

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 nominated 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.



HAS SOMEONE LODGED A GRIEVANCE AGAINST YOU?

Information for Staff for responding to a Grievance

If you have been advised that a grievance has been raised concerning you, you have rights and responsibilities in responding to it. Depending on the nature of the grievance, the matter may be dealt with informally and resolved locally or, particularly where a breach of ACU Policy may have occurred, the grievance may be treated as a formal grievance and investigated in accordance with the Staff Grievances Policy and the Grievance Management Guidelines for Supervisors.

This brochure should be read in conjunction with relevant ACU policies such as the Equal Opportunity Policy and the Staff Grievances Policy.

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.

Responding to a Grievance

When a grievance is raised against you, the person handling the grievance (the Grievance Receiver in the first instance) will treat the matter seriously and sensitively. 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 may have occurred, the grievance will need to be dealt with in a formal manner.

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

Step 1 – Getting the Grievant’s Story





- The Grievance Receiver must first get the details of the situation from the Grievant and how they would like to see it resolved:*
 - Full details of the grievance are sought from the Grievant as well as details of any witnesses. Emphasis is given to finding out the facts of the situation, not speculation.
 - The Grievance Receiver will explain the procedure and possible outcomes to the Grievant and stress the need for confidentiality: the Grievant is not to approach you (the Respondent) or any witnesses or talk to anyone about the grievance.
 - They will also be told about victimisation.
 - The Grievant will be told that details of their grievance must be given to you (the Respondent).
-  *If the situation is to be investigated in a formal process, the Grievance Receiver/Investigator must prepare a written statement and have the Grievant read and sign it.*

Step 2 – Getting the Respondent’s Story

- The Grievance Receiver will seek your side of the story:*
 - They will advise you of the need to meet to discuss a potentially serious issue.
 - You can bring a support person of your choice (who is not a practising barrister or solicitor) to the meeting if you need one.

- At the meeting, the Grievance Receiver will:*
 - tell you who has lodged the grievance and the nature of the grievance;
 - ask you to tell them about the situation in your own words, concentrating on the facts as you perceive them;
 - listen sensitively, without judging or appearing to judge and will check that they have understood correctly;
 - ask you if there are any witnesses or other evidence that can support your account of events;
 - explain the procedure for managing grievances and possible outcomes of the process;
 - tell you if the allegation could be against an ACU policy;
 - explain the next steps they will take;
 - emphasise the need for confidentiality - you are not to approach the Grievant or witnesses or talk to anyone about the grievance;
 - explain victimisation;
 - if necessary, refer you to other support mechanisms such as the Employee Assistance Program; and
 - explain the need for them to keep written records.

If the situation is to be investigated in a formal process, the Grievance Receiver/Investigator will:









-  explain that you have ten (10) working days in which to respond to the allegations in writing;
-  ask you to sign a Confidentiality Agreement;
-  prepare a written statement and ask you (the respondent) to read and sign it as an accurate record of the situation;
-  provide you with a written record of the grievance.

Step 3 – Reaching a Conclusion

- The Grievance Receiver will then:*
 - fully and objectively consider all the material presented by both you and the Grievant 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 Grievant, 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 Grievant 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 Grievant 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.

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

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).