

# Thinking Ahead:

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## Grievance and Disputes Procedure

1 October 2020



# Agenda

Causes of Grievances

Grievances Policy

Procedure

Investigations

Arbitration / Mediation

Management Considerations

Best Practice

# Definition

A Grievance may be defined as :  
“Where an employee or group of employees perceive a problem/grounds for dissatisfaction with the company”





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# Causes of Grievances

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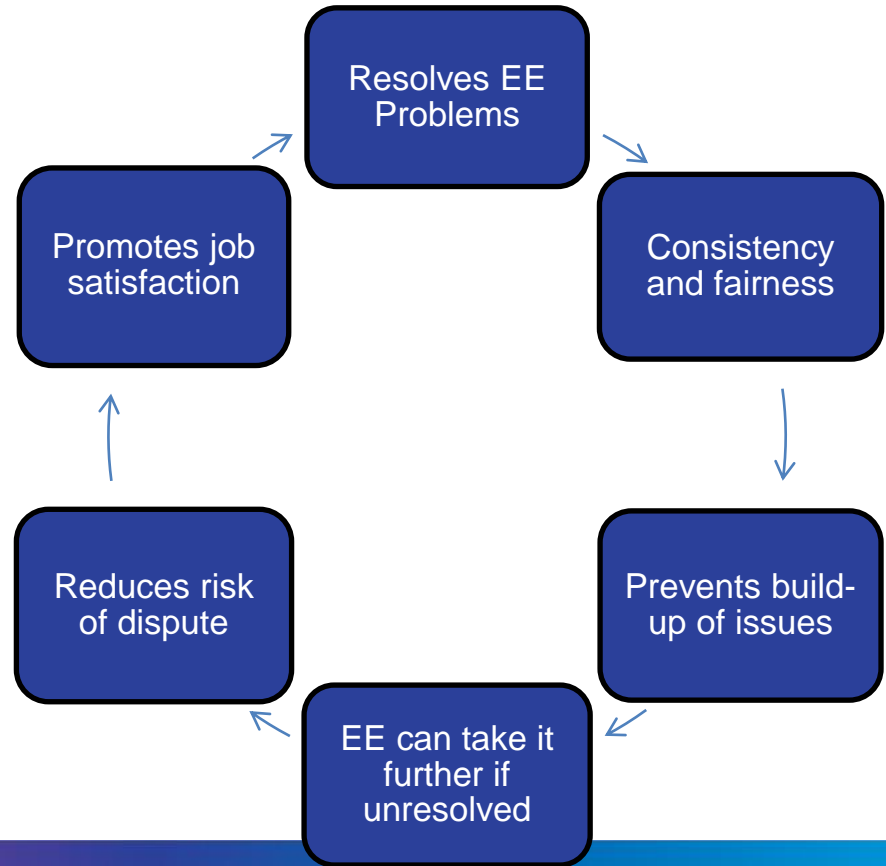
- Interpretation of conditions of employment
- Pay and Benefits
- Facilities
- Work allocation
- Staffing levels
- Promotion and Grading
- Changing work practices
- Alleged discrimination and or harassment
- Health and safety issues



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# Grievance Policy

# Grievance Policy



# Grievance Policy

The parties to this agreement accept that it is in their mutual interest to establish a clear procedure for the resolution of all issues arising between them. Grievances will occur in the normal course of interaction in any organisation or workplace. It is accepted that failure to provide a procedure to deal adequately with these grievances, as they arise, may lead to disputes affecting not only the aggrieved party but all those employed in the organisation/workplace. Full recognition is given to the significance of personal grievances and both parties are determined that all grievances and disputes will be dealt with without undue delay and at the earliest possible stage of this procedure.

## Stage 1

The matter in dispute will be discussed by the employee or employees concerned with their immediate supervisor. If your grievance involves personal or other sensitive issues, which you would consider inappropriate to raise directly with your immediate supervisor, you should seek advice from the HR department.

## Stage 2

Failing settlement, the matter will be discussed between the employee, supervisor and the employee representative (*shop steward, if appropriate*), and a decision given within two working days.

## Stage 3

Should the parties fail to agree, the matter will be referred to the HR department/senior management, where a meeting will be arranged with the employee representative (*trade union official, if appropriate*) to discuss the matter. The meeting will be held within seven working days.

## Stage 4

Should the matter remain unresolved, it will be referred to the Workplace Relations Commission for mediation or for a hearing by an adjudicator. If still unresolved, it will be referred to the Labour Court for formal investigation. During the period in which the above procedure is being followed no strike, lock-out, walk-out, sit-in, go-slow, or any other form of industrial action designed to bring pressure to bear on either party will take place, until all avenues as prescribed have been fully exhausted.

