Concerns and Grievances

Policy

Introduction
RIAA is committed to providing a professional, high integrity organisation focussed on achieving the mission, as well as maintaining a workplace that encourages collaboration, trust, cooperation and communication, where all behaviours are consistent with RIAA’s code of conduct. It is recognised, however, that on occasions inappropriate behaviours may occur, or that members or other stakeholders may have a concern about a RIAA service or program. Therefore a concerns and grievance process is required.

Purpose
To ensure that concerns and grievances are handled and resolved in an appropriate, fair, transparent and timely manner, in accordance with the code of conduct and the principles of natural justice, that a person receives a fair, unbiased hearing.

Definitions

Concern – An accusation, allegation, or charge (oral or written) by an employee, member or stakeholder, usually raised to a frontline staff member or manager, that can be addressed in a timely manner to the satisfaction of the individual.

Grievance - A formal complaint raised by an employee, member or stakeholder to RIAA, where the matter appears to significantly impact the concerned person and/or the reputation of RIAA and its Members. A grievance requires a careful and considered response to manage and resolve it, and may require Board involvement.

A grievance or concern can be about any act, behaviour, omission, situation or decision impacting on an employee or member, that the employee or member thinks is unfair or unjustified, for example:

- Safety in the workplace
- Unfair treatment and/or discrimination,
- Harassment, vilification and/or bullying
- Staff development or training
- Supervision
- Performance appraisal
- Wage or salary levels
- Certification program assessment and / or outcome
- Behaviour of a member against RIAA’s mission

Policy Statement
RIAA welcomes all constructive feedback on experiences of its activities, whether positive or negative and understands that, from time to time, external people or organisations may be dissatisfied or concerned with the way RIAA, its board or its employees have acted.

RIAA supports the right of every employee, member or other stakeholder to raise a concern or to lodge a grievance if they believe a decision, behaviour or action affecting their employment, membership or the operations of RIAA is unfair or not in keeping with RIAA’s mission and objects. RIAA also supports the rights of members to raise concerns about the conduct of other members and their ability to support RIAA in achieving its Mission, Beliefs and Objects.

RIAA is committed to dealing with any concerns and grievances received fairly, consistently, promptly and with sensitivity to all parties.

RIAA emphasises a collegial approach to concerns resolution through informal processes where possible. These processes are designed to lead to a prompt and confidential resolution of problems, with access to formal mechanisms for resolving grievances if required. All parties involved in concern or grievance resolution processes are encouraged to participate in good faith and the principles of natural justice and procedural fairness will be observed.

RIAA will comply with its legal responsibilities in accordance with all relevant legislation. RIAA acknowledges that individuals have a legislative workplace right to raise a complaint or grievance in accordance with this policy and that these rights are protected from certain unlawful actions including, but not limited to, adverse action.

All RIAA staff and board members involved will do their utmost to respond to grievances objectively, discreetly and promptly. Any breach of confidentiality may result in disciplinary action, in accordance with RIAA’s code of conduct.

Procedure

Internal concerns and grievances

If a staff member has a concern against another employee, they should try to resolve it with the employee, if they feel safe to do so. This can include telling the other employee to stop their behaviour and why. If the staff member doesn’t feel safe talking to the other employee, or the behaviour continues, they should speak to their manager (or a member of the executive leadership group). It is a good idea for the staff member to keep a written record of any incident(s).

Where a concern has been raised about discrimination, bullying or harassment, and the staff member decides not to formalise this into an investigation, RIAA may be obligated to investigate the concerns further, where they are considered to be of a serious nature and have the capacity to impact on the provision of a safe workplace.

If a manager receives a concern, they should:
1. Listen to the concern seriously and treat the concern confidentially. Allow the complainant to bring another person to any meetings about the concern, if they choose to.
2. Ask the complainant for the full story, including what happened, step by step.
3. Take notes, using the complainant’s own words.
4. Ask the complainant to check their notes to ensure your record of the conversation is accurate.
5. Explain and agree on the next action with the complainant. Actions could include:
   a. making a formal grievance to be investigated by RIAA,
   b. providing support to the staff member to resolve the issue personally,
   c. facilitating a conversation between the complainant and the other employee,
   d. providing information about support services available, such as Employment Assistance Program,
   e. outlining other options such as lodging a complaint of discrimination or harassment with an external agency.

If the staff member chooses to lodge a formal grievance, the details of the grievance must be described in writing and sent to the GM, Operations. The notes of the complainant’s story, taken by the manager, can be used. The details should include dates and locations wherever possible and how they have already tried to settle the grievance. The GM, Operations will respond in writing to the grievance, and will attempt to provide an outcome within 30 days. Where this is not possible, they will keep the complainant updated about the progress of the investigation.

