

Managing Workplace Issues Procedure

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1 Purpose

For Department of Communities and Justice (DCJ) workplaces to be safe, there must be a robust process to deal with workplace issues.

Workplace issues can create a negative impact on wellbeing. If left unaddressed, they can become part of the workplace culture. This can damage trust and workplace relationships and have a detrimental effect on the services provided to internal and external clients.

The Managing Workplace Issues Procedure contains a proactive and restorative process to effectively resolve workplace issues early and confidentially with lasting solutions. The procedure outlines what a workplace issue is and how workplace issues are to be managed, resolved, or escalated.

All workplace issues must be treated seriously and responded to quickly, fairly, confidentially, impartially, without victimisation, reprisal and/or retribution.

2 Scope

This procedure applies to all DCJ workers as defined under Section 2 ‘Scope’ of the DCJ [Bullying and Harassment Policy](#).

All parties involved in a workplace issue have an obligation to actively participate and cooperate throughout the resolution process.

This procedure should be read in conjunction with the Bullying and Harassment Policy and its associated resources located on the [Creating Respectful Workplaces](#) intranet page.

3 Definitions

Term	Definition
Workplace Issue	<p>A workplace issue consists of a complaint raised by one worker towards another worker or group of workers. It may have arisen or occurred due to situations, including, but not limited to:</p> <ul style="list-style-type: none"> • an interpersonal dispute or conflict, • perceived unfairness, • disrespectful and/or inappropriate behaviour/s that are not serious enough to warrant misconduct action. <p>Workplace Issues may occur between workers at different levels such as:</p>

	<ul style="list-style-type: none"> • Peer to peer – for example between two or more workers. • Upward – for example, a worker raises a complaint against a Manager / Supervisor or higher. • Downward – for example, a Manager / Supervisor raises a complaint against a worker.
Let's Talk	A just-in-time planning tool to support workers in having respectful conversations in the workplace.
Tier 1: Self Resolution	The first stage in the Workplace Issues resolution process involves a worker seeking to resolve the matter through a direct and respectful conversation, using the Let's Talk toolkit.
Tier 2: Assisted Resolution	The second stage in the Workplace Issues resolution process involves a worker seeking their managers (or higher) support in resolving the matter through a direct and respectful conversation, using the Let's Talk toolkit.
Tier 3: Lodging a Workplace Issue	<p>The Third and formal stage of a Workplace Issue, applies where Tier 1 and Tier 2 have not been successful or are not appropriate.</p> <p>It is where a worker, lodges their complaint formally using the Workplace Issues Lodgement Form.</p>
Workplace Issues Lodgement Form	A form where a Worker can document and submit a formal Tier 3 Workplace Issue.
Workplace Issues Manager	<p>Has responsibility for the management and closure of a formal (Tier 3) Workplace Issue submission.</p> <p>A Workplace Issues Manager is generally a manager role in a worker's reporting line, to their Executive Director.</p> <p>In some instances, where there is a conflict of interest, another manager may be appointed as the Workplace Issues Manager for a Tier 3 workplace issue matter.</p>
Respondent	A respondent is the person the Workplace Issue has been lodged against.

Witness	A person who has witnessed the behaviour and/or incidents that the worker has alleged to occur in their Tier 3 Workplace Issue.
Support Person	<p>A person who can attend any meetings to provide support to parties involved in, or whom are a witness to, Workplace Issues.</p> <p>A support person can include, but is not limited to, Health and Safety Representatives (HSRs), another manager who is not the Workplace Issues Manager, a work colleague (not involved in the matter), a family member or friend or a union representative.</p> <p>A support person is not able to advocate on behalf of the worker, however they may provide administrative and emotional support at any point in the assistance of resolution.</p> <p>For further information on support persons, refer to the role of a support person fact sheet.</p>
Resolution Strategies	Strategies that can be utilised to support the resolution and closure of a formal Workplace Issue

4 When this procedure does not apply

This procedure is not applicable for the management of alleged breaches of the department's [Code of Ethical Conduct](#). Matters that are raised through this process that are so serious as to warrant misconduct action, will be diverted to a misconduct process.

This procedure does not replace the [DCJ Complaints Process for Judicial Officers](#).

4.1 Matters not managed under this procedure.

- any allegation of misconduct pertaining to alleged breaches of the Code of Ethical Conduct, legislative provisions and/or departmental policy and procedure.
- any allegation of wrongdoing or serious alleged breaches under the Bullying and Harassment Policy (including incidents of sexual harassment, harassment, discrimination, racist conduct, bullying and workplace Violence)
- issues regarding underperformance/ unsatisfactory performance (refer to the department's [Unsatisfactory Performance Policy](#))

- reasonable management actions that include providing feedback on performance, allocating work, and addressing poor workplace behaviour
- public interest disclosures (refer to DCJ's [Public Interest Disclosure Policy](#) and the [Public Interest Disclosures Act 2022](#))
- industrial disputes or claims relating to the [Crown Employees \(Public Service Conditions of Employment\) Reviewed Award 2009](#), workplace change, restructures (refer [PSC Agency Change Management Guidelines](#) and/or other relevant policies) or applicable industrial instrument.
- disrespectful behaviour by clients or members of the community
- external complaints.

4.2 What to do if matters relate to alleged misconduct

If any matter may relate to alleged misconduct, unlawful behaviour or inappropriate behaviour as defined by the [DCJ Bullying and Harassment Policy](#) workers should consult other reporting pathways as detailed on the DCJ intranet at [How to report](#).

5 Work health and safety

Any incidents, including a near-miss situation, which has caused, or has the potential to cause injury, must be reported via Safety Suite. It should be noted that:

- Lodging an event through the WHS Incident reporting system, Safety Suite, will not constitute lodgement of a workplace issue.
- Where workers seek to lodge a Tier 3 workplace issue, this must be done so using the Workplace Issues Lodgement Form.
- The acceptance of liability by the workers compensation insurer relates only to the injury sustained by a worker, which has emanated from and/or during employment. Acceptance by an insurer of liability of workers compensation payments does not substantiate, resolve, or prove a workplace issue or concern raised by the worker. A Workplace Issue process can occur alongside of an injury management process.

