



Policy Title: GRIEVANCE POLICY

Policy Type: HUMAN RESOURCE
 (Statutory, Financial, Administrative, Human Resources)

Policy Number: HR006

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1. Policy Background/Scope

The procedures outlined in this policy aim to achieve consistent treatment in the handling of personal grievances in the workplace and provide a procedure to follow in the event a personal grievance arises.

This policy replaces all other personal grievance policies of Aurukun Shire Council.

This policy applies to employees of Aurukun Shire Council. It does not form part of any employee's contract of employment.

Aurukun Shire Council may at its sole discretion, on a case by case basis, alter the manner in which the process outlined in this policy is conducted to ensure it suits the particular grievance.

2. What is a Grievance?

A grievance is any type of problem, concern or complaint related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee that the employee thinks is unfair or unjustified.

A grievance can relate to almost any aspect of employment, for example:

- Safety in the workplace
- Staff development or training
- Leave allocation
- Supervision
- Rosters or hours of work
- Performance appraisal
- Transfer or promotion
- Wage or salary levels

3. Dealing with Personal Grievances

Aurukun Shire Council recognises that an employee may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, Aurukun Shire Council will endeavour to provide a fair and just working environment, by aiming to ensure that employees have access to processes for the resolution of genuine personal grievances related to the workplace.

As such, Aurukun Shire Council will use its reasonable endeavours to:

- encourage staff to come forward with personal grievances;
- deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance; and
- have managers and supervisors seek to prevent and resolve personal grievances.

Where a personal grievance arises, Aurukun Shire Council will endeavour, if appropriate, to resolve the dispute in line with the following procedure:

3.1. Preliminary Step

If the employee feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The employee may find the other person was not aware of their grievance and the matter can be resolved directly.

If the employee does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance to an Aurukun Shire Council contact person. The contact persons include:

- Human Resource Manager
- Workplace Health & Safety Officer.

After reporting a personal grievance, the contact person will use reasonable endeavours to conduct an initial meeting with the employee to:

- obtain information about the employee's personal grievance and what they consider will resolve it;
- explain how the personal grievance procedure works;
- decide if they are the appropriate person to handle the grievance. This includes considering whether they have the necessary authority and can deal with the grievance in an impartial manner. If the contact person feels they cannot effectively handle the employee's personal grievance, they will refer the matter to another more appropriate supervisor.

Where it is not practical to conduct such a meeting, the contact person may carry out these steps by telephone or written correspondence.

Once the employee has reported the matter to a contact person, that person may commence one of the procedures outlined below that is regarded as suitable for dealing with the grievance.

3.2. Informal procedure

The informal procedure involves a range of informal actions to resolve the grievance. The action taken will depend on the individual circumstances of the grievance. Possible actions include, but are not limited to:

- the contact person discussing the issue with the person against whom the complaint is made; and/or
- The contact person facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

Many personal grievances are able to be resolved through the informal procedure. However, in circumstances where the contact person considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the formal procedure.

3.3. Formal procedure – Investigation

If the grievance is not able to be resolved through the informal procedure or the informal procedure is not appropriate, the formal procedure may be commenced.

The formal procedure involves a formal investigation of the grievance and a decision about appropriate actions and outcomes.

The investigation generally involves collecting information about the grievance and then making a finding based on the available information. Once a finding is made, the contact person or an external investigator will make recommendations about the grievance.

3.4. Referral to external mediator

Where all parties to the grievance (including Aurukun Shire Council) agree that mediation may be appropriate in resolving the grievance, the grievance may be referred to an external mediator

3.5. Work to continue

Work will continue as normal while a personal grievance is being dealt with under this policy. All persons affected by the grievance are expected to co-operate with Aurukun Shire Council to ensure the efficient and fair resolution of the grievance.

3.6. Treatment of employees who make complaints

Appropriate action, including management or disciplinary action, will be taken against any employee who victimises or retaliates against an employee who has made a complaint.

Appropriate action, including management or disciplinary action, will also be taken against any employee found to have knowingly made a false or vexatious complaint.

4. Confidentiality

The contact person will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees or workplace participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the grievance.

All employees and workplace participants involved in the grievance must also maintain confidentiality, including the employee who lodges the complaint. The complainant may discuss the grievance with a designated support person or representative (who is not an employee employed or engaged by Aurukun Shire Council). However, the support person or representative must also maintain confidentiality.

If a person breaches confidentiality, they may be subject to discipline or litigation.

5. Documentation

Where considered appropriate, agreed resolutions of personal grievances arising from the informal procedure may be recorded and signed by all parties. Generally, it will not be necessary to put records of a personal grievance on an employee's personnel file, unless there is some disciplinary action taken as a result of the grievance. A record of any disciplinary action that is taken arising from a formal investigation will be placed on the personnel file of any person who is disciplined.

6. Access to support and representation

The employee can seek advice from their manager, supervisor or a support person at any stage during the grievance process. The employee can bring a support person to a grievance meeting if so desired.

7. Possible Outcomes

The outcomes will depend on the nature of the grievance and the procedure followed to address the grievance. Where an investigation results in a finding that a person has engaged in conduct in breach of an Aurukun Shire Council policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance and other relevant factors. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected person(s) and Aurukun Shire Council.

Aurukun Shire Council may take a range of other non-disciplinary measures to resolve a grievance. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.