

HOPE VALE

Grievance and Dispute Policy

Document Control

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1	19 March 2018		Council Resolution
1	2 November 2022		Council Resolution

ABORIGINAL
SHIRE COUNCIL

PURPOSE OF POLICY

The procedures outlined in this Policy aim to achieve consistent treatment in the handling of grievances or disputes in the workplace and provide a procedure to follow in the event that a workplace grievance or dispute arises.

COMMENCEMENT OF POLICY

This Policy will commence from 1 January 2023. It replaces all other grievance dispute policies and procedures of Hope Vale Aboriginal Shire Council (Council) (whether written or not).

APPLICATION OF THE POLICY

This Policy applies to employees of Council. This Policy does not form part of any employee's contract of employment. The Policy is not intended to override the terms of any award, certified agreement or contract that applies to an employee.

Council undertakes to regularly review this policy to take account of changes in legislation, activities, services and products. As a result of this review, changes may be made to this policy from time to time and all employees and contractors are required to comply with those changes.

POLICY STATEMENT

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, 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 grievances or disputes related to the interpretation or implementation of the Queensland Local Government Awards (Award/s) or any other industrial matter, as defined under the *Industrial Relations Act 2016*.

As such, Council will use its reasonable endeavours to:

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

Where a grievance or dispute arises, Council will endeavour, if appropriate, to resolve the matter in line with the following procedures:

Summary of Council's Grievance and Dispute Procedure – Award Matters	
Stage 1	<p>The matter is to be discussed by the employee's union representative and/or the employee/s concerned (where appropriate) and the immediate supervisor in the first instance.</p> <p>The discussion should take place within 24 hours and the procedure should not extend beyond 7 days.</p>
Stage 2	<p>If the matter is not resolved in Stage 1, it shall be referred by the union representative and/or the employee/s to the appropriate management representative who shall arrange a conference of the relevant parties to discuss the matter.</p> <p>This process should not extend beyond 7 days.</p>
Stage 3	<p>If the matter remains unresolved, it may be referred to the employer for discussion and appropriate action.</p> <p>This process should not exceed 14 days.</p>
Commission Involvement	<p>If the matter is not resolved then it may be referred by either party to the Commission.</p>

Summary of Council's Grievance and Dispute Procedure – Disputes Other Than Award Matters (Industrial Matters)	
Stage 1	<p>Report the grievance to management</p> <p>In the first instance the employee shall inform their immediate supervisor of the existence of the grievance and they shall attempt to resolve the grievance. It is recognised that an employee may exercise the right to consult such employee's union representative during the course of Stage 1.</p> <p>After reporting a personal grievance, the immediate supervisor will use reasonable endeavours to conduct an initial meeting with the employee to:</p> <ul style="list-style-type: none"> • obtain information about the employee's grievance or dispute and what they consider will resolve it; • explain how the grievance and dispute 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 immediate supervisor 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 immediate supervisor may carry out these steps by telephone or written correspondence.
Stage 2	If the grievance remains unresolved, the employee shall refer the grievance to the next in line management ("the manager"). The manager will consult with the relevant parties. The employee may exercise the right to consult or be represented by such employee's representation during the course of Stage 2.
Stage 3	If the grievance is still unresolved, the manager will advise the employer and the aggrieved employee may submit the matter in writing to the employer if such employee wishes to pursue the matter further. If desired by either party the matter may also be notified to the relevant union.
Other Actions	<p>Referral to investigator</p> <p>Council may appoint another person to investigate the grievance or dispute. Such investigator may be internal or external to Council. In selecting an appropriate investigator, Council will consider conflicts of interest and any impact of personal bias.</p>
Commission Involvement	If the grievance or dispute is not settled, the matter may be referred to the Commission by either the employee, their representative or Council.

1. OTHER PROCEDURAL ISSUES

1.1 Work to Continue

Subject to legislation and the Award/s, work will continue as normal while a grievance and/or dispute is being dealt with under this Policy, unless there is a genuine safety issue. All persons affected by the grievance are expected to co-operate with Council to ensure the efficient and fair resolution of the grievance.

1.2 Victimisation

Disciplinary action may be taken against any person who victimises or retaliates against a person who has lodged or is involved in a grievance or dispute matter under this Policy. Such action may include termination of employment.

1.3 Confidentiality

Any persons, including representatives, involved in the grievance and/or dispute must maintain confidentiality, as far as possible. However, it may be necessary to speak with other employees or workplace participants to obtain information to allow the grievance and/or dispute to be investigated or addressed.

If an employee breaches confidentiality, they may be subject to disciplinary action.

1.4 Access to support and representation

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

1.5 Possible Outcomes

The outcomes will depend on the nature of the grievance and/or dispute. Where an investigation or workplace review determines that an employee has breached legislation, Council policy or Code of Conduct, disciplinary action may be taken.

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

- (a) amendment of an interpretation of an entitlement or condition under the Award/s;
- (b) training to assist in addressing the problems underpinning the grievance or dispute;
- (c) monitoring to ensure that there are no further problems; or
- (d) implementation of a new policy, procedure or work method.

VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

ASSOCIATED DOCUMENTS

- Code of Conduct for Employees
- Performance, Misconduct and Discipline Policy
- Work Health and Safety Policy
- Anti-Discrimination, Workplace Bullying and Harassment Policy