6 Principles for managing workplace issues

The following principles must be applied when managing workplace issues.

These principles are designed to ensure natural justice occurs throughout the workplace issues process. They provide protection to all parties involved and generally cover the rule to act fairly and avoid bias.

Resolve matters early	Wherever appropriate a matter should be addressed between the relevant parties through self-resolution (Tier 1) or assisted resolution (Tier 2) to prevent formal escalation into a more serious issue.
Act promptly	Prompt intervention can assist in resolving some matters as quickly and fairly as possible.
Non-victimisation of person who reports	People who come forward will not be subject to victimisation, reprisals, or retribution.
Neutrality	The Workplace Issues Manager should never be directly involved in the incident they are attempting to resolve. It is critical that all parties involved perceive the resolution process to be genuinely impartial.
Support for both parties	Support may be provided via the Employee Assistance Program. A support person can also be present at meetings. Workers may request to close and reconvene any meetings to seek support or representation if none are present.
Communication of process	All parties are to be informed of the process, including an estimate of how long the process may take and what they can expect will happen during and at the end of the process. Workers should also be given ample notification of a meeting along with their right to have a support person present. It is very important to communicate with the worker that has lodged the issue when any delays occur.
Confidentiality	All workers involved must maintain confidentiality.
Documentation	Written records should be made of all meetings and decisions. All records must be stored securely
Procedural fairness	This occurs when rules and processes are followed fairly and consistently when making decisions throughout the workplace issues process. Procedural fairness ensures everyone involved in the process is treated impartially, has a chance to be heard and decisions are made based on reliable evidence.
A safe and healthy workplace	All workers are to be mindful of their duty of care and safety of themselves and others. Workers must comply with the Work Health and Safety Act 2011 (NSW) and their responsibilities to create a safe, respectful, and inclusive environment under the DCJ Bullying and Harassment Policy and this procedure.

7 The three tiers to addressing workplace issues

7.1 Tier 1: Self resolution

Self-resolution occurs where a worker attempts to resolve the workplace issue directly with the other person/s. Where people feel safe to do so and have a clear resolution in mind (e.g. they would like the behaviour to stop), addressing issues directly with the other person often leads to the best outcomes.

Workers are encouraged to attempt self-resolution in the first instance by having a conversation with the other worker involved. A worker may use the [Let's Talk](#) for planning a difficult conversation. Let's Talk offers a just-in-time planning tool to have respectful conversations about behaviour in the workplace and address less serious matters.

Staff can also access the following [internal / external resources and support services](#) if needed.

Planning can aid confidence to have courageous conversations between colleagues. The tool assists with reflecting on the issue and framing a discussion.

All parties involved in the self-resolution process are required to keep written notes as a record of conversations, actions, and any attempts at resolution. Recording the sequence of events and details as soon as possible helps to capture issues accurately.

7.2 Tier 2: Assisted Resolution

If a worker feels it is not possible to address the issue themselves, support can be sought from a manager to assist with resolution.

Assisted resolution is where a manager can facilitate an informal discussion with both parties. Assisted resolution is a standard strategy for managing worker concerns.

Managers may use [Let's Talk](#) to assist with planning for facilitating conversations, or alternatively seek advice from their People Business Partner.

Staff can also access the following [internal / external resources and support services](#) if needed. All parties involved in the assisted-resolution process are required to keep written notes as a record of conversations, actions, and any attempts at resolution. Recording the sequence of events and details as soon as possible helps to capture issues accurately.

7.3 Tier 3: Lodging a formal workplace issue

Workers should lodge a workplace issue using the [Workplace Issues Lodgement Form](#) as soon as possible where they have attempted to resolve the issue through Tier 1 or Tier 2 without success or where behaviours have continued.

Tier 3 may also be appropriate where a worker believes it is not appropriate or possible to resolve the issue through Tier 1 or Tier 2.

7.3.1 Timeframes for Tier 3

It is important that workplace issues are dealt with quickly. In most cases, the Workplace Issues Manager should complete the process within eight weeks (from the time the form is lodged), however every case should be assessed on its own merits.

Numerous factors may prolong the workplace issues resolution process including work scheduling, planned leave and worker availability. This includes if a worker becomes unwell. DCJ prioritises the safety and wellbeing of its workers. As a result, clearance from a worker's Doctor will be requested if required to continue the WPI process.

If delays are experienced, the Workplace Issues Manager is to ensure that all efforts are made to minimise factors that may prolong the process, and that the parties are informed of delays and receive adjusted timeframes.

All delays in dealing with the matter should be documented by the Workplace Issues Manager.

A summary of timeframes per step in the Tier 3 process can be found at [Annexure B](#).

8 What can workers involved in workplace issues expect?

All workers involved in a workplace issue can expect to:

- have matters dealt with in accordance with the principles outlined in [Section 6](#).
- have their care, support and safety prioritised. This may include applying risk mitigation strategies such as altering work arrangement patterns or flexible work options while matters are being resolved.
- be informed they can request an adjustment at any point during the processes if required.
- be informed they can seek the advice and support of their union.
- be able to bring a support person to meetings related to managing/resolving the issue.
- be assisted with understanding the process and be provided with applicable supporting policies and procedures that may apply.

- be advised and provided access to DCJ's various types of support and resources available to them under this procedure ([internal / external resources and support services](#)).

9 How to lodge a Tier 3 Workplace Issue

A Tier 3 Workplace Issue must be lodged using the Workplace Issues Lodgement Form.

The form can be lodged with any of the following:

- an immediate manager, or,
- any manager within the reporting line up to an Executive Director (Band 2 or equivalent).

