



Resolving Staff Workplace Issues Procedure

Associated Policy

This Resolving Staff Workplace Issues Procedure has been developed in conjunction with the [Resolving Staff Workplace Issues Policy](#).

Purpose

This document provides a structure to manage issues that arise in the workplace between employees.

CIT has a positive duty under the *Work Health and Safety Act 2011* and *Sex Discrimination Act 1984* to eliminate, as far as reasonably practicable, bullying and sexual harassment. Issues defined by these behaviours will have added reporting requirements outlined in their respective standalone policies.

- [Bullying and Harassment Prevention Policy](#).
- [Sexual Harassment and Sexual Assault Policy](#)

Issues raised by students or members of the community are managed in accordance with the [Student and Community Members Complaint Policy](#).

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Procedures

1. Raising workplace issues

Where employees feel confident and comfortable to do so, workplace issues should be resolved personally by those involved. However, if this is not possible or not safe to do so, issues can be raised with employee's immediate supervisor or higher if appropriate.

Issues may also be raised by contacting People and Culture at humanresources@cit.edu.au or via the [Complaints Form](#).

All workplace issues should be raised as early as possible to avoid any prolonged effects.

Employees should expect their workplace issue to be treated respectfully and in a timely manner.

Advice and/or support may be found at:

- [Workplace Behaviours](#)
- [People Support and Wellbeing](#)
- The [Employee Assistance Program](#) (including Manager Assist for Managers).

2. Bystanders

A bystander could be anyone who sees or otherwise becomes aware of inappropriate workplace behaviour.

Employees who know of someone experiencing inappropriate behaviour should speak up.

Employees can call out the behaviour on the spot if it is safe and appropriate to do so. As a bystander an employee should:

- **Prioritise their own safety** and that of others; ensuring that any action taken does not put anyone at increased risk.
- **Behave respectfully** and consider the rights and dignity of everyone involved.
- **Evaluate the situation** to determine if intervention is required. This involves recognising potential danger and assessing whether it is safe to intervene.

If direct intervention is not safe or practical, a bystander can still help by supporting the person in need or by alerting someone who can provide assistance.

Regardless of whether direct intervention is attempted, bystanders may raise the matter according to principle 1 above; however, effective resolution will require the parties directly involved in the matter to participate in the process.

3. Responding to workplace issues

On receiving advice of a workplace issue, a supervisor (or People and Culture as the receiver) will determine the risk level of the issue and a Workplace Issue Manager will be assigned according to the risk matrix at Table 1.

The Workplace Issue Manager will acknowledge the report by advising the complainant of:

- The process to be undertaken.
- Expected timeframes.
- The employee's likely involvement in the process.
- The possible outcomes from the process.

Supervisors should be mindful that, as far as reasonably practicable, issues that arise in the workplace should be resolved as quickly as possible at the local level, through discussions with the relevant people. Supervisors are also responsible for managing bias or perceived conflicts of interest. People and Culture are available to advise where the matter is complicated by such issues.

Where parties are not willing to report, provide information, or participate in any other way in resolving the matter, managers are advised to still address the inappropriate behaviour. This should be undertaken discretely, respecting the wishes of the affected party, focusing on support and the provision of constructive feedback. For moderate or high-risk matters, the manager must manage the matter according to the procedure below – that is, a preliminary assessment should be conducted according to the Enterprise Agreement, which will formally record the employee's unwillingness to participate and appropriate recommendations for resolution will be made.

Table 1 – Risk Assessment			
Risk level	Factors for consideration	Workplace Issue Manager	Consult with and keep informed
Low	Low-level interactions/ incidents involving: • No known breach of policy or procedure. • Low impacts on employee wellbeing.	Immediate supervisor.	College Director / Senior Manager.
Moderate	Interactions/ incidents involving: • Allegations of inappropriate behaviour. • Potential misconduct (as defined at clause G4.5 of the Enterprise Agreement). • Potential breaches of policy or procedure. • Some manageable impact on employee wellbeing. • Low impact on business operations and/or health, safety and wellbeing of employees.	College Director/Senior Manager (or suitable proxy identified by the College Director/Senior Manager in consultation with People and Culture).	Senior Director WHS, People Support and Wellbeing. Executive Branch Manager People and Culture.
High	Serious interactions/ incidents involving: • Potential breaches of legislation. • Potential serious misconduct (as defined by the Fair Work Regulations). • Potential serious and imminent reputational risk to CIT. • Criminal charges.	Matter to be referred to the Executive Director Corporate Services who will assign an appropriate Workplace Issue Manager.	Chief Executive Officer. Relevant Executive Director(s). Executive Branch Manager People and Culture. Senior Executive Responsible for Business Integrity and

