

Employee Grievance Procedure



1 Purpose

To outline the process for the resolution of Complaints, Grievances or problems raised by Employees in relation to human resource management and employment related matters.

2 Scope

This Procedure applies to all Employees.

3 Procedure Overview

This Procedure details the stages and steps involved in lodging and resolving an Employee Grievance.

4 Procedures

Where a Grievance arises as a result of a University Decision, the University will, where possible, refrain from the activity during the period taken up by discussion under these Procedures which will be completed within 21 days where practicable. Additionally, the status quo of the Employee concerned will, where possible, remain unchanged in all other aspects.

Where the Employee, or their Nominated Representative, and the Executive Director (Human Resources) agree, the time-limits set out in these provisions may be extended and/or the Grievance process may begin at the second level of these Procedures.

Where two or more Employees believe they have an identical or common problem, they may take action together and the matter will be dealt with as a single Grievance.

A matter raised within these Procedures may be withdrawn by the Employee, or their Nominated Representative, at any stage during these Procedures by Notice in writing, to the Executive Director (Human Resources).

4.0.1 First level: Facilitation

When an Employee wishes to raise a Grievance with the University within these Procedures, that Employee must initially attempt to resolve the Grievance through discussions with the other party or parties involved in the Grievance process.

The Employee must also verbally advise the Employee's immediate Supervisor of the situation.

Where the Employee claims to have been aggrieved by the Employee's immediate Supervisor, the Employee may instead inform the Supervisor's immediate superior, if the Employee feels unable to approach the immediate Supervisor on the Grievance issue.

Human Resources is available to facilitate one-on-one discussions, on request.

The person, or persons with whom the Grievance is raised, will make a full verbal response to the Employee not later than five working days, where practicable, from the date the matter is raised.

The Category 4 Delegate or above must ensure the matter proceeds in accordance with the time frames stated in these Procedures and the dates of meetings are clearly documented. The Employee may be assisted by a Nominated Representative in preparing for, and participating in, these Procedures.

4.0.2 Second level: Mediation

If the Employee is dissatisfied with the reply (or if there was not a timely reply at the First Level), the Employee, or where requested, their Nominated Representative, must advise the Executive Director (Human Resources) of the unresolved Grievance.

At the request of the parties involved in the Grievance process, or at the discretion of the Executive Director (Human Resources), the Executive Director (Human Resources) will arrange a Mediation of the Grievance with the aggrieved person, or persons, by independent and neutral Mediators, within five working days where practicable.

The Executive Director (Human Resources) will ensure that all parties involved are fully informed of the Grievance, including the provision of any related written material(s).

4.0.3 Third level: referral to the Fair Work Commission

Where the Grievance remains unresolved after five working days, or as soon as practicable following the Mediation, either party to the Grievance process may refer the matter to the Fair Work Commission.

All recommendations made by the Fair Work Commission will be binding on the parties involved in the Grievance process and will constitute a settlement of the matter.

5 Delegated Responsibilities

Approver	Level of Delegation
Executive Director (Human Resources)	Arrange Mediation. At Mediation level, ensure matter proceeds in accordance with the stated timeframes.

Category 4 Delegate or above

At facilitation level, ensure matter proceeds in accordance with stated timeframes.

6 References

Nil.

7 Schedules

This procedure must be read in conjunction with its subordinate schedules as provided in the table below.

8 Procedure Information

Subordinate Schedules	
Accountable Officer	Executive Director (Human Resources)
Responsible Officer	Executive Director (Human Resources)
Policy Type	University Procedure
Approved Date	8/8/2019
Effective Date	8/8/2019
Review Date	3/4/2022
Relevant Legislation	Human Rights Act 2019 Public Interest Disclosure Act 2010 (Qld) USQ Enterprise Agreement
Related Policies	Code of Conduct Policy Employee Complaints and Grievances Policy Public Interest Disclosure Policy and Procedure Working Hours and Arrangements Policy
Related Procedures	Disciplinary Action for Misconduct or Serious Misconduct Procedure Discrimination, Bullying and Harassment Complaints against Employees Procedure

	Work Allocation Procedure
Related forms, publications and websites	Fair Work Commission Fair Work Ombudsman Human Rights Commission Queensland Queensland Ombudsman's Office Public Interest Disclosure Website
Definitions	<p>Terms defined in the Definitions Dictionary</p> <p>Decision</p> <p>A determination made by an Employee, contractor or other authorised delegate in the course of their duties on behalf of the University.</p> <p>Delegate (noun)</p> <p>Delegate (noun) means the officer, Employee or committee of the University to whom, or to which, a delegation of authority has been made under this Policy.</p> <p>Employee</p> <p>A person employed by the University and whose conditions of employment are covered by the USQ Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.</p> <p>Grievance</p> <p>Typically defined as a concern or Complaint raised by an Employee against a process, action, omission or Decision within the responsibility and control of the University which relates to employment or related internal human resources matters, which has or is likely to have an unreasonable negative impact on the ability of an Employee to undertake their duties, or similar impact on their career.</p> <p>Mediation</p> <p>A process in which parties to a dispute, with the assistance of a neutral third party ('the Mediator'), identify the disputed issues, develop options, consider alternatives and endeavour to reach an</p>

agreement. The Mediator has no advisory or other determinative role with regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.

[Mediator](#)

An individual with appropriate experience and training appointed by the University to assist the Complainant and Respondent to negotiate a solution which is acceptable to both of them but not to determine what that solution will be.

[Notice](#)

A Notice from the University is a document, whether physical or electronic. A Notice may be: given by hand to the addressee or delivered to the address provided by the addressee to the University; or sent by registered or pre-paid mail to the address provided by the addressee to the University; or sent by electronic communication to the University-issued email account provided by the University to a Student during the period of Enrolment until the completion of their program; or sent by electronic communication to the email address provided to the University by an addressee not enrolled at the University. A Notice is taken to be received if: given by hand to the addressee or delivered to the address provided to the University by the addressee; or sent by registered or pre-paid mail - three University Business Days after the date of posting; or sent by electronic communication - at the time that would be the time of receipt under the Electronic Transactions Act 1999 or its succeeding legislation. A Notice that would be deemed to have been received out of business hours or on a non-University Business Day will instead be deemed received on the next University Business Day.

[Procedure](#)

An operational instruction that sets out the process to operationalise a Policy.

[University](#)

The term 'University' or 'USQ' means the University of Southern Queensland.

[USQ Enterprise Agreement](#)

University of Southern Queensland Enterprise Agreement 2018-2021.

Definitions that relate to this procedure only

	<p>Nominated Representative</p> <p>Means in relation to an Employee, a person selected by the Employee to assist or represent the Employee. The person may be an officer or Employee of the relevant Union, or any other person chosen by the Employee. In relation to the University, it means a person selected by the University to assist or represent the University. The person may be an Employee of the University, or an officer or Employee of AHEIA, or any other person selected by the University. The Nominated Representative must not be a practising barrister or solicitor and must not present a Conflict of Interest.</p> <p>Supervisor</p> <p>Any person responsible for leading the activities of others. In the context of this Procedure, a Supervisor includes Employees at any classification level or title who have responsibilities for leading, managing or supervising work teams and/or individual Employees.</p>
Keywords	Grievance, Complaint, Mediation, resolution
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