1. Once received, the GM, Operations will immediately alert the CEO to the grievance that has been received and the proposed investigation that will be undertaken.
2. The GM, Operations will confirm receipt of the grievance by the complainant and
   a. provide information about the investigation process, potential outcomes, options for assistance/support and protections from victimisation
   b. explain that the process is confidential, and information will only be shared with those involved in the grievance process as required
   c. explain what records of the grievance will be kept, for how long and where
   d. explain the action that may be taken if the grievance is found to be vexatious or malicious
   e. ask the complainant to provide relevant documents or details of witnesses that may support the allegations.

3. The GM, Operations will then advise the respondent that a grievance has been lodged against them and provide as much information as possible about the allegations and supporting information
   a. confirm that he or she will be given the opportunity to respond to the allegations in writing or through an interview
   b. provide information about the grievance process, potential outcomes and options for assistance/support
   c. explain that the process is confidential, and information will only be shared with those involved in the grievance process as required
   d. explain what records of the grievance will be kept, for how long and where
   e. explain that it is unacceptable to victimise someone who has raised a grievance.

4. The respondent will be given the opportunity and a reasonable time to respond before the process continues.
5. If the respondent confirms that they did what is alleged to have occurred, the next step is to consider an appropriate outcome (see below). It is recommended that the respondent is provided with the opportunity to comment on any proposed decision and outcome before a final decision is made.

6. If there is disagreement about what happened, the GM, Operations should consider whether there is other information that will help to determine what happened. If so, the GM, Operations should gather this information, or task a senior member of the team with gathering this information. This can include interviews with witnesses or other team members.

7. The GM, Operations will provide all information to the CEO, along with a recommend of how to proceed.

8. The CEO will consider all information and will make a final decision about how to resolve the grievance. To uphold the grievance, the CEO should be satisfied that it is ‘more probable than not’ that what is alleged to have happened did happen.

If the grievance concerns the actions or behaviour of the CEO, then the GM, Operations will contact the Chair or Vice-Chair of the RIAA board with details of the grievance. The Chair will be responsible for undertaking the CEO’s role in the above grievance investigation process, and the possible outcomes below. If the matter directly involves the General Manager, Operations, this role will be allocated to another Executive team member.

Possible outcomes
A. Where the allegations are admitted or substantiated, the CEO will determine the outcome. Possible outcomes for the respondent may include:
   - disciplinary counselling
   - an official warning
   - a requirement to attend discrimination and harassment awareness training
   - a requirement to provide a formal apology to the complainant
   - disciplinary action (e.g. demotion, transfer, suspension, probation or dismissal)
   - participation in mediation to restore relationships in the workplace.

Possible outcomes for the complainant may include:
   - re-crediting of any leave taken as a result of the discrimination or harassment
   - supportive counselling
   - a change in the work environment, as requested, for example, a change in work teams or location
   - participation in mediation to restore relationships in the workplace.

The complainant will be provided with general information about the outcome of their complaint in writing. The level of detail provided should be balanced against the need to respect the privacy of the respondent.

B. Where the allegations are not admitted or substantiated

Where allegations have not been admitted or substantiated, it may still be appropriate for RIAA to take some action as a result of the grievance. For example, it may be
appropriate to provide refresher training for all staff regarding appropriate workplace behaviour, and/or re-issue the discrimination and harassment policy or code of conduct to all employees.

If such action is taken, it is important that it is not done in a way which could be seen as singling out or punishing the respondent, especially where there has been no finding that he or she has breached RIAA’s policies or code of conduct.

**External concerns and grievances against RIAA, its board or a RIAA employee**

Raising a concern or grievance will not have any impact on the complainant’s relationship with RIAA, and any current, future engagement or financial relationship, or the quality of service experienced by the complainant in their interactions with RIAA. Concerns or grievances can be raised about any RIAA service or program, including, but not limited to, the Responsible Investment Certification Program, Working Groups, Research or RIAA events.

Concerns and grievances from members and other stakeholders about RIAA’s services or programs should generally be made in writing and sent to the General Manager, Operations [operations@responsibleinvestment.org](mailto:operations@responsibleinvestment.org) although they can be sent to any employee. When a concern or grievance is received by another employee, it will be sent to the General Manager, Operations to be managed and, if required, investigated.

The General Manager, Operations will maintain a register of concerns and grievances received, including when they have been resolved. The register will be reviewed at least every quarter to assess any actions that should be made to improve RIAA’s operations or practices, as well as reviewing RIAA’s process for handling grievances.

Without contravening confidentiality, the Certification Assessment Panel will be notified at their next meeting of any complaint or grievance related to the RI Certification Program, along with the outcome or resolution, by the Head of Certification and Ratings. The Chair will be notified directly if timing is critical.