	• Significant impact on employee wellbeing. • Significant impact on business operations and/or health, safety and wellbeing of employees. • Possibility of an external complaint (e.g. to Fair Work Australia or the Human Rights Commission).		Risk (SERBIR) (where appropriate).
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4. Managing Low Risk Matters

The Workplace Issue Manager will be responsible for assessing the matter and determining an appropriate way to attempt resolution. This may include:

- Bringing parties together to discuss the matter.
- Conciliating a resolution between the parties.
- Informal counselling in line with the Enterprise Agreement.

Depending on the nature of the matter, a Workplace Issues Manager may initiate informal counselling in line with the Enterprise Agreement to resolve workplace issues without moving to a preliminary assessment.

Informal counselling is a non-disciplinary method utilised to resolve a workplace issue. It should be used as a supportive, feedback type mechanism. Coaching and feedback should encourage and support the employee in understanding the requirements and expectations of the employee in their role.

If a matter is a recurring issue, the Workplace Issues Manager will increase the risk level and proceed accordingly.

5. Managing moderate and high-risk matters

For all moderate and high-risk matters, the Workplace Issue Manager will consult People and Culture.

People and Culture will coordinate all notification requirements applicable to the matter. This may include:

- Integrity concerns will be reported to the Senior Executive Responsible for Business Integrity and Risk (SERBIR).
- Notifiable incidents will be referred to the WHS team, if not already reported through the ACTPS [Safety Portal](#) and managed according to the [Incident and Investigation Management Procedures](#). This process is separate and independent of the misconduct procedures outlined in the Enterprise Agreement.
- Reportable conduct will be reported to the ACT Ombudsman,

The Workplace Issues Manager will conduct a Preliminary Assessment according to the applicable Enterprise Agreement. This requires the Workplace Issue Manager to:

- Work with the complainant to:
 - Confirm that a workplace issue has been raised.

- Obtain clear detail of what occurred.
- Determine what the complainant's expectations are in terms of action by CIT and outcomes for themselves and others involved, noting that the nature of the issue will influence the mechanism through which the matter is resolved.
- Discuss the workplace issue with the respondent, if appropriate. In some circumstances the respondent may not be informed in the first instance. In making the decision when and if to inform the respondent, the workplace issues manager will consider:
 - Whether the facts of the matter have been sufficiently clarified to articulate a clear description of the issue.
 - Procedural fairness and natural justice.
 - Whether the respondent is on leave or experiencing significant personal stresses.
- Identify support required for all parties involved. This may include the provision of support through the EAP or temporarily transferring an employee to another part of CIT.

At the conclusion of the Preliminary Assessment process, the Workplace Issue Manager will determine, in consultation with People and Culture, whether:

- No further action is necessary.
- The issue could be resolved through formal or informal counselling, other alternative remedial or restorative action.
- The issue is related to performance and needs to be addressed according to the underperformance processes in the Enterprise Agreement.
- The issue involves allegations of potential misconduct and requires an investigation. In this case, the Workplace Issues Manager must recommend to a delegate that the matter be investigated.

The Workplace Issue Manager will:

- Where an investigation is required, recommend to the Delegate that the matter be investigated.
- Inform all parties of actions determined through the Preliminary Assessment and advise People and Culture so the Complaint Handling System can be updated.
- Coordinate and monitor the progress of actions determined by the Preliminary Assessment process and ensure their completion.
- Consult People and Culture where actions determined by the Preliminary Assessment have potential to be unsuccessful or lead to further issues.
- Consult and inform all stakeholders identified in Table 1.

6. Escalation of Workplace Issues

If the issue is not resolved to the complainant's satisfaction at the local level or the complainant feels unable to approach their supervisor or supervisor's manager, the complainant may escalate the workplace issue to the Executive Branch Manager, People and Culture. This can be done by email or completing the [Complaints Form](#).

Executive Branch Manager, People and Culture will consider the matter and determine any appropriate further action.

All workplace issues reassessed as high-risk, are to be escalated to the Executive Director, Corporate Services.

Where a matter has been escalated to the Executive Director, Corporate Services, the Executive Director will identify a Delegate to oversee the matter and inform the complainant and Workplace Issue Manager.

The Delegate will determine if a Preliminary Assessment of the issue is warranted. The Delegate may refer the matter to be investigated according to the applicable Enterprise Agreement.

