



Dispute and Grievance Resolution Policy

REFERENCE NUMBER: P11
ORGANISATION UNIT: All
RESPONSIBLE POSITION: Director Corporate Services
RELEVANT DELEGATIONS: Nil
DATE ADOPTED: 10 August 2012 (379/2012)
REVIEW DATE: Every four years

Objectives:

The objectives of this policy are to:

- to encourage employees to follow the dispute and grievance resolution policy and procedures,
- to ensure all grievances and disputes are dealt with promptly, effectively, fairly, consistently and confidentially,
- to encourage employees to exhaust all internal procedures before going outside the Shire Council for resolution of disputes which can be resolved internally so far as is reasonably practicable,
- minimize grievances by taking preventative or corrective action.

Legislation and Reference:

- NT Local Government Act.
- Central Desert Shire Council Enterprise Agreement.
- Central Desert Shire Code of Conduct.
- Northern Territory Anti Discrimination Act 2011.
- CDSC's Code of Conduct.
- CDSC Work Health & Safety Policy and Procedures.
- Equal Employment Opportunity (Commonwealth Authorities) Act 1987 as amended.
- The Fair Work Act 2009 (Cth) – General Protections and any other applicable Act.

Definition of a Dispute or Grievance:

A dispute or grievance is deemed to exist when a staff member alleges that they have been treated unfairly by the Council or by another worker on workplace or work related issues. This definition includes a potential dispute or grievance.

Scope:

This policy applies to any employment related grievances for which there are no alternative resolution procedures.

The policy applies to all Council workers (includes employees, a contractor, a subcontractor, an employee of contractor or subcontractor, an employee of a labour hire company, an outworker, an apprentice, a trainee, a student gaining work experience, or even a volunteer)

Policy:

1. Central Desert Shire Council's Grievance or Dispute Resolution Procedures must be followed at all times. Workers who don't follow the laid down grievance and dispute resolution procedures without any reasonable excuse will be liable to disciplinary action.
2. Every worker shall have a right to submit a grievance/dispute without fear of victimization or discrimination by management.
3. Parties have a responsibility to resolve a grievance or dispute by conciliation and in accordance with the applicable Enterprise Agreement of the Shire Council.
4. If an alleged dispute or grievance is in the process of being resolved, work practices existing prior to the dispute or grievance shall so far as is reasonably practicable, proceed as normal. This should in no way influence or prejudice the outcome.
5. No member of management shall be entitled to handle or deal with a grievance when the complaint is directed against him.
6. If a dispute or grievance is found to have substance, Council will undertake remedial or corrective action without delay so that the dispute or grievance does not recur.
7. All workers shall have the right to seek redress relating to genuine grievances arising from situations in the workplace or any other related problems at his/her work place by exercising the procedures.
8. The grievance will not be resolved before the worker declares him/herself satisfied. The Chief Executive Officer has the power to declare that the grievance/dispute has been resolved after reviewing all the evidence presented to him/her.
9. Staff complaints against the Chief Executive Officer for allegedly breaching the Council's Code of Conduct must be addressed in writing to the Shire President who must look into the matter assisted by a panel of nominated external professionals and elected members.
10. Where the grievance arises out of a lawful and reasonable order given by management, that order shall be complied with before the employee concerned acts in terms of the procedures laid down for the redress of the grievances/disputes.
11. At all times, management must make sure that complete privacy is maintained. The names of anyone involved in a dispute or grievance must not be discussed with others except those immediately involved in the dispute or grievance.
12. Council reserves the right to review, vary or revoke this policy

History:

First adopted: 10 December 2008

Revised: 10 August 2012 (379/2012)