



## **Policy No. 2015- 35**

# **Grievance & Dispute Resolution Policy**

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## Grievance and Dispute Resolution Policy

Central Highlands Council's objective in relation to this policy is to assist all parties in determining whether there are any conduct or performance issues, the correct process that should be undertaken and relevant sanctions which may apply.

This policy should be used to assist in providing a consistent approach for all Central Highlands Council personnel.

### Grievance Process for Dealing with Complaints

If a worker has an issue at work, there are a number of options available for resolving their complaint. Workers are required to work with Central Highlands Council to progress through the options and respond to any questions personally and honestly.

To assist in the resolution of issues the following process should be undertaken:

- 1) Be aware of your obligations as an employee (policies and procedures);
  - 2) Speak to the person(s) involved directly to see if you can settle the issue;
  - 3) Seek assistance from your Manager/Supervisor – a written statement often assists in clarifying issues alternatively your Manager/Supervisor will take notes of your meeting;
  - 4) Seek assistance from the General Manager if you have not received a response from the Manager/Supervisor in 10 business days
  - 5) Notify your Manager/Supervisor or the General Manager if you would like conciliation and/or mediation (appointed in consultation between Management and the worker);
  - 6) All parties have the ability to pursue any matter through Fair Work or legal avenues where they feel this is applicable.
- Workers may request a support person to attend meetings during the grievance process.
  - At any discussions or meetings the worker is required to discuss the issues and personally answer any questions raised by the employer or their representative.

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## **Criminal actions**

If the behaviour is likely to amount to a criminal act or is serious in nature, the complaint should be referred to the General Manager who will decide if the matter is to be referred to the police or other entity.

The worker against whom the complaint is made may be suspended at the employer's discretion during the investigation and decision making processes.

Where a workplace matter is a criminal matter, the investigations may be managed separately and a decision relating to employment will be made separate to any criminal prosecution.

## **Employee Obligations**

The employer and employee both have a responsibility to ensure that they do not unreasonably destroy the trust and confidence that is needed within the employment relationship. Some of the important aspects of this relationship are:

- an obligation to be honest with each other,
- your obligation to answer all reasonable questions accurately,
- your obligation to comply with all lawful and reasonable directions,
- your obligation to exercise skill and care when performing your duties, and
- the employer is obliged to provide, as much as reasonably possible, a healthy and safe work environment for you.

## **When to use the grievance process**

The decision to discipline may include, however are not limited to;

- unsatisfactory performance,
- theft or illegal activities including breaches of security,
- serious or wilful misconduct,
- breach of the harassment, discrimination and workplace violence policy,
- breach of the drug and alcohol policy,
- inappropriate conduct towards members of the public, the employer or other workers, and
- other issues which may result in police action or conduct deemed by the employer to cause irreparable damage to the employer/worker relationship.

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## Sanctions relating to Employment

The employer may determine that sanctions need to be considered and these may include the following:

- Sanctions including:
  - a written counselling;
  - re-induction or re-training;
  - formal written warnings;
  - transfer to another area of the business;
  - demotion (where this is stated within the contract);
  - Termination of employment; or
  - Summary dismissal.
  
- Work Health and Safety Breaches – Any serious breach of work health and safety obligations may result in termination or summary dismissal. As an employee you have a duty of care to take reasonable care for their own health and safety, and they must not adversely affect the health and safety of other persons. Workers must comply with any reasonable instruction and cooperate with any reasonable policy or procedure relating to health and safety at the workplace.
  
- Abandonment of employment – if you do not attend work and do not contact work we will phone or attempt to contact you to explain your absence. If we do not hear from you for two days we will write to you for a response and if there is no reply within a reasonable timeframe we may consider that you have lapsed (abandoned) your employment.
  
- Organisation restructure - Where you are no longer required due to changes within the operation of the business a position may be made redundant.

Upon termination of employment all monies proven to be owed to you will be paid as soon as reasonably possible.

All clothing, keys and other items or documentation (soft or hard copies) belonging to Central Highlands Council must be returned immediately on request.

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## Summary Dismissal

Where your behaviour is deemed to be serious misconduct, the General Manager may determine to summarily dismiss you. If you are summarily dismissed you will only be paid up to the time of your last day of work and you will not be paid for the period of notice.

Serious misconduct includes, but is not limited to:

- Fraudulent behaviour;
- Theft;
- Assault within the workplace or directly towards workers, managers, consultants, contractors, customers or service providers;
- Serious breach of work health and safety;
- Behaviour that is inappropriate and directly or indirectly affects the business or workers.

All meetings should be arranged at a mutually convenient time for all parties.

While the grievance procedure is being undertaken, work should continue normally

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