

Investment NSW- Grievance Handling

Policy coverage

This policy deals with matters raised by an individual employee, including senior executives, ongoing, temporary employees and contractors working in Investment NSW.

For the purposes of this policy, the term ‘employee’ refers to any of the above employees or contractors. The term ‘manager’ means a supervisor or manager with the delegation to supervise and exercise management discretion.

What is the difference between a Concern and a Grievance?

A concern is a topic of relevance to an employee which may cause the employee to feel frustration, agitation or worry. A grievance is a clear statement by an employee of a work-related problem or complaint.

While any work-related concern has potential to escalate, not every concern is a grievance. Concerns become grievances when the frustration, agitation or worry increases to a degree that the employee needs assistance to resolve the situation.

Informal or formal Grievance

An informal grievance is a statement of concern or complaint by a member of staff.

A formal grievance is a statement of complaint by a member of staff to a manager, senior leader or People and Culture representative where the instance and management of the complaint is documented.

Day to day concerns	Grievances	Serious conduct
Misunderstanding or disagreement	Unfair treatment Questions or disputes relating to workplace communications	Bullying, harassment, or discrimination
Differing interpretations of how to apply policies	Interpersonal conflict Perceived breach of policy	Allegations of misconduct, fraud, corruption, or criminal acts
Differences of opinion regarding performance standards or the allocation of work	Unfair or unjust people management practices including allocation of work, job design, performance management, development opportunities	Bullying, harassment, or discrimination Industrial disputes

Dislike regarding physical layout of offices	Non-urgent work health safety issues that have not been adequately addressed	Serious health or safety concerns
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What is not considered to be a grievance

Actions and behaviours of a more **serious nature** e.g. misconduct. Such matters are dealt with under a separate policy.

Performance management

Managers have the responsibility to provide clear and reasonable direction to employees regarding conduct and performance. Employees have the right to raise issues or concerns about these directions. However, an issue raised against a manager regarding a reasonable lawful direction cannot be considered as a formal grievance. Managers and employee need to make every effort to work through their differences constructively and achieve positive outcomes for both the employee and the manager.

Responsibilities when a matter is raised

Employees	Managers	Senior Executive
Be self-aware and manage interactions with others constructively	Ensure employees understand the policy and procedure	Ensure employees understand the policy and procedure
Promote and model behaviour consistent with the Code of Ethics and Conduct	Protect the rights of employees to raise concerns and grievances	Protect the rights of employees to raise concerns and grievances without fear of victimisation, maintain privacy and confidentiality
Work through issues, challenges, frustrations directly with the other person where possible	Provide timely and confidential responses to ensure concerns and grievances are handled	
Refrain from raising malicious, vexatious, or frivolous complaints	Communicate the outcomes of any resolution to those involved in a way which supports learning	
Participate respectfully and ethically in the grievance resolution process		

Informal Grievance Management

Wherever possible, employees should be aware of and deal with frustrations and concerns when they arise, in a calm, respectful and professional manner.

If an employee feels uncomfortable raising the concern with the other employee(s) or if 'in-the-moment' attempts to resolve the concern don't work, the next step is to seek guidance. The employee is encouraged to seek guidance on possible strategies and approaches from a trusted colleague, a manager or senior leader, or a member of the People and Culture team. If attempts to deal with the concern do not resolve the situation, or if the employee feels the situation warrants assistance, the employee is able to seek assistance from his/her manager in resolving the situation informally and prevent it from having further impacts.

All reasonable attempts should be made to resolve the grievance informally prior to this stage. If prior attempts do not resolve the situation, the employee is able to raise a formal grievance.

Formal Grievance Management

An employee may request to be represented by the union at any stage.

The grievance management process can run independently and in parallel with another process including, workers compensation, performance management or misconduct matter.

Formal grievances must be raised with the employee's direct manager, one-up manager or People and Culture. The statement, which may be written or verbal, must:

- clearly outline the substance of the grievance, dispute, or difficulty request a meeting to discuss the matter outline the preferred remedy sought. As soon as a formal grievance is raised, the person receiving the grievance notification shall:
 - consult with People and Culture to determine whether formal grievance management is the most appropriate approach.
 - convene a meeting to occur within 2 working days (or as soon as practicable) to work towards resolving the grievance.

To determine whether formal grievance management is the most appropriate consider:

- the nature and seriousness of the situation including severity, history, frequency duration, extent of, the complainant's expectations and potential consequences
- direct and indirect impact on employees, the organisation and any potential risks or consequences
- whether the complainant employee has reasonable, appropriate, and realistic expectations
- whether an external intervention is needed, such as an independent mediator or investigator

Once the initial assessment determines this is the appropriate policy, instance of the grievance being raised is recorded. All records of the grievance and subsequent investigations are to be kept confidential.

The facts of the situation need to be determined. This stage involves the Manager and/or the HR Business Partner (or independent investigator if necessary):

- informing the respondent of the nature of the grievance
- ensuring the people involved understand the formal grievance procedure
- providing the respondent with adequate opportunity to answer the allegations
- ascertaining the facts of the grievance (this may require interviewing other people)
- identifying options for the resolution of the matter and discussing these with the parties involved in the grievance

After considering all the facts, including both sides of the matter and witness statements, if applicable the approach for reaching a resolution can be decided. In addition to the options available in the informal stage, the manager and People and Culture may choose to reach a resolution through:

- changing workplace conditions such as the allocation of work
- mediation facilitated by an appropriately trained professional
- engaging an external investigator

The manager and the employees involved are responsible for monitoring the implementation of the resolution to ensure the issue is resolved and does not recur.

At any stage the Director of People and Culture may choose to engage an external expert to investigate a grievance or facilitate or mediate a solution. The external expert is to provide an investigation report outlining the process followed, the key findings and the recommendations to enable a final decision.

If at any stage in the process, an employee is dissatisfied with the process or outcomes, they can seek a review by the next level manager. The employee may request the matter be escalated through successive levels of management up to and including the Chief Executive Officer.

If the matter remains unresolved, the employee, the union on their behalf, or the Chief Executive Officer may refer the matter to the NSW Industrial Relations Commission. All parties will be bound by any order or determination made by the Commission in relation to the grievance.