

Informal Complaints

Complaints may vary in severity and complexity. Not every complaint should be addressed in the same way, and staff should be provided both informal and formal ways to raise a complaint to best suit the circumstances of the issue.

Informal procedures are for quick problem-solving rather than investigating and substantiating claims. They seek agreement and shared understanding of how to avoid problems in the future. Informal complaints are most appropriate in cases where the allegations are less serious, or the problem is based on miscommunication or a misunderstanding. An employee has the right to pursue a formal complaint at any time.

Informal ways of dealing with complaints include:

For the employee with a complaint:

- Observing unacceptable behavior and taking action directly, such as speaking to a colleague about their behavior.
- Seeking advice from a supervisor, HR or union representative, or an equal opportunity contact person before taking direct action.
- Requesting that the employer address the situation.

For the employer:

- Speaking to the person about their behavior (via a supervisor, HR or union representative or contact officer), and reaching an agreement immediately.
- Bringing the two sides together to conciliate, and the issue is resolved without investigation.
- Organizing general staff training and discussions to promote discrimination and harassment policies.
- Some informal solutions can be reached without the staff member even knowing a complaint has been made.

In the case that an informal solution does not result in a positive outcome, employees need to know they have the right to make a formal complaint or approach the Equal Opportunity Commission at any stage.

Formal Complaints

Formal procedures are for substantiating a complaint with evidence, or formally bringing the staff involved together to try to reach an agreement.

Formal action is usually appropriate when:

- the person complaining wants to do it formally
- informal attempts have failed
- the allegations are serious
- discipline is a possible outcome if the allegations are substantiated
- the allegations are denied and the person complaining wants to try to substantiate them
- the person complaining has been victimized for complaining
- the complaint is against a senior person and a formal procedure helps ensure the people involved are not disadvantaged.

Formal ways of dealing with complaints include:

- investigating the allegations
- applying natural justice principles
- finding whether the allegations happened or were likely to have happened
- making a report and recommending an action
- implementing an outcome.

In a formal procedure, document every step to ensure consistency and fairness. The usual steps are:

- interview the person complaining and document the allegations
- inform the person being complained about of the details, and ask them to respond
- if the facts are disputed, seek more information including evidence from any witnesses
- find out whether the complaint has substance
- report the process, the evidence, the finding and recommend an outcome
- implement the outcome or decide on other action.
- The staff involved can have support people with them at any interviews or meetings.

Impartiality

It is important for anyone investigating or mediating a complaint not to jump to any conclusions but to hear both sides of the story. This means being fair to both people involved in a complaint throughout the investigation. The person the complaint is against must be:

- given all the information about the complaint, including the name of the person making the complaint
- given the opportunity to present their side of the story
- told of their right to seek support (from their union, for example).

Considering evidence

There are often no witnesses to discrimination and harassment. In dealing with a formal complaint, you may need to consider surrounding evidence such as:

- supporting evidence from other staff, family or medical professionals
- reports of changes in behavior or performance
- requests for transfers, shift changes or increased sick leave
- complaints from other staff
- records kept by the person complaining
- consistency of the evidence presented by the people involved
- no evidence where logically it should exist.

A formal complaint of discrimination or harassment should not be dismissed because no-one saw or heard the incident.