



Natural
Resources
Commission

GRIEVANCE POLICY

May 2022

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1 Grievance policy

The Natural Resources Commission (the Commission) is committed to providing a problem free workplace where all work related grievances are resolved quickly and to the satisfaction of all staff involved.

2 What is a grievance?

A grievance covers work related concerns, whether stated verbally or in writing, which may include concerns relating to:

- a communication problem or interpersonal conflict
- interpretation and application of people management policies or terms and conditions of employment
- the allocation of work
- non-urgent health and safety issues which have not been adequately addressed
- allegations of discrimination, harassment or bullying.

This policy does not cover:

- complaints from members of the public
- broad industrial disputes
- allegations of serious misconduct, fraud or corruption
- protected disclosures as defined in the *Public Interest Disclosure Act 1994*.

3 Features of the Commission's grievance procedure

- The Commission is committed to achieving and maintaining a workplace that fosters a productive and harmonious work environment, where work related concerns or grievances are managed promptly and impartially.
- All efforts should be made to informally resolve grievances between the parties involved before moving to more formal grievance procedures.
- Whilst a broad framework for raising and addressing grievances is provided, there needs to be sufficient flexibility to cater for individual circumstances.
- Support and guidance is available to employees with work-related concerns, as well as those with the responsibility for addressing grievances.

4 Responsibilities

4.1 Staff members

Staff members take responsibility for their own actions in the workplace, and where the actions of others are disagreeable to them, to attempt to settle matters, where appropriate, with that person in the first instance.

Secondly, staff members must ensure that they assist and cooperate with the grievance procedures and resolutions, including maintaining confidentiality.

4.2 Directors

All Directors (including the Executive Director) will:

- ensure that all staff members are aware of their rights
- know how to access the grievances resolution process
- address staff members' concerns and grievances in accordance with the Commission policies within their area of responsibility.

4.3 Executive Director

The Executive Director is responsible for ensuring the effective implementation of this policy.

4.4 Commissioner

The Commissioner is responsible for:

- ensuring this policy is updated regularly
- resolving complaints related to the Executive Director
- mediating a final outcome, if a complaint cannot be resolved throughout this process.

5 Policy and procedure details

The Commission's grievance procedure is based on the principle of natural justice and has the following features:

- **Easy to use:** the grievance procedure is regularly updated to take into account other best practice models. As a result, the grievance procedure should be clear and easy to use.
- **Confidential:** Only the staff members directly involved in the grievance, or in sorting it out, can have access to information about their grievance. Information will only go onto a staff member's personnel file, if a formal action is taken arising from the grievance.
- **Impartial (fair):** All sides get the chance to tell their side of the story. No one makes any assumptions or takes any action until all relevant information is collected and considered. All sides have access to support or assistance, if they need or want it.
- **Sensitive:** All grievances are dealt with sensitively and professionally by staff experienced in these matters.
- **Free of unfair repercussions or victimisation:** The Commission will take all necessary steps to make sure that staff involved in grievance are not victimised by anyone for coming forward with the grievance or for helping to sort it out. Any victimisation will be taken seriously and may result in disciplinary action.
- **Sorted out with a minimum of fuss:** The Commission aims to sort out all grievances at the lowest level possible with minimum of fuss. In many cases, grievances can be sorted out by agreement between the staff involved with no need for formal action.
- **Timely:** The Commission aims to deal with all grievances as quickly as possible.

5.1 Guiding procedures

Although the means for managing a grievance needs to be flexible in order to cater for particular circumstances, **Figure 1** provides a framework within which an appropriate approach can be determined.

These procedures are not intended to replace individual responsibility for achieving and maintaining a harmonious work environment, nor are they intended as a means to avoid Directors' responsibilities. Rather, they provide guidance to address concerns where other efforts have not been successful.

Unless a grievance is of a particularly serious or urgent nature, attempts should be made to resolve the grievance informally before more formal procedures are commenced. The choice of addressing the grievance by way of informal or formal means is a decision for the staff member. Choosing to address the issue informally does not preclude the subsequent lodgement of a formal grievance or withdrawal of the grievance.

5.2 Support options

Staff members who are considering raising a grievance should, wherever possible, discuss the matter with their Director, in the first instance. If they are unable to discuss the matter with their Director, they should seek the advice of the Director Corporate Services.

