



POLICY

Policy Title: Grievance Resolution

Policy Owner: Director Human Resources Service Centre

Keywords: 1) Grievance 2) Resolution 3) Work related
4) Resolution

Policy Code: PL225 [hr147]

[Intent](#)

[Organisational Scope](#)

[Definitions](#)

[Policy Content](#)

[Accountabilities and Responsibilities](#)

[Related Documents](#)

[Contact Information](#)

[Approval History](#)

1. INTENT

Edith Cowan University is committed to providing a safe, healthy and inclusive environment where all employees have the opportunity to express and resolve work-related grievances in accordance with the principles of natural justice. All grievances will be dealt with fairly, promptly, sensitively and confidentially.

The purpose of this policy is to, in conjunction with the Grievance Procedures outlined within the relevant industrial agreement:

- a. Provide guidelines and formalised procedures to assist in the prompt resolution of work related grievances.
- b. Help managers negotiate resolutions with aggrieved employees fairly and impartially.
- c. Help employees resolve grievances at the lowest possible operational level within ECU.
- d. Promote consistency in the way similar matters are managed across ECU.

This policy does not replace existing policies and procedures which provide formal avenues for appeal against decisions of the University.

2. ORGANISATIONAL SCOPE

All ECU staff

3. DEFINITIONS

TERM	DEFINITION
Aggrieved person	The employee who expresses a work-related concern
Formal grievance	For the purposes of the Grievance Resolution Policy, a complaint becomes formal when it is submitted in writing to the relevant supervisor who then forwards a copy to the Team Leader, Employee Relations in Human Resource Services so that the details can be registered on the grievance database.
Grievance	Any type of problem, concern or complaint related to work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision that the employee perceives to be unfair or unjustified.
Grievance Data Base	A confidential statistical summary of grievances maintained by the Employee Relations Team within Human Resource Services to monitor grievance types, trends and outcomes.
Grievance File	A confidential file created to hold a collection of documents generated during the resolution of a grievance.
Human Resources Representative	Director HR Services or nominee
Informal Grievance	Informal grievances are issues of concern where the parties involved attempt to resolve the matter themselves with minimal intervention. For the purposes of the Grievance Resolution Policy a complaint remains informal until it is submitted in writing to the relevant supervisor who forwards it to the Team Leader, Employee Relations within Human Resource Services for registration
Natural Justice	Refers to a process that is fair to all parties and free of bias. The principles include the following: a. The right for an affected person to be heard before any decision which has the potential to affect them is made. b. The right to be informed of all allegations made. c. The right of response. d. Consistency in the organisational approach to issues. And the right to representation

Representative	For the purposes of the Grievance Resolution Policy an employee's representative is a member of a Union which is a signatory to the relevant Certified Agreement.
Respondent	A person identified by an aggrieved person whose actions have allegedly caused or contributed to the grievance
Resolution	The resolution of a grievance can occur at any stage of the grievance process. A grievance is resolved when an aggrieved employee confirms that an issue of concern has been addressed satisfactorily. The internal grievance process may be finalised without achieving resolution in instances when the grievance process as outlined within this policy has been exhausted. This may occur, for example, when it is determined that a grievance cannot be substantiated or where the Director HR Services determines that an appropriate action or remedy has been undertaken to address the grievance.
Staff Grievance Registration Form	A form used to register all formal grievances.
Support Person	A trusted friend or colleague who can provide assistance by listening supportively to your concerns and providing emotional support during meetings.
Supervisor	A line supervisor who has functional responsibility for the aggrieved employee

4. POLICY CONTENT

4.1 In dealing with grievances, the following principles are fundamental:

- 4.1.1 Grievances should be discussed and resolved within a general framework of cooperation that emphasises prevention of further disputes.
- 4.1.2 Grievances should be handled within the normal reporting relationships that exist within an area's management structure.
- 4.1.3 Grievances should be addressed locally at the lowest possible operational level.
- 4.1.4 Grievances should be addressed as quickly as possible to avoid the negative effects of ongoing problems at the workplace.

4.1.5 Grievances and any correspondence or documentation associated with a grievance are highly confidential and therefore all parties involved must treat such information with appropriate and adequate security and confidentiality.

4.1.6 Details of the grievance will only be available to parties involved in the resolution process.

4.2 Procedures for aggrieved person

Aggrieved persons may choose to resolve their grievance either informally or formally. If it is not possible to resolve a complaint informally, a formal grievance may be lodged.

4.2.1 Informal Grievance Procedures:

The aggrieved person should in the first instance attempt to resolve the grievance with the other person involved.

Where an approach to the other person is unsuccessful or impracticable, the aggrieved person may seek assistance from their supervisor.

An aggrieved employee may request a meeting with their Human Resources Account Manager (HR Account Manager), or Equity and Diversity Officer (staff) along with a representative or support person of their choosing, and/or the party to the grievance (i.e. the respondent) as part of an attempt to resolve a grievance informally. Should either of the parties to the grievance invite a representative or support person to the meeting the other participants should be advised in advance.

