**Staff Grievance Resolution Guidelines**

The University of Queensland is committed to developing a harmonious, fair and just working environment. These guidelines have been developed to support the resolution of grievances related to the Staff Grievance Resolution Policy (5.70.8) and to provide greater detail to those involved in seeking resolution of a grievance.

**1. Definitions**

**Accountable University Officer** is the senior officer within the line management structure of the School, Faculty or Administrative unit with responsibility for workplace management issues including matters related to grievance resolution. The appropriate Accountable University Officer will be determined with reference to 3. Procedures.

**Complainant** refers to the person or persons with a grievance.

**Confidentiality** means limiting disclosure of information related to a grievance to as few people as possible, and to those who have a legitimate involvement in the grievance resolution process.

**Discrimination and Harassment Contact Officers** have been trained to provide information on issues relating to staff and student discrimination, harassment and bullying.

**Due Process** refers to procedural fairness and also refers to expeditious action to resolve grievances. Due process incorporates principles of natural justice.

**Grievance** is a problem, concern or complaint about decisions that are perceived to have had an adverse affect or other matters about which a person may be aggrieved in their capacity as an employee of the University.

**Natural Justice** is the right to be given a fair hearing and the opportunity to present one's case, to have a decision made by an unbiased or disinterested decision maker and to receive procedural fairness.

**Respondent** is the person or group of persons, about whom the grievance is raised.

**Relevant union** shall mean the National Tertiary Education Union for academic and TESOL staff and shall mean the union nominated by union representatives of the Joint Consultative Committee for general staff.

**Support person** A person accompanying either a complainant or respondent to a grievance to an interview with the Accountable University Officer. A support person may be a trusted colleague or a union representative. Legal representation is **not** permitted.
Victimisation is the unfavourable treatment of a person as a direct result of that person having made a complaint, or being the subject of a grievance.

2. Principles

Grievance resolution is an integral part of a manager’s or supervisor’s duties, which also include responsibility for identifying, responding to and addressing problems in the workplace and for ensuring that victimisation of either a complainant or a respondent does not take place.

Grievances should be treated seriously, expeditiously and sensitively and handled as close as possible to their source.

Before initiating grievance procedures, the complainant should try to resolve the problem directly with the person concerned if possible. The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing workplace relationships. Only where this is not possible, should the complainant proceed to the steps outlined in these guidelines.

Information and advice can be sought at any time from Personnel Services, Employee Relations, The Office of Occupational Health and Safety and The Equity Office.

3. Procedures

At each stage of the Grievance Resolution process the following procedures should be adopted:

(a) The Accountable University Officer should ensure that each party to the complaint and other relevant persons are interviewed separately at first instance, and where appropriate, further meetings with both parties may be arranged.

(b) At any meeting between a supervisor and complainant or respondent, the latter two parties may bring a support person with them. At steps 2 and above the Accountable University Officer must advise the complainant and respondent of their entitlement to a support person.

(c) Alternatives that may resolve the grievances should also be explored. This might include mediation. Personnel Services should be contacted for advice on arranging this. Mediation can only proceed with the agreement of all the parties.

(d) At Step 2 and beyond of the resolution process, a representative of Personnel Services should be present to provide advice to all parties.

(e) At Step 2, in cases of discrimination or harassment the Accountable University Officer will notify the Associate Director, Occupational Health and Safety. The Accountable University Officer will also notify The Director of The Equity Office of the grievance and discuss an appropriate course of
action. A completed Discrimination and Harassment Complaint Form will also be forwarded to The Equity Office when resolution reached. (Note that cases related to sexual harassment have different grievance procedures - see the Management of Sexual Harassment Grievances policy).

(f) The parties to the complaint should be brought together and advised of the relevant officer’s findings and proposal to resolve the issue.

(g) The parties shall be advised that no proposal for resolution can be implemented unless agreed on by all the parties (except at Step 5).

(h) Each party shall be asked to indicate whether they accept the proposal.

(i) In the event the matter cannot be resolved, the Accountable University Officer shall advise the parties accordingly, and record the steps taken to resolve the matter and the issues that remain unresolved between the parties.

