




TCDA Pty Ltd
ACN 617 607 253
ABN 93 656 571 166

Internal Grievance Procedure

Version 1
17 March 2024

TCDA Director	Paul Singh
Responsible Officer	Paul Singh
Signed	
Date	17 March 2024
Revision	0

INTRODUCTION

This procedure describes best practice for dealing with internal grievances of any TCDA staff, whether they be full time, casual or volunteers. Resolutions may vary depending on the award, if any, that the individual is engaged under.

1. WHEN CAN YOU USE THE GRIEVANCE PROCEDURE?

The grievance procedure can help resolve disputes with other staff members, volunteers or TCDA Management. Anyone covered under these terms may apply the grievance procedure as a tool towards resolving a grievance.

2. HOW TO START THE FORMAL GRIEVANCE PROCEDURE

To start the grievance procedure, you must advise the other party in writing. It is important to note that you cannot start a formal grievance regarding a matter for which you have been subject to disciplinary action or for which a disciplinary procedure or investigation is ongoing.

3. WHAT HAPPENS NEXT?

You and the other party have 15 business days from when the other party becomes aware of the formal grievance to try to resolve the issue between yourselves. If you cannot resolve it within that time (including if one of you refuses to participate), the matter will proceed to mediation. You will have 10 business days to advise TCDA management that you wish to take the matter to mediation.

4. MEDIATION

To commence mediation, you must advise TCDA Management in writing within 10 business days that you have been unable to resolve the dispute with the other party. If your dispute is with another staff member / volunteer, you must also advise TCDA Management of:

- the parties to the dispute (that is, you and the other party)
- what the dispute is about
- the attempts made by you and the other party to resolve the dispute.

TCDA Management must ensure the matter is referred to mediation. The requirement to advise the other party in writing is needed as evidence."

5. WHEN WILL MEDIATION TAKE PLACE?

Mediation must occur within 30 business days of the appointment of the mediator. However, if the mediator is appointed by another body such as courts of law, mediation must occur on the date set by them.

6. CAN I CHOOSE THE MEDIATOR?

The mediator must be a person chosen by agreement between you and the other party. If you cannot agree on a mediator, your mediator will be chosen depending on who you are in dispute with. If the dispute is between you and another member, a mediator will be appointed by TCDA management. If the dispute is between you and TCDA Management, the mediator will be an independent and unaffiliated person.

A mediator appointed by the agreement of the parties may be (but does not have to be) another current or former staff member or volunteer. In no circumstances will the mediator be someone who:

- has a personal interest in the dispute
- is biased in favour of or against any party.

7. THE MEDIATOR'S ROLE

It is important to note the mediator cannot and must not determine how the dispute is to be resolved. Their role is to:

- give each party every opportunity to be heard
- allow due consideration by all parties of any written statement submitted by any party
- ensure that natural justice is accorded to the parties throughout the mediation process.

"The purpose of mediation is to guide disputing parties to a mutually acceptable outcome."

8. DO I HAVE TO ATTEND MEDIATION IN PERSON?

Any meeting or mediation session required by these rules may be conducted remotely by electronic means if agreed to by the parties.

9. WHAT HAPPENS IF THERE IS STILL NO RESOLUTION?

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law i.e., can be taken to the Supreme Court.

10. CAN SOMEONE ELSE REPRESENT ME?

A party to a dispute may choose another person (with their consent) to represent them at any time during the grievance process. The nomination and consent must be provided in writing to the other party, TCDA Management and, if relevant at the time the person consents to be the representative, the mediator.