If the grievance is referred in writing, the respondent will be provided with at least a summary of claims, within two working days of receipt of the grievance. The summary of claims will be prepared in consultation with the aggrieved employee. A respondent is entitled to be provided with the details of all allegations made against them so that they may respond to all the issues raised.

4.2.2 Formal Grievance Procedures

A grievance will be considered a formal grievance when it is submitted in writing to an employee's supervisor (or if that is impractical, the next level of line management) and the supervisor forwards a copy of the complaint to the Team Leader Employee Relations for registration on the grievance database.

The Team Leader Employee Relations is responsible for ensuring the actions undertaken to resolve formal complaints are monitored.

Upon receipt of a grievance, the supervisor will liaise with the relevant parties and attempt to resolve the grievance.

There may be circumstances where an external investigator may be appointed by the Director HR Services to undertake an objective investigation of a grievance. External investigators will be provided with terms of reference to gather relevant information to assist with reaching a determination of whether on the balance of probabilities a grievance can be substantiated. The relevant School or Centre in which the grievance arises will be consulted about any associated expenses prior to the investigator being engaged. Costs incurred

as part of the grievance resolution process will be paid by the relevant School or Centre.

If the supervisor is unable to resolve a formal grievance the employee may request a meeting with the Director HR Services (or his or her nominee), along with their union representative or support person of their choosing, and/or the respondent to the grievance. Should either of the parties to the grievance invite a union representative or support person to the meeting the other participants are to be advised in advance.

If the grievance cannot be resolved by the relevant parties, the employee, their union representative or the ECU representative may within five (5) days or as otherwise agreed, arrange a conference of the parties to discuss the matter further.

If the matter continues to remain unresolved it might then be notified to the relevant statutory tribunal for conciliation or adjudication on the merits.

Alternatively, if the grievance has not been resolved and it has not progressed to an external statutory tribunal, the aggrieved employee may request that the Director HR Services make a determination in relation to a grievance. The determination shall be in writing and be based on the information received from earlier stages of the resolution process and any other investigations deemed necessary. The determination of a grievance in this manner concludes ECU's internal grievance resolution process.

When a decision is made, all relevant documentation is forwarded to the Team Leader Employee Relations to be secured in a confidential storage area.

4.3 Time Limits

In order to ensure that grievances are resolved as quickly as possible, time limits are prescribed for certain stages of the process.

Supervisors will attempt to facilitate the resolution of a grievance within 15 working days of receiving the grievance.

If a grievance cannot be resolved internally, and the aggrieved person seeks to have the grievance resolved using provisions outlined in the relevant industrial agreement, a conference of parties will be called within 5 days of referral to the Human Resources Representative.

The Director HR Services will provide a determination of a grievance when requested to do so within 10 working days of the request.

Time frames should only be extended if the employees involved demonstrate a justifiable reason for the delay. If requested, the Director HR Services will determine whether the time frames are reasonable.

4.4 Withdrawal/Lapsing of grievances

Aggrieved persons may withdraw a grievance at any time. Written grievances should be withdrawn in writing and the person responsible for that stage of the resolution process advised. Parties to the grievance will also be advised if a grievance is withdrawn or lapsed.

When a formal grievance is withdrawn, all papers relating to the grievance are to be forwarded to the Team Leader Employee Relations for confidential retention. Supervisors should retain any diary or personal notes in a secure location.

If an aggrieved employee fails to provide requested information or participate in the resolution process without reasonable grounds, written notification will be sent to the aggrieved employee warning him or her that the grievance will lapse. If there is no written or email response within 14 days of the advice, the grievance lapses.

A lapsed or withdrawn grievance cannot be reinstated unless the person seeking to do so shows good cause for the reinstatement to take place.

When a formal grievance lapses, all papers, including the documented lapsing process are to be forwarded to the Team Leader Employee Relations for confidential retention.

When a person from within the University initiates grievance action using external resolution processes prescribed by legislation outside the University, any action under this Policy may cease. A decision to cease action may be made by the Director HR Services after consultation with the parties involved.

4.5 Delegations

Authority to appoint external investigator - Director Human Resources Services Centre.

5. ACCOUNTABILITIES AND RESPONSIBILITIES

The Director Human Resources Service Centre has overall responsibility for the content of this policy and its operation in ECU.

Staff are required to comply with this policy and to seek guidance in the event of uncertainty as to its application.

6. RELATED DOCUMENTS:

6.1 The policy is supported by the following Guidelines:

- [Grievance Resolution Guidelines](#)

6.2 Other documents which are relevant to the operation of this policy are as follows:

- [Academic and Professional Staff Union Collective Agreement 2013](#)
- [Staff Grievance Registration Form](#)

7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Director Human Resources Service Centre
All Enquiries Contact:	Director Human Resources Service Centre
Telephone:	08 6304 2937
Email address:	r.bernstein@ecu.edu.au

8. APPROVAL HISTORY

Policy Approved by:	Vice-Chancellor
Date Policy First Approved:	28 September 2004
Date last modified:	December 2013
Revision History:	November 2005 November 2005 – HEWRRs Compliance July 2009 – Policy Amended to comply with University Guidelines re Drafting of Policy Documents 04 December 2013
Next Revision Due:	December 2014
TRIM File Reference	SUB/12538