

Grievance Resolution Procedure

TABLE OF CONTENTS

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1.	Purpose	3
2.	Overview	3
3.	Roles and Responsibilities	3
4.	Process.....	4
5.	Related policies.....	7
6.	Supporting information/websites.....	7
7.	Legislation.....	7

1. Purpose

This procedure applies to all Department of Education (DoE) employees. This procedure sets out a consistent approach to managing grievances in a fair and timely manner, to facilitate a harmonious and professional working environment across DoE consistent with the DoE's Grievance Resolution Policy.

2. Overview

The considerations and actions that must be undertaken to effectively resolve a grievance include: an initial determination on pursuing the grievance; the roles and responsibilities of the employees, managers and supervisors, witnesses and support person; the informal and formal grievance resolution process; potential outcomes of the review and expectations of confidentiality. If any person is aggrieved by the decision there is a process for pursuing a review of the grievance as detailed within this document.

3. Roles and Responsibilities

3.1 Employees

- Have a responsibility to take appropriate action to effectively resolve conflict informally at the local level wherever possible;
- Are required to cooperate fully with any grievance process initiated (informal and formal) and are to avoid creating unnecessary delays;
- Are required to maintain appropriate confidentiality in all matters relating to the grievance resolution process;
- Are not to raise malicious and/or vexatious grievances;
- Have a responsibility to engage in any recommendations implemented following the grievance resolution process.

3.2 Managers and Supervisors

- Have a responsibility to promptly and efficiently deal with inappropriate behaviour in the workplace;
- Are required to maintain appropriate confidentiality in matters relating to the grievance resolution process;
- Have a responsibility to respond promptly and appropriately to any grievances brought to their attention;
- Are required to support employees in the resolution of grievances and ensure the grievance resolution process is applied;
- Must treat all employees fairly and impartially throughout the grievance resolution process;
- May need to give consideration as to whether the working arrangements of employees should be varied until the grievance is resolved, based on the nature and circumstances of the grievance.

3.3 Witnesses

- Where witnesses are contacted and agree to provide evidence, it is expected that witnesses will provide their evidence impartially and in good faith.
- Generally, witnesses will be asked to provide evidence either in writing or at an interview. Interviews will be recorded and transcribed, with a copy of the transcription being provided to the witness for their approval and signature.
- Any witness evidence provided during the course of the investigation will be provided to both parties to ensure a fully transparent and procedurally fair process.

- Where evidence has been provided, in good faith, to the person investigating the grievance, all steps will be taken to ensure there is no retaliation from any of the parties involved in the matter.
- Additional advice on the role, responsibilities and expectations of witnesses can be obtained from Workplace Relations by calling 61 65 6252.

3.4 Support Person

- Grievances, by nature, can be stressful to all parties involved. Support is available to all employees via the [Employee Assistance Program \(EAP\)](#) who can be contacted 24 hours a day, 7 days a week on free-call 1300 687 327.
- Individuals involved in the grievance resolution process may be represented or assisted by a person of their choosing at any stage throughout the process. The support person can be a union representative, friend, work colleague (provided that colleague is not directly involved in the grievance, ie as a witness), general practitioner, psychologist, family member, etc.
- The support person is able to provide emotional support to the employee and may assist in discussions (for example where the employee does not speak English well), take notes and provide advice. The support person may assist the employee in understanding the process and any questions being asked of them as well as help the employee formulate their response to questions asked. Breaks may be called for during meetings and/or interviews to allow for the support person to provide support and advice to the employee.
- Individuals involved in the grievance resolution process may also speak to their Principal/Manager/Supervisor (if appropriate) to discuss possible support options within the workplace (e.g. leave options, work environment, etc.) whilst the matter is being resolved.

4. Process

4.1 Informal Grievance Resolution

In the first instance, the complainant and respondent should attempt to resolve the grievance through open discussion. This discussion will provide both parties with an opportunity to:

- Clarify the issue(s);
- Examine all factors involved;
- Understand each other's viewpoint; and
- Resolve the grievance through reaching an outcome/agreement/understanding that is acceptable to all parties involved.

Any person involved in a grievance (either informal or formal) can seek support and advice from their Principal/Manager/Supervisor or Regional HR Manager at Learning Services (for school based staff)/Workplace Relations (for Corporate Services and Libraries Tasmania staff) at any time throughout the process. Union members may also seek advice from their union representative.

4.2 Management Involvement

If informal attempts have not resolved the matter or is not an appropriate option to pursue, the complainant needs to notify their Principal/Manager/Supervisor (or next level senior in the case where the grievance is with their immediate Principal/Manager/Supervisor) of the grievance.

The following process will apply:

1. The grievance must be fully described, in writing by the complainant (including specific behaviours, dates, times, evidence);

2. The respondent should be given full details of the allegation(s) against them (including a copy of the complaint document) and be given reasonable time to respond before any resolution is attempted; and
3. The Principal/Manager/Supervisor will take into consideration the needs and interests of all parties when determining the most appropriate course of action for resolution.

