



ECU Student Guild

GRIEVANCE POLICY

POLICY TYPE	Operational
POLICY SUBTYPE	Human Resources
POLICY TITLE	Grievance Policy
POLICY OWNER	Operations Manager

Contents

1. INTENT	3
2. ORGANISATIONAL SCOPE	3
3. DEFINITIONS	3
4. OVERVIEW	4
5. POLICY	4
5.5. What is a Grievance?	4
5.7. GRIEVANCE PROCEDURES	5
5.7.1.1. Direct Resolution	5
5.7.1.2. Reporting Grievance to the Line Manager	5
5.7.1.3. Stage 1 – Informal Procedure	6
5.7.1.4. Stage 2 – Formal Procedure	7
5.7.1.5. Stage 3 – Appeal	7
5.7.1.6. Outcomes	7
5.8. OTHER REQUIREMENTS	8
5.8.3. Access to Support	8
5.8.6. Confidentiality	9
5.8.7. Suspension	9
5.8.8. Record Keeping	9
6. RELATED DOCUMENTS	9
7. CONTACT INFORMATION	10
8. APPROVAL HISTORY	10

1. INTENT

- 1.1. The aim of this policy and procedure is to outline the Guild's process for managing employee and Senate grievances and resolving conflict in the workplace, including conduct that may constitute a breach of the Guild's policies, including, but not limited to the Guild's Code of Conducts and Edith Cowan University Student Guild Enterprise Agreement.
- 1.2. This Policy does not form part of any employee's contract of employment, however, it is expected that this policy will be observed by all employees and Senate member.

2. ORGANISATIONAL SCOPE

- 2.1. This policy applies to all Edith Cowan University Student Guild Operational staff and Guild Senators
- 2.2. This policy also applies to Edith Cowan University Student Guild volunteers and contractors.

3. DEFINITIONS

- 3.1. The singular includes the plural and vice-versa.
- 3.2. A reference to:
 - 3.2.1. A person includes a corporation and government or statutory body or authority;
 - 3.2.2. A person includes the legal personal representatives, successors, and permitted assigns of that person; and
 - 3.2.3. A statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them by any legislative authority.
- 3.3. The word "including" and similar expressions are not words of limitation.
- 3.4. The word "under" includes by and by virtue of; as well as, pursuant to and in accordance with.
- 3.5. **CIDC** means the Continuous Improvement and Development Committee.
- 3.6. **The Guild** means Edith Cowan University Student Guild.
- 3.7. **Line Manager** means the direct line manager of the employee, volunteer, contractor or Senator. For Senators this will usually be the President of the Guild.
- 3.8. **Secretariat** means the managing directorship of the organisation being President, General Secretary, Vice President Academic, Vice President Social and Vice President Equity.
- 3.9. **Senate** means the duly elected student representatives of the Guild.

- 3.10. **Support Person** means a person or another organisation (including unions) nominated by an Employee, volunteer or contractor or by the Employer to support them at a meeting where grievance issues are discussed. A support person cannot answer questions on behalf of the employee nor advocate on their behalf, nor can the Support person be a legal representative of the Employee, volunteer or contractor. In the case of Senators a support person is only permitted to be a member of the current Senate.

4. OVERVIEW

- 4.1. All Guild policies are approved, amended or repealed by the Senate in accordance with the Guild's Policy Framework and compliance with relevant governance instruments, following consultation with CIDC.
- 4.2. The Guild shall maintain a policy manual of all current policies in a manner which is easily accessible to members, Senate, staff and other stakeholders where appropriate.
- 4.3. All Guild policies will be reviewed annually.

5. POLICY

- 5.1. The Guild is committed to maintaining a workplace that encourages collaboration, trust, cooperation and communication and recognises the complex nature of the relationship between operational staff (inclusive of volunteers and Contractors) and the elected student Senate and identifies that procedures must recognise any existing structure in place by the ECU Student Guild Constitution in terms of Senate procedures in the resolution of conflict between Senators.
- 5.2. The Guild recognises the importance of Employees, volunteers, contractors and Senators having access to processes that provide a consistent approach to the resolution of workplace complaints and grievances within a supportive environment.
- 5.3. This policy aims to ensure that complaints and grievances are handled and resolved in an appropriate, fair, transparent and timely manner in accordance with the ECU Guild Constitution in relation to Senators and all other policies and procedures in relation to Senators and all other Employees, volunteers and contractors.
- 5.4. Grievances should be raised promptly without the fear of reprisal or victimisation. Employees, volunteers, contractors and Senators are encouraged to resolve their concerns and address conflicts as early as possible to achieve a positive and professional workplace culture.
- 5.5. **What is a Grievance?**

- 5.5.1.A grievance is a type of problem, concern or complaint related to an Employee's, volunteer's, Contractor's or Senator's work or the work environment. A personal grievance can be about any act, behaviour, omission, situation or decision impacting an employee, that the employee thinks is unfair or unjustified.

