Individual Grievance Resolution Procedure

Approving authority	Director, Human Resources
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Document URL	http://policies.griffith.edu.au/pdf/Individual Grievance Resolution Procedure.pdf
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Description	This document provides a summary of the procedures that are designed for the resolution of grievances about decisions or actions that adversely affect staff members.

Related documents

Code of Conduct
Conflict of Interest Policy
Delegations Policy
Delegations Procedure
Delegations Register
Griffith University Academic Staff Enterprise Agreement 2012-2016
Griffith University General Staff Enterprise Agreement 2012-2016
Griffith University Privacy Plan
Information Technology Code of Practice
Resolution of Complaints of Harassment, Bullying or Discrimination Procedures
Right to Information website

External Links:

Fair Work Commission

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1. INTRODUCTION

These procedures are designed for the resolution of grievances about decisions or actions that adversely affect staff members or other matters about which they are aggrieved within the University.

The University is committed to ensuring a fair and just workplace by ensuring staff members have access to processes that allow them to resolve legitimate complaints in a supportive environment.

2. SCOPE

This procedure applies to all staff members.

3. APPLICATION

Conciliation and negotiation are the guiding principles of this procedure. The objective is to resolve matters in a timely fashion and as close as possible to the source, while ensuring equity and due process in that resolution.

It is not intended that all workplace disagreements will be the subject of these procedures; they are intended for use where a staff member has not been able to satisfactorily resolve a problem by raising the matter, attempting to understand the alternative points of view and fully discussing their perspective with the relevant parties to the grievance.

They are also not intended for, and cannot be applied to, matters where the University is required by legislation or workplace agreement to use other procedures.

For the purpose of this procedure a grievance does not arise if the subject of the complaint relates to:

1) policies and/or procedures of the University
2) policies in which an alternative review procedure takes the place of this procedure e.g. discrimination, sexual and other harassment; relocation; and redeployment and redundancy.
3) staff appointments
4) performance review
5) promotion and tenure
6) general staff classifications and reclassifications
7) Academic Studies Program (ASP) decisions
8) awards of research and other grants
9) procedures within, or decisions resulting from these grievance procedures.

These grievance resolution procedures shall also not be used to challenge decisions of University Council, industrial and employment legislation and regulations, or workplace agreements.

4. GENERAL PRINCIPLES

Where a University decision, action or inaction gives rise to a grievance, the University will consider refraining from implementing the decision or continuing the action during the period from the notification of the grievance until finalisation. If a grievance is upheld, and the University has continued with the action that gave rise to the grievance, the University will consider what recompense, if any, should be made to the staff member.

Where two or more staff members believe they have a common problem this may, at their request, be dealt with as a single grievance in these procedures.

Where a staff member or nominated representative acting on behalf of the staff member and the Director, Human Resources (HR) agree, the grievance procedure may begin at the third level.

The time limits set out in these procedures may be extended by mutual agreement.

These procedures do not pre-empt, limit or delay the parties to the grievance rights to pursue other avenues for resolution of grievances such as direct application to the Fair Work Commission and the Australian Human Rights Commission. Where alternative avenues are used, the staff member will no longer have access to these grievance procedures for that particular matter.

Settlements reached through the grievance process shall not constitute precedent.

At any stage of the grievance process a staff member may choose to be represented by a nominated representative who can be a staff member or an officer or employee of the Union and is not currently practicing as a solicitor or barrister.

The principles of natural justice apply and will guide the application of these procedures.

4.1 Protocol

All parties to the grievance will ensure confidentiality is maintained throughout the entire grievance process.

All parties to the grievance will be informed orally and in writing where indicated of:

- the nature of the complaint
- the steps taken or to be taken to resolve the complaint; and
- the outcome of the process.

4.2 Record Keeping

Accurate and appropriate records will be kept by the person/s responsible at the particular level during the process. These records will be forwarded to the Director, HR within 5 working days of resolving or attempting to resolve the grievance.

When the process is complete all records will be kept by HR and filed in the staff member's file.

5. PROCESS

The grievance procedure has five levels. Time limits are set at each level to ensure speedy resolution of issues, and processes must be completed within these time limits unless the parties to the grievance agree otherwise.

5.1 Level One

Where a staff member wishes to raise a grievance the staff member shall, in the first instance, raise the matter verbally with the person who has made the decision or undertaken the action causing the grievance (the respondent). This must be done within 10 working days of the decision being communicated or the action occurring.

The respondent shall attempt to resolve the grievance and make a full verbal response to the staff member not later than 5 working days from when the matter was first raised.

Where the staff member and the respondent agree, they may request the Director, HR to provide a Conciliator to assist in resolution.

5.2 Level Two

If the matter remains unresolved, or if there is not a reply from the respondent within the time agreed, the staff member should approach the Head of Element about the grievance. The Head of Element shall attempt to resolve the grievance. The grievance may be referred to the Director, HR for conciliation if the grievance is with the Head of Element. Resolution or referral shall occur within 5 working days.

Parties to the grievance must be given access to all relevant information and documentation, excepting material that is exempt under the Right to Information (RTI) legislation.

The nature of the complaint, the steps to be undertaken to resolve the complaint and the outcome of any meetings should be communicated to both parties to the grievance in writing by the Head of Element to ensure mutual and agreed understanding.

5.3 Level Three

If the matter is not resolved by the Head of Element or the Head of Element did not convene a meeting within the agreed time frame, the staff member must explore conciliation processes.

The staff member shall inform the Director, HR of the grievance in writing. The Director, HR will arrange for appointment of a Conciliator within 5 working days; and the Conciliator will seek to resolve the grievance within 10 working days by mediating between the parties to the grievance.

The Conciliator will provide written communication about the nature of the complaint, the steps to be taken to resolve the complaint and the outcomes of the mediation processes to both parties

to the grievance. A summary of these will be provided to the Director, HR by the Conciliator at the conclusion of the process, regardless of the outcomes.

5.4 Level Four

If agreement has not been reached through conciliation or if a timely meeting was not convened, the staff member must advise the Director, HR in writing of the unresolved grievance if this has not already been done by the Conciliator.

Upon such notice the Director, HR will establish a Grievance Investigation Committee (Committee) comprising a staff member nominated by the Director, HR and a staff member nominated by the relevant Union after consultation with the affected staff member.

The Committee will investigate the matter and report within 15 working days from the date the grievance was first referred to the Committee. In carrying out its investigations, the Committee shall have access to relevant information, records and persons, other than material exempt under Right to Information (RTI). In circumstances where access to this data is essential in properly considering the grievance, the Chief Operating Officer may make this material available.

The Committee shall provide a written report to both parties to the grievance. A copy of the report shall be provided to the Director, HR. The Chief People Officer will forward a recommendation, along with the report of the Committee to the Provost for academic staff matters and the Chief Operating Officer for general staff matters. The Provost or the Chief Operating Officer will make a decision on the grievance having due regard for the report of the Committee and the recommendation of the Chief People Officer. The aggrieved staff member and other relevant parties will be advised of the decision.

5.5 Level Five

Where the grievance is not resolved at level four or if a timely reference was not made to the Grievance Investigation Committee, the staff member may seek a recommendation on the matter from the Fair Work Commission (FWC). The staff member must notify the FWC of a dispute within 10 working days of receipt of the Provost or Chief Operating Officer decision otherwise the decision at Level 4 will be final and binding.

6. DELEGATED AUTHORITIES

The delegate is as listed in the Delegations Register, as amended from time to time.