

Staff Grievance Resolution Policy and Procedure

Approved by	Council resolution
Responsible Officer	Human Resources Manager
Council Service Unit	Human Resources
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0.1	15/08/2016	Presented to Council	12/08/2016

Purpose

This policy and procedure provides a mechanism by which aggrieved staff may receive prompt, fair and consistent consideration of complaints, to help resolve problems relating to personal interactions within the organisation in a spirit of fairness and co-operation, and to minimise grievances by taking preventative or corrective action.

Scope

This policy and procedure covers everyone working at Gundagai Council ("Council"), including:

- all levels of management;
- all staff including full-time, part-time, casual and temporary employees, trainees and apprentices;
- contractors and consultants; and
- volunteers, including work placement students and employment scheme participants.

This policy and procedure applies to grievances, concerns and complaints about:

- the behaviour of people in the workplace, including discrimination, harassment, sexual harassment, bullying and victimisation as described in the following policies:
 1. Equal Employment Opportunity
 2. Anti-Discrimination
 3. Harassment
 4. Workplace Bullying;
- decisions and decision-making processes; and
- the physical work environment.

Areas covered include:

- a) relations between people in the workplace;
- b) supervision;
- c) performance appraisal process;
- d) allocation of overtime
- e) opportunities for leave;
- f) recruitment, promotions and transfers;
- g) staff development and training;
- h) workload and resource allocation.

This policy and procedure does not apply to:

- a) disputes about awards and agreements; or
- b) disputes about the operational merits of management actions and decisions.
- c) wage and salary levels determined by the Award and Council's Salary Structure;
- d) the equipment and facilities needed to do your job;
- e) aspects of the physical work environment such as furniture and air quality;
- f) Work Health and Safety.

Definitions

Complainant – the person who has a grievance and is making a complaint.

Contact Officer – a person trained to give independent, confidential information to complainants, respondents and witnesses. A Contact Officer does not conciliate, investigate or resolve a grievance.

Grievance – a problem, concern or complaint about work, a person with whom you have contact at work, or the work environment.

Grievance Investigator – the person who takes responsibility for investigating and resolving the grievance in accordance with fair grievance handling principles.

Parties to a grievance – the complainant(s) and the respondent(s).

Respondent – the person to whom the grievance relates or who has had a complaint made against them.

Witness – anyone who can provide information that is relevant to a grievance or its resolution.

Policy

Council is committed to a fair and effective procedure for the resolution of grievances. Council recognises that this procedure is an essential element in maintaining a harmonious working environment. All employees are encouraged to raise work-related grievances for resolution as soon as possible.

4.1 Fair grievance handling principles

Council's grievance procedure is based on the following principles:

(a) Privacy and confidentiality

Privacy and confidentiality must be strictly observed at all times during the grievance process. Information relating to the grievance must only be passed on where necessary to fairly and effectively deal with the grievance.

This applies to everyone involved in each grievance, including the parties involved, witnesses, support people and the people handling the grievance.

Records relating to the grievance must be stored securely and no information about the grievance should be kept on an individual personnel file unless disciplinary action is taken.

A breach of privacy or confidentiality may result in disciplinary action.

(b) Fairness and impartiality

All grievances must be handled fairly and impartially, observing the principles of natural justice and procedural fairness.

This means that:

- any person who is the subject of a grievance (the respondent) is entitled to full details about the grievance, including who has initiated it;
- the respondent must be given a full opportunity to respond to the grievance; and
- the parties to a grievance must have a full opportunity to respond to allegations and statements made by the other party and by witnesses.

If anyone involved in handling a grievance has a bias or conflict of interest that may affect their ability to be fair and impartial, they must declare this to the parties and to human resources. One or both of the parties may also perceive a bias or conflict of interest even if the person handling the grievance does not. In these cases, the grievance should be handled by someone else.

(c) Freedom from victimisation

Victimisation is when a person is harassed, treated unfairly or intimidated because they have lodged a grievance, assisted someone else with a grievance or been a witness in a grievance investigation.

Council will take all reasonable steps to prevent the victimisation of anyone connected with a grievance. Victimisation constitutes a breach of this policy and will result in disciplinary action.

(d) Timeliness

All reasonable steps will be taken to ensure that grievances are handled as quickly as possible. The longer a grievance takes to resolve, the harder it is to maintain confidentiality, the more stress the parties will be under and the harder it will be to reach a positive outcome.

(e) Ease of use and trustworthiness

This policy and procedure must be up to date, accessible to everyone working at Council, and properly implemented. This means that:

- this policy and procedure will be readily accessible to everyone working at Council and will be kept in Council's Policy Register and available in staff rooms. Council will take all reasonable steps to ensure that the contents of this policy and procedure are understood by everyone working in the organisation;
- employees who are responsible for handling grievances will be given suitable training;
- Council will train Contact Officers to provide independent information and support to people who are considering lodging a grievance, people who are party to a grievance and people involved in their handling;
- all complaints will be handled in accordance with this policy and procedure;

- compliance with this policy and procedure will be monitored by the General Manager or delegated officer; and
- this policy and procedure will be reviewed at least every four years.

(f) Seriousness and sensitivity

All grievances will be taken seriously and handled with sensitivity, taking into account the individual background and values of each party and any differences between them.

4.2 Contact Officers

Council will train Contact Officers to assist all the parties to a grievance. They will be volunteers who work in a variety of positions and at different levels of seniority.

A Contact Officer does not conciliate, investigate or resolve a grievance. Their role is to give independent, confidential information to complainants, respondents and witnesses.

This information can cover Council's policies and procedures, options for tackling the problem and where to go for more help or information. Contact Officers can also help people to consider their options and prepare for meetings relating to the grievance.

Council's Contact Officers are:

- Any Supervisor of staff
- Members of the Consultative Committee

4.3 Internal and external support

Both parties to a grievance have the right to have a support person of their choice at meetings relating to the grievance. Contact Officers can act as a support person, but only if there is no-one else available who is suitable.

The support person can provide moral support and discuss the meeting with the party afterwards, but they cannot represent or advocate for the party. They must maintain the confidentiality and privacy of the grievance procedure.

The parties to the grievance can contact an external agency for information, advice or help at any time during the grievance procedure. They can also do this if they are unhappy with the way the grievance has been resolved.

Agencies that may be able to help are listed in Appendix 6.1.

4.4 Malicious and vexatious complaints

Council encourages employees to raise all genuine concerns. Employees should not be put off from raising concerns because they are afraid that they may be wrong or they won't be able to prove their claims.

However, making allegations that are not true, or making a complaint solely to cause trouble for others, may be serious misconduct. Employees making such malicious and vexatious complaints will be subject to disciplinary action.

If it is alleged during the grievance procedure that the grievance is malicious or vexatious, this will be

investigated at the same time as the original grievance.

