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Grievance or Dispute Resolution Policy

Department for Education,
Children and Young People

Tasmanian Government

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1 Purpose

This Policy ensures grievances or disputes are raised and dealt with fairly, confidentially, consistently and in a timely manner, to ensure a harmonious and professional environment in all Department for Education, Children and Young People (DECYP) workplaces. The associated Grievance or Dispute Settling Process Procedure provides employees with a structured process through which to resolve the matter.

The Policy and associated procedures and documents apply to employees. Other groups of workers and non-employees (e.g. contractor workers, volunteers, visitors, etc) are not covered.

The DECYP values of #Connection and #Respect guide our daily interactions and behaviours. DECYP acknowledges that, at times, employees may experience concerns or dissatisfaction arising from decisions, interactions, or aspects of their work environment.

This Policy is underpinned by the rights and entitlements as set out in the:

- Tasmanian State Service Award, Grievance and Dispute Settling Procedure, Part XI Clause 3i
- Facilities Attendants (Tasmanian State Service) Award, Grievance and Dispute Settling Procedure, Part IX Clause 2
- Health and Human Services (Tasmanian State Service) Award, Grievance and Dispute Settling Procedure, Part XII Clause 3
- Nurses and Midwives (Tasmanian Public Sector) Award, Grievance and Dispute Resolution, Part VIII Clause 3
- Teaching Service (Tasmanian Public Sector) Award, Avoidance and Settlement of Disputes, Part VII Clause 2.

2 Policy Statement

Grievances arise when an employee believes they have been treated unfairly, unjustly, or have had their rights violated. Generally, situations which may give rise to grievance include, but are not limited to:

- workplace behaviour (including but not limited to allegations of harassment, discrimination, bullying, disrespect, violence)
- interpersonal conflicts between employees
- working conditions and/or environment
- action or inaction of management
- poor communication and leadership.

Circumstances which may not constitute a grievance or dispute include, but are not limited to:

- Misuse of departmental resources – these should be dealt with in accordance with Employment Direction 5.
- Matters relating to the performance of an employee – these should be dealt with in accordance with Performance Management processes.

- Alleged inability to effectively and efficiently perform the duties required of the employee's role (including medical inability) – these should be managed in accordance with Employment Direction 6.
- Alleged misconduct and/or alleged breaches of the *State Service Act 2000* Code of Conduct or the Conduct and Behaviour Standards – these should be dealt with in accordance with Employment Direction 5.
- Criminal matters – please report to Tasmania Police.
- Safety risk as there are alternative/additional key pathways for you to follow through the Safety Reporting System (SRS).

2.1 Grievance or Dispute Principles

Employees are encouraged to resolve conflict informally wherever possible. A formal grievances or dispute process will only be considered when appropriate attempts have been made to resolve the matter informally, unless the circumstances and/or seriousness of the situation dictate that a formal process is more appropriate.

The following principles apply to grievances or disputes:

- All grievances or disputes are to be treated confidentially.
- Appropriate, objective and timely action is taken throughout the process.
- All grievances are managed in accordance with the principles of natural justice and procedural fairness.
- All parties communicate openly, honestly and respectfully.
- All parties are entitled to be heard and have a reasonable opportunity to present their view or version of events.
- All parties have the right to be treated fairly and without bias.
- All persons are to be informed of the basis and reasons for a decision where that decision affects them.
- All persons involved in the grievance or dispute process must be provided with sufficient notice of any meetings.
- All parties can have a support person of their choosing present during meetings.
- Meetings and discussions must be conducted in an appropriate location, having regard to privacy, confidentiality and provisions for disability.
- A grievance or dispute can be resolved if agreed by all parties anytime during the process.
- If a resolution is agreed, it is to be implemented in good faith by all parties.

If a Principal/Manager becomes aware of a matter which they believe to be a grievance or dispute, they may make inquiries to address/investigate the matter, even if the Complainant does not wish to pursue the matter, to mitigate any potential risks to a harmonious and professional working environment and other employees.

3 Related policies

- Conduct and Behaviour Policy

4 Related procedures

- Grievance or Dispute Resolution Procedure

5 Supporting information/tools

- Support for Complainants
- Wellbeing Connect – provides support for individuals and teams through conflict resolution and mediation activities

6 Definitions

Complainant

The employee submitting the grievance or dispute.

Employee

Any individual employed by DECYP under the *State Service Act 2000*

Formal Grievance

A formal grievance is a matter an employee raises in writing when the seriousness, complexity or impact of the issues requires a structured, documented process, or when reasonable attempts to resolve the matter informally are not suitable or have been unsuccessful.

Grievance

In this context, a grievance can be defined as an expression of dissatisfaction about a work situation that results from an action, omission, situation or decision which is perceived by the complainant to be unfair, unjustified or a violation of their rights.

Procedural Fairness

Also referred to as natural justice. Procedural fairness requires a fair and proper process be used when making decisions that may adversely affect the interests of an individual. The rules of procedural fairness require:

- a hearing appropriate to the circumstances
- lack of bias
- evidence and reasons to support a decision
- inquiry into matters of dispute.

Resolution

A grievance or dispute is resolved when the matter is dealt with in line with proposed outcomes. The resolution may or may not be to the parties' satisfaction.

Resolutions may include an explanation, an apology, changing or reconsidering a decision or action, expediting a decision, reaching a compromise resolution, identifying a different action, referral to another area due to seriousness, concluding that the grievance or dispute has been resolved or dismissed.

Respondent

The person with whom the complainant is aggrieved.

Witness

A person who can provide information and/or evidence regarding the situation outlined in the grievance or dispute documentation.

7 Legislation

- *State Service Act 2000*
- *Right to Information Act 2009*
- Tasmanian State Service Award
- Health and Human Services Tasmanian State Service Award
- Facility Attendants Tasmanian State Service Award
- Nurses (Tasmanian Public Sector) Award
- Teaching Service Tasmanian Public Sector Award

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