

# Grievance Policy and Procedure



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## 1. Policy Statement

The State Library of NSW (the Library) is committed to providing a positive, safe and healthy workplace, including an environment that identifies, hears, and resolves grievances in a prompt, fair, impartial and confidential manner. All staff have a responsibility to contribute to a harmonious workplace and to proactively prevent, or identify and resolve, grievances as close to the source of complaint as possible.

This policy has the following objectives:

- An accessible policy framework which can be used to prevent, identify, raise / report and resolve unacceptable behaviour
- A culture of trust wherein staff feel comfortable and confident to raise and resolve grievances at the most local, informal level
- Awareness of the resolution process and support available to staff involved in a grievance

The Library and this policy operate according to the following principles:

- Grievance resolution is an integral part of management responsibility at the Library. People leaders, managers and executives (management) have the responsibility to take all reasonable steps to prevent, or identify and resolve, issues in the workplace
- Grievances are to be dealt with as promptly as possible
- Resolution of grievances is encouraged at the point that is as close as possible to the source of the complaint and at the lowest level of management and formality
- Staff grievances will be handled in a serious, sensitive and unbiased manner, taking into account the principles of natural justice
- Confidentiality will be respected at all times within the constraints of the need to fully investigate the grievance
- Staff raising, reporting, involved in, or the subject of, a grievance will not be victimised in any way; victimisation as a result of raising grievances will be regarded as a serious breach of the Code of Ethics and Conduct
- Where possible, the resolution preferences of the staff member raising or reporting the grievance will be taken into account, subject to an obligation to take formal action

- Harassment and Bullying Contact Officers can provide advice, support and information to staff
- Staff have the right to seek advice from Human Resources or contact an external body for advice, assistance or to request representation at any point during the management of a grievance, such as the Anti-Discrimination Board of NSW, their Union, or the Australian Human Rights Commission
- Staff may request support from another party e.g. colleague or union representative to attend grievance resolution meetings and act as an observer

This policy is designed to be a guide only and does not aim to prescribe the actions required to handle every instance of a grievance within the spectrum of potential workplace conflict. Staff are expected to use their discretion as to how particular grievances should be handled, having regard to the specific circumstances and the purpose and principles of this policy.

This policy should be read in conjunction with the Library's Code of Ethics and Conduct. The Code references other complaint types and mechanisms, such as Public Interest Disclosure reporting for fraud and corrupt conduct.

## **2. Target Audience**

This policy applies to all staff members, contractors, employees of contractors, consultants, students and volunteers at the Library (collectively referred to in this policy only as 'staff') and compliance is mandatory.

## **3. Application**

A '*grievance*' is a clear, formal statement by a staff member of a work-related problem or complaint relating to one or more of the following:

- harassment, bullying or discrimination
- workplace communication or interpersonal conflict
- the interpretation and application of the Library's policies, including allocation of work, role design and performance management
- the interpretation, application or operation of an award or other industrial agreement

*Complainant* means the staff member raising or reporting the grievance.

*Respondent* means the staff member who is the subject of the grievance.

## **4. Role and Responsibilities: Supporting the prevention, or identification and resolution, of grievances**

### **Staff**

Staff are responsible for proactively contributing to a positive, safe, healthy and harmonious workplace, through the following:

- adhere to the Library's Values; Code of Ethics and Conduct; policies and procedures
- actively contribute to effective communication and a harmonious workplace
- avoid gossip, or the spread of rumours, regarding workplace interpersonal challenges or workplace concerns or grievances
- when appropriate, assist in the resolution of grievances proactively, professionally and in good faith

- maintain confidentiality regarding the resolution of grievances, irrespective of the manner, or level of formality, of the resolution
- follow all lawful and reasonable workplace directions
- adhere to this policy in relation to raising, reporting or being involved in a grievance
- not make false or misleading claims

### **Complainant and Respondent**

In addition to the staff responsibilities, the complainant and respondent are responsible to:

- resolve the grievance as close to the source of the complaint as possible, where appropriate
- provide sufficient information about the matter, including outlining the issues seen as relevant and specifying, or relating to, the outcome(s) sought
- not raise or report frivolous, false or malicious grievances or information (complaints with no substance that are made to intentionally annoy or discredit others)

