

Policy Name	Grievance Resolution
Policy Type	Human Resources
Policy Number	HR12
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SUMMARY

The West Daly Regional Council seeks to promote efficiency and effectiveness among its employees through the successful, equitable and speedy resolution of grievances.

The Chief Executive Officer has authority under of the *Local Government Act* to "appoint, manage and where necessary, terminate the appointment of Council staff".

POLICY STATEMENT

1. In the first instance parties to the dispute must try to resolve the matter at the workplace level by discussions between the employee or employees and the relevant supervisors and/or managers. It is the responsibility of all managers to ensure that grievances are taken seriously and handled in a prompt and confidential manner. Every attempt should be made by the manager to resolve potential grievances, if necessary in liaison with the Human Resource Department.
2. The occurrence of grievances may be avoided or reduced by implementing and maintaining good management practices with managers receiving adequate and appropriate training, development and support in relation to grievance resolution.
3. If the grievance or dispute cannot be resolved at the immediate supervisor or manager level, or if the grievance pertains to the supervisor of the employee, the employee should raise the matter with the next manager in line or another senior manager. If the matter is not resolved, it should be referred to the Human Resources Department or a Manager. An investigation and review of the grievance will be completed and documented. Should an investigation reveal potential risk to the organisation's operations, or reputation, the investigation must involve the Chief Executive Officer.

Darwin Office

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4. All formal grievances should be in writing and lodged directly with either the Chief Executive Officer or the Human Resources Department. Grievances concerning the Chief Executive Officer may be directed to the Mayor if necessary. Grievances may not be accepted if they are vexatious, malicious or not lodged in good faith.
5. When a formal grievance has been accepted by the Chief Executive Officer or the Human Resources Department, receipt will be formally acknowledged. The matter will then be investigated by the Chief Executive Officer or delegate. During such investigation, the person lodging the grievance will be interviewed and given every opportunity to outline their grievance. Similarly, the person whom the grievance is based upon, must be given every opportunity to respond to any allegations. All persons being interviewed directly by the Chief Executive Officer or delegate or a panel appointed for the purpose of inquiring into the matter, will be given the opportunity to be accompanied by a support person of their choosing.
6. Where a grievance has emerged based on a perceived fault or shortcoming of another employee, a misunderstanding, ill-feeling or error on all sides, mediation should be considered as the first option to resolving the matter.
7. At any stage of the dispute resolution process, a party to the dispute may appoint another person, organisation or association to accompany or represent them in relation to the dispute.
8. While the procedure is being pursued, work must continue in line with the terms of the contract of employment, without affecting the rights of either the employee or West Daly Regional Council adversely. The exception to this policy is that continuing to work may become unsafe for other employees or members of the public. In this instance, the Chief Executive Officer may stand down affected employees with or without pay.
9. Should a grievance involve a hearing with external bodies such as Fair Work Commission, the Human Resources Representative or Chief Executive Officer will handle all communication on behalf of Council with such bodies.
10. The Human Resources Department must ensure that all documentation is kept confidential and notes, claims and all documentation are filed on the employee's personnel file.
11. Where a grievance has been determined, written advice of this should be provided to the person who lodged the grievance and the person/s towards whom the grievance was directed.

12. The principles of natural justice will apply in all matters being considered.

13. No employee is to be victimised in any way for lodging a complaint.

TERMINOLOGY AND REFERENCES

“Grievance” is a complaint about any action, intended action or decision related to a decision by Council or a Council manager that an employee believes is unfair or unreasonable. It can also refer to an action or behaviour by a manager that an employee considers to be unfair or unreasonable and which the employee perceives is directed maliciously or otherwise towards him or herself.

“Informal grievance” is a verbal complaint made to the employee’s supervisor or manager.

“Formal grievance” is a written complaint lodged with the Chief Executive Officer or the Human Resources Department.

“Mediation” occurs when parties to a dispute come together usually with a mediator or facilitator to discuss their differences and concerns in an attempt to resolve their grievance or dispute.

“Mediator” is a person who works with all parties in a dispute in an attempt to help them reach agreement.

REFERENCES

Local Government Act and Regulations

Fair Work Australia Act

FURTHER INFORMATION:

Human Resources Advisor

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