



# OPSSC

Office of the  
**Public Sector  
Standards  
Commissioner**



## GRIEVANCE RESOLUTION TOOLKIT



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# Grievance resolution: an overview

## Grievance processes and the Grievance Resolution Standard

The Grievance Resolution Standard applies to any process adopted by an agency to resolve or redress an employee's grievance. It does not apply to processes used to address complaints by a person external to the agency, such as a member of the community complaining about the service provided, or a decision made by an agency. The Grievance Resolution Standard can be found on the OPSSC website at [www.opssc.wa.gov.au/hrm/standards/grievance.htm](http://www.opssc.wa.gov.au/hrm/standards/grievance.htm)

## Why is effective grievance resolution important?

Effective grievance resolution is important because:

- responsive, effective and timely grievance resolution helps maintain positive, healthy and productive working relationships;
- there are legislative requirements under the *Public Sector Management Act 1994* and other employing legislation to ensure that grievances are managed;
- there is an expectation from government and the community that public sector employees be managed effectively and fairly; and
- positive workplaces with good reputations are an effective means of attracting and retaining staff.

## Ineffective grievance resolution

Grievances that are not effectively managed pose a number of risks for agencies, including:

- low morale and poor job satisfaction leading to an increased absenteeism and staff turnover;
- an escalation of issues by the aggrieved party into other forums tying up agency time and resources; and
- loss of reputation as an employer and service provider.

## About grievances

When managing grievances and designing grievance systems it is important for agencies to consider the following:

- grievances are often to do with employees wanting to have issues they raise recognised and treated seriously;
- some employees leave their employment rather than raise issues; and
- what is put in writing is rarely the full story.

## About systems

In developing systems to support effective grievance management, it is also important agencies consider:

- ensuring they have systems employees have faith in;
- the need to resolve grievances quickly - the longer issues are not addressed the less likely any form of resolution can be achieved;
- the more complaints and responses are put in writing, the more entrenched individuals can become in their views/position, reducing the likelihood of agreeable outcomes; and
- not all managers are good at recognising and managing complex people issues.

The following is a quote from a WA public sector manager:  
"Grievance management is not just about processes it is about people, it is also not always just about what a person puts in writing, people resolving grievances need to remember the human factor".

## The purpose of this toolkit

This toolkit has been developed to assist agencies to develop a grievance framework; it has been developed in consideration of the principles set out in the grievance resolution standard.

The toolkit does not prescribe a method of resolving issues. Rather, it focuses on the early intervention approach, as this model is considered an effective means of managing and resolving grievances, particularly those related to workplace decisions or interpersonal conflict. It should be noted the Grievance Resolution Standard does not stipulate the format by which grievances should be submitted to an agency. For example, whether grievances should be submitted in writing or include informal and formal stages.

## Terms used within this toolkit

The following terms are used in this toolkit and have been based upon the generally accepted usage within the WA Public Sector.

**Procedural fairness/natural justice** – see [Ombudsman's Information Sheet 1](#)

**Grievance Resolution Standard** – see [Grievance Resolution Standard](#)

**Breach of Standard claim** - see [Breach Claim](#) information

**Informal grievance** - an *informal* complaint (usually not in writing) about a work practice or work environment related problem, concern or complaint which an employee feels is unfair, unreasonable, inappropriate, unjustified or discriminatory and which arises out of an action, omission, situation, or decision.

**Formal grievance** - a *formal* complaint (usually made in writing) about a work practice or work environment related problem, concern or complaint which an employee feels is unfair, unreasonable, inappropriate, unjustified or discriminatory and which arises out of an action, omission, situation, or decision.

**The parties** – In this document *the parties* refers to the employee who has raised/lodged the grievance and the employees who are the subject/respondent to the grievance.

## Acknowledgments

In developing this toolkit a variety of publications and resources were researched and have been referred to. In particular the following organisations are acknowledged for their materials:

Ombudsman Western Australia

The Western Australian Department for Community Development (now the Department for Child Protection)

Government of South Australia – Office of Public Employment

Northern Territory Government – Office of the Commissioner for Public Employment

# The grievance framework



# 1. Develop prevention measures

The first approach to grievance management is, where possible, to prevent issues from arising in the workplace.

Agencies may consider which available information or systems they could use, or may already have to monitor their workplace, and assist the identification of potential issues and their location within an agency.

