

 NORTHERN AREAS COUNCIL	GRIEVANCE RESOLUTION POLICY & PROCEDURE	Version No:	2.1
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Type	Operational
Category	Chief Executive Officer Unit
Responsible Officer	Chief Executive officer
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1. PURPOSE

To ensure Council operates in an environment of good human resource management practices that include the development, implementation and review of policies relating to all aspects of the employment of employees within Council, the Chief Executive Officer (CEO), who is responsible for these matters, should:

1. ensure that grievance resolution is undertaken promptly to minimise the effect on productivity of all employees affected by a particular grievance;
2. ensure that consultation regarding any decisions that may affect employees is an integral part of the process of implementing change;
3. appoint a person responsible for Council workplace grievance resolution in the circumstances where, an employee may not wish to approach their direct Managers or Supervisor;
4. ensure the investigative process is objective, balanced and complete;
5. ensure discrimination has not played a part in decisions made;
6. provide Managers and Supervisors with appropriate training in both workplace consultation and conflict resolution procedures.

The practices and procedures related to this area have been grouped into two parts:-

- Part 1: Employee Grievances
- Part 2: Grievances from Elected Members

PART 1: EMPLOYEE GRIEVANCES

AIM

The Northern Areas Council aims to promote a workplace culture where employees are operating in an environment with high levels of job satisfaction, employee motivation and employee morale. To achieve this objective, the policy and procedure have been developed to ensure that complaints and concerns at the workplace are managed in a prompt and fair manner.

The procedure has been developed taking into account Council's public image, interest in maintaining a productive work environment and commitment to providing high quality customer service to residents and the community.

INFORMAL PROCESS

In deciding to come forward with a grievance, an employee should initially approach their immediate Manager/Supervisor to discuss the nature of their grievance. The Manager/Supervisor will investigate the matter promptly, explain the circumstances and, where possible, endeavour to resolve the grievance.

The discussion should take place in private and be confidential. An employee may seek assistance from either a colleague or their local workplace representative to attend the discussions with the Manager/Supervisor in an attempt to resolve a personal grievance.

The Manager/Supervisor needs to ensure that the substance of the grievance is understood and advise the aggrieved employee what steps are proposed to resolve the grievance. It may be useful to take notes regarding the discussion and proposed resolution.

In some cases an aggrieved employee may not wish to approach their immediate Manager/Supervisor. In these circumstances they should approach the CEO.

Should it be deemed necessary by a Manager, Supervisor or aggrieved person, the CEO should be consulted for assistance and direction regarding the grievance.

FORMAL PROCESS

Where an informal grievance procedure has been unsuccessful, or an employee wishes to pursue a formal grievance procedure, they may lodge a written formal grievance addressed to the CEO.

Where a formal grievance has been lodged, the CEO will forward a written acknowledgment to the aggrieved employee and initiate an investigation into the circumstances of the grievance.

INVESTIGATING A GRIEVANCE

The person conducting the investigation must do so impartially.

PART 1: EMPLOYEE GRIEVANCES (Cont'd)

INVESTIGATING A GRIEVANCE

Interviews or discussion with the aggrieved person and other relevant employees are to be conducted in private and in strict confidence. The person to be interviewed may be accompanied, if they wish, by another colleague or Council representative. A record of the attendees' names, interview discussion and outcomes will be documented and stored in accordance with this policy.

The aggrieved person will be kept informed of the progress of the investigation, however Council will endeavour to resolve the grievance within a period of seven (7) days from notification of the grievance.

WORKPLACE REPRESENTATION

An employee may approach their local workplace representative, as outlined earlier under the informal process. It is anticipated that the workplace representative will support the process outlined in these guidelines in resolving grievances in the first instance.

The workplace representative may raise the matter of grievance affecting the employee with the Manager/Supervisor, or may approach the CEO for further discussion. The Manager/Supervisor will advise the CEO of the substance of the grievance and its resolution.

ESCALATION OF GRIEVANCE TO DISPUTE

The CEO will make a final determination regarding Council's position on any unresolved grievance.

All employees are encouraged to utilise the grievance resolution procedure in the first instance. Where an employee has applied due process but considers the grievance to be unsatisfactorily resolved, they may wish to pursue representation from a Union official. At this point of the resolution process, the grievance will be deemed to have escalated to an industrial dispute between the Union and Council, to be managed in accordance with the dispute resolution procedures under the Award and Enterprise Agreement.

SITUATION WHERE IT IS NOT CONSIDERED REASONABLE FOR THE CEO TO INVESTIGATE A COMPLAINT

There may be situations where a complaint is not about the CEO, but it may otherwise not be appropriate for the CEO to handle it. This may arise for a number of reasons, the most common being that the CEO has an actual or perceived conflict of interest.

In such situations, if the grievance cannot be resolved within the Council staff hierarchy, excluding the CEO, then the Mayor or an independent third party will investigate the complaint.

PART 1: EMPLOYEE GRIEVANCES (Cont'd)

CONTINUATION OF WORK

It is agreed that work will continue during the period of investigation, except in the case of work that is considered to be unsafe. In any circumstances where work is considered to be unsafe, management will consult with the WHS Co-ordinator to determine whether Safety Regulations and practices are being observed.