5.3 Informal resolution of grievance

If the person lodging the grievance wants to resolve the grievance informally, they should attempt to do so as soon as possible. In the meantime, continue to work normally unless there is a proven health or safety risk to any of the staff involved.

If there is uncertainty about how to approach the problem, contact your Director. If the grievance is about your Director, approach either the Director Corporate Services or the Executive Director. If it is about the Executive Director, contact the Director Corporate Services or the Commissioner. For example, if the grievance is about the way in which a recruitment process was carried out, contact the Director Corporate Services, as soon as possible with the details of the grievance. Please note that this policy does not apply to complaints about the outcome of a selection process.

If the matter involves allegations of corrupt conduct, follow the procedure outlined in the Commission policy on reporting corrupt conduct.

5.4 Formal resolution of grievance

If a resolution has not been reached to your satisfaction, you will need to notify in writing the Director Corporate Services who will review the matter and refer it to the appropriate Director for management.

The Director will review the grievance and discuss an action plan with the Executive Director. This may involve using an independent person to investigate the grievance. After examining the grievance, the Director will discuss the options with the concerned parties. The staff member who feels aggrieved by the outcome or decisions is able to seek review with the Commissioner or delegate.

The situation will be monitored by the Director Corporate Services to ensure any agreements made as part of resolving the grievance are implemented.

Also see Section 9 "Who else can help".

