

# Procedure: Staff grievance resolution

## Purpose

This document provides support to the staff grievance resolution policy and outlines University and individual responsibilities in relation to the management and resolution of staff grievances.

## Definitions

**Grievance** means any type of problem, concern or complaint relating to a staff member's employment conditions and may include an act, omission, situation, or decision in which the staff member perceives to be unfair or unjustified.

**Grievance Handler** is normally the supervisor or manager of the staff member lodging a grievance; this person is responsible for reviewing the grievance in accordance with the provisions of this procedure. Where the supervisor/ manager is the focus of the grievance, an alternative Grievance Handler may be appointed from another area of the University.

**Reviewer** is normally the College Dean; Division Director; or Head of Hall (or equivalent office holder) responsible for reviewing a grievance outcome or process in accordance with the provisions of the procedure.

## Procedure

### ANU approach to grievance resolution

#### Early resolution

1. It is acknowledged that there may be circumstances where a staff member feels aggrieved by behaviours or decisions taken by others within the workplace. It is expected that, wherever possible and appropriate, staff will resolve concerns or difficulties directly with the person(s) involved in an open, candid and constructive manner. Where this approach does not resolve the concerns, a staff member may lodge a grievance, in accordance with the provisions of the procedure.
2. Where a staff member has a grievance, it is expected that the staff member will raise the concern(s) with their supervisor, or the supervisor's supervisor, as soon as practicable. The supervisor will initiate discussions with the staff member and the aims of such discussions will be to determine whether a genuine grievance exists; gather information (as required) to assist with the resolution of the grievance; and

resolve the grievance, or arrange mediation or conciliation in an attempt to resolve the grievance.

3. Where a staff member brings a serious issue to the notice of a supervisor or manager, even if not lodging a formal grievance, the supervisor or manager is required to clarify the issue and follow up to resolve the matter effectively. It is not necessary for a staff member to formally lodge a grievance to prompt a supervisor or manager to act, where a concern is serious in nature and warrants intervention.
4. It is anticipated that effective local action focussed around early intervention and conciliation will prevent the need for more formal processes to resolve grievances. It is acknowledged that in some cases the lack of early intervention and/or effective conciliation may itself be the prompt for a formal review rather than the original grievance.
5. A staff member who feels that the grievance has not been resolved through early resolution may initiate a formal grievance in accordance with this procedure.

### **Principles for managing grievances**

6. The University expects that grievances will be lodged promptly and not after a lengthy delay or in relation to matters that would reasonably be seen as historical. The University will manage grievances sensitively and as quickly as possible by the University's responsible officers. Unless otherwise stated, timeframes provided in this procedure are a guide and matters will vary due to complexity.
7. The parties involved in grievances are expected to participate in good faith, have regard to facts, policies, procedures, and the particulars of the circumstances. Grievances will be reviewed in the spirit of achieving resolution, procedural fairness, sensitivity to the parties and confidentiality.
8. Where a grievance is serious in nature or highly complex/technical, the University may appoint two people to review a grievance collaboratively. In such circumstances, one reviewer is likely to be the staff member's supervisor or manager - effectively authoritative on the norms and standards of a discipline or division, and a second person from an alternative area of the University likely to be knowledgeable about administrative issues, including processes of procedural fairness. Where two people are reviewing a grievance, and where possible, there will be a gender balance.
9. Where a grievance is raised against a supervisor or manager, the relevant Dean or Director will appoint someone outside the reporting line to undertake either conciliation or to review the grievance. The Director - Human Resources is available to provide advice about the options and probity of these matters, when appropriate, and may intervene to appoint a person for this role.

10. Supervisors, managers, otherwise appointed Grievance Handlers, and Reviewers who are untrained or inexperienced in managing staff grievances; or where a matter is technical, difficult or sensitive (particularly in the areas of bullying, discrimination or harassment), should seek advice and/or guidance from local HR Managers or Human Resources Division staff.
11. Action will not be taken under the grievance resolution procedures in regard to anonymous grievances. Where appropriate, actions may be taken under the public interest disclosure procedure.
12. Personal disappointment with the determination and recommendations of a Grievance Handler will not normally be sufficient reason to warrant a further review.

## **Record keeping**

13. Notes should be taken at all stages of the grievance resolution process, including where a staff member raises a concern and the supervisor or manager intervenes to resolve it without otherwise receiving a formal grievance document.
14. Records or notes made by the supervisor, manager, or other parties tasked with resolving a staff grievance, and copies of relevant communication during the grievance resolution process should be stored on a confidential University file.
15. For statistical purposes and trend analysis, the University may require persons facilitating grievance resolution to keep data on the number and type of grievances and report this to the Director Human Resources.

## **Stages of formal grievance resolution**

### *Stage One - Formal grievance*

16. Where a grievance has not been resolved through the early resolution process detailed in clause 1 to 4, a staff member may formally request that their supervisor or manager (hereafter called the Grievance Handler) take action to review and resolve the grievance in accordance with stage one – formal grievance resolution.
17. In cases where the supervisor or manager is the focus of the grievance, the staff member may seek advice from the School Manager, College General Manager (or equivalent), or the local HR Manager on how best to proceed. In some cases, the University may appoint a Grievance Handler from another area of the University.
18. In submitting a formal grievance, the staff member must specify in writing:
  - what the grievance is, identifying the facts and issues; and
  - an indication of what resolution is being sought (for example: discontinuing certain behaviour, apology from a staff member).

