

## OAK FLATS BOWLING & RECREATION CLUB Ltd

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| <b>OAK FLATS BOWLING &amp; RECREATION CLUB Ltd</b>    |  |                                |              |
| <b>POLICY</b>   | <b>Customer Complaint and Grievance Policy</b>   |                                |              |
| <b>PURPOSE STATEMENT</b>                              | The purpose of this policy is to give clear and precise guidance to all customers, staff and Directors of their obligations and compliance to this policy and various Acts of Legislation when raising and reconciling a complaint or grievance.   |                                |              |
| <b>OBJECTIVE: Members</b>                             | To provide customers a fair and reasonable complaints and grievance process to ensure service failures are recognised, respected and responded too.  |                                |              |
| <b>OBJECTIVE: Directors &amp; Employee Protection</b> | To secure the health and safety of the workers and workplace by providing clear policy on the complaints and grievance process to ensure Directors and Employees are not subject to bullying, harassment, intimidation or discrimination as a result of the work and duties they perform on behalf of the Club.  |                                |              |
| <b>OBJECTIVE: Club</b>                                | To protect the Clubs brand and reputation from being brought into disrepute without adequate attempt at resolution of conflict or grievance as per the procedure in this Policy.   |                                |              |
| <b>SCOPE:</b>   | The Board, members, employees and customers should be aware of the scope of this policy in relation to the various Act of Legislation - both State and Federal. Examples of Legislation that are included in the scope are outlined, but not limited to, those shown in this policy document.  |                                |              |
| <b>Approval:</b>                                      |  |                                |              |
| <b>PREPARED BY</b>                                    | CEO: Matt OHara  | <b>Board Meeting Approval:</b> |              |
| <b>RESPONSIBILITY</b>                                 | Board & CEO  |                                |              |
| <b>Signed for on behalf of the Board:</b>             | <b>Name:</b>   | <b>Signature:</b>              | <b>Date:</b> |
| <b>PREAMBLE</b>                                       |  |                                |              |
|   | <p>It is the Clubs intention to <b><i>Strive for Service Excellence</i></b> in four key areas of Safety; Courtesy; Efficiency; and Comfort &amp; Intimacy. Whilst we certainly aim for perfection, we settle for excellence (<i>courtesy Disney Institute</i>).</p> <p>The Club acknowledges that from time to time our employees will not deliver services and / or products to the standard expected by our customers. In acknowledging this we ask our customers to understand that seeking and expecting perfection is delusional.</p> <p>On the rare occasion that a service failure occurs at our Club our employees welcome the opportunity to resolve the matter as quickly as possible; confidentially and respecting the opinions of all parties involved.</p> <p>As such, the Club requires our customers to adhere to the <i>Policy Procedure</i> contained in this <i>Policy Document</i>.</p> <p>The Club also recognises peoples right to free speech and that our customers will make comments on our products and services from time to time. In accepting admission to membership; entry to the club – both current &amp; future, the Club requires all current and potential customers agree to adhere to the Policy Procedure contained below.</p> <p>If a current or future customer does not wish to adhere to the Complaints and Grievance Policy, they will not be permitted to remain on Club premises and may be subject to disciplinary proceedings under the Clubs Constitution (members).</p> |                                |              |

## The 4 "R" PRINCIPLES under pinning the Customer Complaints & Grievance Policy

Our Club supports the 4R Principles in our Social Media Policy and our Customer Complaints & Grievance Policy. We do so to ensure our customers concerns are reconciled and treated with respect. Also, our staff has a right to work in an environment that is safe, free from harm, harassment & intimidation.

