Promoting a Respectful Workplace

RAISING WORKPLACE CONCERNS

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Contents

Policy Statement
Flowcharts
File Note, Records Management and Grievance Reporting Forms

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Summary This Standard Operating Policy provides a broad outline of the steps for staff to raise workplace concerns such as Clinical Issues, Complaints, Conduct Issues and Staff Grievances.

This Policy also sets out the local procedures and responsibilities of staff under the Policy Directive – Grievance – Effective Workplace Resolution PD2010_007 issues by NSW Health.
To be administered by Workforce Unit.

Applies to All Ambulance Service of NSW staff

Review Date June 2013
Previous Reference SOP2009-011. This Policy amends and replaces the Raising Workplace Concerns SOP2009-011.

Status Active
Approved by Chief Executive

Related Documents • More detailed procedures, definitions and steps can be found in the Policy Directive – Grievance – Effective Workplace Resolution, PD2010_007 issues by NSW Health.
• For a comprehensive list of “Other related Policies and Reference Material” refer to Section 4 (page 12) of this SOP.

Revision History

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<tr>
<th>Version</th>
<th>Circular # with amendment notes</th>
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<tr>
<td>April 2009 (SOP2009-011)</td>
<td>Introduced Raising Workplace Concerns and Grievance Resolution Flowcharts, updated processes for early intervention using Straight Talk™, specified line and...</td>
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Compliance with this policy directive is mandatory
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Promoting a Respectful Workplace

Raising Workplace Concerns

Introduction

The Ambulance Service of NSW has summarised and simplified the procedures for dealing with various types of issues and concerns that may arise in the workplace. The procedures acknowledge and promote healthy workplace responsibilities and behaviours and provide guides to assist staff at all levels in the resolution of workplace concerns that will arise from time to time.

The procedures and specific roles and responsibilities for staff in various positions are set out in this Standard Operating Policy and summarised in two flowcharts, one for raising workplace concerns and one specifically for dealing with staff grievances.

1. The Raising Workplace Concerns Flowchart sets out the steps for dealing with issues such as Clinical issues, Complaints, Conduct issues and also incorporates the process for dealing with Staff Grievances.

2. The Grievance Resolution Flowchart is intended to provide staff with straightforward steps on how to deal with grievances and promotes the timely and transparent management of staff concerns, including workplace conflict. The flowchart outlines the local procedures for the implementation of the NSW Health Policy Grievance Resolution (Workplace): for the Dept of Health and Public Health Organisations PD2005_584 into the Ambulance Service of NSW.

This policy is supported by Our Values 2009, SOP2009-063 Promoting a Respectful Workplace: Preventing and Managing Workplace Bullying and SOP2009-052 Grievance Contact Officer Policy.
1. Raising Workplace Concerns

This procedure is designed to assist staff to deal with the range of issues that arise in the workplace by summarising pathways for the management of complaints, clinical incidents, conduct issues and grievances.

1.1 Consumer or Patient Complaints

In the majority of instances, local Managers will deal with consumer complaints by discussing the issues with the complainant and the staff involved. In most situations, the sooner that feedback can be given to the parties, the greater the opportunity for successful resolution of the complaint.

Complaints by consumers or patients are required to be logged onto the Incident Information Management System, IIMS and be managed in accordance with the timeframes/requirements of the Complaint Management Policy SOP2007-019.

At the finalisation of a complaint, the Manager dealing with the complaint must provide feedback to the staff and their Manager regarding the outcome of the complaint and any action required.

1.2 Staff Grievances

Staff grievances should be appropriately and consistently responded to and managed in accordance with The Grievance Resolution Flowchart and the NSW Health Policy Directive, PD2010_007 - Grievance – Effective Workplace Resolution

1.3 Clinical Incidents

Clinical incidents are any incident, adverse event or near miss involving patient care and are required to be entered on IIMS.

Clinical incidents may be discussed locally or with Clinical Educators prior to being logged on IIMS and can be lodged anonymously.