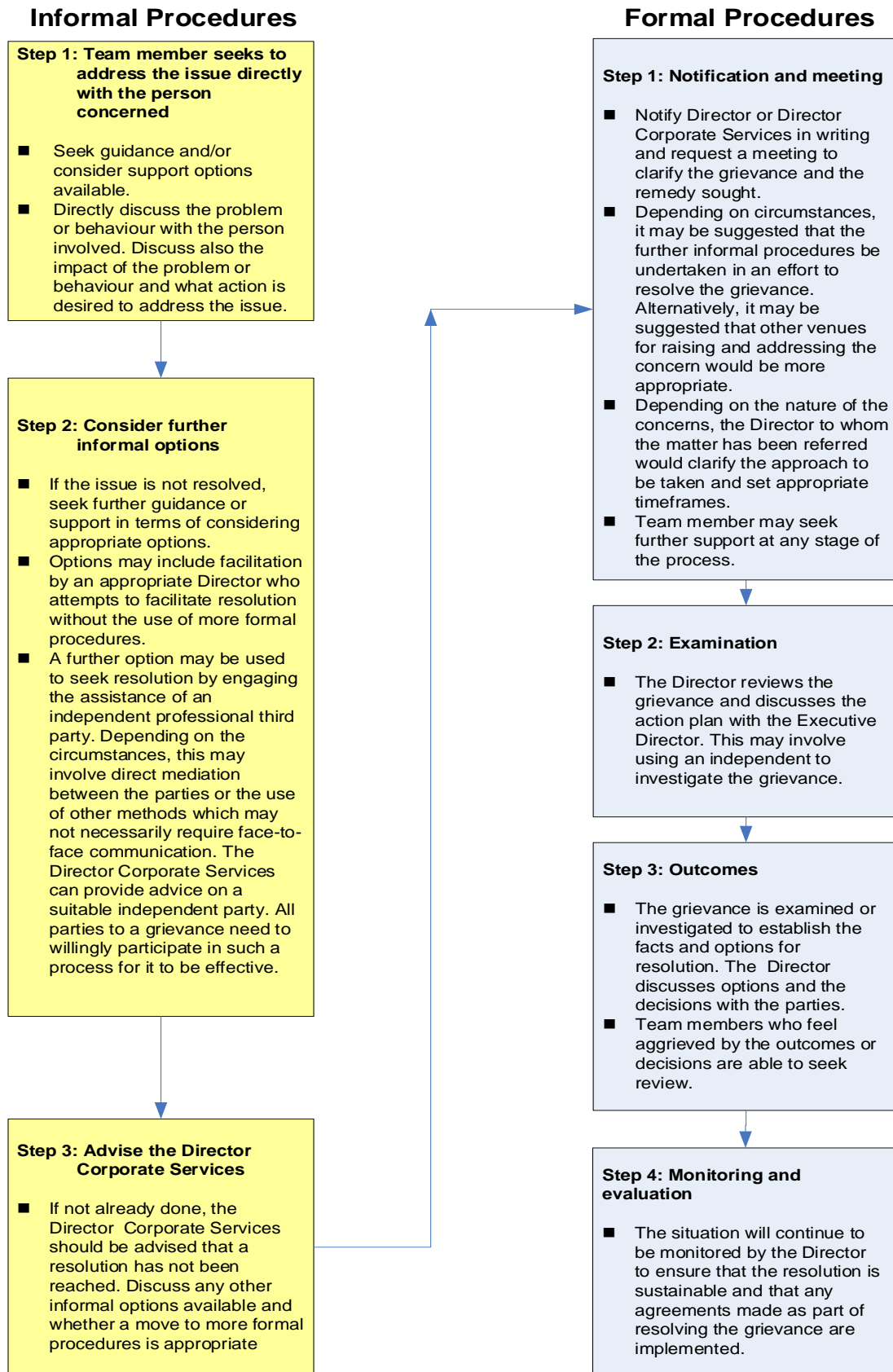


Figure 1: Procedural framework

5.5 Director's role in resolving a grievance

Some staff members may have experience in helping anyone who has, or thinks they may have, a grievance. They can provide you with confidential advice about the best way to handle grievance, and direct you to where more help is available. Depending on their position in the organisation, they may not be allowed to investigate or sort out your grievance.

However, if they are not the person who will help sort out your grievance, they can go with you to see someone who can sort it out for you. Directors within the Commission are able to resolve grievances.

Wherever practical, within two working days of you approaching a Director, they will:

- get full information from you about your grievance and what outcome you expect
- explain the rest of the grievance procedure, and they will refer you to people who can provide you with support, if you need it
- decide if they are the appropriate person to continue handling the grievance, as they may not be of a sufficiently senior level, too biased or seen to be too biased, to handle the grievance. If they cannot handle the grievance, they will, with your agreement, refer you to another appropriate Director or the Director Corporate Services. That person will speak with you and then continue the process as described below.

Wherever practical, within two working days of your interview with them, they will put the information they have received from you to the person/people you are complaining about to get their side of the story.

Within a reasonable time of interviewing the person/people you are complaining about, the grievance handler will assess the matters raised in your grievance and determine whether formal action is necessary.

6 Possible outcomes of a grievance process

6.1 Joint agreement

Many grievances can be settled by a joint agreement between the parties involved in the grievance. In that case, no records or notes will go on anyone's personnel file. The person who handled the grievance will write a confidential report. This report will be suitably filed by the Director Corporate Services.

6.2 Mediation

If a joint agreement cannot be reached internally, then parties can agree to refer the matter to an independent mediator/arbitrator. The Director Corporate Services can arrange this.

6.3 Not enough proof to be able to act

If there is not enough proof to work out who is telling the truth, no disciplinary action will be taken. Instead, the Commission may decide to:

- monitor the parties involved
- consider wider staff training on the particular issue of grievance.

6.4 Disciplinary action

If the person sorting out the grievance believes that there has been a breach of one of the Commission policies, then the Commission may decide to take disciplinary action against the staff that have breached the policy.

6.5 Criminal or illegal activity

If the person sorting out the grievance believes that criminal or illegal activity may be involved, they are required to inform the Director Corporate Services immediately.

7 Formal advice at the end of grievance process

At the end of the formal grievance process, the staff who lodged the grievance will be informed in writing of the outcome. All related records will be held confidentially and securely by the Director Corporate Services in TRIM.

8 Review process

Staff members, who feel aggrieved by the outcome of the formal grievances, have the right to request a review of any decisions made. Requests for a review should be submitted in writing within two weeks of the decision. Submissions must detail the reasons for requesting a review, the desired outcome, and be submitted to the Director Corporate Services for review with the person who made the original decision.

9 Who else can help?

At any time during the grievance handling process, the staff involved can get confidential support and advice from the Director Corporate Services or their union's representative. You can get advice from these people if you are the person who has the grievance or if you are the person who has been 'accused' of doing something wrong. You can also have a support person present at any of the meetings if you wish (who supports you but does not act as an advocate).

In addition, you may contact an external agency for advice and help. Organisations that are able to help include:

- your union
- NSW Anti-Discrimination Board
Level 17, 201 Elizabeth Street, Sydney NSW 2000
Phone (02) 9268 555
TTY (02) 9268 5522
Fax (02) 9268 5500

10 Document control

Date approved	January 2019
Review period	Triennial
Next revision	January 2022
Responsible Officer	Director Corporate Services
Approving Officer	Commissioner
Changes made during the last revision	Updated to include the role of Commissioner minor text.