



Queensland  
**Human Rights  
Commission**

# Employee complaints policy

May 2020

Approved

A handwritten signature in blue ink, appearing to read "Scott McDougall".

Scott McDougall  
Commissioner  
18 May 2020

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## Purpose

To outline the circumstances under which an employee may lodge a complaint and explain the process to be followed in relation to the resolution of complaints.

This policy exists to safeguard employee rights, to ensure a safe working environment and foster positive relationships between all staff.

## Application

The Queensland Human Rights Commission (QHRC) is committed to the timely resolution of employee complaints.

This policy applies to QHRC public service employees, including:

- a) temporary employees, including temporary employees employed on a casual basis, engaged under section 148 of the *Public Service Act 2008* (PSA);
- b) general employees, including casual employees, engaged under section 147 of the PSA;
- c) senior executives engaged under section 108 of the PSA; and
- d) employees seconded from another agency to perform work for the commission.

Matters that can and cannot be dealt with as employee complaints are detailed in clauses 7.1 and 7.2 of the [Directive 2/17 Managing employee complaints](#). Please note: the procedure for lodging an employee complaint under this policy is separate to the employee grievance procedures contained in the relevant modern Award.

## Procedures and guidelines

Dependent upon the nature of the complaint, an employee may choose to raise the issue verbally and make genuine and reasonable attempts to resolve the matter informally without the need for a formal employee complaint process.

If attempts to resolve the issue informally are not successful, or are not considered an appropriate course of action, the employee may lodge a formal employee complaint using the procedures and guidance as per [Directive 2/17 Managing employee complaints](#). If the employee is not satisfied with the decision of the first stage of the process (local action) they may lodge a request for an internal review. If the employee is dissatisfied with a decision following internal review the employee may seek an external review.

When the complaint is initially lodged, a copy of the employee's complaint must be provided to the Director, Engagement and Corporate Services for recording in the QHRC employee complaints management system. The decision maker must subsequently notify the Director, Engagement and Corporate Services of the outcome of the complaint and/or if it progresses to the next stage/s of the complaint process.

The Director, Engagement and Corporate Services will not release any information related to the complaint unless required to do so by law, industrial instrument or to resolve the complaint. Please be aware that the Director, Engagement and Corporate Services cannot guarantee confidentiality where an investigation is required as details of the matter will need to be released to other parties privy to the investigation.

## Human rights complaints

QHRC is committed to respecting, protecting and promoting human rights. Under the Human Rights Act 2019, QHRC has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

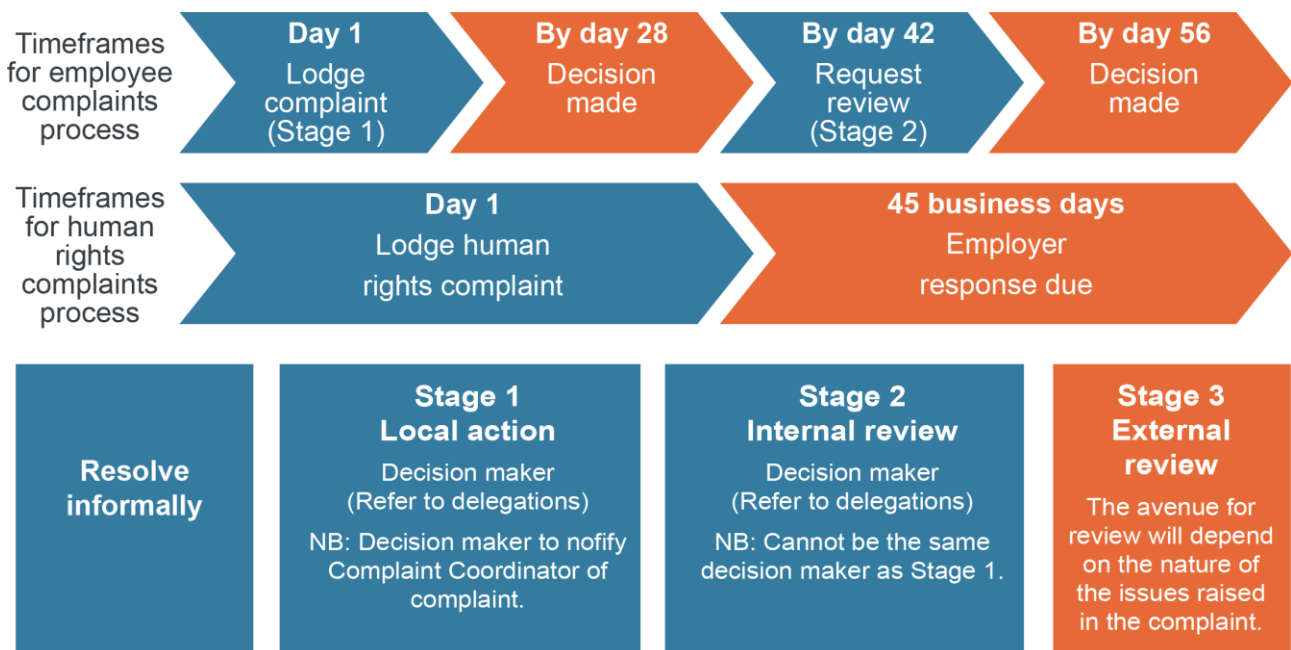
If an employee believes their human rights have been breached, then they can complain through the commission employee complaints process.

