

UQ College (UQC)

## Policy and Procedure

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<b>Associated Policies:</b>	<p>UQC HR.1.01 Staff Code of Conduct</p> <p>UQC HR3.1.02 Prevention of Discrimination, Harassment and Bullying Behaviours Procedure</p> <p><a href="#">Educational Services (Post-Secondary Education) Award 2020</a></p> <p>UQ Staff Code of Conduct</p>
<b>Legislation</b>	<p><a href="#">Fair Work Act 2009 (Cth)</a></p> <p><a href="#">Public Sector Ethics Act 1994 (Qld)</a></p> <p><a href="#">Human Rights Act 2019 (Qld)</a></p>
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### Purpose and Scope

This procedure outlines the process for managing staff grievances and/or complaints.

#### Scope

This procedure applies to all professional and academic staff of UQC during their period of employment with UQC.

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## 1. Procedure Scope/Coverage

Grievances lodged in accordance with the provisions of UQC HR3.1.02 Prevention of Discrimination, Harassment and Bullying Behaviours Procedure must be lodged no later than 12 months from the date of the most recent incident complained of.

All other grievances must be lodged as soon as possible after the date when the problem or concern arose and usually no later than six months from the date of the most recent incident complained of.

Complainants who are considering lodging a complaint with an external jurisdiction (e.g. [Anti-Discrimination Commission Queensland](#), [Australian Human Rights Commission](#), [Fair Work Commission](#), [Fair Work Ombudsman](#)) should note that specific timeframes may apply. Complainants should inform themselves of any such timeframes that may be applicable by contacting the relevant external jurisdiction directly.

In exceptional circumstances, and with the agreement of the complainant, the supervisor responsible for attempting to resolve a grievance, in consultation with the Chief Executive Officer (CEO), may put in place a set of conditions or an alternative process to resolve a grievance at any stage and without concluding these procedures.

If a complainant refers their grievance to an external authority (other than to seek advice), these procedures will cease forthwith and will not be re-activated except in circumstances where the external authority makes a recommendation to conclude the staff grievance resolution procedures.

Where two or more complaints have common substance, this may be dealt with as a single grievance.

## 2. Key Controls

At all stages of these procedures staff will continue to work in accordance with the directions of their nominated supervisor.

Where relevant, in the first instance any party to a complaint may choose to meet with a [UQ Discrimination and Harassment Contact Officer](#) to obtain information about where to access support or advice and to discuss possible courses of action they may take to seek resolution of their grievance.

The supervisor responsible for resolution of the grievance, in consultation with the CEO, may assess that health issues may be involved and may refer the complainant or respondent to their own medical practitioner or to the University Staff Support and Rehabilitation Officer. The CEO (or nominee) should obtain the staff member's consent to liaise with the medical practitioner and to receive from the medical practitioner any comments which may assist in resolving the grievance or addressing issues of concern to the staff member.

UQC may appoint an alternative officer to attempt to resolve a grievance at any stage of these procedures.

## 3. Informal Resolution

In the first instance, before seeking formal resolution, the complainant can attempt to seek resolution of the problem at the earliest time and with the respondent(s) directly wherever possible. This might take the form of a direct approach in person or if face to face contact is not possible or appropriate, in writing, carefully and clearly stating the nature of the concern and what a preferred outcome might be.

The aim is to reach an acceptable outcome that minimises any potential detriment to ongoing workplace relationships.

Only where informal resolution is not possible or appropriate, should the process move to Step 1 - Conciliation.

## 4. Step 1 – Conciliation

Both the complainant and respondent are entitled to be represented by a representative at each step of the formal resolution procedures.

To seek formal resolution of a grievance at step 1, the complainant must provide to their supervisor details of the grievance in writing including the following:

1. The nature of the complaint(s);
2. The attempts made to resolve the grievance informally; and
3. The preferred remedy to resolve the grievance.

The Staff Grievance Resolution Form, along with any associated supporting documentation, can be submitted to the complainant's supervisor or, where the complainant's supervisor is the subject of the complaint, to the supervisor's Senior Manager.

Once in receipt of a completed Staff Grievance Resolution Form, the supervisor will assess the complaint to ascertain whether it can be dealt with under these grievance resolution procedures, or whether the complaint can be dealt with through another more suitable process.

Where it is considered by a supervisor responsible for grievance resolution (in consultation with UQC Human Resources) that the alleged actions or behaviours which constitute the grievance may amount to misconduct or serious misconduct as defined in the Staff Code of Conduct, the matter will be addressed in accordance with the Code of Conduct.