### **Management**

In addition to the staff responsibilities, management are responsible to:

- actively promote and support this policy
- facilitate the resolution of grievances if local discussions are inappropriate or unsuccessful, or if required due to the nature of the grievance
- take all necessary steps to deal with grievances seriously, sympathetically, promptly, thoroughly, impartially, and confidentially
- ensure staff who raise, are involved in, or are the subject of, grievances are not victimised
- notify / seek advice from Human Resources immediately, where the grievance is of a serious nature, such as unlawful behaviour

### **Human Resources**

In addition to the staff responsibilities, Human Resources is responsible to:

- act as an advisor and sounding board, providing support to any party requesting it, through:
  - clarification of policy, process, requirements, tools and / or reporting mechanisms
  - advice as to possible legal / ethical considerations and / or courses of action
- if requested and where appropriate, may act as a support person at any interview, meeting or discussion regarding the grievance
- monitor the management of grievances and effectiveness of the Grievance Policy and Procedure
- provide advice on real or perceived conflicts of interest that may arise during the management of grievances
- where required, mediate grievances and advise the State Librarian that either the matter has been resolved, or recommend further action be taken
- where a grievance is of a serious nature or an investigation is to be conducted, decide on the course of action, including on the use of external investigator(s)
- where a grievance is formally submitted to HR, take carriage of the grievance from line management and drive the resolution process
- determine the resolution of the matter, if agreement cannot be reached by the parties

## **State Librarian**

In addition to the staff and management responsibilities, the State Librarian is responsible to:

- review formal requests for appeal.

## **5. Resolving Concerns or Grievances**

Towards supporting a positive, safe, healthy and harmonious workplace, instances of unacceptable behaviour witnessed by staff should be reported to their people leader or Human Resources, irrespective of whether they feel personally aggrieved.

In the first instance the resolution of grievances should be driven by the complainant and their direct people leader then, if not resolved or appropriate, the Branch Manager or Human Resources.

The following procedural steps are a guideline of the actions which may be taken once a grievance has been identified. However, staff and management should be mindful of the individual circumstances of each case and act appropriately in response to these.

Where the behaviour of the respondent is of a serious nature, such as unlawful behaviour, staff should raise this immediately with their people leader, and in turn, with Human Resources.

### **5.1 Steps for Resolution**

The grievance resolution process involves a series of levels of discussions and resolutions aimed at resolving the matter as close to the source of complaint as possible. Many grievances can be dealt with quickly, however some grievances are more complex and may take longer to resolve.

#### **Step 1: Concern informally discussed between relevant parties**

- Where the complainant feels comfortable doing so, they should attempt to seek a resolution to their concern themselves, directly with the person/persons involved and as soon as possible.

The focus on self-resolution is to produce a positive result for the maximum number of parties and to encourage a harmonious culture where honest and constructive dialogue is valued.

- All parties to the concern should state their view of the matter and listen to each other's views. They should actively seek common ground to establish a prompt resolution of the matter.

In many cases the behaviour in question may not have been intentional. Giving the benefit of the doubt, as well as taking a respectful and constructive approach to the discussion, may result in a more positive outcome. To support the positive resolution of concerns at this level, the Library's 'Just Talk Tool' is available to staff which outlines how to prepare for, and carry out, a resolution discussion.

- Where the concern is unable to be resolved, the complainant should raise the matter formally with their people leader, advising them of the substance of the grievance and the desired resolution.

## Step 2. Grievance raised with people leader

- If a complainant raises their concern formally with their people leader, it is then considered a 'grievance'.
- Formal grievances can be raised either verbally or in writing, in the first instance.
- After an initial discussion with their people leader, staff are encouraged to outline their grievance in writing. Doing so will ensure clarity regarding the nature, key points / details (dates, events, behaviour, etc) and preferred resolution outcomes relating to the grievance. This will support the people leader in facilitating a resolution.
  
