



S25/5

POLICY REGISTER

Subject: STAFF - Dispute and Grievance Resolution Policy

	<i>Current</i>	<i>Previous</i>	<i>Prior</i>	<i>Prior</i>
<i>Minute No:</i>	54			
<i>Meeting Date:</i>	13/03/2006			
<i>Review Date:</i>	February 2008			

POLICY

Aim

The aims of this policy are to:

- provide a mechanism by which aggrieved staff may receive prompt, fair and consistent consideration of complaints;
- help resolve employment problems within the organisation in a spirit of fairness and co-operation; and
- minimize grievances by taking preventative or corrective action.

Legislation and awards

The Industrial Relations Act requires that all awards and agreements contain dispute-settling and grievance-resolution procedures. The Local Government Award contains such procedures and these are reflected in the grievance resolution policy adopted by Council.

Definition of dispute or grievance

A dispute or grievance is deemed to exist when a staff member alleges that they have been treated unfairly by the Council or by another staff member on workplace or work-related issues. This definition includes a potential dispute or grievance.

Applicability

This policy applies to any employment-related grievances for which there are no alternative resolution procedures. This policy applies to all Council staff.

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Grievance resolution mechanism

Council has established a procedure to address the resolution of grievances in a prompt, fair and consistent matter.

Responsibilities and obligations in the resolution process

Parties have a responsibility to resolve the grievance by conciliation.

Continuation of normal work

If an alleged dispute or grievance is in the process of being resolved, work practices existing prior to the dispute or grievance shall as far as practicable, proceed as normal. This should in no way influence or prejudice the outcome.

Remedial or corrective action

If a dispute or grievance is found to have substance, Council will undertake remedial or corrective action without delay so that the dispute or grievance does not recur.

Privacy

At all times, management must make sure that complete privacy is maintained. The names of anyone involved in a dispute or grievance must not be discussed with others except those immediately involved in the dispute or grievance.

Variation

Council reserves the right to review, vary or revoke this policy.

PROCEDURES

Responsibilities and obligations in the resolution process

In carrying out their responsibilities to resolve the dispute or grievance, Council and its staff have an obligation to:

- establish or verify the facts;
- clarify the differences between reality, perception and opinion;
- maintain confidentiality, as far as possible;
- Initiate or recommend actions to prevent the dispute or grievance recurring.

Four stages of grievance resolution

Resolving a dispute or grievance may involve up to 4 stages (*refer to the attached Diagram*). Lack of resolution at one stage becomes the trigger for referral to the next stage. At any stage of the process the staff member(s) may be represented by the relevant union, either by an official of the union or its local representative. Similarly the Council may be represented by the Local Government and Shires Associations (LGSA).

Stage 1 → Taking the matter to the immediate supervisor

Stage 1 is designed to encourage the staff member to attempt to resolve the matter through discussion with the supervisor at the workplace level.

The staff member must describe the alleged dispute or grievance and the remedy sought clearly and concisely. The supervisor must convene a meeting to discuss the dispute or grievance without delay.

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The aggrieved staff member(s) must notify the supervisor of the dispute or grievance in writing. The staff member(s) should indicate whether or not a union representative will be involved. The supervisor must convene a meeting with the staff member(s) within 2 working days to discuss the dispute or grievance.

If the immediate supervisor is a party to the dispute or grievance, resolution of the matter must proceed directly to Stage 2.

Stage 2 → Taking the matter to the head of department or authorised officer

Stage 2 provides a more formal avenue of redress.

If the immediate supervisor cannot resolve the dispute or grievance, it may be referred to the head of department or other authorised officer who should try to resolve the matter. The head of department should hear the dispute or grievance as soon as possible. If the grievance is not resolved it progresses to Stage 3.

Stage 3 → Consideration of the matter by the general manager

In Stage 3 the unresolved dispute or grievance goes beyond the immediate work environment and is considered by the General Manager or another appropriate officer.

If the dispute or grievance cannot be resolved by the head of department, the General Manager should consider the matter in the light of previous attempts at resolution as well as through their own investigations. If the dispute or grievance remains unresolved, the General Manager must provide a written response as to why remedial or corrective action has not been proposed or, if such action has been proposed, why it has not been implemented.

Stage 4 → Referring the grievance to external mediators

If the dispute or grievance cannot be resolved by the General Manager, it will be referred to the relevant union(s) and the LGSA.

Early external mediation

As an alternative to Stages 2 and 3, the General Manager may, if the staff member(s) agrees, refer the dispute or grievance to an external, independent mediator.

Other avenues of redress

Parties may exercise the right, at any stage of the procedure, to seek the assistance of the appropriate industrial tribunal.

Failure to resolve a grievance

If a dispute or grievance cannot be resolved, or if it seems likely that further, similar disputes or grievances will occur, the General Manager (or another appropriate officer) must:

- advise the aggrieved staff member(s) of alternative, external avenues of redress;
- Recommend to Council any courses of action within its powers which it may take to resolve the matter or to minimise or eliminate the prospect of its recurrence.

During this procedure and while the matter is in the course of negotiation, conciliation and/or arbitration, the work practice existing prior to the dispute shall as far as practicable proceed as normal.

Diagram – The Four Stages of Grievance Resolution