The Workplace Issues Lodgement Form cannot be submitted to:

- a manager who is the respondent (worker who the complaint is against), or
- a manager who is a witness in relation to the workplace issue.

The person who will be managing the workplace issue is known throughout this document as a Workplace Issues Manager.

10 Tier 3: Process to be undertaken by the Workplace Issue Manager

10.1 Initial assessment

An initial assessment must be completed by the Workplace Issues Manager.

The [Workplace Issues Assessment checklist](#) provides guidance on the considerations to be explored when completing an initial assessment.

The initial assessment involves reviewing all information in the Workplace Issues Lodgement Form, and any additional attachments provided.

The initial assessment determines:

- if this matter is to be managed in accordance with this procedure,
- if the matter needs to be referred to Conduct and Professional Standards or the Professional Standards and Investigations Branch (Corrective Services NSW) for review
- whether any immediate action needs to be taken e.g., when there is significant risk to an individual's wellbeing.

As part of the initial assessment, the Workplace Issues Manager should advise their line manager that a matter has been received, the concerns of the matter and how it will be managed.

This should not occur if:

1. The line Manager is a respondent, and/or
2. The line Manager is a witness.

In these instances, the Workplace Issues Manager must provide advice to the next Manager within their reporting line or seek advice from their People Business Partner.

The Workplace Issues Manager can also seek guidance from their People Business Partner. They can also seek additional support as per the resources outlined in Section 16.

10.1.1 Assessing conflict of interest

The Workplace Issues Manager should consider the principles for managing workplace issues and self-assess whether they should be the Workplace Issues Manager.

The matter must be referred to the next appropriate manager in the worker's reporting line, or an alternative manager where a conflict of interest:

- may exist (whether it be actual, potential, or perceived), or,
- where a legitimate reason is identified as to why the nominated manager is not the most appropriate person to take up the role as the Workplace Issue Manager.

If a conflict of interest has been identified by a respondent, these must be raised with the Workplace Issues Manager or another appropriate manager (if the conflict relates to the Workplace Issues Manager) as soon as it is identified. For more information and resources, please visit the [Conflicts of Interest](#) page on the DCJ Intranet.

10.2 Meet with the worker lodging the matter

The Workplace Issues Manager should meet with the worker lodging the workplace issue. Workers must be given appropriate notice in line with the principles of this procedure (minimum 2 business days' notice). During the meeting, the Workplace Issues Manager should confirm the details in the Workplace Issues Lodgement and:

- provide an overview of the workplace issues process and explain their role as the Workplace Issues Manager
- inform the worker that they can request an adjustment at any point during the process if required
- provide an opportunity for the worker to explain the basis and details of their issue

- confirm that the respondent(s) will be provided with an opportunity to make a written and / or verbal response to the concerns raised by the worker in the workplace issues lodgement form
- provide details of available [internal / external resources and support services](#) including additional risk management strategies
- confirm how the worker will be kept informed throughout the process
- reinforce of the need for confidentiality
- provide them with copies of this procedure along with any other relevant policies and procedures.

Any information collected may be disclosed to the relevant professional standards area, where misconduct is alleged during the workplace issues process, or where further investigations are required for continued behaviour. Once the meeting is finalised, the Workplace Issues Manager must consolidate the notes from their meeting and provide a copy of these to the worker within 2 working days (where practicable) to confirm the recorded notes are a correct and accurate record of the meeting.

10.3 Inform and meet with the respondent

The Workplace Issues Manager must:

- advise the respondent of the concerns and provide them with particularised details of the concerns to enable the respondent to provide a response.
- seek advice from the respondent as to how they wish to formally respond to the concerns (written and / or verbal). If a meeting is preferred, a minimum of 2 business days' notice must be provided to the respondent.

The above steps can be done in person, virtually or via phone call, with a follow up in writing when extending an invitation to meet. The respondent may bring a support person to any meetings.

During any discussion with the respondent, the Workplace Issues Manager will:

- provide an overview of the workplace issues process and explain their role as the Workplace Issues Manager
- inform the worker that they can request an adjustment at any point during the process if required
- give the respondent an opportunity to provide their version of events.
- offer an opportunity for the respondent to provide a formal written and / or verbal response to the concerns raised, within 2 weeks of being provided with the particularised details of the concerns
- inform the worker that they can request an adjustment at any point during the process if required

- provide details of available [internal / external resources and support services](#) including additional risk management strategies
- confirm how the respondent will be kept informed throughout the process
- reinforce of the need for confidentiality regarding the matter
- provide them with copies of this procedure along with any other relevant policies and procedures.

Any information collected may be disclosed to the relevant professional standards area, where misconduct is alleged during the workplace issues process, or where further investigations are required for continued behaviour. The Workplace Issues Manager must consolidate the notes from any discussion and provide a copy of these to the respondent within 2 working days (where practicable) for them to confirm the recorded notes are a correct and accurate record of the meeting.

The absence of a formal response or the respondent's failure to participate will result in the Workplace Issues Manager making a decision based only on the information available.

If there are multiple respondents for a single workplace issues lodgement, separate and individual meetings must be arranged.

10.4 Engage with witnesses

The Workplace Issues Manager may meet with relevant workers who may have witnessed alleged incidents/behaviour.

When engaging with a witness, the Workplace Issues Manager will:

- provide the witness with information as to why they have been approached as part of the workplace issues process, and the opportunity to provide any information regarding the alleged concerns
- provide an overview of the workplace issues process and explain their role as the Workplace Issues Manager
- inform the worker that they can request an adjustment at any point during the process if required
- reinforce the need for confidentiality regarding the matter
- limit the discussion to the incidents they have personally and directly witnessed
- provide details of [available internal / external resources and support services](#)
- provide them with copies of this procedure along with any other relevant policies and procedures.

Any information collected may be disclosed to the relevant professional standards area, where misconduct is alleged during the workplace issues process, or where further investigations are required for continued behaviour. A relevant witness may be identified by either of the parties as having observed alleged incidents or behaviour. Witnesses should be encouraged to provide information about what they may or may not have witnessed in relation to a workplace issue.