Clinical incidents will be managed in accordance with the ASNSW Incident Management Policy and Procedures SOP2009-055 Standard Operating Procedure.

Clinical Incidents, as a result of equipment or consumable failures are to be addressed by using the Equipment or Consumable Defects/Failures Standard Operating Procedures SOP2009-010.

The Manager dealing with the clinical incident or equipment failure must provide feedback to the staff involved and their Manager regarding the outcome and any action required.
1.4  Conduct Issues

All staff are expected to perform their duties to the required standard and behave in an appropriate manner as set out in the Code of Conduct, ‘Our Values’ and as determined by the Ambulance Service of NSW. The majority of staff perform their duties at or above the required standard and it is important that Managers regularly acknowledge good performance in staff.

Where concerns about conduct issues are identified, the majority of these are usually minor in nature and can be managed at the local level by the first line Manager. Managers have the authority and responsibility to address conduct and performance issues when these occur. Early intervention is crucial to ensuring that standards of performance are maintained as well as reducing the impact of poor performance on other staff and patients.

More serious concerns about conduct or repeated concerns about an employee’s conduct should be dealt with by Senior Divisional/Corporate Managers. Potential misconduct or allegations about a Deputy Director, Operations/Corporate Manager (HM4) and above should be referred to the Professional Standards & Conduct Unit (PSCU) for joint assessment.

Serious misconduct will be managed by the PSCU and may result in an investigation of the issues and Remedial or Disciplinary action.

Conduct and performance issues will be managed in accordance with the Service’s Unsatisfactory Performance Guidelines, Criminal & Traffic Offences Guidelines and Dealing with Misconduct Guidelines.

The Manager dealing with the conduct issue must provide feedback to the staff involved regarding any action required.

Note: In any of these pathways there may be occasions where there are significant concerns about another employee’s wellbeing or mental health. These matters should be reported to the immediate manager or supervisor, who has responsibilities for monitoring employee wellbeing and mental health and will review the need for further action. In all cases, staff should be offered Staff Support Services.

1.5  The Assessment Process

All Managers are required to undertake an objective assessment of any issue or concern that is brought to their attention. Assessment of a workplace concern is essential in determining the best course of action and helps identify whether an issue can be dealt with locally, requires referral to a Senior Divisional/Corporate Manager or referral by the Senior Manager to the PSCU.

The assessment of a workplace concern (including a grievance) is based on the seriousness of the issue or concern.

The following matters should not be dealt with as grievances and may require different action or referral to more Senior Managers:

- Incidents of violence, or of a potentially criminal nature;
- Serious bullying, harassment or discrimination; (See SOP2009-063 Preventing and Managing Workplace Bullying);
• Serious OH&S concerns;
• Complaints from clients or patients;
• Allegations of serious misconduct, fraud, corruption, maladministration or substantial waste;
• Child protection related matters;
• Protected Disclosures as defined under the Protected Disclosures Act 1994;
• Clinical negligence, malpractice or incompetence;
• Performance management;
• Inappropriate release of information regarding a grievance or a person involved with a grievance, to any third party with no legitimate involvement
• Early warning signs or indictors which may give rise to concerns about an employee’s wellbeing and mental health.

Further information on the method of assessing a grievance and the assessment tool is contained within *NSW Health Policy Directive, PD2010 007 – Effective Workplace Grievance Resolution*.

All supervisors and managers including Station Officer / Station Manager / DOCO/ Corporate Managers are expected to deal with less serious issues at the local level and are encouraged to seek advice if required. The steps involved in dealing with a local issue are contained in the following section of this Policy.

Additional confidential advice and/or assistance is available for all staff from Senior Managers, Grievance Contact Officers or the Workforce Unit.
2. Grievance Resolution

2.1 Role of the Individual

Most grievances can be resolved by speaking directly to the other person involved, if done early.

