

## 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. 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.



## DOES SOMEONE HAVE A GRIEVANCE?

### Information for Supervisor for dealing with a Grievance

*If a grievance has been brought to your attention, you need to deal with it quickly, confidentially and with sensitivity. Depending on the nature of the grievance, the matter may be dealt with informally and resolved locally or, particularly where a breach of 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.*

*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.

## Handling a Grievance - The Grievance Receiver / Investigator

When a grievance is raised with you, you must treat the matter seriously and sensitively. As far as possible, grievances should be dealt with informally by the parties concerned. 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 checklist highlights the key steps you should take in dealing with a grievance (steps in a Formal Resolution of a Grievance are marked ):


### Step 1 – The Grievant’s Story

*Get the full information from the Grievant about the issue and how they would like to see it resolved:*


- find a private spot to discuss the issue;
- set aside enough time so the Grievant does not feel rushed;
- ask if they need a support person;
- if they become emotional, take a break;
- ask how they would like to see the issue dealt with.


*Explain the procedure and possible outcomes:*


- explain the procedures for managing grievances and the possible outcomes;
- tell the Grievant if what they allege appears to be against any ACU policies;
- advise them of their options;
- advise them of internal/external support/options eg. Employee Assistance Program;
- explain victimisation;

 emphasise the need for confidentiality - they are not to approach witnesses or talk to anyone about the grievance;

 have them sign the Confidentiality Agreement;


 emphasise the consequences of a breach of confidentiality;


 find out who else they have talked to about the problem;

 explain that you must give the respondent details of the grievance and the name of the grievant.

*Document the situation as it is explained to you:*

- let them tell their story in their own words;
- narrow the information to relevant issues;
- get specific facts;
- listen sensitively, without judging or appearing to judge;
- check that you have understood correctly;
- ask for details of any witnesses or other evidence;
- don’t enter into debate;


 explain the need for you to keep records;

 prepare a written statement and have the Grievant read and sign it if they agree it is an accurate record of the situation.

### Step 2 – The Respondent’s Story


*Get the other person’s side of the story:*


- advise them of the need to meet to discuss a potentially serious issue;
- ask if they need a support person;
- tell them who has lodged the grievance and the nature of the grievance;
- provide them with a written record of the grievance and the name of the Grievant;
- let them tell you about the situation in their own words;
- get specific facts only in relation to the allegations;
- listen sensitively, without judging or appearing to judge;
- check that you have understood correctly;
- ask if there are any witnesses or other evidence.


 prepare a written statement and ask the Respondent to read and sign it as an accurate record of the situation as they see it.


*Explain the procedure and possible outcome:*


- explain the procedures for managing grievances and the possible outcomes;
- tell them if the allegation appears to be against any ACU policies;
- explain the next steps you will take;
- advise them of internal/external support/options eg. EAP

 explain the need for you to keep written records;

 explain they have ten (10) working days in which to respond to the allegations in writing;

 emphasise the need for confidentiality - they are not to approach the grievant or witnesses or talk to anyone about the grievance;

 have them sign the Confidentiality Agreement;





 explain victimisation.

### Step 3 – Reaching a Conclusion



*Consider the circumstances:*

- fully and objectively consider all the material presented by both you and the Respondent;
- seek to resolve the problem through discussion with the Grievant and/or Respondent – informal resolution of the grievance; **or**




*Proceed to investigate further:*

-  conduct further interviews with the grievant and respondent and any witnesses;
-  consult other relevant material such as ACU Policies;
-  maintain a written record of all discussions and have interviewee sign the record as sighted;
-  if necessary, seek advice from the senior University officer responsible for the relevant policies, where ACU policies are involved.




*Reach a conclusion*

-  ensure steps are taken to try to reach a reasonable conclusion of the grievance;
-  discuss options with the Grievant and Respondent.

### If resolved:

-  document the conclusions and have both parties sign;
-  distribute copies to Grievant, Respondent and HR;
-  retain copy in own file.

### If NOT resolved:

-  submit a report to the relevant University Executive Staff member on the investigation and any findings and proposals for action;
-  give a copy to both the Grievant and Respondent;
-  forward a copy to HR.

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, the Grievant may be able to seek a review of the relevant University Executive Staff member’s decision by the University Visitor. Refer to the Staff Grievances Policy for more information.

If formal disciplinary procedures are to be implemented, it is probable that a grievance investigation (whether formal or informal) under the Staff Grievances Policy will not continue, but be replaced by the appropriate disciplinary procedure for academic or general staff.