

GRIEVANCE & DISPUTE POLICY DRAFT



1. Policy

It is the intention of SCISCO that all grievances and/or disputes raised by Employees are treated fairly and are dealt with promptly and efficiently.

In order to solve any issues, it is the responsibility of the Employee to raise any concerns with their Manager. It is the responsibility of the Manager to take appropriate action following receipt of these concerns.

This Policy outlines SCISCO's general Grievance and Dispute Resolution Policy, however the provisions of relevant Awards, Agreements, Contracts etc. are not compromised by this Policy.

2. Objective

SCISCO aims to:

- (a) Provide a pleasant work environment for Employees;
- (b) Provide avenues whereby grievances and/or disputes can be raised to eliminate lost time in the case of a dispute;
- (c) Make these procedures accessible to all staff; and
- (d) Provide a "fair go all round" for all persons involved with grievances and/or disputes.

3. Definitions

Grievance - is a real or imaginary issue causing resentment and is regarded as grounds for complaint.

Dispute – is a disagreement or difference between people or groups of people on a matter pertaining to the relationship between the Employer and Employee/s. A dispute may arise when one party makes a claim and the other party rejects it.

4. Process - Resolving Grievances

4.1. The Grievance Process

What to do if you have a grievance:

Step A: Approach the person involved. In many situations, the most appropriate thing to do first is to tell the person who is the cause of the grievance how you feel.

If the grievance is about their behaviour, tell them that it is not acceptable/offensive/hurtful. If it is about a work decision, tell them why you think it is unfair, inappropriate, etc.

Sometimes people behave inappropriately without realising, or make decisions without considering their repercussions. Telling the person will give them a chance to stop or change what they are doing.

Step B: If you don't feel you can approach the person directly, then go and explain the problem to your Manager. Your Manager should have been trained to be the first point of contact for people with complaints.

Your manager will advise you about what your options are and what will happen if you decide to make a formal complaint. Nothing will be done in relation to the complaint without you agreeing.

What happens next:

(a) Once you have expressed the grievance to a Manager they will then consider whether there are any reasons not to proceed with the complaint. The person may be a friend of the person you have a grievance with or may not have enough power to deal with the complaint.

(b) If your manager decides that they will not deal with your complaint, they will, with your consent, refer it to a member of the Executive of the Management Committee

(c) The Manager will then interview you. During this interview the Manager will explain a number of things to you, such as what will happen if the complaint is found to be supported by the evidence, or if it is found to be not supported by the evidence.

- (d) You will also be told where you can go if you are not happy with the way the organisation is dealing with the complaint.
- (e) The Manager will then take a written record of the complaint.
- (f) The Manager will then talk to the person about whom the complaint is made to hear their side of the story. The Manager will also interview any witnesses and possibly the Supervisor of the person complained about. These interviews will be conducted separately and impartially.
- (g) The importance of confidentiality will be stressed to all parties and they will be warned of the consequences if there is a breach of confidentiality. A written record will be made of evidence taken if a 'formal' path is taken.
- (h) The Manager will then tell you what the other people said and discuss what should be done to sort out the problem. You should tell the Manager what action you would like taken, eg. a written apology from the person, a written warning, etc.
- (i) If the complaint remains unresolved it will be reviewed by a member of the executive, who will make a final decision as to the outcome of the complaint.

4.2. Grievance Appeals

If you feel that the grievance procedure has not been followed properly, or that the outcome is unacceptable to you, you may appeal to one of the executive members of the SCISCO Management Committee.

The executive will look at the way the complaint was handled and examine the outcome. If they think it was handled properly and that the outcome was appropriate, they will take no further action. If they think that the complaint was not handled properly, or that the outcome was inappropriate, they will organise for the complaint to be looked at again.

The review will be dealt with by someone other than the person who first handled the complaint.

