

## **Grievance Procedure Policy**

<b>Policy Reference Number:</b>	2.9
<b>Classification:</b>	Legislative
<b>First Issued/Approved:</b>	May 2009 (Res. 304/2009)
<b>Review Frequency:</b>	After the general election – every 4 years
<b>Last Reviewed:</b>	12 August 2014 (Res 40/2015) 13 January 2015 (Res 269/2015) 12 February 2019 (Res 318/2019) 12 February 2020 (Res 232/2020)
<b>Next Review Date:</b>	December 2022
<b>Responsible Officer:</b>	Chief Executive Officer
<b>Applicable Legislation:</b>	<i>Local Government Act 1999</i>
<b>Relevant Policies:</b>	
<b>Related Procedures:</b>	
<b>Compliance Standard:</b>	

### **Policy Statement**

The District Council of Robe 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 a grievance dispute.

### **Application**

This policy applies to Council employees and volunteers and covers situations in the definition of “grievance” set out below. Complainants should also refer to Council’s Equal Employment Opportunity Policy and Harassment Policy for additional guidance. Complaints dealing with corruption or criminal activity are covered by Council’s Whistleblower’s Protection Policy.

### **Definitions**

**Grievance:** A grievance is any work-related disagreement, complaint or matter which someone thinks is unfair or unjustified and which is causing that person concern or distress. Grievances can relate to almost any aspect of employment including:

- (a) transfer and promotion
- (b) rosters
- (c) leave application
- (d) work environment
- (e) safety in the workplace
- (f) performance appraisal
- (g) discrimination
- (h) harassment

**Discrimination:** Unequal treatment or opportunities. Discrimination may be direct, indirect or systemic.

**Harassment:** Any unwelcome, offensive comment or action concerning a person’s race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction. It is behaviour towards another employee which is intimidating or embarrassing and adversely affects the work environment.

### **General Principles**

Council is committed to resolving grievances wherever possible through mediation, consultation, cooperation and discussion. General principles are:

- (a) All grievances will be handled with utmost confidentiality. Only people directly involved will have access to information about the complaint.

- (b) All procedures will be impartial. No assumptions will be made and no action will be taken until all relevant information has been collected, investigated and considered.
- (c) Council is committed to ensuring that no repercussions or victimisation will occur against anyone who makes a complaint.
- (d) Complaints will be dealt with in a timely manner.
- (e) Seeking redress of a trivial or vexatious issue through a grievance procedure will not be tolerated.

## **Rights**

### Employees Making a Complaint

All employees have the right to:

- (a) Make a complaint to his/her line manager/supervisor, Chief Executive Officer or a person at an appropriate level within the organisation.
- (b) Have their grievance considered fairly.
- (c) Keep notes, copies of written documents or diary record of all incidents and any responses, including dates, times, witnesses and other details.
- (d) Seek advice or assistance from a union or professional association.
- (e) Seek advice from, or complain to, an external body such as the Equal Opportunity Commission.

### Employees that are the Subject of a Complaint

A person who is the subject of a complaint has the right to:

- (a) Be informed verbally of what behaviour they are being accused of.
- (b) Respond to the allegations and cite witnesses if appropriate.
- (c) Fair treatment and procedures.
- (d) Be heard by an unbiased person.

## **Responsibilities**

### Chief Executive Officer and Managers

The Chief Executive Officer and Managers will:

- (a) Ensure that all employees are aware of the procedures set out in this policy;
- (b) Be responsible for handling serious and complex grievances which are referred by line managers/supervisors or brought directly to them by employees.

### Line Managers/Supervisors

Line Managers and Supervisors:

- (a) Will ensure that all employees are aware of the procedures set out in this policy;
- (b) Are the first point of receipt and will be responsible for investigation and resolution of staff grievances wherever possible.

## **Grievance Procedure**

- ⌘ In general, the grievance should first be discussed with the appropriate line manager/supervisor for resolution. This would not apply where the issue directly relates to the activities of the line manager/supervisor.
- ⌘ If the grievance cannot be resolved at the initial stage, then the employee should submit a written Grievance Statement to the line manager/supervisor or Chief Executive Officer where the issue directly relates to the activities of the line manager/supervisor.
- ⌘ On receipt of the Grievance Statement the line manager/supervisor should obtain the facts, clarify issues and then discuss findings with the employee lodging the grievance.
- ⌘ A written record of the complaint should be taken by the line manager/supervisor. This Officer should also talk to the other person/ persons involved separately and impartially, and where agreement as to resolution is reached, the Investigator should follow up the situation to ensure what has been agreed upon occurs. The complainant should be advised of progress within seven days of the receipt of the complaint.
- ⌘ Where a manager/supervisor believes they cannot handle the grievance objectively, or where they lack the authority to resolve the particular complaint, they may refer the matter to the Chief Executive Officer.

- ⌘ If a grievance remains unresolved, it will be referred to the Chief Executive Officer or to a mutually agreeable third party for mediation/arbitration.
- ⌘ Union or professional association assistance can be sought to assist resolution at any step of the procedure.
- ⌘ Grievance Statements, reports and results will be placed in the personnel file of the employee concerned. The employee has the right to sight and sign all such documents.

### **Qualified Privilege**

- (a) An employee who raises a grievance is protected against defamation by the defence of qualified privilege, provided the grievance is raised in accordance with this policy and does not intentionally make a malicious or substantially frivolous complaint.
- (b) An employee who carries out a grievance investigation and resolution in accordance with this policy, or an employee who is required to prepare a report concerning another employee is protected against any action for defamation by the defence of qualified privilege provided that:
  - (i) They act in accordance with established procedures
  - (ii) They are not motivated by malice, and
  - (iii) They do not provide such material to persons who have no legitimate interest in receiving it.

### **Non-Compliance with this Policy**

Failure to comply with the terms of this policy may result in disciplinary procedures and/or dismissal.

### **FURTHER INFORMATION**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: [www.robe.sa.gov.au](http://www.robe.sa.gov.au)

Royal Circus, Robe SA 5276

Copies will be provided to interested parties upon request. Email [council@robe.sa.gov.au](mailto:council@robe.sa.gov.au)

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

### **POLICY REVIEW**

This policy may be amended at any time and must be reviewed at least every four years since its adoption (or latest amendment).