

Advice Note

Responsible Officer:	<u>Dean McAuliffe, Manager People Services</u>
Date of Meeting:	<u>Adjourned Ordinary Meeting of Council 8 & 9 December 2020</u>
Meeting of the:	<u>Ordinary Meeting of Council</u>
Item:	<u>17.1 Motion Without Notice – Complaints Management CEO</u>

DETAIL

The City of Melville has a duty to review and conduct a fair investigation where an accused employee is provided with the right to have a complaint/s against them determined objectively and any sanction decided on by an unbiased decision-maker or maker's e.g. Council.

Reflective a complaint which is widely disseminated without any form of preliminary assessment and consideration of:

1. Is the complaint vexatious
2. Does the complaint lack substance
3. Is the complaint frivolous
4. Is the complaint malicious

can undermine the integrity of a workplace investigation if warranted and the challenging of any subsequent sanction made against an employee.

Specifically an employee such as the Chief Executive Officer may claim:

- i. that a complaint that has had no preliminary assessment prior to its dissemination has caused a deterioration in their standing in the workplace so as to alter the CEO's position within the meaning of s 342 of the FW Act (81); and
- ii. that a complaint that has had no preliminary assessment prior to its dissemination could alter their position to the Chief Executive Officer's prejudice because of the exposure to a potential disadvantage of imposition of a penalty if the complaint is ultimately substantiated;

Whilst there is an inherent interest in complaints about employees to mitigate risk; the appropriate dissemination of a complaint would if any be on the basis having been preliminarily assessed that would warrant the initiation of a workplace investigation.

This will ensure procedural fairness, risk mitigation and privacy so as to limit any harm or damage to an employee's current or future employment.