The Workplace Issues Manager must consolidate the notes from any discussion and provide a copy of these to the witness within 2 working days (where practicable) for them to confirm the recorded notes are a correct and accurate record of the meeting.

10.5 Prepare the Workplace Issues Resolution Report

Within four to six weeks (where practicable) of the Workplace Issues Lodgement, and once all relevant information has been obtained, the Workplace Issues Manager must prepare a [Workplace Issues Resolution Report](#).

The Workplace Issues Resolution Report documents:

- All information gathered and considered.
- Provides a summary of the findings and the assessment.
- Documents proposed [Resolution Strategies](#) to be deployed.

The Workplace Issues Manager must:

- provide a copy of the finalised report to their direct manager, or higher, for approval
- ensure that the People Business Partner is notified and provided a copy of, or access to, the completed report.

10.6 Informing parties of the outcome

Within eight weeks (where practicable) of the Workplace Issues Lodgement, and once the resolution report has been finalised, the Workplace Issues Manager must inform the worker who lodged workplace issue, and the respondents, of the outcome.

The Workplace Issues Manager should do this by meeting with workers individually in person, or face to face electronically. A support person can be present during this conversation.

Both parties should be informed of:

- their findings and reasons for arriving at the conclusions
- any management strategies and resolution pathways to resolve the workplace issue

- the process to review a matter under [Section 11](#) of the procedure
- the next steps following the meeting.

Following this meeting, notification in writing must be provided to the workers advising the matter is finalised, the outcome of the issue and a summary of next steps. Workplace Issues Managers may refer to the sample outcome template available at [Annexure E](#) to assist with preparing this correspondence.

11 Resolution strategies

There are a variety of resolution strategies that can be considered to support the resolution of workplace issues. These can be explored in consultation with relevant People Business Partners. Resolution strategies may include:

- one-off local level actions that may provide closure to the parties involved in the workplace issue and/or,
- ongoing actions that aim to improve overall team culture and contribute to safe work environments, making workplace issues less likely to occur or reoccur.

Resolution strategies can include, but not limited to:

Category	Description
Reconfirmation of expected behaviours	A conversation with the relevant parties to reconfirm expected behaviours following the finalisation of a workplace issue. This may include requesting actions and/or behaviour to stop or start. These discussions should be led by an appropriate manager.
Training for individual/teams	Where it has been identified that an individual or team requires refresher or new training, the following training can be provided internally and externally: <ul style="list-style-type: none"> • Policy review (e.g., Code of Ethical Conduct). • Let’s Talk tool. • Other relevant training or e-learning modules (if appropriate) depending on the audience.
Culture workshop transformation	Where there are systemic culture related issues within the team, a workplace culture workshop can be delivered to support changes in beliefs, behaviours and processes.
Team building activities	Team building activities may improve the teams’ ability to work together, communicate and build trust with one another. Team building activities can include attending team meeting days or scheduling regular time to connect,

Category	Description
	have conversations, build trust and relationships, and celebrate project milestones and achievements.
Restorative approaches	<p>This involves a conversation between the worker who has submitted the workplace issue and the other party. The conversation can be facilitated by an appropriate Manager or an external provider if appropriate. It provides the opportunity to:</p> <ul style="list-style-type: none"> • repair professional relationships by providing an opportunity for all parties to communicate about and address their issues and needs once the workplace issues process has been finalised (if the person lodging the matter and/or respondent chooses to do so) • develop a better understanding from each party’s perspective, and/or • discuss the Workplace Issue in a confidential, structured, and respectful way. <p>Restorative approaches in action can include Mediation, whereby parties are guided to a resolution outcome. These approaches could also conclude with an apology and mutual agreement of respectful behaviours moving forward.</p>

11.1 Monitoring resolution strategies effectiveness

It is essential that resolution strategies are assessed for effectiveness during their implementation to ensure they are working and contributing to a safe and productive work culture.

Where the Workplace Issues Manager is the worker’s manager, they should continue to monitor, review, and manage the workplace dynamics beyond closure of the workplace issue to ensure behaviour and incidents are not repeated.

In instances where the Workplace Issues Manager is not the worker’s direct manager, or where respondent/s are from different teams, appropriate managers should be briefed, with agreement of the involved parties, on resolution steps that require monitoring.

12 Managing instances where workers move or leave DCJ

Managers are responsible for ensuring behaviour and incidents are not repeated, and workplaces are safe. If behaviours are left unaddressed, workplace issues can create a negative workplace culture.

Where a workers move to a different area of the department, the workplace issues process must continue as detailed in this procedure by the assigned Workplace Issues Manager.

For Tier 3 matters, if a worker involved in the workplace issues matter leaves the department, the process should continue as far as reasonably practicable and where sufficient information is available. Workers who have left the department cannot be compelled to participate in the process, however Workplace Issues Managers should follow the steps of this procedure with the remaining parties to ensure that appropriate resolution strategies are actioned to manage ongoing workplace dynamics.

13 Reviewing a matter

Either party can request an internal review be conducted if they believe that this procedure has not been applied in line with the principles detailed in [Section 6](#).

Requests can be submitted to another manager (minimum Clerk Grade 11/12) and must be made within two weeks of being notified of the outcome. The request must be done using the [Workplace Issues Internal Review form](#).

The reviewing manager will assess all available documentation and consult with parties if further information is required. Outcomes will be provided to all parties in writing within two weeks of the review request, unless unavoidable delays are experienced (which must be communicated to both the worker lodging the matter and the other party). Reviewing managers may refer to the sample outcome template available at [Annexure G](#) to assist with preparing this correspondence.

If a worker is not satisfied with this internal review, they may choose to refer the matter to other external agencies (such as NSW Ombudsman or ICAC).

