

## Purpose

This procedure explains what to do if you have a grievance about anything to do with work. A grievance means any type of problem, concern or complaint about work or the work environment. For example, you could have a grievance about:

- Transfer or promotion
- Rosters or hours of work
- Wages or salary levels
- Leave allocation
- The work environment
- Safety in the workplace
- The nature of supervision
- Performance appraisal; and/or
- Discrimination, bullying or harassment

Council has developed policies that set standards and guidelines about how we expect managers and supervisors to make decisions on such things as leave allocation, promotion, training and development.

Council has an EEO Management Plan and a Bullying & Harassment Policy which set standards of behaviour for everyone at Greater Hume Shire Council. You can find copies of all of these policies in the policy folder at each depot, on Infoxpert/ Subject Files/Corporate Management/ Policy/ Corporate Polices or by contacting the HR Officer.

If you have any type of problems, concern or complaint about work or the work environment, you are encouraged to use this grievance procedure to enable Council to resolve the issues as quickly as possible.

## Scope

## Definitions

## Policy Content

The Greater Hume Shire Council is committed to resolving grievances wherever possible through mediation, consultation, cooperation and discussion. This policy sets out rights, responsibilities and procedures pertaining to all parties to grievance dispute.

## Important Points About Our Grievance Procedure

**Confidential** – only the people directly involved in the grievance, or in resolving the issue, can have access to information about your grievance. Information only goes on an employee's personnel file if they are disciplined as part of sorting out the grievance.

**Impartial (fair)** – all sides get a chance to tell their side of the story. No-one makes any assumptions or takes any action until all relevant information has been collected and considered. All sides have access to support or representation if they want or need it.

**Free of Unfair Victimisation** – it is against the law for anyone to victimise anyone else because they complained about harassment or victimise anyone else because they supported someone who complained about harassment. Any victimisation will be disciplined, however if you lie about someone you too can be disciplined.

**Resolved With a Minimum of Fuss** – we aim to resolve all grievances at the lowest level possible with the minimum amount of fuss. In many cases, grievances can be sorted out by agreement between the people involved with no need to disciplinary action.

**Sensitive** – the people who help sort out grievances have been specially trained to treat all grievances sensitively. You will not be laughed at or treated badly for making a grievance, or for explaining your side of the story.

**Timely** – we aim to deal with all grievances as quickly as possible. There are time limits for the different stages. We aim to resolve all grievances within four weeks if at all possible. Most grievances can be sorted out even faster than this.

### Responsibilities

The General Manager, Directors, Manager, Overseers, Gangers, Leading Hands and Supervisors must do their best to prevent harassment happening within their teams. If you hold a supervisory position you must:-

- Make sure all the people you supervise understand this policy
- Know the arguments supporting this policy so that you can deal effectively with any questions or concerns from the people you supervise
- Be a good role model – do not engage in any behaviour which could be interpreted as harassment
- Make it clear to all those you supervise that you will not tolerate any harassing behaviour from any of them
- Ensure that your team's working environment is free of sexist, racist, or any other type of stereotyping material, posters, screen savers etc.
- Follow up any staff/team behaviour changes that could mean that harassment is going on, or that anyone has a harassment grievance
- If you are introducing a new staff member into your team that person is treated in accordance with Council's Bullying & Harassment Policy and EEO Management Plan.
- Ensure that your team members know that you want to hear from them immediately if they experience any harassment that they cannot resolve themselves
- Ensure your staff are aware of who they can contact in relation to this grievance procedure.
- Act immediately if you witness or are told about any harassment by following the instruction in Council's Grievance procedure and accompanying guidelines.

### WHAT TO DO IF YOU HAVE A GRIEVANCE

Resolving a grievance should be done as soon as possible. If you can, try to resolve it yourself with the person or people involved.

If you are not sure how to resolve the grievance yourself or you just want to talk confidentially and obtain more information about what your options are for resolving a grievance, talk to the Contact Officer.

If you are unable to resolve the grievance yourself, discuss with your Supervisor/Manager, another Supervisor/Manager in Council or the Human Resources Officer. This should be done as soon as possible and all the details regarding the grievance should be documented (normally within 2 days). The Manager/Supervisor, Human Resources Officer should have the grievance resolved within two working days of your discussion.

If you are not satisfied with the way the grievance has or is being resolved, you can appeal to the Manager/Director of the person resolving the grievance or any other more senior staff member of Human Resources. This should be done as soon as possible and the aim is to have any appeal resolved as quickly as possible.

If you are still not satisfied, you can get advice from any relevant external agency; eg

- NSW Anti Discrimination Board
- Human Rights and Equal Opportunity Commission
- NSW Industrial Relations Commission

Each agency will tell you what their time limits are.

### What Will a Grievance Contact/Support Officer Do?

Grievance contact/support officers are employees who have been specifically trained to help anyone who has, or thinks they may have a grievance.

A contact/support officer can give you confidential advice about the best way to tackle your problem and where you can go if you need more help. A contact/support officer is not allowed to investigate or resolve your grievance. However, they can go with you to see someone who can resolve it for you.

### What Will The Person I Ask To Resolve My Grievance Do?

Wherever practical, within two working days of you approaching them they will:

- Get full information from you about your grievance and what will resolve it in your perspective
- Explain how the rest of the grievance procedure works (including what will be done to protect you from victimisation); they will also refer you to people who can provide you with support or representation, if you need either of these; and
- Decide if they are the appropriate person to continue handling the grievance – they may be too junior in the hierarchy, too biased or seen to be too biased, to resolve the grievance. If they cannot resolve it, they will refer you to another appropriate Supervisor/Manager/Grievance handler. That person will talk with you and then continue the process as described below.