When a concern or grievance is received the General Manager, Operations will:

1. Acknowledge receipt of the concern or grievance and outline the initial steps that will be taken (2-6 below) and an indication of when they will hear from RIAA about this again.
2. Let the CEO know that a concern or grievance has been received
3. Read the provided detail, and determine whether more information is required to understand the concern. If more information is required, the General Manager, Operations will contact the complainant to request this (either verbally or in writing).
4. Once the General Manager, Operations understands the concern, they will classify the issue as a concern or a grievance, as per the definition at the beginning of the policy, and will let the CEO know the classification.
5. If the issue is classified as a concern, it will be sent to the relevant manager / program area to try to resolve the concern with the complainant. The staff member will be asked to report back on progress to finding a resolution, and any action that is proposed as part of the resolution. If a resolution is not found within four weeks, the issue will be reclassified as a grievance.
6. If the issue is classified as a grievance, the General Manager, Operations will determine a potential course of action, which may require investigating the grievance by speaking with specific members of RIAA’s team.
7. The potential course of action will be agreed with the CEO before it is discussed with the complainant. Actions could include:
   a. investigating the grievance further,
   b. meeting with the complainant to try to resolve the issue
   c. Improving or changing procedures, or correcting mistakes, so that the issue doesn’t happen again, or
   d. determining that the grievance does not require any further action from RIAA.

8. The complainant will be told in writing of the course of action that RIAA has decided to take in response to the concern or grievance, the anticipated timeframe to resolution as well as any relevant updates as the action is implemented. RIAA will attempt to provide an outcome within 30 days. Where this is not possible, the complainant will be regularly updated about the progress of the investigation by the GM, Operations. In cases where the grievance relates to RIAA’s Certification Program, the complainant can direct that the grievance be referred the Governance Committee of the RIAA Board, to make a final decision.

9. If the complainant is not satisfied with the response to their grievance, they can appeal the outcome to the Board. Appeals must be received by the GM, Operations within five business days of notification of the outcome. The GM, Operations will forward the appeal and all relevant documentation to the Chair of the Board for consideration. The Chair of the Board will consider the appropriate review process to consider the appeal, including whether to appoint a mediator, and whether to involve office bearers or the full board. Once made, the decision of the Board is final.

**Note:** if the matter directly involves the General Manager, Operations, this role will be allocated to another Executive team member. If the matter directly involves the CEO, the Chair of the Board will take the CEO’s role in the above process.

**Complaints against a member**

RIAA takes complaints about members seriously. As per RIAA's constitution, RIAA may discipline a member if a member engages in unacceptable conduct, which includes acting in a way that is prejudicial in RIAA’s interests, which could include not supporting RIAA in achieving its Mission, Beliefs and Objects. Whether a member engages in unacceptable conduct is determined by the Board, as documented in the constitution. Concerns and grievances raised against members will be managed following the process below.

1. If a concern is received by RIAA in relation to a conduct of a member, it should be sent to the General Manager, Operations and copied to the CEO. The General Manager, Operations will keep a register of concerns and grievances received.
2. The General Manager, Operations will respond to the complainant, acknowledging receipt of the complaint, and encouraging the complainant to communicate directly with the member. If necessary, the member will be asked for consent to share their contact details with the complainant.
3. If the concern relates to the conduct of a RIAA member in the context of a RIAA Working Group, the GM, Operations notify the EM, Programs to discuss with Chair of the Working Group.
4. The CEO will advise the board of any concern or grievance received about another member at the next board meeting (or earlier if deemed high risk). The board will determine whether the concern demonstrates that the member may have engaged in unacceptable conduct.
5. If the board determines that the concern demonstrates that the member may have engaged in unacceptable conduct, the General Manager, Operations will follow up with the complainant to check whether the complainant has received an adequate response from the member.

6. If, after at least 15 business days, the complainant doesn’t believe that they have received an adequate response from the member, the Chair of the Board will communicate directly with the member, requesting an explanation of how the substance of the complaint is consistent with acceptable conduct as a member of RIAA. If the matter relates to one of RIAA’s working groups, RIAA will notify the Chair of the Working group before the Chair of the Board contacts the member.

7. If the member does not satisfy the board as to acceptable conduct, the board may choose to discipline the member, as documented in the constitution, including warning, fining, censuring, suspending or expelling the member. Any disciplinary action will be determined by a vote by the board, as documented in the constitution. If the matter relates to one of RIAA’s working groups, RIAA will consult the Chair of the Working group about an appropriate sanction before the board makes a decision.

8. Where the board determines that the complaint does not demonstrate that the member may have engaged in unacceptable conduct, the General Manager, Operations will inform the complainant that the concern does not fall within RIAA scope to investigate.

All written complaints, investigations, committee meeting minutes, reports and correspondences relating to the concerns or grievances will be retained in a confidential file.