14 Recurrence of Workplace Issues

Where a workplace issue continues, or reoccurs, managers should give consideration as to whether other policies or procedures should be explored. This could include [DCJ's Misconduct Procedures](#) or where there are performance concerns, the Employment Probation Procedure or Managing Unsatisfactory Performance Policy and Procedure.

Managers can seek advice from their People Business Partner to determine whether a different policy or procedure is appropriate.

In the case of alleged unlawful behaviour or misconduct, this information may be disclosed to the Conduct and Professional Standards Branch (CaPS) or for Corrective Services NSW the Professional Standards and Investigations Branch (PSI) for further investigation.

15 Vexatious complaints

Vexatious workplace issues are matters that are without foundation, found to be false and submitted with the intent to cause distress or harassment.

DCJ may decline to deal with a workplace issue where it is determined to be frivolous, vexatious, or not made in good faith.

Managers should seek advice from their People Business Partner for any reports that are suspected of being vexatious.

Any reports made that are found to be intentionally falsified or vexatious in nature will be actioned accordingly – noting that this conduct may itself amount to misconduct under the *Government Sector Employment Act (NSW) 2013*.

16 Responsibilities

16.1 Workers

Workers are responsible for:

- Taking prompt action in accordance with these procedures, such as cooperating with the process and making themselves available to meet.
- Maintaining confidentiality about the workplace issue.
- Acting with honesty and transparency, ensuring the disclosure of all relevant information and/or supporting materials.
- Where possible, keeping notes of any incidents that have occurred.
- Actively participating and contributing to the resolution process.
- Seeking realistic outcomes.

16.2 Workplace Issues Managers

Workplace Issues Managers are responsible for:

- Addressing the matter in accordance with the principles outlined in [Section 6](#).
- Prioritising the care and support of all parties involved in the workplace issue.
- Ensuring that all parties are aware of the support and resources that are available and inform workers of their choice to have a support person involved in the workplace issues resolution process.
- Meeting with all parties related to the workplace issue, including additional meetings as required, to ensure that all relevant information is obtained, and the matter is resolved in an equitable and impartial manner.

- Proactively seeking guidance from their People Business Partner throughout the workplace issues process.
- Ensuring confidentiality is maintained throughout any workplace issues they are managing.
- Where they are the worker's manager, regularly reviewing and managing the workplace dynamics beyond completion of the workplace issue process to ensure behaviour and incidents are not repeated.
- Provide workers with a copy of this procedure.

17 Record keeping

DCJ keeps confidential records of all correspondence with parties in relation to workplace issues, workplace issue lodgements, emails, file notes of phone calls and conversations reports, and all evidence collected.

Records are kept in accordance with the [DCJ Records Management Policy](#) and applicable legislation, including the [Government Sector Employment \(General\) Rules 2014](#), [State Records Act 1998](#) and applicable privacy legislation and applicable DCJ records management and privacy related policies.

18 Further support

Workers and Workplace Issues Managers can seek support from:

- the [DCJ Peer Support Program \(PSP\)](#)
- the [DCJ Anti-Racism Unit](#)
- [My Healthy Workplace](#)
- DCJ Divisional Health and Safety Representatives (HSRs)
- For Corrective Services workers, the Staff Support, Culture and Wellbeing Directorate
- union representatives
- if a worker is from a diverse background, one of the [DCJ Diversity Networks](#).

DCJ's [Employee Assistance Program](#), Converge International, offers DCJ workers, and their immediate family, confidential counselling, coaching and support 24 hours a day, 7 days a week. There are a number of different services available including Worker Assist, Career Assist, Conflict Assist, Nutrition & Lifestyle Assist, Money Assist, Family Assist and Legal Assist. Converge International also offer one (1) additional session to specialist helpline services including:

- Aboriginal and/or Torres Straight Islanders
- LGBTQIA+

- Domestic and Family Violence
- Aged Care Support
- Disability and Carers
- Youth and Student
- Spiritual and Pastoral care.

Workers may contact Converge International via 1300 687 327.

Workers can use [Let's Talk](#) to help plan for conversations. [Let's Talk](#) is a toolkit to support a simple and structured approach to having conversations that are open and respectful.

19 Assistance with this procedure

Workers and managers can seek advice in relation to workplace issues from:

- the [intranet](#)
- managers and executives
- their People Business Partner
- union representatives
- [SafeWork NSW](#).

20 Related legislation and documents

- DCJ Anti-Racism Policy (under development)
- [Bullying and Harassment Policy](#)
- [Let's Talk Guide](#)
- [Code of Ethical Conduct](#)
- [Departmental values](#)
- [Government Sector Employment Act, regulation](#) and [rules](#)
- [NSW Public Service Commission's Positive and Productive Workplaces Guide](#)
- [Role of a support person.](#)

21 Document information

Document name	Managing Workplace Issues Procedure
Document reference	D24/2203745
Replaces	Managing Workplace Issues Procedure V1.0
Applies to	See Procedure Section 2 - Scope

Policy administrator	HR Policy and Governance Workforce Strategy, Inclusion & Systems
Approval	People and Engagement Subcommittee 12 August 2024

22 Support and advice

Business unit	Workforce Strategy, Inclusion & Systems People, Corporate Services
Email	HRPolicyGovernance@dcj.nsw.gov.au

23 Version and review details

Note that it is intended to review this policy 6 months after release and/or as the procedures are revised.

Version	Effective date	Reason for amendment	Due for review
2	2 September 2024	Policy Review Schedule	1 September 2026

Annexure A: Tier 3 Workplace Issues Lodgement Form

Is this your form?

Before commencing this form, you must review the Department of Communities and Justice (DCJ) related Policies and Procedures ([click here](#)). This form should not be completed for another person, unless they need help to complete it and are present while it is being completed.

The lodgement of this form does not constitute a workplace hazard or incident notification. Any incidents, including near miss situations, which have caused or have the potential to cause injury must be reported via Safety Suite. More information about this separate process can be found [here](#).