Agencies must be proactive in addressing any identified trends, otherwise monitoring will be ineffective in achieving the change needed to prevent or deal with issues.

## Key tasks

- Develop strategies to monitor and identify emerging trends (potential hotspots).
- Ensure a positive workplace culture. Avoid issues by actively ensuring decisions made in the agency are fair and equitable and in accordance with legislative responsibilities. For example, the Public Sector Standards in Human Resource Management, ethical codes, equal opportunity legislation, etc.
- Act to deal with issues before they become grievances or effect workplace morale.

## Monitoring and identifying trends

Develop systematic ways of monitoring and collecting information on trends within the agency.

Strategies to monitor emerging trends could include:

- Having mechanisms in place to allow grievance officers to feed back key grievance themes to relevant persons in the agency, for example, grievance officer network meetings.
- Establishing employee groups with representatives from key divisions, and or consultative committees that periodically feed back employee issues to relevant persons in the agency.
- Considering whether OPSSC climate survey data and/or agency employee survey data provides an indication about particular employee perceptions and their locations within the workplace. This data can be considered with other data collected, such as grievances or turnover from particular parts of the agency.
- Considering what data/statistics are already kept that may assist in identifying issues in particular parts of the agency. For example, conduct an analysis of grievances lodged, including the number of grievances, what the issue trends were, review and

consider data about sick leave or absenteeism, workers compensation claims, breach claims, equal opportunity claims, and turnover rates in particular parts of the agency.

- Information recorded at exit interviews may help identify issues not raised. Agencies should consider sending surveys out to employees who have resigned one week prior to their departure and ask they submit it to human resources in a confidential envelope on their final day of employment.

## **Ensure positive work practices and a positive workplace culture**

- Many workplace issues arise out of human resource related matters. As such, it is important to have good human resource policies in place to guide managers in making fair and consistent decisions.
- Encourage positive management in the workplace, for example, managers avoiding favouritism and being visible and accessible to employees, clear and open communication with employees and providing reasons for decisions.
- Strategies to avoid grievances can include the cultivation of a positive work environment by managers and supervisors. This may include reminding employees about appropriate behaviour and levels of conduct expected in the workplace. Managers also need to be aware of the importance of modelling appropriate behaviour in the workplace.
- Train all employees in dealing with interpersonal conflict in the workplace and how to raise issues.

## **Use information to effect change**

Consider how the agency will react to information obtained through monitoring. Ignoring it is not an effective strategy.

Ways of using information include:

- Present data to the agency's Corporate Executive to support a business case for change. For example, what cost does employee turnover or compensation claims represent to the agency.
- If negative perceptions exist in relation to climate survey results, consider what action can be undertaken to improve these perceptions, for example, ensure processes are conducted in accordance with the Standards and/or whether better communication about decisions and why they are made is required.
- Consider whether training is needed to ensure a positive workplace. For example, dealing with bullying and harassment for both managers and employees.

## 2. Agency approach to grievances

Policies are critical to providing an effective framework in which to resolve and redress grievances. Policies and procedures also play an important role in assisting an agency to communicate to employees about how they will manage grievances and what role the parties themselves will play in the process.

### Key tasks

- Develop policies and procedures (systems for resolving grievances) that recognise issues need to be dealt with in a responsive and timely manner.
- Develop policies and procedures that are not overly prescriptive or complex and provide for lower level local resolution. In other words, processes that encourage issue self-management, where possible, in the first instance with the person concerned.

### Developing policy

- Use the Grievance Resolution Standard (GRS) as a framework for the development of any grievance policy. This ensures key compliance activities are built into policy.
- Clearly articulate the GRS and compliance requirement to raise awareness of compliance with those undertaking grievance processes.
- Identify who or what can assist with the development of a grievance policy. This may include employee representatives (from all levels), central agencies, industrial representatives, etc. Consider consulting with EEO groups when developing policy as this can help identify and include special needs. Remember employees are much more likely to have faith in processes they have had input into developing.
- Obtain copies of policies from other agencies to gain a perspective of what policies look like, and determine if aspects of another agency's policy may suit your own. Internet searches may provide grievance policies from a wide range of organisations.
- Steer away from making policies so rigid and prescriptive that they allow for no flexibility in the process. Any variation may cause those involved to question the entire process.

## Policy points

The following policy points are examples of what an agency should consider including within a grievance resolution policy.