The 4R's are:

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| <b>Respect</b>        | <p>Customer: We ask our customers to recognise that we are only human and we will occasionally make mistakes. Whilst reconciling a complaint or grievance we expect all parties to respect the process and outcomes in a manner that is respectful to each other.</p> <p>Club: We treat complaints with respect and dignity.</p>  |
| <b>Reconciliation</b> | <p>Customer: We ask our customers to reconcile their grievance with the Club in a private and dignified manner.</p> <p>Club: We will follow the complaints procedure and elevate matters to the appropriate management level for reconciliation of the grievance.</p>   |
| <b>Responsibility</b> | <p>Customer: By becoming a member and entering our venue as a visitor our customer agrees to abide by the Policies and Rules of the Club. This includes the Customer Complaints &amp; Grievance policy and Social media Policy.</p> <p>Club: We will ensure compliance with the Social Media Policy; and Complaints and Grievance Policy.</p>   |
| <b>Rights</b>         | <p>Customer: The Club respect our customers' right to free speech.</p> <p>Club: We reserve our right to protect our employees under the WHS Act from those who use social media to harass, intimidate and bully our employees. We reserve our right to defend our reputation and brand from those who demonstrate behaviours and actions that are not consistent with our Complaints &amp; Grievance Policy or Social Media policy.</p> |

## Procedure: Customer Complaints and Grievance Procedure

In accepting admission to membership; entry to the club, a customer (current and potential customers) agree to adhere to the Policy Procedure contained below.

It is the Clubs policy to attempt solve customer disputes, complaints and grievances at the time the complaint, problem or incident occurs. In most cases resolution will occur between the customer and the operation floor staff member. In the event a matter, complaint or incident needs to be elevated the following procedure is required:

1. If a customer is unhappy with the response or outcome after raising the complaint with a floor staff member then they are required to report their grievance immediately to the supervisor on duty. If the customer is not satisfied the outcome and resolution from the Club supervisor; the customer is required to elevate the complaint to the Venue Manager or Operations Manager by telephone or confidential written communication directly to the Club within 5 working days.
2. All complaints or grievances elevated to the supervisor are to be recorded in the Supervisors Report on the day the matter occurred. A recommendation from the Supervisor on any further investigation to be noted in the report and resolution/outcome highlighted;
3. Once received the written complaint will be reviewed by the Operations or Venue Managers and they will complete investigation within 72 hours of notification;
4. The Operations or Venue Manager will personally contact the complainant to resolve the matter. If the customer is not satisfied with the outcome, they, or the Manager can elevate to the attention of the CEO;
5. If the matter cannot be resolved between the CEO and the complainant, the matter can be referred by either party to the attention of the Board;
6. The Club requires the parties to remain confidential about the matters and that no grievances be aired in a public manner before the Club has had an opportunity to resolve the complaint or issue;
7. If a customer chooses to air their grievance in a public manner via social media or other communication options before the Club has reasonably attempted to resolve the matter; then the club reserves the right to take the

following actions:

- 7.1 Commence disciplinary proceedings under the Clubs Constitution;
  - 7.2 Commence legal proceedings to defend the reputation and brand of the Club;
  - 7.3 Refer criminal matters to the relevant authority;
  - 7.4 Issue a barring notice.
8. If the Club, after the customer has followed the complaint & grievance procedure, fails to resolve the customer complaint in a reasonable time frame then the Club acknowledges the customers right to free speech;
  9. A no time is a customer allowed to discuss, mention, name, refer to, or imply to a fellow members or employee in a manner that may harass, bully, intimidate, offend or humiliate; or incite others to do the same.

**Definitions:**

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| Customer               | A member of the Club; or a guest of a member; or a customer of the club; or any other persons who have been admitted to the club premises for any purpose.  |
| Health                 | Means physical and psychological health.  |
| Reasonably practicable | <b><i>reasonably practicable</i></b> , in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters as outlined in the ACT Part 2 (18) |
| Other persons          | Other persons are as defined in the WHS ACT 2011 and for the purpose of this Policy include customers.  |
| Carriage Service       | means a service for carrying communications by means of guided and/or unguided electromagnetic energy.  |

