
Staff Grievance Procedure

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1.0 Purpose

This procedure provides the provisions available to staff at EIT to resolve any grievance as quickly as possible. It defines the steps to take for managing staff grievances to facilitate a prompt, fair and effective resolution.

2.0 Scope

This procedure applies to all members of staff during their period of employment with EIT. Grievances must be lodged as soon as possible after the grievance occurs, and within any timeframes set down by relevant legislation.

This procedure and associated policy cannot be used to make a complaint about provisions in an Enterprise Agreement or award; workers compensation matters; investigations by external authorities; and application of EIT's policies, unless the policy or procedure has not been followed and the staff member has been unduly disadvantaged as a result.

3.0 Overview

Staff may seek information and advice from the Human Resources Manager at any time. Staff will need to continue to work during a staff grievance procedure and work in accordance with directions from their supervisor or another nominated supervisor if the grievance is with the supervisor.

The supervisor and Human Resources Manager will determine if the complainant may need referral to other professionals such as counsellors and medical practitioners.

4.0 Implementation

There are two key types of resolution: informal and formal. Within these types of resolution are a number of stages, which will be initiated depending on the stage at which a resolution is agreed.

The following types of resolution and stages should be followed to resolve the grievance, noting that where informal resolution is not possible, then the stages of formal resolution will need to be initiated.

4.1 Informal Resolution

The complainant may seek to resolve the issue with the respondent directly with the aim of resolving the matter as soon as possible and reaching an acceptable outcome that minimises any degradation to ongoing harmonious working relationships.

However, the complainant or respondent is not compelled to use the informal process. In such cases, they have the option of proceeding immediately to a formal process.

The informal process is preferred, where appropriate, to:

- Resolve cases where behaviour may have been unintentional to prevent 'labelling'.
- Avoid lengthy formal proceedings
- Use a consultative, teaching approach to raise awareness and prevent further issues.

The stages of the informal process are:

1. Approach the respondent

- a. Ask or tell the person to stop the behaviour
- b. Seek advice from the Human Resources Manager on how to approach the matter

2. Approach the respondent's supervisor or manager

- a. Make an informal grievance to the respondents' manager or other senior staff member
- b. The respondent has 5 working days to provide a response to the manager
- c. The complainant considers the response and either considers it satisfactory or proceeds to informal conciliation

3. Informal conciliation

- a. Meeting with the claimant and respondent in an attempt to achieve agreed outcomes. The aim is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.
- b. If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the Human Resources Manager to proceed to the formal resolution process.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process.

The timeframe for resolving the grievance through the informal resolution process should be timely and not exceed 15 working days, unless there are circumstances that warrant further time, such as persons being unavailable due to leave and other such circumstances. Further time may be negotiated between all parties, up to 20 working days, after which the complaint should be withdrawn or the formal resolution process invoked.

4.2 Formal Resolution

The complainant is encouraged to seek advice from the Human Resources Manager regarding the process for formal resolution of the grievance.

Complainants and respondents are encouraged to seek the support of another party to assist them during the process. All parties are notified that the grievance is confidential and that they are protected from victimisation.

If the grievance has already undergone an informal resolution process, then the Human Resources Manager may decide that the formal resolution process will proceed immediately to the investigation stage, after lodgement of the relevant form.

The stages of the formal resolution process are:

1. **Conciliation** – aims to reach a resolution that is agreed by both parties via discussion and not via the submission of evidence.
 - a. Lodgement of form with the Human Resources Manager by the complainant
 - b. The Human Resources Manager forwards the grievance to the respondent and asks them to respond within 5 working days regarding commencing a conciliation process.
 - c. Discussions are initiated and a facilitator appointed. All parties are advised that their statements will be confidential and without prejudice, if they agree to proceed. Meetings with the claimant and respondent commence within 5 working days, either individually or together, in an attempt to achieve agreed outcomes. The aim of a group meeting is to provide an opportunity to air the grievance and permit a response to the allegations, via a facilitated discussion.
 - d. Proposed resolution
 - If a resolution is agreed, then both parties will sign a statement advising that the grievance has been resolved. The resolution may include further actions such as counselling; relevant training; or other agreed actions. Parties should be advised that victimisation or any means or reprisal is unacceptable and could invoke disciplinary action.
 - Monitoring of outcomes agreed should be actioned by the Human Resources Manager, complainant's supervisor and/or respondent's supervisor to ensure compliance with any agreed actions.

If the complainant or the respondent is not satisfied with the outcome, they may lodge a request to the Human Resources Manager to proceed to the investigation stage.

2. Investigation – aims to determine findings of fact to result in recommended actions to resolve the grievance.

- a. Lodgement of written reasons of outstanding concerns and documentation regarding facts
- b. Human Resources Manager to appoint investigators within 5 days of receipt of notice, who have no prior knowledge of grievance
- c. Investigators to commence interviews with complainant within 5 days of appointment, and prepare written record of interview to send to respondent, within 5 days of interview.
- d. Investigators to interview respondent within 48 hours of receipt of written grievance, to obtain their response.
- e. Further interviews to proceed, as required over a 15 working day period, with the complainant, respondent and other witnesses.
- f. Preparation of report by the investigators, within 5 working days after the last interview, including recommendations for the Governance Board to consider.
- g. A decision will be made by the Governance Board within 5 working days of receipt of the report, together with a written report of the decision sent to the complainant and respondent. The decision may be either to uphold the grievance or to dismiss the grievance if it cannot be substantiated. Further disciplinary action may be taken against the complainant if the grievance is found to be vexatious or against the respondent if the grievance is upheld.
- h. The Human Resources Manager will ensure that the recommendations of the investigation are implemented and that all materials related to the grievance are held on a confidential staff file.

4.3 Review by External Authority

If the parties are not satisfied with the outcome decided by the Governance Board, they may seek a review by the Ombudsman.

5.0 Definitions

Complainant(s) - the staff member(s) who has/have lodged a grievance

Grievance - complaint by a staff member about a problem or concern in relation to something affecting his or her employment or activities with EIT, which the staff member seeks to resolve. It does not include matters pertaining to performance management, development and promotions; changes to workplace processes and restructuring; work allocations and instructions conducted in accordance with policies and procedures, and in an appropriate manner; and grievances initiated under an external process such as legislative provisions.

Natural Justice Principles: The principles of natural justice that decision makers under this policy must follow can be broadly summarized as follows:

- All parties to the matter(s) in dispute, including respondent(s), shall have a right to be heard before a decision is made, including the right to respond to any statements or evidence that may prejudice their case.
- All relevant submissions, information and evidence to be considered by the decision-maker should be disclosed, where requested, to all parties to the complaint prior to the hearing. Matters that are not relevant shall not be taken into account by the decision-maker.
- The decision maker/s shall not be biased or appear to be biased (by a reasonable and informed bystander) nor have a vested interest or personal involvement in the matter being considered.
- In addition to these principles of natural justice, there should be no undue delay in responding to complaints or appeals and all parties to such matters under this policy shall have the right to a representative of their choice, other than a currently practicing solicitor or barrister (except in extraordinary circumstances at a hearing with the prior leave of the Chair)

Representative - another member of staff, a union representative, or another person to provide support, provided that the representative is not a currently practicing solicitor or barrister

Respondent(s) - one or more persons who are alleged to have caused the staff member's grievance

6.0 Related policies and procedures

The following policies and procedures are related to this policy:

- Staff Grievance Policy

7.0 Accountabilities

The Governance Board is responsible for review and approval of this policy.

The policy is to be implemented via induction and training of staff and distribution to EIT's community via the website and other publications.