7. Timeframe for workplace issue management

CIT is committed to providing a timely resolution to all workplace issues.

Supervisors should ensure workplace issues are handled as quickly as possible. However, where matters are complex and require assessment, ensuring procedural fairness and natural justice may result in some delay. This may occur during the information collection phase.

The Workplace Issue Manager or Delegate should keep all parties regularly informed of the progress.

8. Record keeping

A written record should be made of all meetings relating to workplace issues of moderate or high risk, detailing who was present, actions and agreed outcomes. It is recommended records are made and kept for low-risk workplace issues. The Workplace Issue Manager can utilise a support person to take notes and to assist with this process with the approval of the complainant.

Records of the handling of a workplace issue and the outcomes will be kept in TRIM by the Workplace Issues Manager as required by the *Territory Records Act 2002*.

People and Culture will maintain a Complaint Handling System for all workplace issues of moderate or high risk. The register should include:

- The nature and outcome of the workplace issue.
- The risk assessment of the workplace issue.
- A TRIM reference to where documents and information pertaining to the workplace issue are stored.

9. Finalisation of workplace issue

Low risk issues can be finalised informally at the local level.

According to the Preliminary Assessment provisions of the Enterprise Agreement, the Workplace Issues Manager will communicate the outcome of a Preliminary Assessment to the relevant parties. The information shared will be subject to the determined outcome and employee privacy requirements and may include:

- The steps taken to come to the final decision.
- The outcome decided.
- Any follow up processes where applicable.

The Workplace Issues Manager will also communicate the outcome of matters involving an investigation; however, with respect to privacy, information on the outcome can only be provided in general terms to the complainant and will not include specifics on any disciplinary action taken or sanctions applied by CIT.

10. Appeal

The complainant or respondent may have a right to an internal review of a decision or action taken in relating to a workplace issue. Some exclusions apply – see Section I of the applicable Enterprise Agreements.

Internal reviews of workplace issue management processes should be made by emailing the Chief Executive. People and Culture may be contacted for advice.

11. Responsibilities

Complainant	• Workplace issue should be raised in a reasonable manner free from threats. • Issues should not be vexatious. • Act professionally and respectfully in accordance with the ACTPS Code of Conduct. • Recognise that the respondent has the right to natural justice and procedural fairness and will be made aware of the details of the workplace issue and offered an opportunity to respond. • The workplace issue should only be discussed with the parties involved in its resolution, including those who are assisting. • Work constructively towards resolution and participate in the resolution process in good faith.
Respondent	• Recognise the complainant's right to raise their concerns. • Act professionally and respectfully in accordance with the ACTPS Code of Conduct. • Work constructively towards resolution and participate in the resolution process in good faith. • Not victimise, harass or give adverse treatment to the complainant or others involved in resolving the workplace issue or dispute. • Only discuss the workplace issue or dispute with the parties involved in its resolution, or those who are assisting.
Workplace Issue Manager(s)	• Undertake appropriate training in the handling of workplace issues and manage process according to this procedure. • Take all workplace issues seriously. • Treat all parties with sensitivity, respect and courtesy. • Model behaviour that promotes high standards of behaviour in accordance with the ACTPS Code of Conduct. • Workplace issues should be dealt with quickly, courteously, fairly and within reasonably acceptable timeframes. To advise all parties of how long it will take to deal with the issue and keep them informed of the progress. • Advise all parties of support mechanisms available.

	• Assess the workplace issue in consultation with complainant and respondent if appropriate. • Identify the most appropriate mechanism for workplace issue resolution. • Provide appropriate notice to respondents for interviews or meetings. • Allow all parties to have a support person present at interviews or meetings (e.g. health and safety representative, family member, union representative or friend). • Workplace issues to be handled according to the principles of natural justice and procedural fairness. • Acknowledge any potential bias or conflict of interest and consult People and Culture for assistance. • Consult with senior managers as required in Table 1 and keep them informed. • Keep all records. • Inform all parties when the matter is resolved. • Maintain privacy and confidentiality and consult People and Culture for assistance where necessary. • Ensure People and Culture are consulted and advised of progress.
People and Culture	• Undertake appropriate professional development and training in the handling of workplace issues. • Model behaviour that promotes high standards of behaviour in accordance with the ACTPS Code of Conduct. • Record details in the Complaints Handling System and report data to the Executive and Board. • Coordinate all reporting external to CIT as required. • Provide appropriate support to all parties involved in the matter. • Act with professionalism and free from bias.