If the employee has not received a response from the commission, or believes the response is inadequate, they may then make a complaint to the QHRC using the external complaints process. The complaint will then be referred to the appropriate complaint agency to be resolved (e.g. Queensland Ombudsman). The employee must complain about a breach to the commission through the internal employee complaints process before they can make an external complaint. Employees must allow 45 business days for their employer to respond before making an external complaint. However, in exceptional circumstances (such as a threat to safety) the QHRC may accept a complaint before the 45 business day period has ended. In these circumstances the complaint will still be referred to the appropriate external complaint agency for investigation.

Complaints may be lodged in writing or in alternative forms to the appropriate delegate, such as telephone, online or face-to-face. Where necessary, the commission should provide help for individuals who need support to make a complaint which may include: providing interpretation or translation services, and allowing individuals to be supported by another person in making their complaint.

## Procedure flowchart

To be read in conjunction with clause 7.5 of the [Directive](#)



Note: The decision maker must record decisions regarding an employee complaint that fall in [categories 2 & 3](#) for Conduct and Performance Excellence (CaPE) reporting purposes.

The Complaint Coordinator for QHRC is the Director, Engagement & Corporate Services.

# Responsibilities

Addressing employee complaints is a shared responsibility which requires the cooperation and participation of the employee and their manager.

## Employee responsibilities

When lodging a formal complaint you must:

- submit the complaint in writing\* as soon as reasonably possible after the administrative decision, alleged conduct or alleged behaviour occurs;
- ensure the complaint includes sufficient information to enable the commission to take appropriate action;
- outline what informal action the employee has taken to resolve the matter or if not, why informal action would be inappropriate in the circumstances.

\*Note: If you require support to make a formal complaint, you can contact your manager or the Director, Engagement and Corporate Services. Complaints are usually made in writing but may be accepted in another format to support the complainant.

Throughout the process, it is expected that you:

- respect the confidentiality of the process and outcome;
- continue with normal work duties as if was before the employee complaint was submitted, except in the case of a genuine safety issue;
- comply with relevant directive, commission policy and the Code of Conduct for the Queensland Public Service;
- engage in the employee complaint management and resolution process in good faith;
- may be supported by a support person during the employee complaint process, but the support person must not act in a representative capacity; and
- endeavour to resolve the complaint in a timely and professional manner.

## Manager responsibilities

- proactively identify and effectively manage workplace issues.
- manage the complaint in accordance with the administrative processes of the directive.
- Respond to issues raised verbally in an attempt to resolve the matter informally without the need for a formal employee complaint process.
- Where issues cannot be resolved informally, ensure formal employee complaints are managed with confidentiality, are dealt with in a fair, impartial and unbiased manner and that the principles of procedural fairness and natural justice are applied.
- Provide reasonable support if required to enable an employee to make a complaint.
- Assess whether any human rights are relevant to the complaint and, if the action or decision limits those human rights, whether the limitation is justified and reasonable.
- Ensure employees are aware of their entitlement to a support person during the complaint process and that the Employee Assistance Program is available to all employees.
- Ensure normal work continues except in the case of a genuine safety issue, or where doing so would create a substantial financial or legal liability to the QHRC.
- Provide the employee complainant with regular and timely information in relation to the progress of the complaint.
- Ensure appropriate documentation is maintained in relation to the formal employee complaint. Managers are encouraged to record file notes upon receipt of an informal complaint.
- Comply with relevant directives, legislation and commission policy.

- Take action to resolve employee complaints, which may include, but are not limited to:
  - Conducting preliminary enquiries to determine appropriate options for resolution of the employee complaint;
  - Facilitated discussion, mediation, conciliation or negotiation;
  - Investigation; or
  - Other reasonable action in the circumstances.
- Report all employee complaints to the Director, Engagement and Corporate Services.

For advice, further information or to discuss an employee complaint, contact the Director, Engagement and Corporate Services.

## Commission reporting requirements

The following information is to be recorded by the Director, Engagement and Corporate Services:

- The number of complaints lodged under Directive 02/17 – Managing employee complaints.
- The number of human rights complaints and the rights complained about.
- The nature of each complaint (whether regarding and administrative decision, employee conduct, or workplace harassment).
- The work unit and geographical location of each complaint
- Whether the complaint was resolved at Stage 1, Stage 2 or via external review
- The outcome
- Whether an external party was engaged to investigate, mediate or take other action.

## Complaints about fraudulent or corrupt behaviour

Some complaints are excluded from the operation of this policy because they relate to conduct dealt with under the *Crime and Corruption Act 2001*, *Public Sector Ethics Act 1994* and *Public Interest Disclosure Act 2010*. Complaints involving allegations of fraudulent or corrupt behaviour, or maladministration should be managed in accordance with the *Public Interest Disclosure Policy*.

Complaints alleging corrupt or fraudulent behaviour by the Commissioner should be managed in accordance with the *Complaints about the Commissioner, Queensland Human Rights Commission (QHRC)*, *section 48A of the Crime and Corruption Act 2001* policy.

## Further information and assistance

Employees requiring further information or assistance in relation to this policy should contact their Manager or the Director, Engagement and Corporate Services.

## Policy administration

<b>Policy Name</b>	Employee complaints policy
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<b>Responsible Officer</b>	Director, Engagement and Corporate Services
<b>Approving Officer</b>	Commissioner
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<b>Relevant Legislation or Prescription</b>	<i>Public Service Act 2008</i> <i>Industrial Relations Act 2016</i> <i>Human Rights Act 2019</i> <i>Directive 02/17 Managing employee complaints</i>
<b>Network location</b>	S:/Policies/Current/HR/Employee complaints policy

## Version History

Action	Approved by	Date
Update and HRA review	Commissioner	May 2020