### Key Messages

- An overarching statement that encourages employees to raise issues within an agency. Such statements should include the phrase “issues raised will be taken seriously”.
- An outline of the agency’s grievance resolution philosophy. For example, “To resolve grievances fairly and in a timely manner with a focus on maintaining positive working relationships”.
- A clear statement that victimisation for making a grievance will not be tolerated, and action will be taken by the agency where allegations of victimisation are substantiated.
- Definitions of key terms used within the policy. For example, what a grievance, an informal grievance and a formal grievance is.

### The process

- A focus on the self-management of issues in the first instance. For example, where appropriate, encourage the employee to approach the person he or she has concerns with.
- A choice as to how issues may be raised, for example, informal and formal.
- A choice of who issues can be raised with, for example, line managers and grievance officers.
- Provide information about what to do if a grievance concerns a person’s manager or supervisor.
- An outline of the process to be followed whilst allowing for some flexibility to respond to different issues and circumstances.
- The policy may provide for a two stage process (informal to formal). Where a two stage process is provided for within policy there needs to be a clear delineation between the two processes, for example, where the informal process concludes and the formal process commences. Policy also needs to clearly articulate who is responsible for moving the process from informal to formal and the process for doing so.

Two-stage processes should encourage informal resolution in the first instance; however, policy should not preclude an aggrieved person from raising their issues formally.

- Policy may also provide for the use of alternative dispute resolution at both the informal and formal stages, where the parties are agreeable. For example, mediation.
- Whatever process the agency chooses to adopt, policy needs to clearly outline of the roles and responsibilities of the parties. For example, how to lodge a grievance, what is expected of the parties, and who assumes what role in the process.
- Provide guidance about what action to take should matters relate to a suspected breach of discipline (for more information see page 23).
- Provide information about when and how breach of standard claim rights are provided to the parties. For example, if using a two stage process this is at the conclusion of the formal process. For more information about the provision of breach of standard claim rights refer to the Agency Guide at: <http://www.opssc.wa.gov.au/publications/agencyguide.htm>

### Communication and support

- Outline what communication needs to occur as part of the process. For example, the agency should establish a timeframe for managing a grievance and discuss this with the parties at the beginning of the process; provision should also be made for the parties to receive regular updates on the progress made by the agency to complete the grievance process, including being advised of any delays.
- Make provision for the parties to seek appropriate support and assistance during the process and have support persons attend meetings.

### Documentation and record keeping

- Describe how information will be kept confidential, and how long it will be stored in accordance with the agency's record keeping plan, alternatively the grievance policy could refer to the agency's record keeping plan/policy.
- Provide clear guidance on the extent of documentation to be made of the process. For example, for formal processes undertaken this generally includes:
  - how the parties were informed of their rights and responsibilities;
  - how issues were identified and examined;
  - pathways used to resolve issues, for example, what issues were referred to and resolved under other processes, such as an industrial process;
  - key actions undertaken during the process, including discussions with the parties;
  - decisions made as part of the process;
  - the basis on which the final decision is made;

- any proposed outcomes; and
- how the final decision was communicated to the parties.

### Other avenues available

- Provide information or links to other relevant agency and external processes. For example, access to the breach of standard claim process, Equal Opportunity Commission (EOC), Western Australian Industrial Relations Commission (WAIRC), Public Interest Disclosure legislation (PID), Corruption and Crime Commission (CCC), etc.

### Other issues for inclusion

- Covers issues such as procedural fairness and natural justice.
- Covers issues of impartiality. For example, outlines how conflicts of interest concerning the person responsible for managing/mediating/investigating the issues will be dealt with.
- Policy provides grievance officers, managers and investigators with the tools and authority to carry out their role to investigate or resolve a grievance.
- An outline of the agency's prevention strategies.
- The policy should include information on action that may be undertaken once a grievance is concluded, such as training on particular issues, etc.