If you are unsure if this is the right form for you, you can review the Managing Workplace Issues Procedure ([click here](#)), speak to your Manager (if appropriate) or talk to your People Business Partner. You can also seek support from DCJ’s Employee Assistance Program ([click here](#)).

Employee details			
Name	Click or tap here to enter text.	Employee Number	Click or tap here to enter text.
Role	Click or tap here to enter text.	Unit	Click or tap here to enter text.
Division/District	Click or tap here to enter text.	Contact Phone number:	Click or tap here to enter text.
Email:	Click or tap here to enter text.		
Actions prior to escalating/lodging the matter			
<p>As per the Managing Workplace Issues Procedure, employees are encouraged to attempt to the resolve workplace issues early using self-resolution (tier 1) and/or assisted resolution (tier 2)., with the exception of criminal and serious misconduct matters.</p> <p>The DCJ Let’s Talk program (click here) provides resources, tools and videos to support you in having direct and respectful conversations that can assist with early resolution of matters, where appropriate.</p>			
Have you tried to resolve the matter?	<input type="checkbox"/> Yes, I tried self-resolution (Tier 1) <input type="checkbox"/> Yes, I tried assisted resolution (Tier 2) What was the outcome: Click or tap here to enter text.		

	<input type="checkbox"/> No Please outline why: Click or tap here to enter text.
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Have you sought information or assistance from:

People Business Partner Representative	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Union Representative	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Employee Assistance Program	<input type="checkbox"/> Yes	<input type="checkbox"/> No
External Body	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, please provide name of external body: Click or tap here to enter text.

Who is involved in the Workplace Issue

Note: As per the *Managing Workplace Issues Procedure*, the respondent will be provided a summary of the issue/s raised and an opportunity to respond.

Name	Position Title <small>(if known)</small>	Role in WPI	Phone <small>(if known)</small>
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Click or tap here to enter text.
Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.	Click or tap here to enter text.

Workplace Issue (please provide details of the issue)

Where possible, provide specific details of the workplace issue including:

- dates and times incident/s occurred,
- whether this is a one-off event or recurring issue.

Please ensure that any written examples of the workplace issue or other information that provide context to the issue is submitted with this form

Click or tap here to enter text.

What outcome/s do you seek? Outcomes must be realistic and achievable

Click or tap here to enter text.

Who will this Workplace Issue be submitted to.

This form can be lodged to any manager within your reporting line up to an Executive Director (Band 2 or equivalent).

Name	Click or tap here to enter text.	Position	Click or tap here to enter text.
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Acknowledgment and signature

By signing this document, I confirm:

- I have reviewed the Department’s related [Policies and Procedures](#).
- The details provided are honest and correct to the best of my knowledge and are not vexatious.
- I will maintain confidentiality about the workplace issue.
- I will cooperate with the process and seek realistic outcomes.
- I am not lodging this Workplace Issue on behalf of another employee.
- I understand misuse of this lodgement form could lead to misconduct proceedings.

Note: In the case of alleged unlawful behaviour or misconduct, this information may be disclosed to the Conduct and Professional Standards (CaPS) or for Corrective Services NSW the Professional Standards and Investigations Branch (PSI) for further investigation.

If you are unwell or there are safety risks, please log a Safety Suite incident report by following one of the available guides [here](#).

You can refuse to provide personal information such as witness names and/or detailed information about your workplace issue, but this could prevent a successful resolution.

Signature		Date	Click or tap here to enter text.
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Print name	Click or tap here to enter text.
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Annexure B: Tier 3 Workplace Issues Timeframes

Activity	Timeframe (Recommended)
Provide written acknowledgement of receipt of the workplace issues lodgement form.	Within 2 working days of receiving the workplace issue.
Conduct an initial assessment of the workplace issues submission.	Within 5 working days of receiving the workplace issue.
Meet with worker lodging the matter to discuss the particulars further.	Within 7 working days of receiving the workplace issue
Inform and meet with the Other Party	Within 12 working days of receiving the workplace issue
Meet with any witnesses as appropriate, where identified by the worker lodging the matter or the other party as appropriate	Within 3 - 4 weeks of receiving the workplace issue
Assess information and determine an outcome	Within 4 - 6 weeks of receiving the workplace issue
Inform parties of the outcome	Within 8 weeks of receiving the workplace issue
Request for review	Must be submitted to the Director within 2 weeks of being notified of the outcome
Unresolved workplace issue	If the workplace issue remains unresolved 12 weeks after lodgement, without the presence of unavoidable delays, any of the principal parties (i.e., the worker lodging the matter, the other party or the Workplace Issues Manager) may refer the matter to the manager next in the reporting line, for review. The referring party should inform the other principal parties of this intention prior to making the referral.

Annexure C: Tier 3 Initial Assessment Checklist

Step 1 – Is the Workplace Issues Procedure the right process for this matter?

Review the workplace issue and all documentation provided by the worker.

If the Workplace Issue relates to Bullying, does it meet the definition of Bullying as per the DCJ Bullying and Harassment Policy?

- Yes* No

Does this workplace issue include any claims of behaviour as listed below and as detailed in the [DCJ Bullying and Harassment Policy](#)?

Tick the behaviour/s it relates to:

- Discrimination
 Harassment
 Violence
 Sexual Harassment
 Other – Please specify:

Insert your comments here

*If you selected any of the above, you may need to refer the matter to Conduct and Professional Standards (CaPS) or for Corrective Services NSW Employees, the Professional Standards and Investigations branch.

Step 2 – Understand the context of the issue

What is the context of the issue (tick all applicable):

Workplace Practice Issues

- Staff development or training availability
 Rosters or hours of work
 Interpretation or application of policy or procedures
 Problems with the nature of supervision
 Leave allocation
 Transfer or promotion
 Expectation of work outputs (work demands)

Interpersonal Dispute

- Work relationship/interpersonal conflict
 Difference of opinion
 Difference of interpersonal style
 Communication difficulties

- Other Issues** Click or tap here to enter text.

