

Version No:	V04.00
Issued:	25/09/2017
Next Review:	25/09/2019

1. Overview

The District Council of Mount Remarkable (“the Council”) is committed to a culture of Fair Treatment where the rights of all are protected. These rights of protection are particularly the responsibility of those in positions of leadership.

A Fair Treatment culture is one where justice and impartiality prevail with all practices, systems and behaviours being informed by:

- Respect
- Dignity
- Equality
- Responsibility
- Honesty
- Openness
- Support
- Unity
- Inclusivity
- Integrity
- Transparency

These practices or behaviours serve to also honour and acknowledge the Council’s corporate values and the Code of Conduct as they apply to every member of staff, elected members, customers, contractors and persons working under “Non-Employment Relationship” arrangements.

They also serve to acknowledge the SA Equal Opportunity Act 1984 and other legislative requirements as defined within this Policy Document and the associated Legislation.

Fair Treatment will apply in all aspects of the work undertaken by Council.

It is a condition of Employment with Council that all employees behave in a professional manner and treat others with dignity and respect.

SIGNED:

CEO

Chairperson, Health Safety Committee

Date: / /

Date: / /

2 Policy Position

Council’s ‘Fair Treatment Policy’ defines Unfair Treatment as any form of discrimination, bullying, harassment or victimisation

It is Council’s Policy Position that any form of unfair treatment is unacceptable, both legally and ethically.

3 Activity Definition

The intention of this procedure is to make available a range of options to employees who believe they are receiving unfair treatment. The options range from dealing directly with the person in a more informal way to having it formally addressed through processes designed for this purpose.

The options are intended to enable the person experiencing unfair treatment to take action that fits with them and their circumstances.

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4 Health & Safety Requirements

This procedure recognises that actions which contravene the Fair Treatment Policy can cause significant health issues for employees and others who are subject to Unfair Treatment. These issues can range from mental stress to physical injury in the cases of physical bullying.

5 Training & Competency Requirements

Fair Treatment Awareness training for the general workforce will be undertaken. Fair Treatment Contact Officers will also receive appropriate training.

6 Work Method Requirements

6.1 Self Help

Self help is where the employee who holds a belief that they have experienced practices of unfair treatment takes up the matter directly with the person who is treating them unfairly.

This should happen where the employee is of a view that they can deal with the problem themselves, and where they do not feel intimidated.

This can happen by:-

- Telling the person what has been happening, the effects of this and asking them to stop;
- Writing to the person outlining what has happened, the effects and requesting that the unfair treatment stop; and / or
- Speaking directly to the person and being accompanied by a Fair Treatment Contact Officer, a union representative or a friend.

6.2 Informal Intervention

Informal intervention is where the employee experiencing unfair treatment does not wish take it up with the person directly and does not, at this point, wish to make a formal complaint.

Instead they request someone within the organisation to intervene on their behalf. This may be a person with more authority in the organisation, such as a team leader, manager or the Chief Executive Officer.

Employees wishing to take this course of action are encouraged to first speak with a Fair Treatment Contact Officer to ensure they are clear about what has been happening and the options available to them.

6.3 Formal Intervention

Making a formal complaint can be done at any time but this usually occurs when informal approaches do not result in the practices of unfair treatment ceasing or if the employee experiencing unfair treatment still feels dissatisfied with the outcome of informal intervention.

Formal complaints should be lodged with the manager of the employee making the complaint unless the complaint is about that manager or if the employee feels that their manager may hold some conflict of interest. In these instances, the Chief Executive Officer should be approached.

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In requesting formal intervention the following facts should be documented:-

- The name(s) of the person(s) who is alleged to have engaged in practices of unfair treatment;
- The nature or the practices of unfair treatment;
- The impacts/effects of these practices on the person making the allegations;
- Dates (and any other information) when these practices occurred;
- Names of any witnesses to the unfair treatment;
- Details of any action already taken;
- Desired outcomes; and
- How the complainant wishes to proceed with resolving the matter

It is important that confidentiality is stressed to all involved and that those involved in the exploration of the allegations bear no conflict of interest.

The manager will take the following steps:-

- Assess if they are the right person to deal with the complaint. If they may be biased because of their relationship with the person making the complaint, they should refer the complaint to the Chief Executive Officer; and
- If they are the right person to deal with the complaint, they will investigate, report and respond to the complaint in accordance with this procedure, ensuring that the Chief Executive Officer is kept informed and updated throughout the process.

7 Appropriate Action

If the complaint is substantiated, the following action may be appropriate:-

- A written apology; and / or
- An official warning; and / or
- Counselling; and / or
- Demotion; and / or
- Dismissal.

If the complaint is frivolous or vexatious then action in relation to the complainant should follow, for example:-

- Counselling; and / or
- A written apology; and / or
- An official warning; and / or
- Demotion; and / or
- Dismissal.

8 Mediation

Mediation is an option available to any of the parties at any time before and during the informal or formal intervention processes.

It is a voluntary process therefore all of the parties to the complaint must agree to proceeding down this path and agree to the person appointed as the mediator.

The mediator will be an independent person with credentials as an accredited mediator and will act in accordance with accepted mediation principles.

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9 Appeals

If an employee thinks that the complaint handling procedure was not followed properly, the employee may appeal to the Chief Executive Officer. The Chief Executive Officer will look at the way that the complaint was handled. If it was handled properly, no further action will be taken. If it was not handled properly, arrangements will be made for the complaint to be reviewed. In the event that the Chief Executive Officer is the complainant or subject of the complaint, the Principal Member of the Council will undertake the formal intervention and / or review.

A person, other than the person who first handled the complaint, will carry out this review.

10 Lodging a Complaint with the Commissioner for Equal Opportunity

This procedure is intended to avoid this being necessary. Nevertheless, an employee making allegations may at any time choose to go directly to the Commissioner for Equal Opportunity to lodge a formal complaint.

This can be done in writing, by email or in person.

11 Performance Criteria

This procedure will be followed in all matters reported under the Fair Treatment Policy.

12 Performance Indicators

Every complaint under the Fair Treatment policy will be investigated to a conclusion which satisfies the complainant.