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| <b>SCOPE:<br/>WHS ACT 2011</b> | The scope of this Policy is outlined in various Act of Legislation detailed, but limited to, the items listed below:   |
| <b>WHS ACT 2011</b>            | In accordance with the Work Health and Safety (WHS) ACT 2011, our Club and its Directors; Management and employees recognised their moral and legal obligations under the ACT to secure the health and safety of workers and workplaces. This Policy aims to comply to the following specific objectives of the ACT (but is not limited to) to ensure compliance:  |
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| <b>WHS ACT 2011</b>            | Part 1 3 (1) (a) protecting workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks arising from work; and   |
|                                | The Board and Senior Management understand intimidation by use of social media about work related issues is part of the work boundaries.   |
| <b>WHS ACT 2011</b>            | Part 1 3 (1) (e) securing compliance with the Act through effective and appropriate compliance and enforcement measures; and   |
|                                | The Board and Senior Management commit to apply the appropriate disciplinary procedure to those that use social media and other means to ensure compliance with the ACT.   |
| <b>WHS ACT 2011</b>            | Part 1 3 (1) (f) ensuring appropriate scrutiny and review of actions taken by persons exercising powers and performing functions under the Act; and  |
|                                |  |
| <b>WHS ACT 2011</b>            | Part 1 3 (1) (g) providing a framework for continuous improvement and progressively higher standards of work health and safety, and  |
|                                | The Board and Senior Management will set and review penalties relating to social media harassment and intimidation.  |
| <b>WHS ACT 2011</b>            | Part 1 3 (2) In furthering subsection (1) (a), regard must be had to the principle that workers and other persons should be given the highest level of protection against harm to their health, safety and welfare from hazards and risks arising from work.   |
|                                | The Board and Senior Management commit to the protection of our members and officials when participating in Club sporting activities or the business affairs of the sporting Clubs.  |
| <b>WHS ACT 2011</b>            | Part 2 17 Management of risks<br>A duty imposed on a person to ensure health and safety requires the person:<br>(a) to eliminate risks to health and safety, so far as is reasonably practicable, and<br>(b) if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable.   |
|                                | The Board and Senior Management understand their duty to act and deal with issues, even if it is a fellow Board member or bowling member committing the offence.   |
| <b>WHS ACT 2011</b>            | Part 2 19 Primary duty of care<br>(1) A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of:<br>(a) workers engaged, or caused to be engaged by the person, and<br>(b) workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.<br>(3) A person conducting a business or undertaking must ensure, so far as is reasonably practicable:<br>(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking, and<br>(g) that the health of workers and the conditions at the workplace are monitored for the purpose of preventing illness or injury of workers arising from the conduct of the business or undertaking. |

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|  | <p>Part 2 27 Duty of officers</p> <p>(1) If a person conducting a business or undertaking has a duty or obligation under the Act, an officer of the person conducting the business or undertaking must exercise due diligence to ensure that the person conducting the business or undertaking complies with that duty or obligation.</p>   |
|  | The Board and Senior Management will monitor social media and investigate complaints.   |
|  | <p>Part 2 29 Duties of other persons at the workplace</p> <p>A person at a workplace (whether or not the person has another duty under this Part) must:</p> <ul style="list-style-type: none"> <li>(a) take reasonable care for his or her own health and safety, and</li> <li>(b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and</li> <li>(c) comply, so far as the person is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person conducting the business or undertaking to comply with this Act.</li> </ul> |
|  | <p>Part 2 31/32/33 Failure to comply with health and safety duty—category 1/2/3</p> <p>A person commits a <i>category 1/2/3 offence</i> if—</p> <ul style="list-style-type: none"> <li>(a) the person has a health and safety duty; and</li> <li>(b) the person fails to comply with that duty; and</li> <li>(c) the failure exposes an individual to a risk of death or serious injury or illness.</li> </ul>  |
|  | The Board and Senior Management consider other persons to be members and customers who enter the Club or accept membership.   |
| <b>SCOPE:<br/>Corporations ACT<br/>2001</b>    | <p>180 Care and diligence--directors and other officers</p> <p>(1) A director or other officer of a corporation must exercise their powers and discharge their duties with the degree of care and diligence that a reasonable person would exercise</p>   |
|  | The Board understand their responsibility to act and exercise care.   |
| <b>Corporations ACT<br/>2001</b>               | <p>181 Good faith--directors and other officers</p> <p>(1) A director or other officer of a corporation must exercise their powers and discharge their duties:</p> <ul style="list-style-type: none"> <li>(a) in good faith in the best interests of the corporation; and</li> <li>(b) for a proper purpose.</li> </ul>   |
|  | Each Director understands they must act in the best interests of the company and this may conflict with personal friendships and associations with other members of the Club.   |
| <b>SCOPE:<br/>Customer</b>                     | <p>This Policy applies to all customers of the Oak Flats Bowling &amp; Recreation Club and the Illawarra Yacht Club and persons who have been admitted to the premises for any and all purpose.</p> <p>The Policy also applies to any persons who comments about the Club in a publicly available memorandum; note; advertisement; meme; website; chat room; blog; social media platform; verbal broadcast written communication or any other public forum.</p>   |
| <b>SCOPE:<br/>Club Social Media<br/>Policy</b> | All forms of social media are covered by this Policy. This includes but is not limited to: Facebook; LinkedIn; Twitter; YouTube; Instagram; Snapchat; blogs; forums such as Whirlpool, TripAdvisor; Google Groups; other platforms and personal sites.  |
|  | This Complaints and Grievance Policy is subject to the provisions of the Clubs Social Media Policy.   |
| <b>SCOPE:<br/>Free Speech</b>                  | The Australian Constitution does not explicitly protect freedom of expression. However, the High Court has held that an implied freedom of political communication exists as an indispensable part of the system of representative and responsible government created by the Constitution.  |

