potentially criminal behaviour, Anois Wellness Pty Ltd may be required to refer the matter to the police rather than, or in addition to, dealing with the matter under this policy. Examples of such situations may include violent threats and behaviour, theft and sexual assault.

Students may refer to the *Anois Wellness Code Of Conduct for Students* which outlines expectations of students.

Employees may refer to the *Anois Wellness Discrimination and Harassment Grievance Procedures (Staff)* for discriminatory grievances.

Procedure

Stage 1: Direct dealing

In most circumstances the Client with the complaint or grievance (complainant) should speak to the other Client involved (respondent) and try to resolve the matter directly. This discussion should be conducted in a courteous and professional manner.

Sometimes people just need a reminder about their behaviour, or to be told when they have stepped over the line and what you want them to do or not do. This may not work in every situation or you may not feel comfortable about approaching the person.

Other options at this early stage include:

- Raising the matter in confidence with Siona Glasson and seeking advice as to how to best resolve the matter
- Seeking personal support through family or friends
- Write a kind letter or email to the respondent, explaining how their behaviour has made you feel. Avoid text messages and social media communication as it can be easily misinterpreted.
- Keep a diary of the event. If you feel it is not significant enough to bring up (it may be a once-off event), you then have documentation for if the grievance occurs again.

DO NOT:

- Seek support or advice through social media platforms. Keeping names private and confidential can still create a defamation law suit.
- Do not allow grievous behaviour to continue if something makes you feel uncomfortable. Unhealthy patterns need to be broken and addressed promptly and efficiently.

Stage 2: Formal complaint or grievance

At times it may not be possible to resolve a matter informally through direct dealing or the nature of the matter requires a more formal approach. Where this occurs you are encouraged to lodge a formal complaint or grievance to the Company Director, Siona Glasson.

In the event that Siona Glasson is in some way involved in the subject matter of the complaint or has a close personal relationship with yourself, or the person to whom you have the grievance with, you may lodge your complaint with the relevant authority.

Stage 3: Third Parties

If the issue is unable to be resolved with Anois Wellness directly, you may contact a relevant Third Party (listed below).

International Institute for Complimentary Therapists (IICT)

Anois Wellness is bound to the IICT Code of Ethics. Formal complaints for students, customers or clients may be made through this organisation if there has been a breach of ethics. The code can be found here <https://www.myiict.com/code-of-ethics/>

The Equal Opportunity Commission of South Australia (EOC)

The EOC is responsible for the implementation of the two pieces of South Australian equal opportunity legislation and for assisting people who believe that they have been unlawfully discriminated against under this legislation.

- o Equal Opportunity Act 1984 (SA)
- o Racial Vilification Act 1996 (SA)

Information about the Equal Opportunity Commission can be found on their website or by contacting them on:

Phone: (08) 8207 1977

Freecall: 1800 188 163

Website: <http://www.eoc.sa.gov.au>

The Australian Human Rights Commission (AHRC)

AHRC is responsible for the implementation of federal human rights and anti-discrimination law in Australia. The Commission administers five federal laws that cover discrimination and breaches of human rights.

- o Age Discrimination Act 2004
- o Australian Human Rights Commission Act 1986
- o Racial Discrimination Act 1975
- o Sex Discrimination Act 1984
- o Disability Discrimination Act 1992

Information about AHRC can be found on their website or by contacting them on:

Phone: (02) 9284 9600
National Information Service: 1300 656 419
General enquiries: 1300 369 711
TTY: 1800 620 241
Fax: (02) 9284 9611
Website: <https://www.humanrights.gov.au/>

Health and Community Services Complaints Regulations (HCSCC):

Call: 7117 9313 or 1800 232 007 (toll free from Country SA landline)
Write: HCSCC - PO Box 199, Rundle Mall, SA, 5000
Visit: www.hcsc.sa.gov.au

Formal complaints and grievances may be made orally or in writing. However, where a complaint or grievance is raised orally, you may be asked to put the matter in writing. This will usually be the case where the matter involves allegations of bullying, sexual harassment, victimisation or vilification.

Irrespective of whether the complaint or grievance is made orally or in writing you will need to provide details of the matters alleged, including the times, dates, locations and people involved.

Where a formal complaint or grievance has been raised, a meeting will be held with the complainant as soon as possible to discuss the issue in more detail along with possible options for addressing or resolving the grievance.

Natural Justice and Procedural Fairness

Where a formal complaint or grievance is raised, Anois Wellness Pty Ltd will endeavour to ensure that the principles of natural justice and procedural fairness are adhered to. This means that we will endeavour to adhere to the following rules:

- The respondent should be fully informed of the nature of the grievance against them as soon as reasonably practicable (this does not necessarily mean that the respondent is entitled to a copy of the written grievance or written witness statements)
- The complainant and the respondent should be given details of the process that will be followed in respect of addressing or resolving the grievance
- The respondent should be given a reasonable opportunity to provide a response to the grievance
- The respondent should be treated as innocent until proven guilty
- The complainant and respondent will be entitled to be supported by a person of their choice (e.g. family member, friend, colleague), and
- The details of the grievance and the investigation/resolution process should be kept confidential and only disclosed on a 'need to know' basis.