Has the employee attempted to resolve locally? (Tier 1 and Tier 2) Yes No

Is further information required to support you in proceeding with the Workplace Issues Tier 3 process?

Yes* No

*If you answered yes, you may need to seek additional information when meeting and discussing with the person who has submitted the matter, before proceeding with the process.

Step 2 – Risk Assessment

If you believe there is a risk to the safety and wellbeing of employees involved in the workplace issue, additional strategies to manage safety and wellbeing may need to be implemented.

Please contact your People Business Partner representative for assistance and refer to the [MyRecovery information for Managers](#) on reporting an injury, should an injury have been sustained. Reporting must be made within 48 hours of notification.

Step 3 – Conflict of Interest

Managers must self-assess whether any conflict of interest, whether it be actual, potential, or perceived, exists which prevents them from undertaking the role of Workplace Issues Manager.

A conflict of interest exists when a reasonable person might perceive that workers personal interests, family or friendships could compromise or be favoured over their duties in relation to this procedure. For more information and resources, please visit the [Conflicts of Interest](#) page on the DCJ Intranet.

Is there any actual, perceived, or potential conflict of interest which prevents you from being the Workplace Issues Manager:

Yes* No

If **yes**, discuss with your Manager to determine who the appropriate alternative Workplace Issues Manager should be.

Nominated Alternate Workplace Issues manager: Click or tap here to enter text.

Issue referred to nominated Alternate Workplace Issues Manager on Date: Click or tap to enter a date.

Annexure D: Tier 3 Workplace Issues Resolution Report

People involved in the Workplace Issue	
Employee who lodged the workplace issue	Click or tap here to enter text.
Name of Respondent/s	Click or tap here to enter text.
Division/District	Click or tap here to enter text.
Summary of Workplace Issue	
<p><i>Describe the activities undertaken. Identify any documents considered and provide a general synopsis of discussions held with relevant parties.</i></p> <p>Click or tap here to enter text.</p>	
Summary of findings	
<p><i>Provide a comment on each allegation involved in the workplace issue.</i></p> <p>Click or tap here to enter text.</p>	
Proposed resolution strategies	
<p>Note: In instances where the Workplace Issues Manager is not the worker’s direct manager, or where respondent/s are from different teams, appropriate managers should be briefed, with agreement of the involved parties, on resolution steps that require monitoring.</p> <p>Refer to Section 10 Resolution Strategies of the Managing Workplace Issues Procedure to explore potential resolution strategies that can be deployed. Speak to your People Business Partner for advice on appropriate strategies.</p>	
Provide details of the resolution strategies to be deployed and the reason for the recommended strategy:	
Click or tap here to enter text.	
Acknowledgement	
<p>I Click or tap here to enter text. have completed the Workplace Issues Resolution Report based on information provided to me by relevant parties and in accordance with the Managing Workplace Issues Procedure.</p> <p>I confirm a copy of this report has been provided to the relevant People Business Partner for review.</p> <p>Name: Click or tap here to enter text. Position: Click or tap here to enter text. Date: Click or tap to enter a date.</p> <p>Signature:</p>	

Manager Endorsement

I acknowledge that I have reviewed the Workplace Issues Assessment Report and the Workplace Issues Resolution Report and **agree** with the proposed course of action to seek resolution.

Name: Click or tap here to enter text.

Date: Click or tap to enter a date.

Signature:

I **do not support the proposed resolution course of action** as outlined Workplace Issues Assessment Report and Workplace Issues Resolution Report and have referred back to the Workplace Issues Manager for further information.

Outline information/clarification points required:

Click or tap here to enter text.

Name: Click or tap here to enter text.

Date: Click or tap to enter a date.

Signature:

Annexure E: Correspondence template – outcome of a workplace issue matter

How to use this correspondence

Workplace issues managers can use the below correspondence to notify relevant employees of the outcome of a Workplace Issues Matter. This correspondence should be issued after the workplace issues manager has met and discussed the outcomes with relevant parties.

The content below can be copied and pasted to an appropriate format (e.g., email or letter).

Where indicated below, insert data, select, and remove content not relevant for the workplace issues matter.

Subject: Managing Workplace Issues Procedure matter – Outcome

CONFIDENTIAL

Dear **[insert name]**

Thank you for your cooperation throughout the workplace issues process.

Following on from our meeting held on **[insert date]**, this is to confirm that the Workplace Issue matter submitted to me on **[insert date]** has been reviewed in line with the Managing Workplace Procedure.

Findings

Summary of workplace issues matters raised	Workplace issue manager findings
<i>[Insert the workplace issue matters raised as part of the submission]</i>	<i>[Insert response to each matter with reasoning to support your finding]</i>
<i>[Repeat as needed. Press ‘Tab’ to insert more rows.]</i>	<i>[Repeat as needed. Press ‘Tab’ to insert more rows.]</i>

Having reviewed and considered all available information collected throughout the workplace issues process, and following interviews conducted with relevant parties, it is my view that the workplace issues matter:

[Choose one of the following, remove this instruction and red font]

1. Is unsubstantiated due to insufficient information.

As detailed above, there was not enough information or sufficient evidence to support the workplace issue.

While the matter is not substantiated, it is important that workplace interactions and dynamics are addressed to support a safe work environment.

As discussed at our meeting on **[insert date]** the following resolution strategy will be initiated: ***[insert relevant resolution strategy or strategies to be deployed. Refer to the Managing Workplace Issues Procedure or speak to your People Business Partner about appropriate resolution strategies].***

2. Is partially substantiated.

As detailed above, I have determined there is information to support some aspects of the workplace issues matter submitted.

As discussed at our meeting on **[insert date]**, the following resolution strategy will be initiated: ***[insert relevant resolution strategy or strategies to be deployed. Refer to the Managing Workplace Issues Procedure or speak to your People Business Partner about appropriate resolution strategies].***

3. Is substantiated.

As discussed, and detailed above, I have determined there is information to support the workplace issues matter submitted.