Where a matter is one of a potentially criminal nature, this will be referred to the CEO who will determine whether the police or other relevant authority should be notified.

### 4.1 Conciliation

If the grievance is to be dealt with under these procedures, the supervisor must initiate discussions with the complainant and respondent (independently or together) as soon as practicable with the view to:

1. Determine whether a genuine grievance exists;
2. Identify the key points of concern between the parties; and
3. Determine an appropriate course of action to resolve the grievance/matter.

No investigation will be conducted at this stage - the supervisor will make preliminary enquiries and conciliate with the parties focussing on establishing a set of conditions to resolve the grievance.

The supervisor responsible for resolving the grievance will not provide a copy of the Staff Grievance Resolution Form to the respondent but can provide the relevant details of the complaint to assist the conciliation process.

### 4.2 Proposed resolution

The supervisor will inform the parties of the proposed set of conditions to resolve the grievance, which will only be implemented with the agreement of the parties.

The supervisor responsible for resolution of the grievance must ensure that appropriate steps are taken to implement the agreement 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.

#### 4.2.1 Documenting the outcome

If agreement on a resolution is reached then this will be recorded by the supervisor on the Staff Grievance Resolution Form. A copy of the completed Staff Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached then the supervisor will record this on the Staff Grievance Resolution Form. A copy of the Staff Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the matter investigated at step 2.

Irrespective of whether an agreement has been reached, the respondent will be written to separately by the supervisor responsible for the grievance resolution confirming the outcome of the grievance at this step.

## 4.3 Timeframes

### 4.3.1 Supervisor

The supervisor responsible for attempting to resolve the grievance will, wherever possible, propose a set of conditions to resolve the grievance within four weeks of the lodgement of the grievance at step 1.

### 4.3.2 Complainant

If the complainant believes that the grievance has not been resolved at step 1, they may request that the matter be investigated at step 2 within 10 working days of the date of correspondence confirming the outcome of step 1.

## 5. Step 2 – Investigation

To seek formal resolution of a grievance at step 2, the complainant must:

1. Provide a copy of the completed Staff Grievance Resolution Form finalising step 1 of the grievance procedures, along with any associated documentation, to the supervisor of the person who attempted to resolve the grievance at step 1; and
2. Clarify in writing the remaining concerns if the grievance has been resolved in part at step 1.

The supervisor responsible for resolving the grievance will not provide a copy of the Staff Grievance Resolution Form to the respondent but will provide the relevant details of the complaint to enable the respondent to respond in accordance with the principles of procedural fairness.

### 5.1 Investigation

In consultation with a Senior Manager, the supervisor responsible for resolving the grievance can conduct or commission an investigation.

The investigation will include a meeting with the complainant to clarify the details of the grievance and then with the respondent(s) (separately) in order to gather information as required to assist with the investigation and determination of the grievance. The person investigating the grievance can also meet with any other relevant person including the supervisor responsible for resolving the grievance at step 1.

Where a supervisor conducts an investigation, a representative from UQC HR (usually the Senior Manager Corporate Services) should be present at investigation interviews to provide advice to the supervisor responsible for resolving the grievance and, where appropriate, provide information to the parties on the grievance resolution procedures.

### 5.2 Outcome of investigation

At the conclusion of the investigation, the supervisor responsible for resolving the grievance will meet with the parties (separately) and advise them of the investigation findings and seek agreement from the complainant on the proposed set of conditions to resolve the grievance.

The supervisor responsible for resolution of the grievance will ensure that appropriate steps are taken to implement any agreement reached and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of any party does not take place.

### 5.2.1 Documenting the outcome

If agreement on a resolution is reached then this will be recorded by the supervisor on the Staff Grievance Resolution Form. A copy of the completed Staff Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached then the supervisor will record this on the Staff Grievance Resolution Form. A copy of the Staff Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the matter reviewed at step 3.

The respondent will be written to separately by the supervisor responsible for the grievance resolution confirming the outcome of the grievance at this step.

## 5.3 Timeframes

### 5.3.1 Supervisor

Investigation and outcome of the grievance at step 2 of the resolution procedures will be completed without unreasonable delay and as soon as reasonably practicable.

### 5.3.2 Complainant

If the complainant wishes to progress the grievance to step 3 then they must do so within 10 working days of the date of correspondence confirming the outcome at step 2. In extenuating circumstances the complainant may make a written request to the Director, Human Resources for an extension to this timeframe.