### Tips

- Having a policy that focuses on formal processes too early can encourage the parties to become entrenched in their views or form positions. Consider policies that provide an effective informal system that includes raising issues directly with the person concerned in the first instance, where appropriate, and processes such as mediation prior to moving to a formal process.
- Although skilled managers can assist grievance management, do not assume managers are always the best people to resolve workplace conflict. When developing a grievance policy consider giving employees a choice of who they can raise grievances with. Some managers may feel ill-equipped to manage grievances or some employees may feel uncomfortable raising issues with managers - particularly where they are the source of concern for an employee.
- Keep it simple. The process used for making a grievance should not be so arduous that it puts people off pursuing their issues. For example, avoid processes where there are multiple internal layers for escalating issues.
- Consider developing a checklist for grievances to ensure key parts of the process are covered. Internal and external staff should complete relevant parts of the checklist -

see the [sample checklist](http://www.opssc.wa.gov.au/documents/hrm/grievance/checklist.pdf) that is available for download at [www.opssc.wa.gov.au/documents/hrm/grievance/checklist.pdf](http://www.opssc.wa.gov.au/documents/hrm/grievance/checklist.pdf)

- To help employees to understand their responsibilities in the grievance process use simple and direct language, and where appropriate use personal language, for example, 'you'. Developing information guides for each of the parties in the process may further assist to communicate specific roles and responsibilities. For example, a guide for the person raising issues, the person responding to any issues raised, and the person managing the process. Case studies can be included to illustrate key points.
- Consider the use of a flowchart within the policy to provide an easy, visual representation of the process.
- Provide for periodic review of policies and procedures to ensure they continue to meet employee and agency needs and are reflective of any legislative change that may have occurred since the policy was developed.

## Other considerations

- Remember appropriate levels of confidentiality may depend on what other legislation applies in a grievance situation. Some issues may require that another body is notified. For example, agencies are required under the *Corruption and Crime Commission Act 2003* to report suspected misconduct.

## Checklist

### Employee Grievance Checklist

The Office of the Public Sector Standards Commissioner's grievance resolution checklist (the checklist) contains some of the key actions associated with managing an employee grievance in accordance with the grievance resolution standard.

The checklist provides a framework for agencies to incorporate their individual requirements. The checklist is not intended to be prescriptive or to replace an agency's own relevant policies and procedures.

The checklist is applicable throughout all stages of the grievance resolution process and should be regularly referred to including prior to commencement, during and at the completion of the grievance resolution process.

### The parties have been informed of their rights and responsibilities in the grievance resolution process.

Both the parties (complainant and respondent) have been provided with copies of the agency's employee grievance policy and procedure.

The parties have been advised they may request the presence of a support person for any meetings.

The parties have had the opportunity to have the agency's policy and procedure explained to them by an appropriate person.

The parties have had an opportunity to ask questions and clarify any issues relevant to the grievance with an appropriate person.

An appropriate person has clarified the grievance issues with the person who made the grievance.

Where the grievance relates to the alleged actions/behaviour of an individual or individuals, those people have been informed of the full details of the grievance and given an opportunity to respond

The agency has informed the parties of the timeline it intends to follow to keep the parties informed of their rights and responsibilities.	<input type="checkbox"/>
Delays in the process has been/will be explained to the parties.	<input type="checkbox"/>
The agency has recorded and retained on the appropriate confidential file the process it has applied to keep the parties informed of their rights and responsibilities during the employee grievance process.	<input type="checkbox"/>
The agency has informed the parties of the actions being undertaken to address the issues raised in the grievance.	<input type="checkbox"/>
Further action required by the parties has been /will be identified and conveyed to the parties.	<input type="checkbox"/>
Strategies are in place to ensure appropriate confidentiality will be maintained.	<input type="checkbox"/>

**The process is based on a proper consideration of the facts and circumstances prevailing at the time of the grievance**

The grievance issues have been clarified with the person who lodged the grievance and ideally agreement reached on the issues to be covered.	<input type="checkbox"/>
If using external consultants ensure they have copies of all relevant documents, including the agency's policies and procedures, the grievance resolution standard and the scope of the grievance under consideration.	<input type="checkbox"/>
The agency has considered and identified if a grievance could be linked to a suspected breach of discipline prior to commencing a review of the prevailing facts and circumstances of a grievance.	<input type="checkbox"/>
If a suspected breach of discipline has been identified by the agency the two processes of grievance and discipline have been kept separate.	<input type="checkbox"/>
The agency has developed a policy/procedure for identifying and considering all of the issues raised in the employee grievance.	<input type="checkbox"/>

The agency's process of identifying all the issues has been documented. For example, in memorandums, letters to the parties the final report.	<input type="checkbox"/>
The person who conducts the consideration of the facts and circumstances is:	
• Impartial	<input type="checkbox"/>
• Is not a party to the grievance	<input type="checkbox"/>
• Does not have a conflict of interest with any of the parties	<input type="checkbox"/>
The decision takes into account all of the facts and circumstances. For example, covers all issues raised.	<input type="checkbox"/>
The agency has communicated to the parties the independent process for considering all the issues raised in the grievance.	<input type="checkbox"/>
Prior to making any conclusions, findings or recommended actions the agency has given the parties the opportunity to comment on the process for identifying and considering all of the issues raised in the grievance, and the opportunity to respond to those conclusion, findings and recommended actions.	<input type="checkbox"/>
The agency's process for considering all the issues includes informing the relevant parties about the outcome of the grievance.	