- The people leader:
  - undertakes all activities sensitively and maintains confidentiality
  - meets with complainant to clarify the nature and details of the situation and grievance, focusing on establishing facts, i.e. who, what, when, where, how
  - discusses and provides information on support options for complainant, such as the Employee Assistance Program (EAP)
  - keeps notes of facts, dates, discussions and actions taken in relation to the grievance
  - where required, consults with Human Resources for advice / guidance
  - discusses and agrees course of action in accordance with this policy, which may include:
    - empowering complainant to raise complaint directly with respondent
    - not taking any further action for the time being (wait and monitor)
    - people leader taking actions to facilitate resolution of the grievance
    - referring grievance to Human Resources if serious / unlawful behaviour
  - where facilitating resolution, as soon as practicable:
    - provides the respondent with the details of the grievance and gives the option to respond to the substance of the grievance
    - if respondent's information differs greatly from the complainant's, acts to resolve the disparity by putting response to complainant to get their view, and by clarifying details with witnesses to the grievance
    - resolve the grievance through either:
      - discussing with both parties individually to reach agreement on resolution
      - discussing with both parties as preparation, then bringing them together to reach agreement on resolution (people leader must oversee this meeting, act in a fair, unbiased and impartial manner and facilitate constructive, positive dialogue)
  
- If agreement is reached between the parties, the people leader follows up to ensure any corrective action is taken within agreed timeframes and ensures that the actions have properly addressed the cause of the grievance. The people leader takes the opportunity to reinforce / clarify expected and unacceptable behaviour in the team and monitors the culture moving forward. The grievance is then considered resolved.
  
- Where the grievance is unable to be resolved the matter can be referred to the Branch Manager by any party to the grievance.

### **Step 3. Grievance raised with Branch Manager**

- The Branch Manager:
  - confirms previous conversations and actions taken with the complainant and their people leader (if involved)
  - takes similar actions as the people leader (outlined in Step 2) towards resolving the grievance
- If the parties cannot reach agreement, the Branch Manager recommends a resolution to the matter. The Branch Manager negotiates with both staff to achieve their agreement with the proposed resolution. If necessary, the Branch Manager asks the parties to consider the proposal, and reconvenes the meeting at an agreed date and time.
- Where the grievance is unable to be resolved, the matter can be referred to the Executive Director / Director or Human Resources by any party to the grievance.

### **Step 4. Grievance raised with Executive Director / Director or Human Resources**

- If a grievance remains unresolved it should be raised, in writing, with the Executive Director / Director or with Human Resources, and should include:
  - the substance and relevant information pertaining to the grievance (i.e. why/how the complainant feels aggrieved)
  - the preferred resolution being sought
  - if previous discussions or actions taken to resolve the matter have occurred, details may include the date(s), time(s), parties involved and outcomes of those discussions
- The Executive Director / Director or Human Resources:
  - confirms previous conversations and actions taken with the complainant, people leader and / or Branch Manager
  - takes similar actions, if relevant, as the people leader (outlined in Step 2) towards resolving the grievance

In addition to the above Human Resources may undertake the following actions as required:

- mediate the resolution process
- conduct an investigation, undertaken either by a Human Resources delegate or an external investigator
- report to relevant external body
- where parties cannot reach agreement, determine the resolution of the matter, indicating the actions required and responsibilities for the actions. This is the final step in determining a resolution to the grievance.

Where appropriate, work should continue as normal in the workplace whilst resolution steps are being undertaken. However, if there is a direct threat to the health or safety of any person involved, immediate steps will be taken to minimise this risk until such time as the resolution process has been completed and an outcome determined.

### **Step 5. Appeal to State Librarian**

- If any party is not satisfied with the resolution of a grievance, that party may lodge a formal appeal in the form of a memorandum to the State Librarian. This

memorandum should include details of the substance of the grievance, the approach and steps taken for resolution, and grounds for the appeal.

- The decision of the State Librarian is the final internal avenue for all parties.

