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GRIEVANCE

Strategic Outcome:	Good government	
Policy type	Administrative	
Date of Adoption:	12 December 2023	Minute Number: ELT
Date for Review:	14 December 2027	
Responsible Officer:	Human Resource Co-ordinator	
Document Control:	New policy	
Delivery Program Link:	2.1.3. Council operations and financial management support ethical, transparent, and accountable corporate governance	

1. POLICY STATEMENT

Conflict and disagreement are to be expected, and even encouraged, in a healthy workforce. However, it is important this does not lead to disharmony. A formal grievance policy and procedure allows for prompt and fair consideration of complaints and problems.

2. PURPOSE

This policy and procedure provides a mechanism by which aggrieved staff may receive prompt, fair and consistent consideration of complaints, to help resolve problems relating to personal interactions within the organisation in a spirit of fairness and co-operation, and to minimise grievances by taking preventative or corrective action.

3. SCOPE

This policy and procedure covers everyone working at Berrigan Shire Council (“Council”), including:

- all levels of management;
- all staff including full-time, part-time, casual, and temporary employees, trainees, and apprentices;
- contractors and consultants; and
- volunteers, including work placement students and employment scheme participants.

This policy and procedure applies to grievances, concerns and complaints about:



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- the behaviour of people in the workplace, including discrimination, harassment, sexual harassment, bullying and victimisation as described in the following policies:
 - Equal Employment Opportunity
 - Anti-Discrimination
 - Harassment
 - Workplace Bullying;
- decisions and decision-making processes; and
- the physical work environment.

Areas covered include:

1. relations between people in the workplace;
2. supervision;
3. performance appraisal process;
4. allocation of overtime
5. opportunities for leave;
6. recruitment, promotions, and transfers;
7. staff development and training;
8. workload and resource allocation.

This policy and procedure do **not** apply to:

1. disputes about awards and agreements; or
2. disputes about the operational merits of management actions and decisions.
3. wage and salary levels determined by the Award and Council's Salary Structure;
4. the equipment and facilities needed to do your job;
5. aspects of the physical work environment such as furniture and air quality;
6. Work Health and Safety.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.3. Council operations and financial management support ethical, transparent, and accountable corporate governance

5. DEFINITIONS

Complainant: the person who has a grievance and makes a complaint;



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Contact officer:	a person trained to give independent, confidential information to complainants, respondents, and witnesses. A Contact Officer does not conciliate, investigate, or resolve a grievance.
Grievance:	a problem, concern or complaint about work, a person with whom you have contact at work, or the work environment.
Grievance investigator:	the person who takes responsibility for investigating and resolving the grievance in accordance with fair grievance handling principles.
Parties to a grievance	the complainant(s) and the respondent(s)
Respondent	the person to whom the grievance relates or who has had a complaint made against them.
Witness	anyone who can provide information that is relevant to a grievance or its resolution.

6. POLICY IMPLEMENTATION

6.1 Fair grievance handling procedures

Council is committed to a fair and effective procedure for the resolution of grievances.

Council recognises this procedure is an essential element in maintaining a harmonious working environment. All employees are encouraged to raise work-related grievances for resolution as soon as possible.

Council's grievance procedure is based on the following principles:

1. Privacy and confidentiality
2. Fairness and impartiality
3. Freedom from victimisation
4. Timeliness
5. Ease of use and trustworthiness
6. Seriousness and sensitivity

6.1.1 Privacy and confidentiality

Privacy and confidentiality must always be strictly observed during the grievance process. Information relating to the grievance must only be passed on where necessary to deal with the grievance fairly and effectively.



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This applies to everyone involved in each grievance, including the parties involved, witnesses, support people and the people handling the grievance.

Records relating to the grievance must be stored securely and no information about the grievance should be kept on an individual personnel file unless disciplinary action is taken. A breach of privacy or confidentiality may result in disciplinary action.

6.1.2 Fairness and impartiality

All grievances must be handled fairly and impartially, observing the principles of natural justice and procedural fairness.

This means:

- any person who is the subject of a grievance (the respondent) is entitled to full details about the grievance, including who has initiated it;
- the respondent must be given a full opportunity to respond to the grievance; and
- the parties to a grievance must have a full opportunity to respond to allegations and statements made by the other party and by witnesses.

If anyone involved in handling a grievance has a bias or conflict of interest that may affect their ability to be fair and impartial, they must declare this to the parties and to human resources. One or both of the parties may also perceive a bias or conflict of interest even if the person handling the grievance does not. In these cases, the grievance should be handled by someone else.

6.1.3 Freedom from victimisation

Victimisation is when a person is harassed, treated unfairly, or intimidated because they have lodged a grievance, assisted someone else with a grievance or been a witness in a grievance investigation. Council will take all reasonable steps to prevent the victimisation of anyone connected with a grievance. Victimisation constitutes a breach of this policy and the Code of Conduct and will result in disciplinary action.

6.1.4 Timeliness

All reasonable steps will be taken to ensure grievances are handled as quickly as possible. The longer a grievance takes to resolve, the harder it is to maintain confidentiality, the more stress the parties will be under and the harder it will be to reach a positive outcome.

As all grievances are different a timeline is often difficult to determine. However, the person in charge of handling the grievance is expected to communicate with both parties at least once per week.

6.1.5 Ease of use and trustworthiness



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This policy and procedure must be up to date, accessible to everyone working at Council, and properly implemented.

