

## STAFF GRIEVANCE PROCEDURE

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## 1. Purpose

The aim of these guidelines are to achieve consistent treatment in the handling of personal grievances in the workplace and provide a procedure to follow in the event a personal grievance arises.

## 2. Scope

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

## 3. Definitions

Item	Definition
<i>Workplace participants</i>	Employees, prospective employees, agents and contractors (including temporary contractors) of APIC

## 4. What is a Grievance?

A grievance is any type of problem, concern or complaint related to an employee's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, that the employee thinks is unfair or unjustified.

A grievance can relate to almost any aspect of employment, for example:

- Safety in the workplace
- Staff development or training
- Leave allocation
- Supervision
- Rosters or hours of work
- Performance appraisal
- Transfer or promotion
- Wage or salary levels

## 5. Dealing with Grievances

APIC 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, APIC 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 personal grievances related to the workplace.

As such, APIC will use its reasonable endeavours to:

- encourage staff to come forward with personal grievances;
- deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;

- encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance; and
- have managers and supervisors seek to prevent and resolve personal grievances.

Where a personal grievance arises, APIC will endeavour, if appropriate, to resolve the dispute in line with the following procedure.

## 6. Staff Grievance Procedures

### 6.1 Preliminary Steps

#### 6.1.1 Attempt to resolve the grievance directly

If the employee feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The employee may find the other person was not aware of their grievance and the matter can be resolved directly.

#### 6.1.2 Report the grievance to management

If the employee does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance in the first instance to their line-manager.

After reporting a grievance, the line- Manager will use reasonable endeavours to conduct an initial meeting with the employee to:

- obtain information about the employee's personal grievance and what they consider will resolve it;
- explain how the personal grievance procedure works; and
- 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 line-manager feels they cannot effectively handle the employee's personal grievance they will refer the matter to the HR Manager or another more appropriate supervisor.

### 6.2 Step 1 - Informal Procedure

A range of informal actions can often resolve the grievances. Such actions will depend on the individual circumstances of the grievance. Possible actions include, but are not limited to:

- the line-manager discussing the issue with the person against whom the complaint is made; and/or
- the line-manager facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

Many personal grievances are able to be resolved through the informal procedure. However, in circumstances where the line-manager considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the next stage – more formal procedures.

### 6.3 Step 2 - Formal Procedures

The step involves a formal investigation of the grievance and a decision about appropriate actions and outcomes. In the first instance, this will be undertaken by the HR Manager.

The investigation generally involves collecting information about the grievance and then making a finding based on the available information. Once a finding is made, the HR Manager will make recommendations about the grievance.

### 6.4 Step 3 – Appeal

If the employee is dissatisfied with the outcome of the formal investigation, they may appeal the decision to the President.

### 6.5 Referral to an external mediator

Where all parties to the grievance (including APIC) agree that mediation may be appropriate in resolving the grievance, the grievance may be referred to an external mediator.

## 7. Possible Outcomes

The outcomes will depend on the nature of the grievance and the procedures followed to address the grievance. Where an investigation results in a finding that a person has engaged in conduct in breach of a APIC Policy, that person may be disciplined. The type and severity of disciplinary action will depend on the nature of the grievance and other relevant factors.

Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in instant dismissal. Any disciplinary action is a confidential matter between the affected person(s) and APIC.

APIC may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:

- training to assist in addressing the problems underpinning the grievance;
- monitoring to ensure that there are no further problems;
- implementing a new policy;
- requiring an apology or an undertaking that certain behaviour stop; and/or
- changing work arrangements.

## 8. Other Procedural Issues

Work will continue as normal while a personal grievance is being dealt with under these guidelines. All persons affected by the grievance are expected to co-operate with APIC to ensure the efficient and fair resolution of the grievance.

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

### 8.1 Confidentiality

The line-manager and/or HR Manager will endeavour to maintain confidentiality as far as possible. However, it may be necessary to speak with other employees or workplace

participants in order to determine what happened, to afford fairness to those against whom the complaint has been made and to resolve the grievance.

All employees and workplace participants involved in the grievance are required to also maintain confidentiality, including the employee who lodges the complaint. The complainant may discuss the grievance with a designated support person or representative (who is not an employee employed or engaged by APIC). However, the support person or representative is also required to maintain confidentiality.

If a person breaches confidentiality they may be disciplined.

## 8.2 Documentation

Where considered appropriate, agreed resolutions of personal grievances arising from the informal procedure may be recorded and signed by all parties. Generally, it will not be necessary to put records of a personal grievance on an employee's personnel file, unless there is some disciplinary action taken as a result of the grievance. A record of any disciplinary action that is taken arising from a formal investigation will be placed on the personnel file of any person who is disciplined.

## 8.3 Access to support and representation

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

# 7. Document Change Control

Version	Change Description	Date	Author
1.0	Policy Review Cycle update	9 December 2016	Corinne Green