

# POLICY

<b>TITLE:</b>	GRIEVANCE POLICY		
<b>DIVISION:</b>	OPERATIONS		
<b>ADOPTED BY:</b>	CEO		
<b>DATE OF ADOPTION:</b>	26 April 2023	<b>DATE OF REVIEW:</b>	26 April 2028
<b>POLICY NUMBER:</b>	HR12		
<b>LEGISLATIVE REF:</b>	<i>Section 173(1), 167(b)(c)(j) of the Local Government Act 2019</i> <i>Sections 5C (1)(2) of the Public Sector Employment and Management Act 1993</i>		

**THIS POLICY APPLIES TO: All Council employees**

## 1. INTRODUCTION

### 1.1 Purpose

Barkly Regional Council (BRC) is committed to promote efficiency and effectiveness among its employees through the successful, equitable and speedy resolutions of grievance. No employee will be victimised for having lodge a grievance and grievances are not to be malicious and are to be lodged in good faith. Natural justice and procedural fairness will apply in handling of a grievance.

## 2. SCOPE

This policy refers to the grievance resolution for all Council employees.

## 3. RESPONSIBILITIES

### 3.1 All employees

- engage in a grievance management and resolution process in good faith, respecting the confidentiality of the process and its outcomes
- make a genuine and reasonable attempt to resolve grievances as promptly and informally as possible
- continue to undertake work as directed by a manager, principal or supervisor (except in the case of a genuine safety issue)
- have the right to be supported by a person of their choosing, and be represented by a union representative or member of a professional association
- be responsible for their workplace conduct
- must not unreasonably refuse to participate in the management of their grievance, or understand that their grievance may not proceed.

### 3.2 Additional responsibilities for employees submitting an individual employee grievance

- submit the grievance in writing as soon as reasonably possible on the correct form after the administrative decision, or alleged conduct/behaviour has occurred, and after informal resolution has been unsuccessful, if appropriate in the circumstances
- provide sufficient information to enable the department to take appropriate action.

### 3.3 Additional responsibilities for managers, principals and supervisors

- proactively identify and effectively manage workplace issues in accordance with the Natural Justice and procedural fairness
- create a safe environment to conduct courageous and supportive conversations
- respond to, manage and resolve grievances in a manner that:
  - considers human rights and the principles of natural justice
  - protects the privacy of the employee (subject to any legal disclosure obligations, such as the requirement to provide natural justice to the subject of the grievance).
- ensure employees are aware of their entitlement to a support person, union representative or member of a professional association
- ensure employees are aware of the professional counselling services available to all employees
- deal simultaneously with multiple grievances about related matters wherever possible
- ensure all relevant records are maintained in relation to the grievance
- provide regular and timely information regarding any progress in the grievance matter to the relevant parties
- where a perceived or real conflict of interest is identified in the management of a grievance, the grievance must be referred to another appropriate officer.

## 2. GRIEVANCE PROCESS

Prior to submitting a grievance, employees must, where appropriate, make a genuine and reasonable attempt to resolve the grievance as early and informally as possible. Where this does not result in satisfactory resolution, or where informal resolution is not appropriate, the employee may pursue the matter through the process outlined below.

### 2.1 Stage 1: Local Action

- An employee must submit their grievance in writing to the Director of Corporate Services, Chief Executive Officer or delegate as soon as reasonably possible.
- The written grievance must on the appropriate form and:
  - include sufficient information to enable the Local Decision Maker to make an informed decision and take appropriate action
  - outline any action the employee considers would resolve the grievance; and
  - the informal steps the employee has already taken to resolve the individual employee grievance.

*If the written grievance does not include this information, the employee may be asked to provide it.*

- To assist in the resolution of a grievance, an employee may:
  - invite a support person to attend any scheduled meetings in relation to the grievance
  - access the Employee Assistance Program (EAP)

- A Local Decision Maker will be appointed to undertake action to resolve the grievance. This action may include, but is not limited to:
  - conducting preliminary enquiries to determine appropriate options for resolution;
  - considering human rights impacts for all persons involved and ensuring decisions are compatible with human rights as defined in the HR Act;
  - arranging alternative dispute resolution strategies including facilitated discussion, mediation, conciliation or negotiation;
  - gathering information, including from witnesses; and/or
  - taking other reasonable action in the circumstances.
- If the Local Decision Maker determines that the grievance would meet the threshold for discipline the Local Decision Maker will liaise with the Human Resources team regarding a referral of the matter to be managed in accordance with the respective directives.
- When the Local Decision Maker is reasonably satisfied that the grievance submission is vexatious or the employee has unreasonably refused to participate in any resolution, the Local Decision Maker may decide to take no further action. The Local Decision Maker must provide their reasons to the employee in writing.
- The Local Decision Maker must make a decision about a grievance as soon as possible, or within 28 calendar days of receipt of the written grievance (or from the date that the information required to submit a grievance is received from the employee), unless an extension has been mutually agreed. A party to the grievance is not to unreasonably withhold their agreement.
- The Local Decision Maker must provide a written decision (including a decision to take no action) to the aggrieved employee outlining:
  - any actions taken to manage the grievance and the outcome of these actions;
  - the reasons for the decision (including reasons for a decision to take no action);
  - the employee’s right to an external review by Fair Work Australia.
- The Local Decision Maker must retain a copy of the decision in the appropriate record management system.

**Approved/Not Approved**

Russell Anderson  
A/Chief Executive Officer

26 / 4 /23