☐ Wherever possible, attempt to discuss the concern with the other person(s) involved using “STRAIGHT TALK™”.

☐ If you are not able to resolve the concern with the other person (or if you feel unable to resolve the concern using “STRAIGHT TALK™”) discuss the concern with your immediate Manager.

☐ If the concern is about your Manager then contact your Manager’s supervisor.

☐ You can also seek confidential support and information about the process from a Grievance Contact Officer. See ASNSW SOP2009-052 Grievance Contact Officer Policy.

“STRAIGHT TALK™” – 6 Steps to Clear Communication (“STRAIGHT TALK™” Proactive Resolutions)

As the speaker:

1. State the purpose of the conversation;
2. Describe the behaviour specifically;
3. Describe the effect of the behaviour on you;
4. Give the other person an opportunity to respond;
5. State what you would like them to do differently; and
6. Return responsibility to the person and offer support.

As the listener

1. Have the conversation;
2. Act respectfully;
3. Clarify critical information;
4. Don’t argue thoughts, feelings or perceptions;
5. Respect reasonable requests; and
6. Cut the other person some slack.

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2.2 Confidentiality

All parties involved in a grievance (that is staff and managers) must maintain confidentiality of the identity of those involved, as well as the subject matter. Breaches of confidentiality may result in the concern deteriorating to a point where prompt resolution may not be possible and may have a significant impact on the staff involved.

Given the potential seriousness of these concerns, the inappropriate release of information relating to a grievance or a person involved with a grievance to any third party with no legitimate involvement in the process, will be referred for the assessment of the Serious Allegations Advisory Committee.

Please note that there are some circumstances where it will be appropriate to disclose information and not to maintain confidentiality. These include where:

- there is potential of serious danger to the employee or someone else;
- the conduct is covered by mandatory reporting obligations involving reportable conduct;
- information is legitimately subpoenaed by a court or otherwise for release by law; or
- a crime, fraud or misdeed has been committed.

2.3 Role of the Station Officer / Station Manager / DOCO / Corporate Manager

The Manager’s role in leading by example and promoting a respectful workplace cannot be underestimated.

It is the Manager’s responsibility to treat all workplace grievances seriously, impartially and confidentially.

Effective management of workplace grievances can prevent minor workplace issues from escalating into more serious matters. The opportunity for staff to “save face” and deal with a grievance confidentially as soon as possible promotes successful resolution. The Manager’s role in dealing with an issue before it involves other members of staff is pivotal in allowing this to occur.

Managers and supervisors have an important role to play in monitoring employee wellbeing and mental health, and in demonstrating support to employees during difficult periods.

2.3.1 Local Issue

The majority of grievances can be dealt with by Station Officer/ Station Manager / DOCO / Corporate Manager at the local level.

- Wherever appropriate, encourage staff to directly resolve the issue using “STRAIGHT TALK™”
- Deal with it early
- Adhere to specified time frame
- Make a confidential record of your actions, i.e. file notes
Monitor the working relationship between parties once the grievance process has been completed.

The method of assessing a grievance and the assessment tool is contained within NSW Health Policy Directive, PD2010_007 - Effective Workplace Grievance Resolution.

2.4 Role of the District Inspector/Senior Operations Centre Officer

The role of the District Inspector/Senior Operations Centre Officer is to ensure the majority of workplace issues are resolved in a timely and appropriate manner by supporting the Station Officer/Station Manager/Duty Operations Officer or corporate supervisor either to manage the matter locally or if required, refer it to the Deputy Director Operations.

The support may include offering advice, confirming the intended strategy or jointly facilitating a meeting with the involved staff.

Wherever possible, District Inspector/Senior Operations Centre Officers are encouraged to provide a mentoring role rather than assuming direct management of an issue.

2.5 Role of the Deputy Director / Director / Operations or Corporate

If the concerns have been unable to be resolved at the local level or the issues are complex/serious and not suitable for local resolution, then the direct involvement of a Senior Manager will be necessary.