### Decisions are impartial, transparent and capable of review

The investigation report has been quality checked to ensure that all areas of the grievance have been properly considered and addressed before a final decision is made.	<input type="checkbox"/>
The person who makes the decision on behalf of the agency is:	
• Impartial	<input type="checkbox"/>
• Is not a party to the grievance	<input type="checkbox"/>
• Does not have a conflict of interest with any of the parties	<input type="checkbox"/>

The process used to address the grievance has been adequately documented, and it:	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Clearly and concisely describes the grounds upon which the final decision was made.</li> </ul>	<input type="checkbox"/>
The investigation report has been quality checked to ensure that all areas of the grievance have been properly considered and addressed.	<input type="checkbox"/>
The agency has provided enough information to the parties to enable them to understand how the decision was made.	<input type="checkbox"/>
The parties have been notified in writing of their right to lodge a breach of standard claim against the Grievance Resolution Standard, once a final decision has been made and the grievance process is complete. (Click onto the <i>Public Sector Management (Breaches of Public Sector Standards) Regulations 2005</i> for information setting out the notification requirements under the breach claim process.	<input type="checkbox"/>

### Additional considerations

The importance of maintaining confidentiality and the implications of not doing so has been conveyed to the parties.	<input type="checkbox"/>
The parties have been provided with the opportunity and support to resolve the employee grievance informally, prior to escalating the issue to a formal grievance.	<input type="checkbox"/>
Mediation and/or conciliation have been considered as a means of resolving the workplace issue.	<input type="checkbox"/>
If using external consultants to mediate/conciliate/investigate a grievance, their experience and approach to grievance management has been checked to ensure they are consistent with the agency's philosophy and approach.	<input type="checkbox"/>
Grievance officers and /or staff dealing with grievances are able to provide information to the parties about alternative avenues to raise issues (e.g. Industrial Relations Commission, Equal Opportunity Commission, Corruption and Crime Commission, Public Interest Disclosures).	<input type="checkbox"/>

## 3. Raising awareness

Well-developed policies are one aspect of effective grievance management. Another is to ensure employees are aware of those policies and procedures and how to raise issues. Periodic communication about grievance policies and processes is a key part of achieving a good level of employee awareness.

### Key task

- Develop strategies to raise awareness of grievance policy and procedures. Ensure strategies focus on making grievance policies visible and accessible to all employees.

### Strategies to raise awareness

Awareness raising strategies can include:

- Placing information about how to raise issues and who to obtain further information from on the intranet.
- Including grievance information in induction programs, general emails, posters, employee and management training, agency newsletters and on notice boards.
- Training DVDs, satellite broadcasts and video conferencing which are also useful techniques for raising awareness in rural areas.

### Tips

- Make sure communication about policies and procedures is periodic and information is accessible to all employees. In other words, don't simply place policies and procedures on the intranet and assume employees will find them.
- The key to raising awareness about grievances is to ensure a diversity of strategies is used. Don't rely on just one method of communication - diverse communication strategies will ensure more employees are aware of and understand the process.
- Consider your employee profile when developing strategies. For example, a strategy heavily based on electronic communication will not be appropriate if few employees have computer access.
- Consider establishing agency supports such as grievance officer networks to help employees understand the available options or strategies to deal with issues.

## 4. The right people

The best policies and systems will not make for an effective grievance process if inappropriate people are administering the process.

### Key tasks

- Provide training and support for those managing grievances to ensure they understand conflict management, and have the skills to successfully undertake processes.
- Assess the skills of external consultants to ensure they will effectively undertake the process.

### Attributes

The effective management of grievances is reliant on the person administering the policy and procedures. People resolving grievances generally require a number of attributes, including:

- a good understanding of conflict management;
- a good understanding of the various pathways available to address issues, such as the Industrial Relations Commission, etc;
- an ability to maintain appropriate levels of confidentiality;
- being non-judgemental, they should not be perceived by any of the parties as having prejudged the issues;
- impartiality, for example having no pre-existing relationship with any of the parties that could give rise to, or create any perception of bias;
- a friendly and open manner and an ability to establish rapport;
- being a good communicator;
- thorough and considered; and
- confident enough to communicate with senior management, even if that means delivering an unfavourable message or outcome.