19. Within two (2) working days of receiving a formal grievance, the Grievance Handler will clarify the details of the grievance with the staff member and, where appropriate, subsequently advise any other parties to the grievance of the particulars of the grievance.
20. Within a further ten (10) working days, the Grievance Handler will ascertain the nature and merits of the grievance, providing all relevant parties with information and the opportunity for input, maintaining impartiality in an effort to understand the issues as seen by the various parties. The Grievance Handler will gather any documentation or supporting material and take such notes as necessary to objectively represent the issues.
21. The Grievance Handler will attempt grievance resolution, often through conciliation, at which time if successful the matter will be deemed resolved. Where conciliation does not provide grievance resolution, the Grievance Handler may make a determination in accordance with clause 22 (below).
22. The Grievance Handler will make a determination based upon the material gathered as to the merits of the grievance and make recommendations on options to resolve the grievance. Options may include:
  - Dismissal of the grievance, through the affirmation of the decisions and actions that prompted a grievance;
  - Referral of the grievance to an alternative University process (where appropriate);
  - recommending one or more parties apologise;
  - requesting parties seek mediation;
  - recommending performance discussions occur; or
  - recommending training or further development to mitigate against certain issues or behaviours.
23. In some cases discipline action or criminal investigations may be warranted and the grievance will be referred for further action in accordance with the appropriate process.
24. The findings and recommendations of the Grievance Handler are to be communicated in writing to the staff member who lodged the grievance and other parties, if appropriate.

#### *Stage Two - Review of formal grievance resolution*

25. Subject to the completion of stage one, where a staff member is not satisfied that the recommendations made at stage one resolved the grievance, the staff member

may seek a review of the grievance outcome or process with the College Dean, Division Director, or Head of Hall (hereafter referred to as the Reviewer). A request for review must be lodged within five (5) working days of the Grievance Handlers written advice.

26. The staff member must lodge the request for a review in writing, stating:

- how or why the process at stage one did not resolve the grievance; and
- what remedy the staff member seeks.

27. Within two (2) working days of receiving the request for review, the Reviewer will have clarified the details of the staff member's dissatisfaction with the initial grievance determination, and, where appropriate, subsequently advise any other relevant parties of the particulars of the review.

28. Within ten (10) working days, the Reviewer will assess the process that was followed during stage one to determine the merits of the initial grievance, providing the opportunity for any additional input, and maintaining an open mind. The Reviewer will re-assess any documentation or supporting material and may seek further material (if required).

29. Having regard to the original facts, issues and any additional information provided or discovered, the Reviewer will decide if the initial determination of the grievance was valid or should be set aside. However, it is not intended, that the Reviewer intervene to overturn a finding of the Grievance Handler unless the Reviewer has found that there has been a significant flaw or other serious error in the process followed at stage one. In some cases, the Reviewer may require the Grievance Handler to conduct the stage one process again, giving guidance on the process. Alternatively, the Reviewer may request that an alternative Grievance Handler conduct the stage one process again.

30. The decision and recommendations of the Reviewer are to be communicated in writing to the staff member who lodged the request for review and other parties, if appropriate.

### *Stage Three - Final review*

31. In cases where a grievance is against a senior staff member of the University, or where a staff member remains dissatisfied with the determination after stage two, a review may be lodged with the Director - Human Resources.

32. The staff member must lodge the request for a stage three review in writing, stating:

- the facts and issues with the process followed during stage one and stage two, stating how and why the previous stages have failed to resolve the grievance

OR, where the matter relates to a grievance against a senior staff member of the University: what the grievance is, identifying the facts and issues;

- what remedy the staff member seeks.

33. In the case of review of previous stages, the staff member's request must be lodged within five (5) working days of the Reviewer's written advice.

34. Within two (2) working days, the Director - Human Resources will clarify the details of the grievance against a senior staff member or the dissatisfaction with the earlier stages and, where appropriate, subsequently advise any other parties of the particulars of the stage three review.

35. Within ten (10) working days, the Director - Human Resources will assess the details or process that occurred during stage one and stage two, to determine the merits of the grievance, providing the opportunity for any additional input, and maintaining impartiality and confidentiality. The Director - Human Resources (or nominee) will assess/re-assess any documentation or supporting material and seek further material, as required.

36. Having regard to the facts, issues and any additional information provided or discovered, the Director - Human Resources will make a determination on the grievance or review of the earlier stages.

37. The Director - Human Resources may make a determination for an original grievance involving a senior staff member. Where the matter pertains to the review of findings from stage one or two, it is not intended that the Director - Human Resources will overturn a finding unless a flaw in process or other serious error has been identified. In some cases, the Director - Human Resources may require a Grievance Handler, or Reviewer to conduct their part of the grievance resolution process again, giving guidance if appropriate. Alternatively, the Director - Human Resources may request that an alternative Grievance Handler or Reviewer conduct the process, and this may include referring the matter to an external mediator or consultant.

38. The decision and recommendations of the Director – Human Resources will be communicated in writing to the staff member who lodged the request for review and other parties, if appropriate.

## Document information

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