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| <b>SCOPE:</b><br><b>Club Constitution</b>             | <b>MISCONDUCT OF MEMBERS</b><br>18. Subject to Article 18A, if any Member shall wilfully infringe, refuse or neglect to comply with any of the Articles of the Club or the By-Laws of the Club or if any Member shall in the opinion of the Board be guilty of any conduct unbecoming of a Member or prejudicial to the interests of the Club such Member may be reprimanded, suspended for such period as the Board considers fit from the exercise of all or any privileges of membership or expelled or otherwise dealt with by resolution of the Board   |
|   | The Board, Management, employees, members and customers should be aware the Policies, Rules and Codes of the Club if breached may be considered conduct unbecoming or prejudicial to the interests of the Club.  |
| <b>SCOPE:</b><br><b>Surveillance Devices Act 2007</b> | 7 Prohibition on installation, use and maintenance of listening devices<br>(1) A person must not knowingly install, use or cause to be used or maintain a listening device:<br>(a) to overhear, record, monitor or listen to a private conversation to which the person is not a party, or<br>(b) to record a private conversation to which the person is a party.   |
|   | 8 Installation, use and maintenance of optical surveillance devices without consent<br>(1) A person must not knowingly install, use or maintain an optical surveillance device on or within premises or a vehicle or on any other object, to record visually or observe the carrying on of an activity if the installation, use or maintenance of the device involves:<br>(a) entry onto or into the premises or vehicle without the express or implied consent of the owner or occupier of the premises or vehicle, or<br>(b) interference with the vehicle or other object without the express or implied consent of the person having lawful possession or lawful control of the vehicle or object. |
|   | 11 Prohibition on communication or publication of private conversations or recordings of activities<br>(1) A person must not publish, or communicate to any person, a private conversation or a record of the carrying on of an activity, or a report of a private conversation or carrying on of an activity, that has come to the person's knowledge as a direct or indirect result of the use of a listening device, an optical surveillance device or a tracking device in contravention of a provision of this Part.  |
|   | 12 Possession of record of private conversation or activity<br>(1) A person must not possess a record of a private conversation or the carrying on of an activity knowing that it has been obtained, directly or indirectly, by the use of a listening device, optical surveillance device or tracking device in contravention of this Part.   |
|   | The Board or Senior Management will refer breaches of the Surveillances Devices Act will be referred to the Police.  |
| <b>SCOPE:</b><br><b>CRIMINAL CODE ACT 1995</b>        | 474.17 Using a carriage service to menace, harass or cause offence<br>(1) A person commits an offence if:<br>(a) the person uses a carriage service; and<br>(b) the person does so in a way (whether by the method of use or the content of a communication, or both) that reasonable persons would regard as being, in all the circumstances, menacing, harassing or offensive.   |
|   | The Board or Senior Management will refer breaches of the Surveillances Devices Act will be referred to the Police.  |
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