## Tips

### Internal employees

- As managers can play an important role in monitoring the workplace and resolving grievances agencies need to consider the skills managers require and whether training is appropriate, for example, training in conflict management.
- If using grievance officer networks, ensure those selected reflect the diversity of the organisation and understand their role, including the levels of confidentiality to be maintained.
- To ensure issues can be dealt with effectively in the workplace, the agency needs to ensure the role of grievance and contact officers is supported within the workplace. For example, education or awareness raising of their role and its importance to the agency may need to be undertaken, particularly with managers.

### Using external consultants

- It is important to remember that it is the agency and not external consultants who have responsibility for resolving and redressing grievances under the *Public Sector Management Act (1994)*, and or relevant employment legislation, and complying with the Grievance Resolution Standard. It is therefore recommended that an appropriate area/section, often the human resources area, within an agency be allocated responsibility for overseeing the management of grievances. This includes informing parties of their rights and responsibilities, providing relevant documentation, overseeing and quality checking investigations, and quality assuring grievance processes and reports.
- If using external staff to mediate or investigate a grievance, review their experience. Also confirm their approach to grievances to ensure they are in keeping with your agency's philosophy and approach.
- If using external consultants, ensure they have copies of all relevant documents, including the agency's policies and procedures and the Grievance Resolution Standard.
- Establish responsibilities in the process for internal staff and external consultants. For example, who is responsible for explaining to the parties their rights and responsibilities in the grievance process.
- Consider developing a checklist for grievances to ensure key parts of the process are covered. Internal and external staff should complete relevant parts of the checklist (see [sample checklist](#)).

## 5. Undertaking the process

The process undertaken to address a grievance is up to an agency to establish. Depending on the issues raised, some may lend themselves to being dealt with as a mediation process, some as a desk top/file review of issues, and others may require an investigative process.

### Key tasks

- Clarify the issues and the expectations of the person who has raised the issues prior to beginning any resolution or assessment process.
- Assess the grievance to determine a course of action; aim to undertake the process as quickly as possible. Some issues may relate to communication problems or interpersonal conflict that may benefit from bringing the parties together, others will require a more detailed examination of issues.
- Ensure the parties are aware of the process being used to address their issues and their rights and responsibilities in that process.
- Deal with the issues.

Sample two-stage grievance process	Key actions
<b>Informal stage:</b>	
<p>This part of the process recognises the importance of managing issues early and as close to the source as possible. Generally issues are not put in writing to avoid the parties becoming entrenched in positions early in the process. Parties should not be excluded from raising issues formally. In other words, the informal stage should not be compulsory, but actively encouraged.</p>	
<ul style="list-style-type: none"> <li>▪ Encourages lower level resolution as close to the source as possible (generally issues are not put in writing). For example, where appropriate, employees are encouraged to raise issues directly with the person concerned or informally with a line manager, grievance officer or human</li> </ul>	<ul style="list-style-type: none"> <li>▪ Self-management of conflict.</li> <li>▪ Mediation or some dispute resolution mechanism being offered to the parties.</li> </ul>

Sample two-stage grievance process	Key actions
<p>resource staff.</p> <ul style="list-style-type: none"> <li>If a person does not consider that their issues have been adequately addressed at the informal stage, they need to be made aware of how to access the formal stage.</li> </ul>	
<b>Formal stage:</b>	
<ul style="list-style-type: none"> <li>Part of the process that is generally put in writing. Requires an aggrieved party to clearly articulate their issues.</li> </ul>	<ul style="list-style-type: none"> <li>In the early stages identify if a grievance could be linked to a suspected breach of discipline. Although this may be difficult to determine, processes should ensure this is always considered in the initial stages of dealing with a grievance, particularly before proceeding to commence an investigation under the grievance procedures.</li> <li>Mediation or some other dispute resolution mechanism may be offered to the parties in this part of the process.</li> <li>Investigation and / or review of facts and circumstances may be undertaken. <ul style="list-style-type: none"> <li>Once information is gathered, proposed findings are put to the parties, who are given opportunity to comment.</li> <li>Comments from the parties are considered, flaws in the grievance resolution process are corrected and any outstanding issues are addressed before a final decision made.</li> </ul> </li> </ul>