This means:

- this policy and procedure will be readily accessible to everyone working at Council and will be kept in Council's Policy Register and available in staff rooms. Council will take all reasonable steps to ensure the contents of this policy and procedure are understood by everyone working in the organisation;
- employees who are responsible for handling grievances will be given suitable training;
- Council will train Contact Officers to provide independent information and support to people who are considering lodging a grievance, people who are party to a grievance and people involved in their handling;
- all complaints will be handled in accordance with this policy and procedure;
- compliance with this policy and procedure will be monitored by the Chief Executive Officer (CEO) or delegated officer; and
- this policy and procedure will be reviewed at least every four years.

6.1.6 Seriousness and sensitivity

All grievances will be taken seriously and handled with sensitivity, considering the individual background and values of each party and any differences between them.

6.2 **Contact officers.**

Council will train Contact Officers to assist all the parties to a grievance. They will be volunteers who work in a variety of positions and at different levels of seniority.

A Contact Officer does not conciliate, investigate, or resolve a grievance. Their role is to give independent, confidential information to complainants, respondents, and witnesses.

This information can cover Council's policies and procedures, options for tackling the problem and where to go for more help or information.

Contact Officers can also help people to consider their options and prepare for meetings relating to the grievance.

Council's Contact Officers are listed in an appendix to this policy

6.3 **Internal and external support**



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Both parties to a grievance have the right to have a support person of their choice at meetings relating to the grievance. Contact Officers can act as a support person, but only if there is no-one else available who is suitable.

The support person can provide moral support and discuss the meeting with the party afterwards, but they cannot represent or advocate for the party.

They must maintain the confidentiality and privacy of the grievance procedure. The parties to the grievance can contact an external agency for information, advice or help at any time during the grievance procedure. They can also do this if they are unhappy with the way the grievance has been resolved.

Agencies that may be able to help are listed in an appendix to this policy.

6.4 Malicious and vexatious complaints

Council encourages employees to raise all genuine concerns. Employees should not be put off from raising concerns because they are afraid they may be wrong, or they won't be able to prove their claims.

However, making allegations that are not true, or making a complaint solely to cause trouble for others, may be serious misconduct. Employees making such malicious and vexatious complaints will be subject to disciplinary action.

If it is alleged during the grievance procedure that the grievance is malicious or vexatious, this will be investigated at the same time as the original grievance.

6.5 Grievance resolution

The procedure for resolving grievances is attached to this policy as an appendix.

7. RELATED LEGISLATION, POLICIES AND STRATEGIES

7.1 Legislation

- *Local Government Act 1993*
- *Fair Work Act (Cth) 2008*
- Local Government (State) Award 2023

7.2 Council policies and guidelines

- Code of Conduct
 - Governance Policy
 - Equal Opportunity Policy
 - Discrimination, Bullying, Harassment, and Workplace Violence Policy
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- Public Interest Disclosures Policy
- Employee Assistance Policy
- Work Health and Safety Policy

8. RECORDS MANAGEMENT

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

9. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.

10. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

11. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	22/11/2023	New Policy document	Human Resources Coordinator



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APPENDICES

- **Appendix 1:** Contact Officer
- **Appendix 2:** Agencies that may be able to assist
- **Appendix 3:** Grievance Procedure



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APPENDIX 1

Contact Officers

Michelle Koopman

Ph: 0418 466 720

Email: michellek@berriganshire.nsw.gov.au

Michael Millar

Ph: 0404 220 003

Email: michaelm@berriganshire.nsw.gov.au

Sam Armer

Ph: 0459 923 553

Email: sama@berriganshire.nsw.gov.au

Darron Freund

Ph: 0407 069 764

Email: darronf@berriganshire.nsw.gov.au



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External agencies

<p>Anti-Discrimination Board of NSW</p> <p>Level 4, 175 Castlereagh St, Sydney NSW 2000 PO Box A2122, Sydney South NSW 1235</p> <p>Phone (02) 9268 5555; TTY (02) 9268 5522</p> <p>Email enquiries: adbcontact@agd.nsw.gov.au Email complaints: complaintsadb@agd.nsw.gov.au Website: https://antidiscrimination.nsw.gov.au/</p>	<p>Human Rights Commission</p> <p>Level 3, 175 Pitt Street, Sydney NSW 2000</p> <p>GPO Box 5218, Sydney NSW 2001</p> <p>Complaints Infoline: 1300 656 41; General enquiries: 1300 369 711 TTY: 1800 620 241;</p>
<p>NSW Industrial Relations Commission (NSW public servants only)</p> <p>50 Phillip St, Sydney NSW 2000</p> <p>Phone (02) 9258 0080; Fax (02) 9258 0058</p>	<p>Workcover NSW</p> <p>92-100 Donnison Street, Gosford NSW 2250 Locked Bag 2906, Lisarow NSW 2250</p> <p>Workcover Assistance Service: 131 050 Website: www.workcover.nsw.gov.au</p>
<p>Safe Work Australia</p> <p>220 Northbourne Avenue, Braddon ACT 2612 GPO Box 641, Canberra ACT 2601</p> <p>Phone: 1300 551 832</p> <p>Email: info@safeworkaustralia.gov.au Website: www.safeworkaustralia.gov.au</p>	<p>Privacy Commission NSW</p> <p>Level 11, 1 Castlereagh Street, Sydney NSW GPO Box 7011, Sydney NSW 2001</p> <p>Phone: 1800 472 679; Email: ipcinfo@ipc.nsw.gov.au Website: www.ipc.nsw.gov.au</p>



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APPENDIX 3

Procedure