5. Process – Dispute Resolution

Subject to the dispute resolution provisions in the relevant industrial instrument the following procedures apply:

- Phase 1: Discussion at the workplace between those parties directly affected. If these parties are unable to resolve the dispute, then;
- Phase 2: The SCISCO manager, members of the executive will adopt the role of facilitators to assist the parties to resolve their dispute amicably. If the dispute still cannot be resolved, then;
- Phase 3: SCISCO Management and the Union organiser, or equivalent representative shall negotiate settlement of the dispute. If a settlement satisfactory to both parties cannot be negotiated, then;
- Phase 4: SCISCO manager and the Chair of SCISCO and the State Secretary of the Union or their nominees, or equivalent representative shall continue negotiations. If a settlement cannot be agreed within seven days of such a meeting, then, workers reserve their rights to take industrial action, and either party may;
- Phase 5: Refer the matter to the relevant Industrial Relations Commission for assistance and resolution. In the process, the Commission may be required to arbitrate the matter. A decision shall be binding on the parties subject to legal rights of appeal.

Work shall continue without interruption or dislocation through the period of discussion and negotiation until Phase 4 has been completed.

If either party refers the dispute to the relevant Industrial Relations Commission, then any recommendation or Order of the Commission will be accepted as the resolution to the dispute, unless one party decides that the dispute requires arbitration.

The Union shall have reasonable consultations with its members during the period of dispute. These Union consultations will normally be unpaid. Access to paid Union meetings under this Policy should be read in conjunction with other SCISCO policies and the provisions of relevant industrial instruments.

The Union consultations and meetings will be arranged to provide a minimum of interruption to SCISCO's operations. Such meetings and negotiations will ordinarily not be appropriate until after completion of Phase 3 of this procedure.

No party shall be prejudiced as to final settlement by the continuance of work in accordance with this clause.

Members of a Consultative Committee may act as facilitators during the course of these discussions and negotiations if both parties agree.

No claim shall be pursued or accepted by SCISCO in relation to lost time arising from an industrial dispute where the claimant has not complied fully with the dispute settlement procedure.

SCISCO acknowledges the right by the party to appoint, in writing, another person to act on behalf of the party relating to resolving the matter. Employees are required to continue work in accordance with the terms of their employment unless the Employee has reasonable concern about an imminent risk to their health and safety.

Subject to the provisions of any relevant Occupational Health, Safety and Welfare legislation, even if the Employee has a reasonable concern about an imminent risk to their health and safety the Employee must not unreasonably fail to comply with the direction by SCISCO to perform other work available. This other work may be available at the same workplace or at another workplace that is safe and appropriate for the Employee to perform.

SCISCO Employees and Employee representatives must co-operate to ensure that the dispute resolution procedure is carried out as quickly and as reasonably as possible.

6. Guidance to Supervisors and Managers

While this Policy is based on the response to a grievance or dispute, nothing in this Policy restricts your authority to act pro-actively. SCISCO encourages Supervisors and Managers to address potential issues prior to the issue becoming a complaint.

Supervisors and Managers are encouraged to seek further information and guidance from:

- (a) Other Policies including the Workplace Harassment Policy;
- (b) Other Supervisors and Managers; and/or
- (c) The SCISCO Management Committee.

7. Responsibilities

Both Employers and Employees must follow this Policy. While the intent of this Policy is to resolve grievances and disputes, nothing in this Policy limits a person's statutory rights.

If the Employee does not follow this Policy, or the provisions of the relevant industrial instrument, as applicable, the Employer may institute disciplinary action. The basis for disciplinary action may include (but not be limited to):

- (a) Failure, refusal and/or neglect to follow reasonable lawful instructions;
- (b) Raising vexatious or frivolous complaints; and/or
- (c) Repeatedly raising complaints which are found to have no justification.

If the Employer does not follow this Policy, or the provisions of the relevant industrial instrument, as applicable, the Employee has a right to advance a claim in line with the Policy or industrial instrument.

End.