

## Staff Grievance Policy and Procedure

### Context

This document sets out the principles designed to support the effective resolution of grievances raised by Group Colleges Australia (GCA) staff<sup>1</sup>.

### Scope

This document applies to all staff across GCA.

### Legislative Context

- Sex Discrimination Act 1984 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Australian Human Rights Commission Act 1986 (Cth)
- Fair Work Act 2009 (Cth)
- Privacy Act 1988 (Cth)

### Definitions

**Grievance** - complaint by a staff member made about a problem or concern in relation to something affecting his or her employment with GCA, which the staff member seeks to resolve

**Supervisor** - normally the management position to which the staff member reports. The Human Resources Director may also act in place of a staff member's supervisor.

**Vexatious complaint** - the main purpose of a claim is to harass, annoy or embarrass the other party or there is another purpose for the complaint other than the settlement of the issues arising in the claim (or response).

**Complaint 'without reasonable cause'** - a claim made without there being any real reason, basis in fact(s) or purpose. Such claims include allegations that are:

- so obviously untenable that the claim cannot possibly succeed;
- manifestly groundless;
- insufficiently particularised.

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<sup>1</sup> GCA would like to thank the Australian Catholic University, Federation University and the University of Queensland for the opportunity to benchmark the policy.

## Guiding Principles

All GCA staff have the right to work in a safe working environment and to be treated with dignity and respect. This policy seeks to develop a supportive workplace for all GCA staff.

In the case of all complaints, GCA will review the allegations and respond to the staff member who raised the complaint.

While the procedural requirements of managing the complaint may vary, GCA aims to ensure that:

- complaints are addressed sensitively, promptly and in accordance with relevant GCA policy and principles of natural justice;
- all reasonable steps are taken to respect the confidentiality of the people involved in a complaint process;
- fairness and impartiality prevail throughout the appropriate resolution process - until a complaint is investigated and a decision is made, a complaint is an allegation, not a fact;
- appropriate records are maintained throughout the resolution process;
- persons who notify complaints are protected from victimisation or reprisal; and
- persons who notify complaints are regularly informed of the progress of the matter, including the consequences of any finding that the complaint is substantiated or not substantiated.

## Procedure

### Preliminary Action

- Staff members should normally raise a complaint with their nominated supervisor and attempt to resolve such claims locally and informally.
- Where the attempt to resolve a complaint informally, fails, or where it is not appropriate to resolve the complaint locally and informally, staff may submit a formal complaint to the Human Resources (HR) Director via email.
- The HR Director will then record the lodgement of the complaint in the GCA Register of Staff Complaints.
- The relevant Member of the Executive or Supervisor in consultation with the HR Director may attempt to conciliate or mediate the matter, by agreement with the parties, or appoint an appropriate independent (internally or externally appointed) person who will investigate the matter to make findings of fact.
- The relevant Member of the Executive or Supervisor may also determine that the complaint will be dealt with under a GCA Staff Grievance Policy and Procedure or a separate policy, or dismiss the complaint on grounds of it being vexatious or made without reasonable cause.

- If the complaint is dealt with formally, GCA will aim to ensure:
  - Before a complaint is investigated, the complaint relevantly describes their allegations (in most instances, but not all, this will need to be in writing), including particulars of the allegations so that they can be investigated appropriately;
  - The person against whom the allegations are made is provided with a copy of the allegations that will be investigated; and
  - All parties are informed in writing of the outcomes of any investigative process.

### Outcomes

If a complaint is investigated under this Policy and findings are made that substantiate any or all of the allegations made, the relevant Supervisor or Member of the Executive may:

- Counsel the staff member involved on their behaviour and the findings made as a result of the investigation;
- Commence disciplinary action in accordance with the GCA Code of Conduct, which could lead to disciplinary action being taken, including termination of employment;
- Take some other form of appropriate action; or
- Take no further action.

### Related Documents

- GCA Critical Incident Policy
- GCA Privacy Policy
- GCA Staff Recruitment Policy and Procedure
- GCA Workplace Discrimination and Harassment Policy
- GCA Group of Companies Work, Health and Safety (WHS) Policies and Procedures
- TEQSA Report into Higher Education Response to Sexual Assault and Sexual Harassment
- UBSS Grievance Policy (Non Academic)
- UBSS Wellbeing and Safety Policy

### Version Control and Accountable Officers

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<sup>2</sup> Note the new template was approved by the EMT 4 March 2021  
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