As discussed at our meeting on **[insert date]**, the following resolution strategy will be initiated ***[insert relevant resolution strategy or strategies to be deployed. Refer to the Managing Workplace Issues Procedure or speak to your People Business Partner about appropriate resolution strategies].***

As noted under Section 13 of the DCJ Managing Workplace Issues Procedure, you can request an internal review if you believe that the process applied for this workplace issue was not done so in alignment with the principles of the workplace issues procedure. Requests can be submitted using the Workplace Issues Internal Review form and must be made within two weeks of the date of this letter.

I would take this opportunity to remind you that this is a confidential matter and ask that you not discuss this matter with anyone other than your support person/s and/or your People Business Partner. There should be no victimisation or other inappropriate behaviour towards any other workers involved in this matter.

I understand this time may be difficult for you. I would like to remind you of [DCJ's Employee Assistance Program Provider Converge](#), who can provide free short-term counselling for you. Converge also offers [Specialist Helpline](#) services depending on your circumstances. Converge can be contacted on 1300 687 327.

Yours sincerely

Name

Position

Date

Annexure F: Workplace Issues Internal Review Form

Fill out this request form if you would like a workplace issue to be the subject of an internal review.

An internal review of a workplace issue outcome can only be requested where there are grounds to do so. For example, when the procedures followed for managing workplace issues were incorrectly administered or misinterpreted.

Dissatisfaction with an outcome is not on its own grounds for an internal review.

Your details	
Name	Click or tap here to enter text.
Division / Branch	Click or tap here to enter text.
Contact number	Click or tap here to enter text.
Email Address	Click or tap here to enter text.
Provide the name and contact details of the Workplace Issues Manager:	
Click or tap here to enter text.	
Confirm the date you were advised of the outcome to this Workplace Issue:	
Click or tap here to enter text.	
Reasons for requesting an internal review:	
Click or tap here to enter text.	
Please list who was involved in this workplace issue: If you lodged the issue, list the respondent. If you are a respondent, note who lodged the matter. This is so conflicts of interest (if any) can be managed by the reviewing manager.	
Click or tap here to enter text.	

Confirm who you are submitting this review with:

(as per Workplace Issues Procedure, reviewing manager must be a minimum Clerk Grade 11/12 or equivalent)

Click or tap here to enter text.

Supporting Documentation

Please attach any relevant documentation and/or correspondence that supports this request.

If you lodged the matter originally, please attach a copy of your original lodgement (if available).

Acknowledgement and signature

By signing this form, I confirm the information given in this review application is true and correct to the best of my knowledge.

I authorise the internal reviewing manager to collect all available documentation and consult with parties if further information is required.

Signature		Date	Click or tap here to enter text.
Print name	Click or tap here to enter text.		

Annexure G: Correspondence template – Review of a closed workplace issue

How to use this correspondence

Managers appointed to review a closed workplace issues matter can use the below correspondence to notify relevant employees of outcomes. This correspondence should be issued after the workplace issues manager has met and discussed the outcomes with relevant parties.

The content below has scope to apply two outcomes: one where there is no finding or action recommended, another where there is a finding of the Managing Workplace Issues Procedure, and a recommendation to be applied.

The content below can be copied and pasted to an appropriate format (e.g., email or letter).

Where indicated below, insert data, select, and remove content not relevant for the review.

Subject: Managing Workplace Issues Procedure – Request for review outcome

CONFIDENTIAL

Dear **[insert name]**

This is to confirm that the request for review of a workplace issue raised under section 12 of the DCJ Workplace Issues Procedure on **[insert date]** was conducted by **[insert name]** and has now been finalised.

Review process applied.

This review was guided by Section 12 of the Department of Communities and Justice Managing Workplace Issues Procedure, that is, to assess and determine if the workplace issues process was not applied in line with the principles of the Managing Workplace Issues Procedure.

Review findings finding.

On **[Insert date]**, a request for review of a workplace issues matter was submitted.

Workers reasons to support request for review	Response by reviewing manager
<i>[Insert reason provided by worker on the Request for Internal Review Form]</i>	<i>[Insert response to each point by reviewer with reasoning]</i>
<i>[Repeat as needed]</i>	<i>[Repeat as needed]</i>

Having reviewed and considered all related documentation, and following an interview conducted with the original workplace issue manager, it is my view that the workplace issues matter:

[Choose one of the following, remove this instruction and red font]

1. Appropriately adhered to the principles outlined in the Department's Managing Workplace Issues Procedure.

As a result, no further action will be taken in relation to this matter. I would take this opportunity to remind you that this is a confidential matter and ask that you not discuss this matter with anyone other than your support person/s and/or your People Business Partner. There should be no victimisation or other inappropriate behaviour towards any other workers involved in this matter.

As noted under the DCJ Workplace Issues Procedure, you can refer your matter to other external agencies (such as NSW Ombudsman or ICAC) should you not be satisfied with the outcome of this internal review.

2. Did not appropriately adhere to the principles outlined in the Department's Managing Workplace Issues Procedure.

As a result, you will be contacted shortly to be advised of the next steps for this workplace issues matter. I would take this opportunity to remind you that this is a confidential matter and ask that you not discuss this matter with anyone other than your support person/s and/or your People Business Partner. There should be no victimisation or other inappropriate behaviour towards any other workers involved in this matter.

As noted under the DCJ Workplace Issues Procedure, you can refer your matter to other external agencies (such as NSW Ombudsman or ICAC) should you not be satisfied with the outcome of this internal review.

I understand this time may be difficult for you. I would like to remind you of [DCJ's Employee Assistance Program Provider Converge](#), who can provide free short-term counselling for you. Converge also offers [Specialist Helpline](#) services depending on your circumstances. Converge can be contacted on 1300 687 327.

If you have any further questions, please contact me.

Yours sincerely

[Name]

[Position]

[Date]