The Senior Manager is required to undertake a Risk Assessment of the concerns to determine whether the issues pose any risk to patients or staff and if so, consider what arrangements need to be implemented to reduce any potential risk.

If the concerns appear to constitute misconduct then the Senior Manager should refer the issues to the PSCU for assessment by the Significant Allegations Advisory Committee.

2.6 Timeframes

Assessment

Following receipt of a grievance, the Station Officer / Station Manager / Duty Officer / Corporate Manager will advise the staff involved of the next steps / proposed action, such as meeting with the staff or referring the issue to a more senior Divisional/Corporate Manager, by the next shift or within an agreed period.

Action

Within 7 days (wherever possible), the Manager dealing with the grievance meets with staff or advises that the matter has been forwarded to Significant Allegations Advisory Committee.

If the required action has not been achieved in 7 days owing to rostering/staff availability, it should be completed at the earliest opportunity.
Outcome

Irrespective of whether the grievance is able to be resolved, staff must be advised of the outcome within 3 weeks where issues are dealt with locally or at Divisional/Corporate level. Staff can be informed verbally or in writing and this should be recorded in the File Note. A template at APPENDIX 3 – File Note is attached for this purpose.

2.7 Outcome Recorded

The type of documentation and the level of detail will depend on the nature of the grievance and the required action. The documentation requirements initially will be a file note for storage on the dedicated files stored at the Sector, Divisional or Unit level. The Manager who has handled the grievance will complete the File Note. See APPENDIX 3 – File Note.

All grievances are required to be dealt with the same degree of confidentiality.

Types of documentation:

- File Note, for those requiring direct intervention or repeated presentations of self managed issues, by either party; and
- Divisional or Unit Files, for serious or misconduct issues that have required the involvement of the Senior Manager.

Content of Documentation:

- The names and roles of the staff involved;
- The nature of the concerns raised;
- Key information obtained when looking into the matter;
- Key steps taken to manage the grievance;
- Options activated to resolve the grievance, and the time frames; and
- Any request for review.

Detail of documentation should enable:

- A review of the management of the grievance if the review process is activated;
- Relevant information if the same grievance is lodged again or if the grievance worsens despite all efforts to address it; and
- Information outlining the Service’s actions should the grievance be referred to an external agency.

The Grievance Records Management Procedure can be found at Appendix 4.

2.8 Reporting on Grievances

Grievances requiring the assistance of a Manager will need to be reported in a de-identified format using the Grievance Reporting Form, Appendix 5 and completed by the manager handling the grievance. Grievances resolved directly between the staff involved do not need to be reported.
The de-identified report should be forwarded to Manager, Healthy Workplace Strategies for analysis and review of organisational trends via the Divisional Office or Unit.

The Grievance Reporting Form should be completed by the Manager dealing with the grievance, once the grievance is finalised.

2.9 Review Process

1. Either party to the grievance can request a review of the procedure after the grievance has been finalised and parties advised of the outcome.
2. A request for a review of the original grievance should be made in writing within two weeks of being notified of the outcome of the grievance.
3. Reviews are limited to procedural matters and should indicate sound reason/s why the staff member believes the process was partial, unfair, exclusive or inappropriate. If a review is sought, it should be made to the Manager next in line to the Manager who handled the initial process.

The reviewing Manager will consult with staff in Healthy Workplace Strategies and will consider if there have been procedural deficiencies.

Parties will be advised of the outcome of the review in writing within four weeks of receipt of the request for review.

3. Support and Advice

Confidential advice and/or assistance is available for all staff from their immediate Manager or the Workforce Unit.

Managers should also remind staff of the staff support services that are available and encourage staff to seek assistance. These services include;

- Grievance Contact Officers;
- Peer Support;
- Chaplains; and
- Employee Assistance Program.

The details of the Staff Support Services are available via the Workforce Unit's web page, or can be accessed using the link:
http://intranet/asintranet/corporate/Workforce/Staff+Support+Services/Default

4. Other Related Policies and Reference Material

- ASNSW SOP2009-063: Promoting a Respectful Workplace: Preventing and Managing Workplace Bullying
- Our Values – Ambulance Service NSW 2009
5. For Further Information

For further information, please contact your local Manager or the Manager, Healthy Workplace Strategies, Workforce Unit on (02) 9320 7648, Respectful Workplace Management Advisor on (02) 9320 7643 or the Equity and Development Advisor on (02) 9320 7649.
This guide has been developed to assist you with raising workplace concerns.

1. Consumer or Patient Complaints
   - Complete "Complaint Form"
   - Forward to Medical Director

2. Staff Grievances
   - Contact HR Manager for assistance

3. Clinical Incidents
   - Complete "Incident Report Form"
   - Submit to Medical Director

4. Conduct Issues
   - Complete "Conduct Report Form"
   - Submit to Medical Director

Tips:
- It is important to remember that:
  - It is the responsibility of everyone to do their best to ensure a safe workplace.
  - Always seek assistance from a supervisor or manager if necessary.

Future Information:
- "Guideline on Behavioural and Workplace Violence" available on the Ambulance Service of NSW website.
APPENDIX 2- Grievance Resolution Flowchart

First Step: Discuss the concern with the other person(s) involved using STRAIGHT TALK™

Second Step: If you are not able to resolve the concern with the other person (or if you feel unable to resolve the concern using STRAIGHT TALK™), discuss the concern with your manager. If the concern is about your manager then contact your manager’s immediate supervisor.

Assessment: Manager assesses the grievance and considers whether the issue can be resolved at the local level, if assistance from more senior managers in the Division/Unit is required; or if the matter should be referred to the Professional Standards and Conduct Unit (PSCU).

In assessing the concern managers are able to obtain confidential advice from more senior managers or from Workforce. Manager will advise on the next steps by the next working shift, or within an agreed period.

Local Issue
- Grievance can be resolved locally with the assistance of a manager

Action
- Manager meets with staff involved within 7 days* and uses STRAIGHT TALK™ to work out:
  - What happened?
  - How have people been affected?
  - What can be improved?

Outcome
- Staff involved are advised of the outcome within 3 weeks
- Matter resolved locally

Division/Corporate Issue
- Complex/serious issues which are not suitable for local resolution and may require escalation. Risk assessment undertaken.

Action
- Manager addresses issues with the staff involved within 7 days* More complex grievances may require external assistance such as conflict resolution or mediation with a more senior manager

Outcome
- Referred to the Manager, Healthy Workplace Strategies

PSCU Issue
- Serious misconduct, referred to the Significant Allegations Advisory Committee (SAAC)

Action
- Manager advises staff involved of the SAAC’s recommendation within 7 days* Matter managed according to the recommendation of the SAAC

Outcome
- Parties advised

Outcome Recorded

* If the required action has not been achieved in 7 days due to rostering/staff availability, it should be completed at the earliest opportunity. Grievances can be about a wide range of matters however many grievances involve some form of interpersonal workplace conflict which can be resolved using STRAIGHT TALK™ approach. This flowchart summarises the steps in the grievance resolution process. Assessment outlines are found in the Grievance Resolution (Workplace) for the Department of Health and Public Health Organisations PD 2003, 584, for further information refer to the Dept of Health website. For more information about STRAIGHT TALK™ go to the Respectful Workplace pages on the Intranet. ™ denotes the trademark of ProActive Resolutions Inc, used under license by the Ambulance Service of New South Wales.
## APPENDIX 3 – File Note

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<td>Grievance</td>
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<tr>
<td>Grievant</td>
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<td>Respondent</td>
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**Name, role and location of staff involved:**

Grievant:

Respondent:

**Nature of concerns raised:**

**Key Information:**

**Assessment result:**

(i.e. level of seriousness and whether the issue is managed locally or referred to a more senior manager)

**Key steps taken to manage the grievance:**

1. 
2. 

**Options activated to resolve the grievance and date completed:**

(e.g. ‘Straight Talk’, self resolution, facilitated discussion, administrative changes, information and training, mediation)

Was a request for review made?

**Name and position of grievance manager:**

Signed:

**Location:**
APPENDIX 4 - Grievance Records Management Procedure

Ambulance Stations, Workshops, Building Maintenance Units, Regional Training Units, Regional Communications Units and Helicopter Bases.

All records (e.g. File Notes) created should be sent to the relevant location within four weeks of a grievance having been raised. Location details are as follows:

- Ambulance Stations – send to Sector Office
- Workshops and Building Maintenance Units – send to Manager, Infrastructure & Asset Services
- Regional Training Units – send to Manager Education
- Regional Communication Units – send to Telecommunications Manager, Communications Infrastructure
- Helicopter Bases – send to Operational Manager

Divisional Offices, Sector Offices, Control Centres, Corporate Units, all Units at Rozelle, Medical Retrieval Unit, Air Ambulance and all other locations

An annual grievance file should be created for each location/section once an incident occurs. Example:

Personnel – Grievances – Sydney South Sector – 2011
Personnel – Grievances – Western Control Centre – 2011
Personnel – Grievances – Clinical Development - 2011
Personnel – Grievances – Records and Mail Service Unit - 2011

All grievance records are to be printed and filed.

- **Grievances dealt with in the first instance** are to be filed on the annual grievance file.
- **Grievances not dealt with in the first instance and requiring further intervention** require a separate file per incident. Individual files can be created for more complex matters and linked/related to the annual file.

Areas that have access to TRIM

All grievance records must be registered in TRIM including the date of the incident and names of staff involved.

Areas that do not have access to TRIM

All grievance records are to be filed in a manila or lever arch folder and titled as above.

A spreadsheet should be maintained recording the date of the incident and the names of staff involved.

Security

Grievance records must be stored securely e.g. lockable cabinet to ensure confidentiality.

Electronic records such as Spreadsheets (or using Word to create a File Note) should be saved to a secure/confidential network drive. Do not save records to a PC hard/local drive or USB sticks.
Retention of Grievance records
Grievance files - retain locally for five years. Then forward to the Records Coordinator, Records and Mail Services Unit, Rozelle in preparation for off-site storage. Prior to sending files please contact the Records Coordinator on (02) 9320 7724.

Grievance records will be retained for 20 years.
APPENDIX 5 - Grievance Reporting Form

1. Date Grievance Lodged with
   a. Station Officer/Station Manager ...................................................................................
   b. Corporate Manager ...........................................................................................................

2. Is this the first time the grievance has been lodged by either party? ............... ☐ Yes ☐ No

3. Work Location/District/Zone ........................................................................................................

4. Position Classification or Grade
   a. Grievant .............................................................................................................................
   b. Respondent ..........................................................................................................................

5. General nature of the Grievance ..............................................................................................
   (eg interpersonal, unfair treatment, work systems or procedures etc)

6. Options utilised to resolve grievance ........................................................................................
   (eg self resolution, administrative actions, facilitation, training, combination, mediation etc)

7. Date grievance finalised ..............................................................................................................

8. Was the complainant satisfied with the:
   a. Process followed to resolve the grievance ................................................................. ☐ Yes ☐ No
   b. Outcome of the grievance ...............................................................................................  ☐ Yes ☐ No

9. Was the respondent satisfied with the:
   a. Process followed to resolve the grievance .................................................................  ☐ Yes ☐ No
   b. Outcome of the grievance ............................................................................................... ☐ Yes ☐ No

10. Date grievance File Note sent to Sector or Manager: .........................................................

11. Was there a request for review? .............................................................................................. ☐ Yes ☐ No

Contact person for the grievance ...................................................................................................

Please return form to Manager, Healthy Workplace Strategies