



## **GRIEVANCE POLICY**

Version: 2; Adopted: 26 MAY 2023

### **1. INTENT**

Council is committed to providing a safe and healthy work environment that is free from psychosocial risks, discrimination, harassment, bullying, and workplace violence. This policy aims to provide a framework for how grievances are lodged, handled, and managed within Council. It seeks to ensure a fair, unbiased, and confidential process for employees to raise concerns and complaints related to workplace issues and psychosocial risks. The policy also aims to resolve grievances through mediation, consultation, cooperation, and discussion whenever possible.

The objectives of this policy are to:

- Provide a fair and accessible process for employees to raise and address grievances, fostering a safe and inclusive work environment.
- Ensure timely and effective resolution of grievances, addressing individual concerns while identifying and addressing systemic issues.
- Promote a culture of open communication, respect, and accountability, where employees feel supported and confident in reporting grievances without fear of reprisal.
- Protect the well-being and mental health of employees by addressing psychosocial risks, such as workplace bullying, harassment, and discrimination.
- Enhance employee satisfaction, engagement, and productivity by addressing and resolving workplace conflicts and concerns in a proactive and constructive manner.
- Ensure compliance with relevant legislation, regulations, and policies pertaining to grievance handling, workplace health and safety, and equal employment opportunities

### **2. SCOPE**

This policy applies to current and prospective employees and extends to cover councillors, apprentices, trainees, volunteers, contractors, service providers and visitors.

This policy applies to interactions either in person or via any form of communication including email, text message or social media.

This policy is not limited to the workplace or work hours. This policy extends to all functions and places that are work related; for example, work lunches, conferences, end of year parties and client functions.

### **3. FRAMEWORK**

Psychosocial risks refer to factors within the work environment that may affect the psychological well-being of employees, including stress, work-related violence, bullying, and harassment. Discrimination, harassment, bullying, and workplace violence can have a serious impact on the health, safety, and well-being of employees and can also damage Council's culture and reputation. Council is committed to providing a confidential grievance process where employees can access accurate advice and make complaints about issues relating to equity, diversity, and respect in the workplace.

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## 4. ACCOUNTABILITIES

Council has a legal responsibility to prevent psychosocial risks and ensure all employees are aware of the procedures outlined in this policy. Handle serious and complex grievances referred by line managers/supervisors or brought directly by employees.

Everyone within the workplace also has an individual responsibility and a duty of care to ensure a safe and healthy workplace.

### 4.1. General Manager

- Ensure the policy framework promotes a workplace free from discrimination, harassment, bullying, psychosocial hazards and victimisation.
- Ensure that processes are implemented and resources available for the effective identification, assessment and elimination or minimisation of psychosocial hazards.
- Model appropriate workplace behaviour and monitor the workplace to ensure the behaviour of others is in accordance with this policy.
- Ensure managers and supervisors support, manage and apply this policy within their area.
- Ensure all employees are aware of the procedures outlined in this policy.
- Handle serious and complex grievances referred by line managers/supervisors or brought directly by employees.

### 4.2. Managers

- Ensure all employees are aware of the procedures outlined in this policy.
- Act as the first point of contact for the receipt, investigation, and resolution of staff grievances, wherever possible.
- Make available education, information and support regarding the policy and its associated procedures.
- Model appropriate workplace behaviour and monitor the workplace to ensure the behaviour of others is in accordance with this policy.
- Apply the policy and its associated procedures fairly, reasonably and consistently;
  - Prevent harm using a risk management approach.
  - Intervene early to identify and support workers who may be exposed to psychosocial hazards and/or are at-risk of psychological injury or illness.
  - Support recovery of workers with psychological injuries and mental health conditions.
- Ensure all grievances are recorded and documented accordingly.
- Engage in informal resolution by discussing concerns or complaints with their immediate supervisor, HR representative, or designated contact person.

### 4.3. Employees

- Make a complaint to their line Supervisor, Human Resources Manager, or an appropriate contact within the Council.
- Have their grievance considered fairly, unbiasedly, and treated with respect.
- Keep records of incidents, responses, and any supporting evidence.
- Seek advice or assistance from a trade union, professional association, or external body such as the Anti-Discrimination Board.
- Engage in informal resolution by discussing concerns or complaints with their immediate supervisor, HR representative, or designated contact person.
- Initiate the formal grievance procedure if the concern cannot be resolved informally or the employee wishes to pursue a formal complaint.