Persons dealing with grievances should endeavour to adhere to the above rules and to resolve the matter as quickly as possible.

Resolution Options

Options for addressing or resolving complaints and grievances will vary depending on the nature of the matter, but may include:

- No action being taken (e.g. in circumstances where the complaint or grievance is found to be frivolous, false or vexatious, or where the complainant decides not to progress with the grievance and it is not a serious matter that Anois Wellness Pty Ltd is obliged to investigate)
- The complainant's manager Siona Glasson, giving the complainant advice or tips on how to resolve the matter themselves
- The matter being addressed directly with the respondent
- Round table discussion/mediation between the complainant and respondent, or
- Formal investigation by Anois Wellness Pty Ltd and/or a third party.

In most cases, grievances regarding bullying, discrimination, sexual harassment, victimisation or vilification will be the subject of a formal investigation and information can be referred to in Anois Wellness Pty Ltd policy *Discrimination and Harassment Grievance Procedures (Staff)*.

Disciplinary Actions

In many cases it may be possible to resolve a complaint or grievance by a set of agreed actions with both parties. However, where it is determined that there has been misconduct or breach of a policy or procedure of the Code of Conduct, the relevant person may be subject to disciplinary action.

Disciplinary action may include but is not limited to:

- Requiring a written apology and undertaking that the behaviour will not occur again
- A direction to attend additional training, counselling or coaching
- A warning being issued
- Ongoing monitoring of behaviour
- A period of suspension or demotion
- Termination of employment
- Termination of study or cancellation of enrolment without refund of fees

Compulsory Action for all Complaints & Grievances:

Energy healing and counselling will be required for both the respondent and complainant, within a specified time frame. Inappropriate behaviour may be linked to underlying emotional and/or energetic traumas. Anois Wellness Pty Ltd does not tolerate these behaviours and believe that deep healing needs to occur. The respondent will be required to attend a set number of healing sessions through Anois Wellness Pty Ltd, or its partners, at the respondent's expense.

Energy healing will be required for the complainant within a specified time frame. As the receiver of the inappropriate behaviour, Anois Wellness understand that certain behaviours may trigger past experiences or create new triggers. Anois Wellness aim to support the complainant during this time. The complainant will be required to attend a set number of healing sessions through Anois Wellness Pty Ltd at a discounted rate, or its partners at the respondent's full expense.

Both the complainant and the respondent will be notified in writing of the outcome of any formal complaint or grievance.

Appeals

If you are dissatisfied with the process or the outcome, you may appeal. Appeals should be made within 7 working days of receiving written notification of the outcome of the matter and should be lodged with the relevant authority.

Anois Wellness Pty Ltd may decide to review the matter internally or may, at its discretion, appoint an independent party to review the matter.

You will be advised of the results of the appeal in writing.

Compliance

All Clients who witness behaviour that does not align with our Code of Conduct have an obligation to report it to Siona Glasso. Failure to do so will result in disciplinary action.

Managers

Under this policy, managers have a responsibility to:

- Act on any complaint or grievance
- Provide support to Clients involved in grievances
- Where appropriate obtain full details of any formal grievance
- Keep written records of formal grievances and the steps taken to resolve such grievances
- Maintain confidentiality at all times and only disclose information to others as directed by formal authorities
- Participate in processes designed to address or resolve grievances
- Ensure that complainants are not victimized or treated adversely as a result of raising a grievance pursuant to this policy, and
- Comply with the procedures and principles set out in this policy.

Clients

Under this policy, Clients have a responsibility to:

- Be truthful in their dealings with Anois Wellness Pty Ltd in respect of grievances
- Participate in processes designed to address or resolve grievances
- Maintain confidentiality of the grievance and the grievances process at all times
- Refrain from expressing discontent or accusational posts, threads or private messages on social media
- Not make false, frivolous or vexatious grievances, and
- Comply with the procedures and principles set out in this policy.

Breach of policy

Breach of this policy may result in disciplinary action being taken against the relevant Client.

No disciplinary action will be taken against a complainant as a result of a genuine grievance or a grievance is ultimately found to be disproven or unsubstantiated, unless the grievance is found to be deliberately false, frivolous or vexatious.

Endorsement

Anois Wellness Pty Ltd is committed to this policy and its implementation to ensure a healthy, safe and harmonious work, study and healing environment. Failure of anyone to comply with this policy may result in disciplinary action, including dismissal. For further information, please contact Siona Glasson via email at contact@anoiswellness.com



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