

P 19 – Grievance Resolution

1 Objectives

The objective of this Grievance Resolution Policy is to provide a fair, transparent, lawful and efficient process for addressing and resolving grievances within the Shire of Bridgetown-Greenbushes.

This policy is in accordance with principles and procedure defined by the Western Australian State Industrial Relations System.

2 Scope

This policy applies to all employees and Councillors.

3 Definitions

3.1 Councillor

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government council members, who include the Mayor or President and Councillors, do not have any authority to act or make decisions as individuals.

3.2 Employee

means a person that's hired to provide a service to a company either on a full-time, part-time or casual basis in exchange for payment. Also known as staff.

3.3 Grievance

means a complaint or dispute raised by an employee regarding any aspect of their employment, working conditions, or relationships within the organization. This includes breaches of legislation and/or policy.

3.4 Grievance Resolution Officer

means an appointed individual responsible for overseeing the grievance resolution process impartially.

3.5 Grievant

means an employee who has a grievance and wishes to seek resolution.

3.6 Supervisor

means the immediate supervisor or manager of the employee lodging the grievance.

3.7 Mediation

means a voluntary process in which an impartial third party (who may be the Grievance Resolution Officer) assists in resolving the grievance through communication, negotiation and/or other action.

3.8 Worker

means a worker is any person who carries out work for a Person Conducting a Business or Undertaking (PCBU), including work as an employee, outworker, apprentice or trainee, work experience student, placed with a 'host employer' and volunteers.

4 Policy

4.1 Grievance Resolution Officer

- a. The Shire will establish the position of Grievance Resolution Officer.
- b. The Grievance Resolution Officer will be officially trained to perform in the role and will ensure that when any allegation is made against an individual, that individual will be afforded every lawful right of response, defense and action.

4.2 Informal Resolution

- a. Employees are encouraged to address grievances informally by discussing concerns with the employee relevant to the complaint, the immediate supervisor or the Grievance Resolution Officer.
- b. If the employee does not feel comfortable raising the grievance informally or if this informal approach does not work, formal mediation will be offered.
- c. Supervisors and the Grievance Resolution Officer should make every effort to resolve grievances promptly and fairly.

4.3 Mediation

- a. If the informal grievance procedure does not result in resolution, the Shire may offer mediation as an option. Mediation is a voluntary process in which an impartial third party agreed by both parties (who may be the Grievance Resolution Officer or an external consultant) facilitates communication and negotiation between the parties.
- b. The mediator will work with both parties to explore potential solutions and assist in reaching a mutually acceptable resolution.

4.4 Formal Grievance Procedure

- a. If the grievance is not resolved informally, nor through mediation, the grievant may submit a written grievance to their Supervisor or the Grievance Resolution Officer. The written grievance should include a clear statement of the issue, relevant facts, and the desired resolution.
- b. The Supervisor or the Grievance Resolution Officer will investigate the grievance and provide a written response within 10 working days.
- c. If the grievance remains unresolved, the grievant may escalate the matter to the next level of management within the organization until it reaches CEO level.

4.5 Independent Investigation for Executive Team

If the grievance involves a member of the Executive Team, including the CEO, and the complaint is not resolved through informal mechanisms or mediation, an independent consultant agreed by both parties will be engaged to investigate the allegation and provide appropriate recommendations.

4.6 Grievances Involving Councillors

If the grievance relates to a Councillor, the grievance will be dealt with using the Code of Conduct for Council Members, Committee Members and Candidates.

4.7 Vexatious Complaints

Whilst the organisation encourages employees to come forward with grievances that consider to be real, vexatious complaints or allegations made in bad faith will not be tolerated. Employees who engage in complaints that are proven to be vexatious may be subject to disciplinary action.

4.8 Rights of Individuals

- a. When any allegation is made against an individual, the individual will be afforded every lawful right of response.
- b. The individual will be provided with the time, date, and details of the alleged activity that occurred.
- c. The individual will be offered the opportunity to bring a support person to every related meeting.

4.9 Review Process

- a. If the grievant is dissatisfied with the outcome of the formal procedure or mediation, they may request a review by the CEO, unless the grievance is about the CEO.
- b. In cases where the grievance is about the CEO, the review may be requested from an external independent consultant.

4.10 Disciplinary Action for Substantiated Allegations

If the investigation substantiates the grievance, appropriate disciplinary action will be taken. The disciplinary action will be commensurate with the severity and type of the alleged misconduct.

4.11 Confidentiality

All parties involved in the grievance resolution process are expected to maintain confidentiality to the extent possible. Information related to the grievance should only be disclosed to those who have a legitimate need to know.

4.12 Non-Retaliation

The Shire prohibits retaliation against any employee who raises a grievance in good faith. Retaliation is a serious violation of this policy and will result in disciplinary action.

5 Risk Management

The risks of not having this Policy in place include:

- (a) The Shire does not provide a fair, transparent, lawful and efficient process for addressing and resolving grievances within the Shire of Bridgetown-Greenbushes.
- (b) The Shire is non-compliant with the principles and procedure defined by the Western Australian State Industrial Relations System.

6 Accountabilities and Responsibilities

Council is accountable for:

- (a) Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- (b) Endorsing (or not) each organisational policy document in a timely and effective manner.
- (c) Delegating implementation of each policy document to the CEO.

The CEO is accountable for ensuring the development, implementation, monitoring and review of this policy document, in accord with governing legislation and Council directives.

The Executive Management Team and Managers is responsible for:

- (a) Ensuring that all employees under their direction comply with this policy document.
- (b) Enacting process to redress non-compliance with this policy document.

All employees are individually responsible for complying with this policy document.

7 Applicable Legislation and Documents

Statutory Power <i>(Acts, Regulations, Local Laws, TPS)</i>	<p><i>Local Government Act 1995</i></p> <p>s.2.7(2)(b) – The council is to determine the local government’s policies</p> <p>s.4.49 – How to make an effective nomination</p> <p>s.4.77 – Returning officer to declare result</p> <p>s.5.8 – Establishment of committees</p> <p>s.5.10 – Committee members, appointment of</p> <p>s.5.23 – Meetings generally open to the public</p> <p>s.5.105 – Breaches by council members</p> <p><i>Local Government (Model Code of Conduct) Regulations 2021</i></p> <p>r.11 – Minutes, content of</p> <p>r.15 – other provisions about complaints</p>
Shire Policies	<p>P1 - Anti-Discrimination, Sexual Harassment and Bullying</p> <p>Code of Conduct for Council Members, Committee Members and Candidates</p>
Related Documents	<p>Corporate Business Plan</p>
Related Procedure	<p>N/A</p>

8 Administration

Original Adoption Date	30 November 2023
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Last Reviewed	
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