### 4.4. Human Resources

- Provide information, guidance, training and support to management and employees on the grievance process, where necessary.

- Investigate grievances particularly those related to discrimination, harassment, psychosocial risks, or personnel/industrial matters.
- Support managers assess risk factors associated with grievances, and assist with the implementation and or review of appropriate controls measures to reduce psychosocial risks.
- Understand the policy and its associated procedures, including the Grievance and Dispute Procedures of the Award.
- Administer the process and maintain appropriate records with respect to the related grievances.
- Report to management and employees on the EEO Management Plan.

#### 4.5. WHS Committee

- a) Promote the safety and welfare of workers and other individuals in the workplace.
- b) Eliminate unsafe work practices,
- c) Support with the identification, control measure and review of workplace psychosocial.
- d) Ensure compliance with the Work Health and Safety Act 2011 (NSW), Work Health and Safety Regulation 2017 (NSW), and associated codes of practice.
- e) Provide information, guidance and support to management and employees.

#### 4.6. RTW Coordinator

- f) Assist in facilitating the return to work process for employees involved in a grievance or dispute.

### 5. EMPLOYEES MAKING A COMPLAINT

#### 5.1. All Employees have the right to;

- a) make a complaint either informally or formally to line manager/supervisor, Human Resources Manager or a person at an appropriate level within Council ([including website lodgement](#)) to have their grievance considered fairly and timely;
- b) keep notes, copies of written documents or diary records of all incidents and any responses, including date, times, witnesses and other details;
- c) seek advice or assistance from a trade union or professional association;
- d) seek advice from, or complain to, an external body such as the Anti-Discrimination Board.
- e) seek the support of a support person during the grievance process.
- f) Be afforded an accessible, fair and timely process to raise and address grievances.

### 6. EMPLOYEES SUBJECT TO A COMPLAINT

#### 6.1. A person who is the subject of a complaint has the right to:

- a) be informed verbally and in writing of what behaviour or interactions they are being accused of
- b) respond to the allegations and cite witnesses if appropriate;
- c) fair treatment and procedures;
- d) be heard by an unbiased person;
- e) seek advice or assistance from a trade union or professional association
- f) seek the support of a support person during the grievance process