## **5.2 Outcomes of a grievance**

The outcome of a grievance will take into account the seriousness of the incident(s) that formed the basis of the grievance. Possible outcomes of a grievance include:

- The complainant gains a better understanding of the situation so that their concerns are addressed
- Mutually acceptable resolution is achieved for all parties
- The complainant receives an apology, and / or the issue or behaviour that was the basis of the grievance is addressed or modified
- In instances where the facts surrounding a grievance cannot be substantiated no further action may result
- In cases where the grievance is substantiated and circumstances warrant, formal action(s) may apply. This may result in formal warnings about inappropriate behaviour and in the most serious cases, transfer, demotion or dismissal of the staff member concerned. In these instances a record of the grievance and the resultant formal action will be placed on the personnel file of the person to whom the formal action relates.

All grievance resolutions will fit the seriousness and nature of the grievance and situation surrounding it.

In cases where the grievance is not substantiated, the Library may still take appropriate action to address any unacceptable workplace behaviour as a proactive action to support a respectful, inclusive and fair workplace.

## **5.3 External Referral**

Where appropriate, the complainant, respondent, their representative, the Manager, Human Resources or the State Librarian may refer the matter to the New South Wales Industrial Relations Commission, the Anti-Discrimination Board or other relevant external body.

## **6. Confidentiality and Respect**

Positive and harmonious workplaces are founded on a base of mutual respect between colleagues and this respect must continue to be shown to all involved in the resolution of grievances, in particular, through the maintenance of confidentiality.

Grievances can become defamatory, or enable victimisation of the individuals involved, if confidentiality is breached. Resolutions may also be compromised as a result, so it is in the best interests of all involved that confidentiality is maintained.

All parties involved in a grievance resolution process must adhere to the following confidentiality requirements at a minimum:

- only discuss the grievance with those parties directly involved in resolving it
- only share / distribute materials relating to the grievance with those who are directly involved in resolving it
- follow the direction of management and Human Resources regarding confidentiality

The spread of rumour or gossip relating to confidential matters, or inciting hostility towards others in the workplace, will not be tolerated by the Library for any reason.

## **7. Support avenues for staff**

The Employee Assistance Program (EAP) is available to all staff and their immediate families and provides free, short-term counselling and other support resources to support well-being.

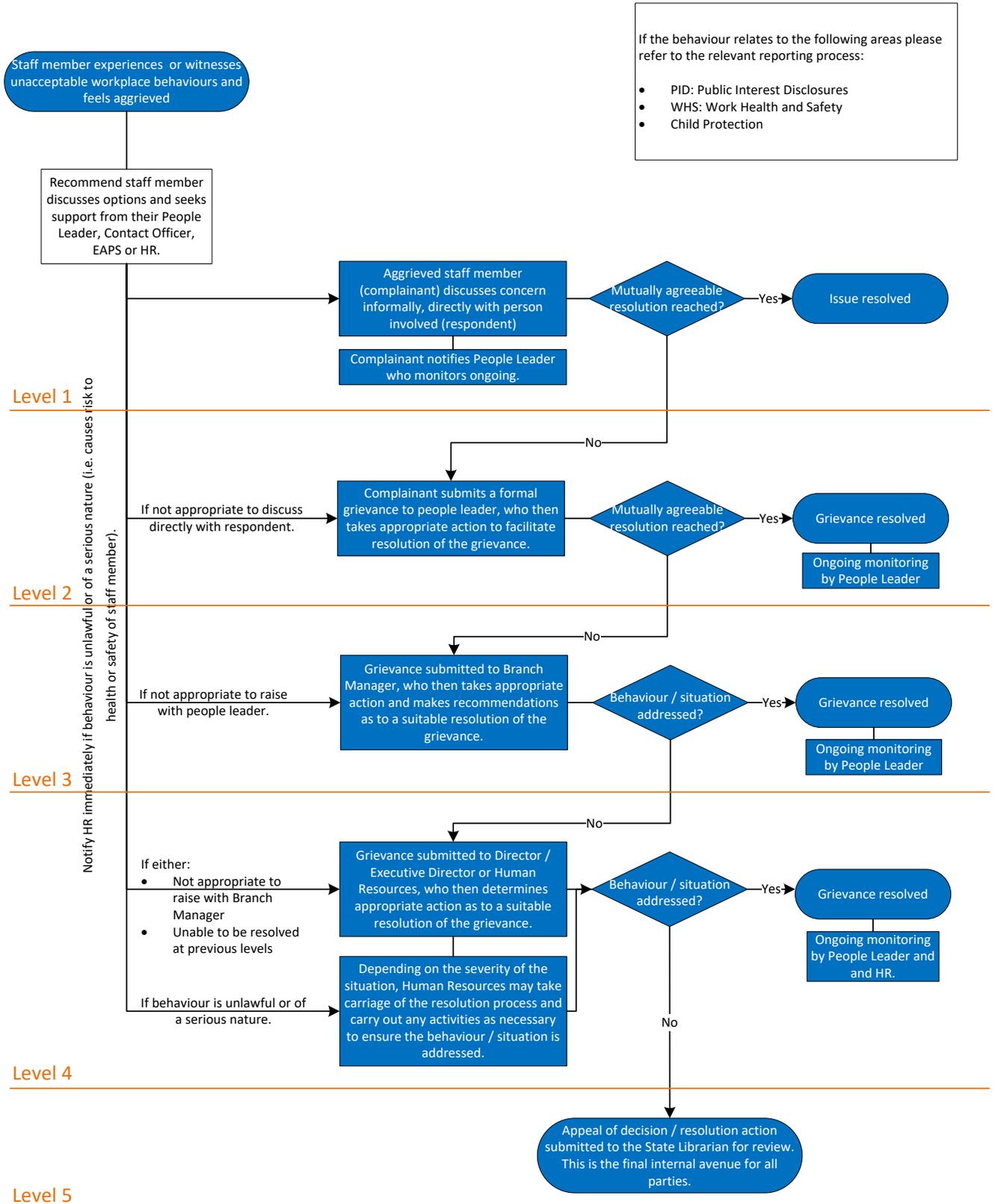
[Harassment and Bullying Contact Officers](#) are available as a support contact point and to provide staff with:

- an alternative confidential point of contact for enquiries related to harassment, bullying, discrimination or unacceptable behaviour
- information about the Library's Respectful, Inclusive and Fair Workplace Policy and the Grievance Policy and Procedure
- assistance and encouragement to take the appropriate next step for dealing with their particular concern, in accordance with Library processes, for those who consider they have experienced or witnessed harassment or bullying in the workplace

Harassment and Bullying Contact Officers:

- do not accompany, or act as a representative / advocate (speak on behalf) of, any staff member involved in a grievance
- do not investigate or become involved in investigations relating to grievances

## 8. Process Overview



HR must be notified of the occurrence and outcome of all formal grievances, even if not directly involved in the resolution process.

It is recommended that all internal avenues for resolution are exhausted before external referrals are made. However, any party may refer the grievance at any time to an external authority, such as the NSW Industrial Relations Commission or Anti-Discrimination Board.

## 9. Further Information

For further information or guidance, the following resources are available:

**NSW Industrial Relations Commission** 02 9258 0866

**Australian Human Rights Commission** 1800 620 241  
<https://www.humanrights.gov.au>

**Anti-Discrimination Board of NSW** (02) 9268 5544;  
<http://www.antidiscrimination.justice.nsw.gov.au/>  
[adbcontact@justice.nsw.gov.au](mailto:adbcontact@justice.nsw.gov.au)

### Related Legislation and Policy

The following documents list the legislative and policy framework within which the Grievance Policy and Procedure operates and provides further guidance for the specific areas addressed in it.

- *Australian Human Rights Commission Act 1986 (Cth)*
- *Work Health and Safety Act 2011*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Rules 2014*
- *Government Sector Employment Regulation 2014*
- Public Service Commission – Positive and Productive Workplace Guidelines
- Public Service Commission – Behaving Ethically Guide
- State Library of NSW Code of Ethics and Conduct (PD/49)
- State Library of NSW Respectful, Inclusive and Fair Workplace Policy

### History

This policy replaces the *Grievance Handling and Dispute Resolution Procedure*: TRIM file 50915.

### Document history and version control

Version	Date approved	Approved by	Brief description
1.0	29 May 2018	Executive	This policy provides a framework which can be used to prevent, identify, raise / report and resolve unacceptable behaviour to build a culture of trust wherein staff feel comfortable and confident to raise and resolve grievances at the most local, informal level.