5.6. Dealing with Grievances

5.6.1. The Guild recognises that an employee, volunteer, contractor or Senator may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, the Guild will endeavour to provide a fair and just working environment, by aiming to ensure that employees, volunteers, contractors and Senators have access to processes for the resolution of genuine personal grievances related to the workplace.

5.6.2. As such, the Guild will use its reasonable endeavours to:

- 5.6.2.1. Encourage staff to come forward with personal grievances;
- 5.6.2.2. Deal with personal grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
- 5.6.2.3. Encourage fairness, impartiality and the resolution of personal grievances as reasonably promptly and as close as possible to the source of the grievance;
- 5.6.2.4. Have managers and supervisors seek to prevent and resolve personal grievances; and
- 5.6.2.5. Engage a third party investigator to conduct an investigation into a grievance where deemed necessary by the Operations Manager or the President of the Guild.

5.7. GRIEVANCE PROCEDURES

5.7.1. These Grievance Procedures apply to volunteers and to members of staff, recognising that some grievance procedures for Senators are contained in the ECU Student Guild Constitution.

5.7.1.1. Direct Resolution

- 5.7.1.1.1. If the Employee, volunteer, Contractor or Senator feels comfortable in doing so, they should attempt to address the issue directly with the person(s) involved in the grievance. The Employee may find the other person was not aware of their grievance and the matter can be resolved directly.

5.7.1.2. Reporting Grievance to the Line Manager

- 5.7.1.2.1. If the employee does not feel comfortable talking to the person(s) involved, or they have tried to and it was ineffective in resolving the grievance, or if there is no other person involved in the grievance, the employee should report the grievance in the first instance to their line-manager.
- 5.7.1.2.2. The Line Manager will use reasonable endeavours to conduct an initial meeting with the employee to:

5.7.1.2.2.1. Obtain information about the employee, volunteer, contractor or senator's grievance and what they consider will resolve it;

5.7.1.2.2.2. Explain how the grievance procedure works; and

5.7.1.2.2.3. Decide if they are the appropriate person to handle the grievance. This includes considering whether they have the necessary authority and can deal with the grievance in an impartial manner. If the line-manager feels they cannot effectively handle the employee's personal grievance they will refer the matter to the Operations Manager or the President in cases where the grievance involves the Operations Manager.

5.7.1.2.2.4. If the grievance is between senate members, the matter should be referred to the General Secretary who will manage the grievance under the Disciplinary Committee procedures of the Edith Cowan University Student Guild Constitution. Matters involving the General Secretary can be referred to the President and managed under the Guild's Constitution.

5.7.1.2.2.5. Where a grievance is between Employee(s), Volunteer(s), Contractor(s) and a Senator, the Operations Manager will escalate the grievance to the President or the General Secretary (In cases of a grievance against the President) however, the procedures in Stage 1 and 2 will be conducted as appropriate. In cases where there is no resolution despite the application of this policy, the President or General Secretary may resolve to refer the Senator to the Disciplinary Committee to be managed under the Guild Constitution.

5.7.1.2.3. The Line Manager will, in all instances where a grievance is reported, inform the Operations Manager of the grievance unless the grievance is related to the Operations Manager, in which case, the President must be informed.

5.7.1.3. Stage 1 – Informal Procedure

5.7.1.3.1. A range of informal actions can often resolve the grievances. Such actions will depend on the individual circumstances of the grievance. Possible actions include, but are not limited to:

5.7.1.3.1.1. The Line Manager discussing the issue with the person against whom the complaint is made; and/or

5.7.1.3.1.2. The Line Manager facilitating a meeting between the parties in an attempt to resolve the issue and move forward.

5.7.1.3.2. Many grievances are able to be resolved through the informal procedure. However, in circumstances where the Line Manager considers the informal procedure is not appropriate, and the grievance is sufficiently serious, the grievance may be escalated to the next stage.

- 5.7.1.3.3. Grievances may also be escalated to Stage 2 where there is no resolution to the grievance in the first stage.

5.7.1.4. Stage 2 – Formal Procedure

- 5.7.1.4.1. A formal investigation will be conducted within 5 business days by the Operations Manager or in cases where the grievance is against the Operations Manager, by the Guild Secretariat or nominated individual(s) within the Secretariat.
- 5.7.1.4.2. The investigation will involve collecting information about the grievance, including conducting interviews with those involved and collating supporting documentation.
- 5.7.1.4.3. Investigations should take no more than 10 business days to complete unless extenuating circumstances prevent the conduct of the investigation in good time. Where an extension is sought, the investigator as defined in section 5.5.1.4.1 must inform the Secretariat and the parties to the grievance as soon as possible detailing the reasons for any extension in time.
- 5.7.1.4.4. The investigator will then make a finding based on the available information. The investigator will also make recommendations about the grievance.
- 5.7.1.4.5. A written report detailing the findings and recommendations will be provided to each party to the grievance and to Secretariat within 5 working days of the conclusion of the investigation.
- 5.7.1.4.6. A grievance may be referred to a third party mediator where agreed by all parties (including the Guild) to the grievance.