NATURAL JUSTICE

In the interests of fairness and equity, the investigation and resolution of a grievance will be conducted under the rules of natural justice. This means that a standard of fairness is to be applied in the settlement of a grievance, which requires:

- that the person has an opportunity to put their case forward;
- that all parties or considerations are heard before a decision is made; and
- a person 'shall not be a judge in his or her own cause'.

RECORD KEEPING

Once a grievance has been finalised, all documentation is to be forwarded to the CEO, who will ensure its secure and confidential storage. The records will be kept for a period of six (6) months and if no further reference is made to the documentation it will be destroyed.

PART 2: GRIEVANCES RELATING TO THE CEO

If a complaint is directed against the CEO, the same processes apply as outlined in **PART 1: EMPLOYEE GRIEVANCES**.

The Mayor will investigate the complaint.

However, in some instances there may be an actual or perceived conflict of interest between the Mayor and the CEO, given the close working relationship (or otherwise) that ordinarily exists between these two individuals.

If there is any doubt surrounding the potential objectivity of an investigation of the CEO by the Mayor, then the CEO or the Mayor or a member of the Senior Management Team will contact the Local Government Association to seek an impartial and qualified observer to conduct the investigation.

PART 3: GRIEVANCES FROM COUNCIL MEMBERS

AIM

The Northern Areas Council aims to provide a policy framework for resolving grievances or complaints regarding the conduct or service provision of an employee by Council. This procedure has been developed taking into account Complaints Handling Procedure under the Council Members Code of Conduct, public image,

PART 3: GRIEVANCES FROM COUNCIL MEMBERS (Cont'd)

AIM

interest in maintaining a productive work environment and commitment to providing a high quality customer service to residents and the community.

INFORMAL PROCESS

Where a Council Member has a grievance, or receives a complaint from a member of the public regarding the conduct or work performance of a Council employee, they will refer the matter directly to the CEO for discussion and investigation.

FORMAL PROCESS

Where a Council Member wishes to make a formal grievance regarding the conduct or work performance of an employee of Council, (either for themselves or on behalf of a member of the public) they will undertake a formal process of putting the substance of the grievance in writing.

The written complaint should identify the complainant, and must be sufficiently detailed to facilitate the investigation process. The CEO will acknowledge receipt of the complaint and arrange for its immediate investigation.

The investigation of such a complaint will be conducted by either the CEO or delegated to the relevant Departmental Manager.

The investigation will require gathering of evidence, including taking a statement from the employee who is the subject of the complaint.

GRIEVANCE NOT SUBSTANTIATED

If the grievance/complaint cannot be substantiated the Council Member lodging the complaint is to be notified and advised that no further investigation or action will occur unless additional evidence emerges.

GRIEVANCE SUBSTANTIATED

If the grievance/complaint is substantiated the complainant is to be advised and appropriate action taken to resolve and finalise the grievance satisfactory to all parties, in the context of the nature of grievance.

DEFINITIONS

Grievance: A grievance is any work-related disagreement, complaint or matter which someone thinks is unfair or unjustified and which is causing that person concern or distress. Grievances can relate to almost any aspect of employment including, but not limited to:

PART 3: GRIEVANCES FROM COUNCIL MEMBERS (Cont'd)

DEFINITIONS

- (a) transfer and promotion
- (b) rosters
- (c) leave application
- (d) work environment
- (e) safety in the workplace
- (f) performance appraisal
- (g) discrimination
- (h) harassment

Discrimination: Unequal treatment or opportunities. Discrimination may be direct, indirect or systemic.

Harassment: Any unwelcome, offensive comment or action concerning a person's race, colour, language, accent, ethnic origin, gender, marital status, pregnancy, disability, political or religious conviction. It is behaviour towards another employee which is intimidating or embarrassing and adversely affects the work environment.

2. FURTHER INFORMATION

This policy will be available for inspection at the Council office, 94 Ayr Street, Jamestown (Ph. 8664 1139) during ordinary business hours and available to be downloaded, free of charge, from Council's internet site: www.nacouncil.sa.gov.au

Copies will be provided to interested parties upon request.
Email admin@nacouncil.sa.gov.au

GRIEVANCE RESOLUTION POLICY AND PROCEDURE

Date	Revision No	Author	Reason for Amendment
18.08.2007	1.		Grievance Resolution Policy & Guidelines First adopted by Council
21.10.2008	1.		Reviewed – No change
15.12.2009	1.		Reviewed – No Change
14.12.2010	1.		Reviewed – No Change
13.12.2011	1.		Reviewed – No change
20.11.2012	1.		Reviewed – No change
19.03.2013	1.		Reviewed – No change
15.04.2014	1.		Reviewed – No change
17.10.2017	1.1	CEO	Guidelines removed. Policy adopted
18.06.2019	1.1	CEO	Policy reviewed – No change
13.12.2022	2.0	Acting CEO	Grievance Resolution Policy and Procedure Reviewed – Procedure re-added
17.01.2023	2.1	Acting CEO	Amendment made where CEO is subject of complaint or cannot investigate complaint