***Wherever practical, within two working days of your interview with them, they will;***

- Put the information they have received from you to the person/people you are complaining about and get their side of the story.

***Wherever practical, within one week of interviewing the person/people you are complaining about, and no later than four weeks from the date you first approached the grievance handler they will;***

- Review the matter/s alleged in your grievance and decide if disciplinary action is required

### **What Are The Possible Outcomes**

- The staff member resolving the grievance will establish if they now have enough information to know whether the matter/s alleged in the grievance did or didn't happen
- If they don't have enough information to know whether the matter/s alleged in the grievance did or didn't happen, and the allegation or counter-allegation is serious enough to be disciplinary, they may need to speak to witnesses. If there are no witnesses, they may need to refer the grievance to senior management to decide what to do about it;
- If they decide to speak to witnesses, they will do this very carefully, so as not to breach confidentiality. They will not speak to any more witnesses than they need to speak to;
- Decide how the grievance should be resolved (sorted out) and let everyone involved know. They will do this in the following way:
  - **when the grievance involves an allegation of a non-disciplinary or minor disciplinary nature, and the main facts are not in dispute**, they will 'mediate'. This means they will help you and the other person or people involved come to a joint agreement about how the grievance should be resolved;
  - **when the grievance involves an allegation of a non-disciplinary or minor disciplinary nature and the main facts are in dispute**, they will:
    - tell you and the other person/people involved about what might have happened had the grievance been proven one way or the other
    - warn you and the other person/people involved about the disciplinary consequences of any further victimisation
    - tell you and the other person/people involved about your right of appeal
    - consider the need for staff training in particular policies or standards
    - monitor developments
  - **when the grievance involves an allegation of a more serious nature** they (or a more senior manager) will establish whether, on the 'balance of probability', the unjustified treatment, discrimination or harassment did or did not happen. They will then make a management decision about how the complaint should be resolved. This will usually involve a disciplinary measure against one or more employees. The type of discipline will obviously depend on the level of breach/problem that has happened. Discipline could range from a verbal apology for a less serious incident, though to dismissal for a very serious incident or series of incidents. Discipline will be imposed in a fair and consistent manner across the organisation:(refer to Council's Performance & Misconduct Policy).

Consideration will be given to the need to utilise a mediator to assist everyone to adjust to working effectively together. The outcome will be monitored for the following 3 (three) months to ensure there are no further repercussions.

### The Outcomes

**Joint Agreement** - as explained above, many grievances will be able to be settled by joint agreement between the people involved in the grievance.

No records or notes will be placed on personnel files. The contact/support officer and person who handled the grievance will write a confidential report. This report will be filed in a confidential grievance filing system with Human Resources. Only senior managers and the human resource officer will have access, and only when necessary.

**Not enough proof to be able to act** – if there is not enough proof to work out who is telling the truth, no disciplinary action will be taken. Instead, we may decide to:

- monitor the persons involved and;
- consider wider staff training on the particular policy or process involved.

Any person involved in the grievance has the right to appeal. The contact/support officer and person who handled the grievance will write a confidential report. This report will be filed in a confidential grievance filing system within human resources.

**Disciplinary Action** – if the person resolving the grievance decides that there has been a breach of one of Council's policies or processes, Council may discipline the person or people who breached the policy or process.

If the person who raised the grievance is found to have raised a grievance that is vexatious or untrue, they will be disciplined.

The level of discipline will depend on such things as:

- the seriousness of the breach
- intent
- previous breaches

Discipline could involve one or more of the following:

- counselling
- an official warning
- loss of promotion rights or wage/salary increases for a specific period
- transfer or demotion
- dismissal

### Appeals

If you are unhappy with the way that the grievance is being, or has been, handled you can appeal to another more senior manager within Council. The person who handles an appeal will generally 'rehear' the grievance, by going through the same steps as the person who handled the original grievance. However, they may decide to interview more witnesses if they think they will be able to assist in resolving the grievance.

The original decision may be confirmed or it may be overturned.

In addition, if they believe any contact/support officer or the original grievance handler mishandled the grievance in a way that breaches this grievance procedure, they may recommend disciplinary action against that person.

### **Who Else Can Help**

At any time during a grievance you are involved in you can get legal advice from your union representatives or any other legal representative. If you want to bring a union or legal representative to any grievance meeting you can do this.

You can also get confidential support and advice from any of the contact or support officers at any time during the grievance. You can get advice from one of these people if you are the person who has the grievance or if you are the person who has been 'accused' of doing something wrong.

In addition, at any time during your grievance you have the right to contact an external agency for advice or help. You can also do this if you are unhappy with the way the grievance has been resolved.

### **CONTACT OFFICERS:**

### **Links to Policy**

- [Grievance Policy & Procedure](#)
- [Grievance Policy Procedure](#)
- [Performance & Misconduct Policy](#)
- [Code of Conduct](#)
- [Employee Assistance Program](#)
- [EEO Management Plan](#)

### **Links to Procedures**

### **References**

#### **NSW Anti-Discrimination Board**

Level 4, 175 Castlereagh Street  
SYDNEY NSW 2000  
Enquiry Line (02) 9268 5544  
Web: [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au)

#### **Human Rights and Equal Opportunity Commission**

Level 3, 175 Pitt Street  
SYDNEY NSW 2000  
Telephone: (02) 9284 9600  
Complaints Infoline: 1300 656 419

## Industrial Relations Commission

Phone: 131 628 (anywhere within NSW)

**Language assistance** - telephone 131 628 and ask for an interpreter in your language.

## Head Office

McKell Building  
2-24 Rawson Place  
SYDNEY NSW 2000

## Responsibility

Director Corporate & Community Services

## Relevant Legislation

Local Government State Award 2010

## Associated Records

## Document Control

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