## 6. Step 3 - Review

1. Provide a copy of the Staff Grievance Resolution Form finalising steps 1 and 2 of the grievance procedures along with any associated documentation to the relevant Senior Manager (or nominated Senior Manager where appropriate); and
2. Clarify in writing the remaining concerns if the grievance has been resolved in part at step 1 and/or step 2.

### 6.1 Review

It will be open to the Senior Manager to find that no substantive grievance exists and to direct the complainant accordingly and discontinue these procedures.

Where a substantive grievance exists, the Senior Manager will review the proposed conditions to resolve the grievance and determination made at step 2 of the grievance procedure (and associated documentation) and attempt to resolve the grievance.

The Senior Manager will conduct the review in accordance with the following:

- In undertaking a review of the grievance the Senior Manager will not be bound by the rules of evidence but may be informed on any matter in such manner as they think appropriate and as the consideration of the matter before them permits.
- Provide the complainant with an opportunity to clarify any matter regarding the grievance.
- Provide the respondent with an opportunity to clarify any matter regarding the grievance.
- The Senior Manager will consider any representations made by the complainant and respondent either orally or in writing or through a representative.
- Access and review all relevant records of evidence and submissions.

## 6.2 Proposed resolution

At the conclusion of the review, the Senior Manager will seek agreement from the complainant on a proposed set of conditions to resolve the grievance.

The Senior Manager will ensure that appropriate steps are taken to implement any agreement and to monitor the situation to ascertain both the effectiveness of this remedial action, and that victimisation of any party does not take place.

### 6.2.1 Documenting the outcome

If agreement on a resolution is reached then this will be recorded by the Senior Manager on the Staff Grievance Resolution Form. A copy of the completed Staff Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

If agreement cannot be reached, the Senior Manager will record this on the Staff Grievance Resolution Form. A copy of the Staff Grievance Resolution Form will be provided to the complainant and they will be advised of their right to have the proposed remedy finally determined at step 4.

The respondent will be written to separately by the Senior Manager confirming the outcome of the grievance at this step.

## 6.3 Timeframes

### 6.3.1 Senior Manager

The Senior Manager will review the grievance and propose a set of conditions to resolve the outstanding concerns without unreasonable delay and as soon as reasonably practicable.

### 6.3.2 Complainant

If the complainant wishes to progress the grievance to step 4 then they must do so within 10 working days of the date of correspondence confirming the outcome of the review at step 3.

## 7. Step 4 – Final Determination

### 7.1 Final determination

If agreement cannot be reached at step 3, the complainant may request that the Senior Manager provide a report to the CEO seeking a review of the proposed resolution of the grievance.

The complainant will receive a copy of the report and will be provided with a period of 10 working days in which to provide to the CEO for their consideration additional written representations giving reasons why the proposed resolution is unacceptable.

The CEO will either determine that the proposed resolution is appropriate and conclude the matter or make recommendations for alternative resolution of the grievance. This determination will be final and will conclude these procedures.

#### 7.1.1 Documenting the outcome

The CEO will record the outcome on the Staff Grievance Resolution Form and confirm their final determination. A copy of the completed Staff Grievance Resolution Form confirming the agreed outcome will be provided to the complainant.

The respondent will be written to separately by the CEO confirming the outcome of the grievance at this step.

### 7.2 Timeframes

#### 7.2.1 CEO

The CEO will make their final determination without unreasonable delay and as soon as reasonably practicable.

## 8. Records

Where a grievance is formally resolved at Steps 1, 2, 3 or 4, all material related to the grievance and its resolution will be held on a confidential staff file for a minimum of seven years in accordance with UQC Records Management policy.



## Definitions

<b>Complainant</b>	- the staff member(s) who has/have lodged a grievance
<b>Grievance</b>	- complaint by a staff member made in accordance with the UQC Staff Grievance Resolution Procedures about a problem or concern in relation to something affecting their employment with the College, which the staff member seeks to resolve.
<b>Representative</b>	- another member of staff, a union representative and/or, at the choice of the staff member(s) involved, another nominee provided that the representative is not a currently practicing solicitor or barrister.
<b>Respondent(s)</b>	- one or more persons who are the subject of the staff member's grievance.

## Document History

Version	Summary of changes	Author	Action date
3.0	Updated for transfer of business to UQC CRICOS Code	Senior Manager Corporate Services	15 March 2023