(j) The Accountable University Officer shall also advise the party who lodged the grievance of their right to progress the matter to the next stage of the grievance procedure. Notification of an intention to progress a matter to the next level of the grievance procedure must be made to Personnel Services within 10 working days of receiving this advice.

(k) If agreement is reached then this should be recorded in writing.

(l) The Accountable University Officer shall ensure that each step of the grievance procedure is finalised within 2 weeks.

(m) Once an agreed resolution has been reached, the Accountable University Officer shall ensure that appropriate steps have been taken to implement any remedial action necessary and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of either the complainant or respondent does not take place.

(n) At all times, care must be taken by all parties to ensure that confidentiality and principles of natural justice and due process are observed.

Step 1
A person feeling aggrieved should seek resolution of the problem at the earliest time and lowest level wherever possible. This might take the form of a direct approach in person, carefully and clearly stating the nature of the concern and what a preferred outcome might be. Alternatively, the matter can be raised verbally with the supervisor, or where the supervisor is the subject of the grievance, the next most senior Accountable University Officer.

Only where this is not possible or appropriate, should the grievance procedure commence Step 2.

Step 2
The complainant should state the nature of their grievance in writing, providing specific information and examples. This written complaint should be provided to the appropriate Accountable University Officer in the area to which the grievance relates, eg. Head of School, Senior Manager.
The Accountable University Officer should assess the complaint to ascertain whether it can be dealt with under these grievance resolution processes, or whether the complainant should be referred to another more suitable process (eg Management of Sexual Harassment Grievances).

Once this has been ascertained, the Accountable University Officer should assist the parties to work towards resolving the grievance through following the Procedures outlined above. The Accountable University Officer should carefully document the steps taken and information obtained pertaining to resolution of the grievance.

If a resolution can be reached, the Accountable University Officer should work with the parties to put this agreement in writing (see Records).

Step 3
In the event the grievance relates to a Senior Manager or Head of School, OR the grievance has not been resolved in Step 2, the matter may be referred to the relevant Executive Dean or Director (as the appropriate Accountable University Officer). All documentation related to the grievance and previous attempts to reach a resolution should be passed on to the Executive Dean or Director.

Step 4
Where the matter is unable to be resolved at Step 3, the matter may be referred to the Deputy Vice-Chancellor (Academic) or Secretary and Registrar (as the appropriate Accountable University Officer), and a nominated officer of the relevant union. All documentation relevant to the grievance will be passed on to the Deputy Vice Chancellor (Academic) or Secretary and Registrar who, in conjunction with the relevant union representative, will review the material and work towards resolution of the grievance.

Step 5
In the event the matter is not resolved at Step 4, the matter will be referred to the Vice-Chancellor for decision. The Vice Chancellor will base their decision on the relevant materials as presented at a meeting with the Deputy Vice Chancellor (Academic) / Secretary and Registrar and the relevant Union representative. Such decisions will be final as far as the University’s procedures are concerned.

4. Records

Where a grievance is resolved at Steps 2, 3 or 4 the parties, all parties to the grievance should sign to acknowledge resolution of the grievance and the Accountable University officer will sign as witness. Each of these three parties should keep a copy of the agreement. One further copy is to be sent to Personnel.

A pro forma to assist is attached. Such agreements shall be kept confidential and will serve as a record of understanding in the event the grievance is subsequently raised at a later date. They will not be placed on any staff member’s staff file. Records will be
maintained for as long as deemed necessary by the parties, with a minimum of seven years from either the date of resolution or the last action undertaken, after which time the records will be destroyed.

Grievance Resolution Process Agreement

As an outcome of a Staff Dispute Resolution process, (insert name of parties) agree that:

(insert details of agreement)

Signed (signatures of parties to the agreement)

Witnessed (signature of Accountable University Officer)

Dated _____________________

Notes

Confidentiality All parties are reminded of the need for confidentiality. All parties to this Agreement should retain a copy.

A copy of this Agreement is to be sent to Personnel.

1 This Agreement will be kept by Personnel for a minimum period of seven years after the last action was undertaken.