A Human Resources representative (Learning Services/Workplace Relations) or a more experienced senior manager may be involved to provide coaching and/or support to the Principal/Manager/Supervisor throughout the process.

NOTE: If a grievance is across two work sites the complainant should raise the matter with their current Manager who will then take it up with the other site Manager.

On the basis of both parties being genuinely willing to resolve the grievance, a Principal/Manager/Supervisor involved in managing a grievance can recommend resolution via mediation at any time after the initial phase of Steps 1 and 2 above. The cost of any such mediation is to be absorbed by the business unit managing the grievance.

4.3 Formal Grievance Policy

A formal grievance process will only occur as a last resort (i.e. – once the more informal options as outlined above, have been exhausted). It is also reasonable to expect that a formal process would be utilised in circumstances where the issues are serious, or where a preliminary investigation was required to determine whether the matter should be dealt with under the [State Service Act 2000 Code of Conduct](#) instead of the [Grievance Resolution Policy](#).

The key elements of the formal grievance process are:

- The grievance must be submitted in writing and must include specific allegations (including alleged behaviours, dates, times) with supporting evidence and details of all attempts made to resolve the issue(s) at the local level, as well as the complainants desired outcome;
- If accepted for formal investigation, the grievance will be investigated by an appropriate, independent person (usually from Learning Services or the Workplace Relations Team);
- Each party will be given an opportunity to present their case and be heard;
- Witnesses may be sought to clarify matters which constitute the grievance. All witness contact will be initiated by the investigating officer, not the complainant or respondent;
- Each party will have an opportunity to respond to the evidence gathered throughout the investigative process;
- The investigating officer will make findings as to whether the allegations are unsubstantiated due to lack of evidence, or substantiated based on the balance of probabilities, with supporting evidence;
- The investigating officer will document their findings and recommendations in a report. The findings and recommendations will reflect the evidence that has been collected throughout the investigative process;
- Each party will be provided with written notification of the findings and recommendations;
- Any recommendations made will be put to the Principal/Manager/Supervisor for appropriate action and/or implementation.

Relevant documentation will be kept on a grievance file within Learning Services or Workplace Relations. Access to these files is restricted to ensure confidentiality.

4.4 Timeframes

Due to the intricacies of each individual matter, it is impossible to accurately identify how long a grievance will take to complete. If significant delays occur, all parties to the grievance will be informed accordingly.

4.5 Outcomes

The possible outcomes of a grievance resolution process include:

- No action;
- An apology (verbal or written);
- Resolution by agreement between parties;
- Mediation between aggrieved parties;
- Counselling (for one or both parties);
- Training and/or professional development.

The grievance resolution process is primarily concerned with ensuring employees are able to work together harmoniously, despite personal differences. Managers are to use their discretion as to whether it is appropriate to implement any or all of the recommendations made as a result of a formal grievance resolution process.

Outcomes such as transfer or dismissal of an employee are not achievable through the grievance resolution process

4.6 Confidentiality

All employees are expected to maintain confidentiality regarding grievance resolution processes in which they are, or have been, involved (with the exception of discussions/communications with people as part of their professional role, such as psychologists, managers, union representatives, support people, investigators and HR representatives). Information obtained throughout the grievance process may be subject to release under the [Right to Information Act 2009](#).

4.7 Review

Internal:

If after the completion of a formal grievance resolution process, any person is aggrieved by the decision, they may apply for an internal review of the grievance. Written applications for such a review should be forwarded to:

Assistant Director

Industrial Relations

GPO Box 169

HOBART TAS 7001

The application for review must clearly outline the grounds upon which the review is requested. Examples of what may constitute grounds for a review are:

- Evidence that the information upon which the investigator relied in coming to a finding/recommendation was flawed or contained errors of fact;
- A view that the finding/recommendation is not appropriate when considering the nature of the grievance.

Examples of what may not constitute grounds for a review are:

- A person simply disagrees with the report findings and/or recommendations;
- A person wishes to submit “new” evidence which was readily available to them to submit when the grievance was being investigated.

External:

In accordance with Section 50(1)(b) of the *State Service Act 2000*, any State Service employee may lodge a review of a State Service action with the Tasmanian Industrial Commission (TIC). Employees are encouraged to do this only after exhausting all internal/departmental options available to them.

There are a number of other review bodies available to DoE employees. These include:

- Ombudsman Tasmania
- Equal Opportunity Tasmania
- Integrity Commission
- The Tasmanian court system including the Tasmanian Industrial Commission

Again, employees are encouraged to exhaust all internal/departmental options available to them prior to exercising any of the above, external options.

5. Related policies

- [Grievance Resolution Policy](#)

6. Supporting information/websites

- [A Guide for Employees who have a Grievance](#)
- [Support for Complainants](#)
- [Employee Assistance Program \(EAP\)](#)
- [Personal Information and Your Right to Information](#)

7. Legislation

- [State Service Act 2000](#)
- [State Service Principles](#)
- [Personal Information Protection Act 2004](#)
- [Public Interest Disclosures Act 2002](#)
- [Right to Information Act 2009](#)

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