## 7. DEFINITIONS

| Term                               | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Grievance                          | <p>A grievance is any kind of work related disagreement, complaint or matter which someone thinks is unfair, unjustified and which is causing that person concern or distress. Grievances can relate to almost any aspect of work where an employee believes a violation of legalities (e.g. policies, employment contract, national standards) has occurred. Workplace grievances can take on many forms. They will not always be made formal in writing and titled 'workplace grievance'. They may often be made via informally through discussion.</p> <p>An employee may lodge a complaint formally by downloading /lodging the Grievance form on Council website, requesting a copy from their manager or HR Department, Union Representatives, HSR or WHS Committee.</p> |
| Bullying                           | <p>Repeated, unreasonable behaviour directed towards a person or a group of people that creates a risk to health and safety.</p> <p>Repeated bullying includes behaviour that is persistent in nature, and may be a range or pattern of behaviours over a period of time.</p> <p>Unreasonable behaviour includes behaviour that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, intimidate or threaten another person.</p> <p>Fair and reasonable management action does not constitute bullying.</p>                                                                                                                                                                                                                       |
| Discrimination                     | <p>Treating a person, or group of people, less favourably because of their background or certain personal characteristics. Grounds of discrimination are set by law, and may include age, disability, race, sex, pregnancy, marital or relationship status, family responsibilities, sexual orientation, gender identity or intersex status. Discrimination may be direct, indirect or systemic.</p>                                                                                                                                                                                                                                                                                                                                                                           |
| Equal Employment Opportunity (EEO) | <p>The principle which ensures that all employees and potential employees are treated equally and fairly.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Harassment                         | <p>Any uninvited or unwelcomed behaviour that involves verbal, written, visual or physical affronts against another person. Harassment can involve unwelcome and offensive behaviour that relates to the ground listed in, but not limited to, the definition of Discrimination.</p> <p>Fair and reasonable management action does not constitute harassment.</p>                                                                                                                                                                                                                                                                                                                                                                                                              |
| Merit                              | <p>An assessment of each person's skills and abilities against the needs of the job and disregarding personal characteristics that are irrelevant for the job. Merit recognises knowledge, skills and experience gained both inside and outside formal employment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Sexual Harassment                  | <p>Unwelcome conduct of a sexual nature that a reasonable person would expect to be offensive, intimidating, humiliating or threatening.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Vexatious complaints               | <p>Complaints that are frivolous, made maliciously and without grounds.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victimisation         | Treating a person, or group of people, less favourably because they have made a complaint, intend to make a complaint or are involved in a complaint.                                                                                                                                                                                                                                              |
| Workplace Violence    | Threatening or physically attacking a person in the workplace.<br>Threatening includes a statement or behaviour that causes the person to believe that they are in danger of being physically attacked.<br>Physically attacking includes the direct or indirect application of force by a person to the body of, or the clothing or equipment worn by another person.                              |
| Psychosocial hazard   | A psychosocial hazard is one that arises from, or relates to: <ul style="list-style-type: none"> <li>• The design or management of work</li> <li>• A work environment</li> <li>• Plant at a workplace</li> <li>• Workplace interactions or behaviours</li> </ul> It may cause psychological harm, whether it may also cause physical harm.<br>Source: Work Health and Safety Regulation 2017 (NSW) |
| Psychosocial incident | A specific incident that causes exposure to a psychosocial hazard.                                                                                                                                                                                                                                                                                                                                 |
| Work-related stress   | The adverse reaction people have to excessive pressures or other types of demands that are not matched to their knowledge and abilities, and which challenge their ability to cope.<br>Source: World Health Organization (WHO)                                                                                                                                                                     |

## 8. LINKAGES

### 8.1. Applicable Legislation

THIS POLICY IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING:

- AGE DISCRIMINATION ACT 2004 (CTH)
- ANTI-DISCRIMINATION ACT 1977 (NSW)
- AUSTRALIAN HUMAN RIGHTS COMMISSION ACT 1986 (CTH)
- DISABILITY DISCRIMINATION & OTHER HUMAN RIGHTS LEGISLATION AMENDMENT ACT 2009
- INDUSTRIAL RELATIONS ACT 1996 (NSW)
- LOCAL GOVERNMENT ACT 1993 (NSW)
- LOCAL GOVERNMENT (STATE) AWARD 2020
- RACIAL DISCRIMINATION ACT 1975 (CTH)
- SEX DISCRIMINATION ACT 1984 (CTH)
- WORK HEALTH SAFETY ACT 2011 (NSW)
- WORK HEALTH SAFETY REGULATION 2017
- WORKPLACE RELATIONS ACT 1996 (CTH)

### 8.2. Related Policies and Procedures

PLEASE REFER TO THE FOLLOWING POLICIES/PROCEDURES:

- GRIEVANCE PROCEDURE
- CODE OF CONDUCT
- RESPECT AT WORK
- EEO MANAGEMENT PLAN
- PERFORMANCE, DEVELOPMENT, SUPPORT AND MANAGEMENT POLICY AND PROCEDURE
- RECRUITMENT, SELECTION, APPOINTMENT AND ONBOARDING POLICY AND PROCEDURE
- SALARY SYSTEM ADMINISTRATION POLICY AND PROCEDURE
- STAFF DEVELOPMENT POLICY

## 9. REVIEW

This policy was developed as part of a Bourke, Brewarrina and Walgett Joint Project (2018).

This Policy will be reviewed every 2 years or as required in the event of legislative changes. Any amendment to the Policy must be by way of a Council Resolution or the approval of the General Manager.

### 9.1. Policy Amendments

| VERSION | DATE APPROVED    | RESOLUTION NO | DESCRIPTION OF CHANGES |
|---------|------------------|---------------|------------------------|
| 1       | 26 SEPTEMBER 07` | 304/07        |                        |
| 2       | 26 MAY 23        | 61/23         | LEGISLATION UPDATES    |