Any industrial action will require that two weeks' written notice be given by either party. In the event of any issues arising that cannot immediately be disposed of and which are being processed in accordance with the above disputes procedure, normal working – under protest, if necessary – will continue, pending a settlement.

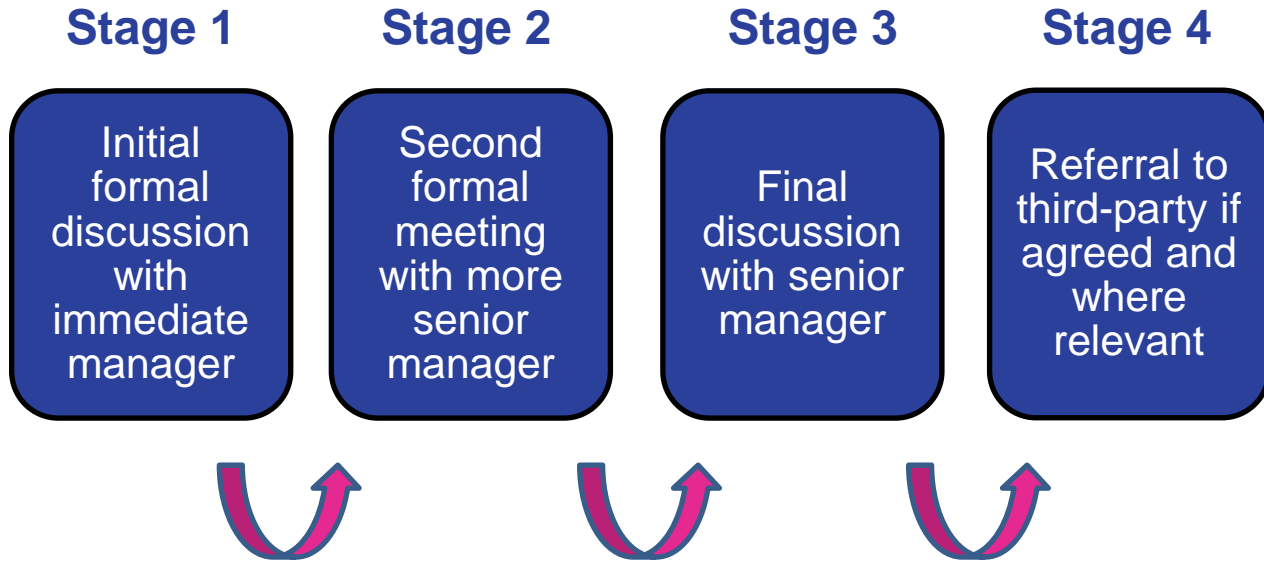




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# Grievance Procedure

# The Grievance Procedure



# Codes of Practice

- Allows for fairness
- Discipline
- Helps maintain satisfactory standards
- In writing and easily accessible to all



# Grievance Meetings

*Prior to the meeting, managers must:*

- Ensure there was an opportunity for an informal meeting
- Consider what action is necessary
- Be clear on possible solutions with regards to possible precedents
- Allow adequate time for the meetings

# Grievance Meetings

*During* the meeting, managers must:

- Listen to their complaint
- Outline the purpose and structure of meeting.
- Follow rules of natural justice (right to a representative, right to appeal etc).
- Discuss options, but do not commit to an outcome

# Grievance Meetings

*After the meeting, managers must:*

- Write up the record of the interview
- If unresolved, ensure that the next stage of the procedure is taken
- Investigations may need to take place



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# Investigations

# Investigations

- The right to know the allegations against you.
- The right to a fair and impartial hearing.
- The right to representation.
- The right to reply.
- The right to appeal.





# Investigations

- Written complaint is given to alleged perpetrator
- Complainant is met to establish details
- Details of allegation is given to alleged perpetrator
- Draft report with recommendations, agreement and or disciplinary



# Investigation Outcome

“On the balance of probabilities”





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# Arbitration/Mediation

# Arbitration

- Conflict management process where disputes are submitted to a neutral
- arbitrator or panel
- The parties present evidence and arguments
- The arbitrator/s reach a decision on how to settle the dispute.
- Usually the decision is binding on the parties.

# Mediation

- An independent, neutral mediator assists parties to come to an agreement through collaborative engagement in a joint meeting
- Voluntary
- Impartiality
- Confidentiality



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# Management Considerations

# Key Considerations



Awareness of  
Potential  
Disputes



Urgency



injunctions



Working under  
Protest



Breach of  
Procedure



Gradual  
Process



Consistency



Setting  
Precedence



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# Best Practice



## Best Practice

- Be aware of procedures
- All avenues should be fully exhausted
- As quickly as possible- No undue delays
- Settle at lowest possible level
- Normal work must continue
- All parties must be committed to resolution
- Adopt preventative strategy



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Any Questions?