<b>Quality check</b>	
<p>Generally involves a desktop/file review of the process to ensure key steps have been undertaken and sufficient documentation of the process has been recorded to understand why a particular decision has been made.</p>	<ul style="list-style-type: none"> <li>▪ This is an important part of ensuring the process has been effectively undertaken prior to providing the parties with the agency's decision.</li> </ul>
<b>Internal review</b>	
<p>Once the decision is provided to the parties, grievance processes may provide opportunity for parties to raise issues about the process and decision making within the agency.</p>	<ul style="list-style-type: none"> <li>▪ Generally a person independent of the grievance process reviews the process and whether the decision is robust.</li> </ul>
<b>Final decision and notification</b>	
<p>Final decision made and notification given.</p>	<ul style="list-style-type: none"> <li>▪ Final decision is made in consideration of all available facts and circumstances, including consideration of feedback from the parties.</li> <li>▪ The decision is clearly communicated to both parties, the person who raised issues and the person responding.</li> <li>▪ Breach of standard claim rights are provided to the parties in writing.</li> </ul>

The following table provides information as to how the facts and circumstances of grievance may be considered, if using an investigative process. This list is by no means exhaustive and actions may vary depending on the issues raised.

## Consideration of the prevailing facts and circumstances of a Grievance

Investigations	Key actions
<p>1. Clarify Issues and Concerns:</p>	<ul style="list-style-type: none"> <li>▪ Discuss the grievance with the aggrieved party to ensure a shared understanding of the issues. This prevents the person managing the process wasting time by addressing incorrect assumptions.</li> <li>▪ Identify key issues with the aggrieved party. There may be a particular issue the person is most concerned with and would like the agency to focus on. Identifying issues does not mean other issues raised are disregarded, they may simply require a lesser focus.</li> <li>▪ Clarify what an aggrieved person may be seeking from the process. Sometimes the solution is simpler than the agency might assume, for example, making commitment to review or change a process.</li> <li>▪ Sometimes a decision may be made to not examine a particular issue. For example, the matter has already been considered by the agency or in another process. Any decision to not examine a particular issue/s should be clearly communicated to the aggrieved party and documented. This approach reduces concerns from an aggrieved party that certain issues have been deliberately ignored by an agency.</li> <li>▪ Explain the process being used to resolve the grievance with both parties and where possible establish timeframes.</li> </ul>

Investigations	Key actions
<p>2. Develop a plan outlining how the facts and circumstances of the issues raised will be considered.</p>	<ul style="list-style-type: none"> <li>▪ Record identified issues and determine how to gather facts. For example, what information needs to be reviewed - documents, files, memorandums - and who needs to be interviewed.</li> <li>▪ Ensure the respondent has enough information to fully understand all allegations that relate to them. Issues may be provided in writing or the respondent may agree to a meeting to have allegations explained. Regardless of how this occurs, it must be well documented.</li> <li>▪ Ask both parties to identify anyone with relevant information who can support their version of events, or for copies of documents that support their version of events.</li> <li>▪ Although it is not always necessary to interview everyone put forward by the parties, it is important that any decision not to interview a particular person is well considered and documented. Decisions made during the process must be impartial, transparent and capable of review in accordance with the Grievance Resolution Standard.</li> <li>▪ Consider that some parties may prefer to make written submissions.</li> <li>▪ Formulate questions to ask that will help thoroughly explore the issues raised.</li> <li>▪ Document the process thoroughly. This includes how the parties were informed of their rights and responsibilities, how the issues were identified and examined, pathways used to resolve the grievance, key actions undertaken during the process including discussions with the parties, decisions undertaken during the process, on what basis the final decision is made, any proposed outcomes and how the final decision was communicated to the parties.</li> </ul>

