



COMMUNITY  
BROADCASTING  
ASSOCIATION OF  
AUSTRALIA

# CBAA Policy

## Complaint Handling

Prepared by	Rhonda Byrne, Head of Business Services (HR Representative)
Approved By	CBAA Board
Issue Date	10 <sup>th</sup> December 2015
Review Date	30 <sup>th</sup> November 2016
Other Relevant Policies	Workplace Bullying Policy, Anti-Discrimination & EEO Policy
Version	2015-01

*\*The CBAA reserves the right to vary, replace or terminate this policy from time to time.*

### 1. Purpose

- 1.1 To ensure that all complaints are handled and directed via the correct channels, ensuring confidence that the complaint or issue will be dealt with in an appropriate manner.

### 2. Commencement of Policy

- 2.1 This Policy will commence from the 10<sup>th</sup> December 2015. It replaces all other CBAA complaint handling or related policies currently in place (whether written or not).

### 3. Application of Policy

- 3.1 This Policy applies to all CBAA Employees, Board & Committee members, volunteers, interns, sub and temporary contractors – collectively referred to as ‘workplace participants’ in this policy.
- 3.2 This Policy does not form part of any employee’s contract of employment. Nor does it form part of any other user’s contract for service.



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## 4. Procedure

If a workplace participant feels that they have been subjected to any form of unfair or unlawful conduct contrary to Equal Employment Opportunity ('EEO') laws, this or any other CBAA policy, they should not ignore it. All complaints should be addressed as per this policy. The complaint handling procedure has numerous options available to suit the particular circumstances of each individual situation.

## 5. HR Representative

5.1 The HR Representative is the Head of Business Services.

5.2 This position is currently held by Rhonda Byrne

## 6. Complaints Officer

6.1 The complaints officer is the President of the CBAA Board (or nominee appointed by the President), in place to address complaints made that:

- (a) involve or are made against the Chief Executive Officer
- (b) for any reason, the complainant does not feel comfortable or safe discussing with the HR Representative or Chief Executive Officer;
- (c) the complainant doesn't feel has been adequately or successfully handled by the HR Representative or Chief Executive Officer.

6.2 This position is currently held by CBAA President, **Phillip Randall**.

## 7. Examples of the ways in which a complaint can be dealt with

### Confront the issue

7.1 If a workplace participant feels comfortable doing so, they should address the issue with the person concerned. A workplace participant should identify the offensive behaviour, explain that the behaviour is unwelcome and offensive and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

7.2 This is not a compulsory step. If a workplace participant does not feel comfortable approaching the person, or the workplace participant approached / confronts the person and the behaviour continues, the workplace participant should report the issue.

7.3 If a workplace participant is unsure about how to handle a situation and is also unsure if they want to make a complaint they can contact an external EEO Contact Officer for support and guidance. The EEO Contact Officers aim to assist people uncertain about their rights. EEO Contact Officers are listed at the end of this EEO Policy.

### Report the issue

7.4 A workplace participant should report their issue or complaint to their relevant manager.

7.5 In the case that the complaint is being made against their immediate manager, the complaint should instead be directed to the HR Representative.

7.6 The HR Representative will aim to deal with the workplace participant's complaint in accordance with this Policy. There are two complaint procedures that can be used: informal and formal (detailed further below). The type of complaint procedure used will be determined by the nature of the complaint that is made.

### Informal complaint procedure

7.7 Under the informal complaint procedure there are a broad range of options for addressing the complaint. The procedure used to address the issue will depend on the individual circumstances of the case. Possible options include, but are not limited to:

- the HR Representative discussing the issue with the person against whom the complaint is made; and/or
- the HR Representative facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

7.8 If the complaint involves, or is being made against the HR representative, the Chief Executive Officer would undertake these responsibilities.

7.9 The informal complaint procedure is more suited to less serious allegations that if founded, would not warrant disciplinary action being taken.

#### **Formal complaint procedure**

7.10 The formal complaint procedure involves a formal investigation of the complaint. Formal investigations may be conducted by a HR Representative, the Chief Executive Officer, the CBAA Complaints Officer or an external representative, appointed by the CBAA.

7.11 An investigation generally involves collecting information about the complaint and then making a finding based on the available information as to whether or not the alleged behaviour occurred. Once a finding is made, the investigator will make recommendations about resolving the complaint.

7.12 If the CBAA considers it appropriate for the safe and efficient conduct of an investigation, workplace participants may be required not to report for work during the period of an investigation. The CBAA may also provide alternative duties or work during the investigation period. Generally, employees will be paid their normal pay during any such period.

7.13 In the instance of any formal meetings in the undertaking of an investigation, workplace participants are invited to bring a support person or other external representative to attend.

## **8. Confidentiality**

8.1 The HR Representative will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the complaint. If a complaint is raised and it appears that unlawful conduct has potentially occurred, the CBAA will endeavour to take appropriate action in relation to the complaint.

8.2 All workplace participants involved in the complaint must also maintain confidentiality, including the workplace participant who lodges the complaint. Spreading rumours or gossip may expose workplace participants to a defamation claim from other involved parties.

8.3 Workplace participants may discuss the complaint with a designated support person or representative (who is not a workplace participant employed or engaged by the CBAA). However, the support person or representative must also maintain confidentiality.

## **9. Possible outcomes**

9.1 The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. Where an investigation results in a finding that a person has engaged in unlawful conduct or breach of this Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the complaint and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected workplace participant and the CBAA.

9.2 Agents and contractors (including temporary contractors) who are found to have engaged in unlawful conduct and/or breached this Policy may have their contracts with the CBAA terminated or not renewed.

- 9.3 The CBAA may take a range of other non-disciplinary outcomes to resolve a complaint, depending on the particular circumstances. Examples include, but are not limited to:
- training to assist in addressing the problems underpinning the complaint;
  - monitoring to ensure that there are no further problems;
  - implementing a new policy;
  - mentoring and support from a senior manager.
  - requiring an apology or an undertaking that certain behaviour stop; and/or
  - changing work arrangements

## 10. What to do if you are not satisfied with the outcome?

### Review

- 10.1 If any of the parties are not satisfied with the way the complaint was handled or the outcome of the complaint process they can contact the HR Representative.
- 10.2 In the instance of the HR Representative being initially involved in the outcome the employee deems unsatisfactory, the complaint handling process and/or the outcome may then be reviewed by the Chief Executive Officer.
- 10.3 In the instance of the Chief Executive Officer being involved in the initial outcome the employee deems unsatisfactory. the complaint handling process and/or the outcome may then be reviewed by the appointed Complaints Officer
- 10.4 If a review is undertaken, the Chief Executive Officer or Complaints Officer's decision in relation to the review will be final.
- 10.5 The CBAA's goal is to resolve issues in-house wherever possible. Workplace participants can seek the assistance of an outside agency if they feel that their complaint has not been adequately addressed.

## 11. Questions

- 11.1 If a workplace participant is unsure about any matter covered by this Policy, a workplace participant should seek the assistance of the HR Representative.

### Contacts for outside agencies (EEO Contact Officers)

*Australian Human Rights Commission*

Toll Free: 1300 656 419

*Equal Opportunity Commission (VIC)*

Toll free: 1800 134 142

*Anti-Discrimination Board (NSW)*

Toll Free: 1800 670 812