5.7.1.5. Stage 3 – Appeal

- 5.7.1.5.1. If the Employee, volunteer, contractor or Senator is dissatisfied with the outcome of the formal investigation, they may appeal the decision to the President (or the General Secretary in cases involving the President).
- 5.7.1.5.2. Where the outcome of a grievance is appealed, the grievance may be referred to an external third party investigator to conduct an investigation into a grievance where deemed necessary by the Operations Manager or the President of the Guild.

5.7.1.6. Outcomes

- 5.7.1.6.1. Outcomes are dependent on the nature of the grievance and the procedures followed to address the grievance.

- 5.7.1.6.2. Where an investigation results in a finding that a person has engaged in conduct in breach of a Guild Policy, that person may be subject to performance management action. The type and severity of performance management action will depend on the nature of the grievance and other relevant factors.
- 5.7.1.6.3. Where the investigation results in a finding that the person complained against has engaged in serious misconduct, this may result in summary dismissal.
- 5.7.1.6.4. Any disciplinary action is a confidential matter between the affected person(s) and the Guild.
- 5.7.1.6.5. The Guild may take a range of other non-disciplinary outcomes to resolve a grievance. Examples include, but are not limited to:
 - 5.7.1.6.5.1. Training to assist in addressing the problems underpinning the grievance;
 - 5.7.1.6.5.2. Monitoring to ensure that there are no further problems, including performance counselling;
 - 5.7.1.6.5.3. Implementation of new policies or procedures;
 - 5.7.1.6.5.4. Requiring an apology or an undertaking that certain behaviour stop; and/or
 - 5.7.1.6.5.5. Changing work arrangements.

5.8. OTHER REQUIREMENTS

- 5.8.1. Work will continue as normal while a grievance is being dealt with under this procedure. All persons affected by the grievance are expected to cooperate with the Guild to ensure the efficient and fair resolution of the grievance.
- 5.8.2. Disciplinary action will be taken against any person who victimises or retaliates against a person who has lodged or is involved in a grievance issues under this policy. Such action may include summary dismissal.
- 5.8.3. **Access to Support**
- 5.8.4. An Employee, volunteer, contractor or Senator can seek advice from their Line Manager or a support person at any stage during the grievance process.
- 5.8.5. The Employee, volunteer, contractor or Senator may also bring a support person to a grievance meeting if so desired.

5.8.6. Confidentiality

- 5.8.6.1. It is in the interests of all parties for confidentiality to be observed throughout the grievance process, however, it may be necessary to speak with other Employees or workplace participants in order to determine the facts, to afford fairness to those against whom the complaint was made and to resolve the grievance.
- 5.8.6.2. All Employees, volunteers, contractors, senators and other workplace participants involved in the grievance are required to also maintain confidentiality, including the employee who lodges the complaint. The complainant may, however, discuss the grievance with a designated support person or representative (who may not be a legal representative), however the support person is also required to maintain confidentiality.
- 5.8.6.3. A breach of confidentiality will be dealt with in accordance with this policy and the Performance Management Procedures.

5.8.7. Suspension

- 5.8.7.1. In some instances, a grievance may be serious enough to present a risk to the Guild's operations, employees or customers. In these circumstances, an employee may be suspended from employment on ordinary pay whilst an investigation into the poor performance is undertaken.
- 5.8.7.2. The decision to suspend an employee rests with the Operations Manager, unless the employee is the Operations Manager, in which circumstance the President may make that decision.

5.8.8. Record Keeping

- 5.8.8.1. All documentation relating to grievances will be uploaded to the Employee's personnel file and will be restricted to be viewed only by the Line Manager, the Operations Manager and the Employee.

6. RELATED DOCUMENTS

Related Policy	<ul style="list-style-type: none">• Edith Cowan University Student Guild Enterprise Agreement 2021
Related Procedure	<ul style="list-style-type: none">• Performance Management Procedure
Other Related Documents	<ul style="list-style-type: none">• Edith Cowan University Student Guild Constitution• Performance Management Form
Related Legislation	<ul style="list-style-type: none">• Fair Work Act 2009 (Cth)

7. CONTACT INFORMATION

For queries relating to this document please contact:

Policy Owner	Operations Manager
All Enquiries Contact	Lisa Dwyer
Telephone	08 6304 5915
Email address	l.dwyer@ecuguild.org.au

8. APPROVAL HISTORY

Policy Approved By	Senate
Date Policy First Approved	02/11/2021
Original Motion	SCM2110/05
Revision History	
Revised by	
Next Revision Date	October 2022