Investigations	Key actions
<p>3. Evaluate the information and present preliminary views to the parties for comment.</p>	<ul style="list-style-type: none"> <li>▪ Assess and consider all information.</li> <li>▪ Feed back any preliminary views to the parties to ensure information has been correctly understood and evaluated (fact checking).</li> <li>▪ Consider any criticisms or concerns raised by the parties and whether these need to be addressed to ensure the process is transparent and conducted in consideration of the principle of procedural fairness.</li> <li>▪ Based on any discussions with the parties, determine if any additional work is required, such as additional interviews or document reviews. Also consider whether any areas of the investigation need to be reconsidered to ensure accuracy.</li> </ul>
<p>4. Making the final decision</p>	<ul style="list-style-type: none"> <li>▪ Ensure the final decision is based on gathered facts. Any recommendations should be made in consideration of, and be appropriate to those facts.</li> <li>▪ A decision that one or more of the parties is unhappy with is not necessarily the wrong decision, provided it has been made with all the available facts and given due consideration. Not all grievances can be resolved to the complete satisfaction of all the parties.</li> </ul>

## Tips

- Ensure the power balance is considered if an investigation commences. For example, as a general rule the level of the person investigating should not be lower than the person being investigated.
- Ensure employees are made fully aware of their rights and responsibilities in the grievance process, for example, are given copies of policies or have the process explained to them. Checklists can assist agencies to ensure this part of the process is not overlooked.
- Be wary of considering the easy issues and steering clear of the harder issues raised in the grievance, such as issues raised about a person's behaviour, for example, bullying.
- If some matters are being considered by another jurisdiction, establish an agency contact person to liaise with the other jurisdiction. This will ensure your agency is

aware of what is being examined and that matters not being considered elsewhere can proceed without undue delay.

- Don't assume that if another jurisdiction is involved you do not need to progress matters. Obtain appropriate advice about delaying your grievance process, and advise the parties where a decision has been made to delay your process and why.
- Parties in the process need to be treated equally: the complainant and the respondent must be treated with equal respect and courtesy.
- Addressing issues as quickly as possible helps minimise the impact of the grievance on the parties and will also help protect the parties' future relationship.
- Parties can feel isolated or resentful if not involved in the process so it is important to keep them informed, particularly where there are delays in the process.
- Consider what internal or external support can be offered to the person who has made the grievance and the person against whom a complaint is made. This may include Grievance Officers, external counselling services, etc.

## Other considerations

- In the early stages it is important to identify if a grievance could be linked to a suspected breach of discipline. This may not always be possible, but an agency's processes should ensure it is always considered in the initial stages of dealing with a grievance, particularly before proceeding to commence an investigation.
- Section 80 of the *Public Sector Management Act 1994* defines the actions that constitute a breach of discipline. The Department of Premier and Cabinet 'Disciplinary Procedures Guide' provides an overview of the processes to follow for disciplinary issues and the 'Discipline Standard' sets out the minimum requirements that must be complied with. [www.disciplineguide.dpc.wa.gov.au](http://www.disciplineguide.dpc.wa.gov.au)
- The two processes, discipline procedures and grievance procedures, need to be kept separate but can run in parallel. That is, a disciplinary investigation can commence even though a grievance investigation has not concluded - but the processes need to be kept separate. It is advisable to identify in writing the issues being dealt with under grievance processes and the issues being dealt with under the disciplinary process and keep the parties informed. If a grievance investigation is being run in parallel with a grievance investigation it is advisable to engage different external consultants for the two investigations to ensure impartiality.
- If uncertain, seek appropriate advice, for example, from your agency's industrial officer, the Department of the Premier and Cabinet- Public Sector Management Division, or the Department of Consumer and Employment Protection.

## 6. Reduce the risks

Quality checking the process can minimise the agency's risks in other jurisdictions. This can occur both during the process and once it is completed. Quality checking may involve the use of checklists to ensure key actions are undertaken throughout the process. It may also include a desktop audit at the end of the process to ensure the basis for final decision has been made in consideration of all the facts and circumstances, and has been clearly documented.

### Key task

To review the key tasks for conducting a grievance process refer to the [Grievance Checklist](#) on page 14.

## 7. Learn from the process

Keeping information about themes and outcomes from grievances can help identify areas that need to be addressed locally and systemically in an organisation. Consider the changes that may need to be implemented as a result of grievances to prevent or reduce the future incidences.

### Key tasks

- Maintain statistics about grievance resolution (how many, issues raised, how long to resolve, etc).
- Consider any issues that may arise in relation to the grievance process. Where required, ensure relevant policy is updated or corrective action undertaken to address these issues.
- After a reasonable time has lapsed since the conclusion of the grievance, follow up with line managers to ensure any recommended changes in the workplace have been undertaken.
- Consider contacting the person who first lodged the grievance to ask how effectively they felt their grievance was managed and where relevant, whether the agreed outcomes have been implemented to their satisfaction.