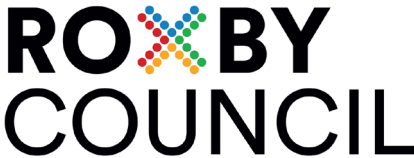


POLICY		Responsible Department	Executive - HR
		Original Adoption Date	25.06.2025
		Current Adoption Date	25.06.2025
		Date of Next Review	25.06.2028

EMPLOYEE GRIEVANCE RESOLUTION	
Latest Review Changes	New policy
Previous Council Reviews	N/A

Applicable Legislation

Local Government Act 1999 (SA)
Fair Work Act 1994 (SA)
Work Health and Safety Act 2012 (SA)

Related Policies

Employee Code of Conduct
Fair Treatment Policy
Workplace Bullying Policy

Related Procedures

Employee Grievance Resolution Procedure

Reference Documents

Norman Waterhouse HR Policy Library

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1. INTRODUCTION

The Municipal Council of Roxby Downs (Roxby Council) is committed to maintaining a safe, efficient and effective workplace and to recruit and maintain a workforce that conducts itself honestly and with integrity. Notwithstanding, the Council recognises the reality that, despite its best efforts, its workplace will not always remain incident free.

Where an incident does occur involving a Council Employee(s), whether on or off Council premises, that results in an Employee(s) being the subject of a complaint, this policy will serve to guide Council management in dealing with the complaint and potential disciplinary process.

2. PURPOSE

The Council intends for this policy to assist in the efficient investigation and resolution of complaint/grievances made against its Employees by both internal and external parties.

3. SCOPE

This Policy applies to all Council employees, including those who are permanent, casual, or employed under contract.

Specifically, this Policy:

- 3.1. Covers internal grievances arising from interactions within the organisation, including those occurring during out-of-hours, work-related functions, meetings, or off-site events.
- 3.2. Outlines Council's primary process for resolving employee grievances, separate from the dispute resolution procedures detailed in the Enterprise Agreement.
- 3.3. Does not apply to final decisions made by Council regarding disciplinary actions, including dismissal.
- 3.4. