

# **Health Services Union NSW**

## **Members' Complaints Policy.**

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**The Union rules and the provisions of the *Industrial Relations Act 1996 (NSW)* will prevail over the terms of the policy to the extent of any inconsistency.**

### **Definitions**

All words in this policy have the same meaning as words in the Union rules.

Councillor	A member of the Union Council.
Employees	All staff, contractors, consultants and temporary workers of the Health Services Union NSW.
HSU Ombudsman	The person appointed by the Union Council pursuant to Rule 36 of the Union rules.
Officer	Secretary, Assistant Secretary, Councillors and members of the Union Committee.
Paid officers	The Secretary and Assistant Secretary-Treasurer.
President	The official head of the Union.
Secretary	The Chief Executive Officer of the Union. The designated Officer in charge of the general conduct, administration and business of the Union.
Union	Health Services Union NSW.
Union Committee	The Union's committee of management, consisting of the President, the Senior Vice-President, the Junior Vice-President, the Secretary, the Assistant Secretary-Treasurer and five (5) ordinary members.
Union Council	The supreme governing body of the Union, consisting of the Officers and twenty-five (25) Councillors.
Union Rules	Those rules registered under the Industrial Relations Act 1996 as at 21 August 2012.

## **1. Aim Purpose and Scope.**

- 1.1 All employees of the Union in the course of carrying out union work must adhere to the Code of Conduct. The Code is reproduced at Annexure A to this policy.
- 1.2 The Union recognises the importance of members' ability to voice concerns about an employee failing to adhere to the Code of Conduct.
- 1.3 This policy aims to provide a mechanism for members to have their concerns about a failure of an Employee to comply with the Code of Conduct investigated by an independent committee.
- 1.4 The policy is relevant to all members of the Union with the exception of those members who hold membership only by virtue of their employment with the Union. Complaints by Employees regarding their employment or the behaviour of other Employees or Officers are dealt with in the Employment Policy.
- 1.5 To avoid confusion, this policy does apply to circumstances whereby a member wishes to make a complaint under Rule 36 of the Union rules to the HSU Ombudsman concerning the actions of a sub branch official, elected officer, paid official or sub branch representative

## **2. Complaints Procedure.**

- 2.1 A financial member who is considers that an Employee of the Union has failed to adhere to the Code of Conduct when carrying out union work may lodge a complaint about the Employee with the President. The complaint must be in writing and specify;
  - (a) Member's name and membership number
  - (b) Name of the Employee
  - (c) Nature of the complaint.
- 2.2 Upon receipt of the complaint, the President will inform the Secretary that a complaint has been received and will contact the member to acknowledge receipt of the complaint.
- 2.3 Within seven (7) days receipt of the complaint, the President shall convene a committee consisting of;
  - (a) The President or their nominee.
  - (b) 2 Union Councillors
  - (c) A manger of a workplace area.
- 2.4 Within 14 days of the Committee being convened, it shall meet to consider the complaint. The meeting may occur via telephone. At the conclusion of the meeting, the committee may resolve to;
  - (a) dismiss the complaint or;
  - (b) investigate the complaint.

- 2.5 Following the meeting, the President will inform the Secretary of the outcome.
- 2.6 If the Committee resolves to dismiss the complaint, the President and the Secretary will jointly advise the member in writing of the Committee's decision. The reasons for dismissing the complaint must be clearly set out.
- 2.7 If the Committee resolves to investigate the complaint it may;
- (a) Interview the member to obtain further details;
  - (b) Interview the Employee
  - (c) Interview other persons who may provide assistance to the Committee.
- 2.8 Any interview with the member will be held in strict confidence. A written record of the meeting will be made. A copy of the record of the meeting will be provided to the member upon request.
- 2.9 If the committee resolves to interview the Employee, the Employee will be directed by the Secretary to attend a meeting with the committee. The Employee will be advised that a failure to attend and/or participate in the meeting may be considered gross misconduct. The Employee will be given notice of the meeting and the opportunity to bring a representative. The meeting will be held in strict confidence. A written record of the meeting will be made. A copy of the record of the meeting will be provided to the employee upon request.
- 2.10 If the Committee resolves to interview other persons, the meeting will be held in strict confidence. A written record of the meeting will be made. A copy of the record of the meeting will be provided to the person upon request.
- 2.11 After the investigation is completed, the President shall prepare a report to the Secretary setting out its findings and recommendations. The Committee's recommendation may be to;
- (a) Dismiss the complaint or;
  - (b) Appoint a mediator to assist in a resolution or
  - (c) Issue an apology on behalf of the Union.
- 3. Finalising the Complaint.**
- 3.1 Upon receipt of the recommendation of the committee, the President and the Secretary will meet and consider the committee's recommendation.
- 3.2 The President and Secretary will meet with the member and deliver the findings of the Committee. If it is impractical for an in person meeting to occur due to logistical difficulties, the President and Secretary may jointly write to the member.
- 4. Further Action against the Employee.**
- 4.1 If the Secretary determines the actions of the employee warrant disciplinary action, the matter will be dealt with in accordance with the provisions of the HSU NSW Employment Policy.

## Annexure A

# SCHEDULE TO GOVERNANCE PRINCIPLES

## The Code of Conduct

All Employees and Officers, in the course of carrying out union work, shall adhere to the Code of Conduct.

The Code of Conduct requires that all employees and Officers:

1. Behave honestly and with integrity.
2. Act with care and diligence.
3. Treat everyone with respect and courtesy, and without harassment.
4. Comply with all applicable laws.
5. Maintain appropriate confidentiality.
6. Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent).
7. Use Union resources in a proper manner.
8. Provide true and helpful information to members.
9. Not make improper use of inside information, or of power or authority in order to gain, or seek to gain, a benefit or advantage for themselves or any other person/s.
10. At all times behave in a way that upholds the Union's values and the integrity and good reputation of the Union.