Staff Grievance Resolution Policy

Section 1 - Purpose and Objectives

(1) This Policy outlines the provisions available to staff, in their capacity as staff of the University, to resolve any grievance expeditiously and at the lowest possible organisational level.

Section 2 - Definitions, Terms, Acronyms

Terms	Definitions
Complainant(s)	The staff member(s) who has/have lodged a grievance.
Enterprise Agreement	The University of Queensland Enterprise Agreement 2021-2026, or as amended or replaced
Grievance	Complaint by a staff member made in accordance with the Staff Grievance Resolution Procedure about a problem or concern in relation to something affecting their employment with the University, which the staff member seeks to resolve.
Representative	Another member of staff, a union representative and/or, at the choice of the staff member(s) involved, a nominee of a party to the Enterprise Agreement provided that the representative is not a currently practicing solicitor or barrister.
Respondent(s)	One or more persons who are the subject of the staff member's grievance.

Section 3 - Policy Scope/Coverage

(2) This Policy applies to all professional and academic staff covered by the Enterprise Agreement during their period of employment with the University.

(3) Grievances lodged in accordance with the provisions of 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.

(4) 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.

(5) 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.

(6) This Policy does not apply to staff while on secondment external to the University. For the avoidance of doubt, external secondment includes associated entities of the University. Where a grievance arises during an external secondment the staff member should follow the relevant grievance resolution policy in operation at the external entity. This Policy and the associated procedures cannot be used to make a complaint in respect of the provisions contained in the Enterprise Agreement, industrial and employment legislation (including regulations), awards, duly executed agreements between the University and staff and their representatives or to challenge decisions of the

University Senate.

(7) This Policy does not apply to grievances where the subject of the complaint is a Public Interest Disclosure. In such circumstances, the complainant should refer to the Public Interest Disclosure Policy.

(8) If the subject of the grievance is in relation to a dispute over intellectual property then the complainant should first attempt to resolve the dispute in accordance with the Intellectual Property Policy and Procedure before engaging this Policy or the associated procedures.

(9) This Policy does not apply to grievances where the subject of the complaint relates to a decision or outcome arising from the application of a University policy, procedures or guidelines including but not limited to:

a. Probation and Confirmation of Continuing Appointment (Academic Staff) Procedure;
b. Evaluation and Classification of Professional Positions Procedure;
c. Annual Performance and Development (APD) Process (Professional and Executive Staff);
d. Annual Performance and Development (APD) Process (Academic Staff);
e. Medical Conditions Affecting Performance Policy;
f. Diminished Performance and Unsatisfactory Performance Policy;
g. Enterprise Agreement;
h. Matters that are, or have been, the subject of a workers' compensation application.
i. Matters that are, or have been, the subject of complaint and investigation by an external authority; and
j. such matters as may be determined by the University in consultation with the relevant staff consultative committee(s).

(10) However, a grievance may arise by the alleged failure of the University to follow a policy or procedures where the staff member making the grievance has suffered a detriment as a result.

Section 4 - Policy Statement

(11) The University is committed to maintaining and developing a harmonious, fair and productive working environment. This Policy aims to:

a. Outline the means for early grievance resolution through informal mechanisms wherever possible and in accordance with the 'Policy Principles' in Section 5;
b. Prevent personal conflicts from becoming entrenched;
c. Resolve grievances without unreasonable delay and wherever possible in a conciliatory and effective manner; and
d. Determine the matters in question when conciliation has not proved to be effective or possible.

(12) Grievance resolution is an integral part of a Supervisor's duties. It is the primary responsibility of Supervisors to identify, respond to and address problems in the workplace and to take all reasonable steps to ensure that victimisation of either a complainant or a respondent does not take place. So far as reasonably practicable, Supervisors should recognise the early signs of disharmony in their teams and if possible, take early, sensitive and positive steps to prevent and resolve potential or actual grievances between their staff.

(13) Nothing in this Policy prevents or restricts the right of a staff member to refer their grievance to an external authority at any time.

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Section 5 - Policy Principles

(14) Less formal and early resolution of grievances is encouraged where possible.

(15) Staff should be advised that they are entitled, if they so request, to a representative at all stages of the formal resolution procedures.

(16) Confidentiality must be respected and maintained at all times by all parties within the constraints of the need to fully investigate a grievance, subject to any legal requirements for disclosure and consistent with the principles of natural justice.

(17) Parties to a grievance should engage in the procedures for grievance resolution in good faith and focus on achieving resolution to the concerns raised.

(18) The principles of procedural fairness (natural justice) will apply to all parties.

> The term procedural fairness refers to the processes by which an outcome is reached and not the outcome itself. With regard to grievance resolution, procedural fairness requires that a respondent to a complaint must be provided with:
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> - the relevant details of the complaint to enable the respondent to formulate a response in the case of an investigation;
> - information about the process by which the matter is to be resolved; and
> - the opportunity to put their case and respond to the complaint during an investigation.
>
> In addition:
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> - any decision-maker must act impartially and without bias;
> - all relevant submissions and evidence must be considered;
> - irrelevant matters must not be taken into account; and
> - the complaint must be dealt with in a timely manner.

(19) Victimisation of either a complainant, respondent or any other person with a legitimate involvement in a grievance resolution process will not be tolerated by the University.

(20) The University will not tolerate frivolous or vexatious grievances. Frivolous or vexatious grievances may be considered to be misconduct or serious misconduct and investigated under the Misconduct/Serious Misconduct clauses in accordance with the Enterprise Agreement.

Status and Details

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Policy Owner	Phil Vaughan Chief Human Resources Officer
Enquiries Contact	Human Resources Division

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