

Definitions

- A *Grievant* is the person who has initiated a grievance.
- A *Respondent* is the person in relation to whom the grievance is made.
- A *Grievance Receiver* is the person to whom the grievance is notified. It is normally the Grievant's supervisor.
- A *Grievance Investigator* is the person who is responsible for investigating the grievance. This is usually the Grievance Receiver but in some cases, it can be another or more senior officer of the University.
- *Informal* management of grievances occurs when the issue can be dealt with locally. In many cases, it will be sufficient for the nominated supervisor to discuss the matter only with the grievant and respondent. In addition, the nominated supervisor may, at the request of either party, undertake activities to assist in addressing a grievance at the early stages.
- *Formal* management of grievances occurs when a grievance cannot be dealt with informally. It will usually be necessary to conduct a more detailed investigation and/or mediation to achieve a conclusion. The details of the grievance must be recorded in writing in sufficient detail to enable the grievance to be concluded. All such documents should be signed by the relevant parties.
- *Victimisation* includes any unfavourable treatment of a grievant, respondent or witness as a consequence of his/her involvement in a duly notified grievance.

Despite best intentions, not all grievances can be dealt with to the satisfaction of both or either parties. In some cases, the grievant may be able to take their claim to an external body. This brochure explains the internal ACU process only

Grievance Management Principles

All grievances must be treated in accordance with these six Principles:

- Confidentially
- Impartially
- Quickly
- Seriously
- Sensitively
- Using the principles of natural justice.

Principles of Natural Justice mean that:

- The Respondent must be told who the Grievant is and what the grievance is about.
- The Respondent must be given full opportunity to respond.
- All relevant evidence must be considered fully and objectively, including that of any witnesses.
- Matters extraneous to the grievance must not be taken into account.
- Any decision must be fair and just.

Issues of Fairness

- Procedural Fairness means the grievance handling procedures must be fair and the process is followed accordingly.
- Substantive Fairness means the outcome must be fair and reasonable.

For further information, read the Staff Grievances Policy and the Grievance Management Guidelines for Supervisors on the ACU website.

You can also seek assistance from the Human Resources Consultant who supports your campus.



DO YOU HAVE A GRIEVANCE?

Information for Staff for dealing with a Grievance

If you have a grievance, you should try to resolve it with the person concerned in the first instance. If this is not possible, you should raise it with your supervisor. Depending on the nature of the grievance, the matter may be dealt with locally or, particularly where a breach of policy may have occurred the grievance will be investigated in accordance with the ACU Staff Grievances Policy and the Grievance Management Guidelines for Supervisors.

What is a Grievance?

A Grievance can be any type of problem, concern or complaint about work or the work environment.

A Grievance can also be any act, behaviour, omission, situation or decision that a person thinks is unfair or unjustified or is a violation of their rights.


A Grievance may arise from, but not be limited to, one or more of the following:

- An allegation of harassment, bullying or discrimination;
- Interpersonal conflict;
- Unfair allocation of developmental opportunities;
- Competing / Unreasonable work assignments;
- Inequity;
- Work performance dispute.

Dealing with a Grievance

When you raise a grievance, your supervisor must treat the matter seriously and sensitively.

As the Grievance Receiver, your supervisor is required to follow the procedures set out in the Staff Grievances Policy and Guidelines for Supervisors. As far as possible, grievances should be dealt with informally in the first instance. Where this is not possible or where a breach of ACU policy has occurred, the grievance will need to be dealt with in a formal manner.

The following points are a summary of the key steps in handling grievances (Formal steps are marked ):

Step 1 – The Grievant’s Story

The Grievance Receiver needs to obtain information from you (the Grievant) about the issue and how you would like to see it resolved:

- The meeting shall take place in a quiet, private place.
- You are entitled to have a support person of your choice (who is not a practising barrister or solicitor) attend the meeting with you.
- You will be asked what you think could address the issue.


The Grievance Receiver will document the grievance as you explain it:

- You tell your story in your own words, keeping to relevant issues and specific facts.
- You will be asked for details of any witnesses.
- The Grievance Receiver will prepare a written statement and ask you to read and sign it if you agree that it is an accurate record of the problem.

The Grievance Receiver will:

- explain the procedure and possible outcomes;
- advise you of your options - you may be able to deal with the matter yourself or you may seek internal/external support, eg. EAP;
- emphasise the need for confidentiality - you are not to approach the respondent or witnesses or talk to anyone about the grievance;
- explain victimisation;


- ask you who you have talked to about the problem;
- explain the procedures for managing grievances and the possible outcomes and explain that they must give the respondent details of you (the Grievant) and the grievance.

 *When investigating under a formal process, the Grievance Receiver will ask you to sign a Confidentiality Agreement.*

Step 2 – The Respondent’s Story


The Grievance Receiver needs to get the other person’s side of the story. They will:


- advise the Respondent of the need to meet to discuss a potentially serious issue and ask if they need a support person.
- tell the Respondent who has lodged the grievance and the nature of the grievance
- ask the Respondent to respond to the grievance in their own words, keeping to relevant issues and specific facts.

 *When investigating under a formal process, the Grievance Receiver will prepare a written statement and ask the Respondent to read and sign it as an accurate record of the discussion.*

The Grievance Receiver will also:

- explain the procedures for managing grievances and the possible outcomes;
- emphasise the need for confidentiality – the Respondent is not to approach you or witnesses or talk to anyone about the grievance;

 *When investigating under a formal process, the Respondent has ten (10) working days in which to respond to the allegations in writing.*

 *The Grievance Receiver will ask the Respondent to sign a Confidentiality Agreement.*

Step 3 – Reaching a Conclusion




The Grievance Receiver will then:

- fully and objectively consider all the material presented by both you and the Respondent and decide whether to proceed to formally investigate the allegations further, based on the nature of the grievance;


- In some cases the grievance may be resolved through discussion with you and/or the Respondent, in which case the matter will be taken no further.
- All discussions and decisions will be documented.


If the matter is to be investigated further:


The Grievance Receiver or a more senior staff member will:


-  consult other relevant materials such as ACU policies;
-  conduct further interviews with you and the Respondent and any witnesses;
-  prepare and maintain a written record of all discussions, signed by the relevant parties.


Reach a conclusion

 The Grievance Receiver or more senior officer will discuss options with you and the Respondent prior to finalising the matter;

 take all reasonable steps to reach a reasonable conclusion of the grievance;

 prepare a confidential report on the investigation and any findings and proposals for action and submit the report to the relevant University Executive Staff member;

 make a copy of that report available to you and the Grievant;

 forward the report to the Director HR for filing.

Throughout the formal process, the person conducting the investigation is required to ensure that:

- dates of all discussions and outcomes are recorded;
- all statements taken are dated and signed ‘as sighted’ by the person giving the statement, or if this is declined, a notation is made that the person declined to do so and this notation is signed and dated by the investigator;
- persons making a statement are provided with a copy of the signed statement;
- the Grievant and Respondent(s) are regularly informed of progress; and
- appropriate confidentiality (as defined in the Staff Grievances Policy) is maintained).

In certain circumstances, you may be able to seek a review of the relevant University Executive staff member’s decision by the University Visitor.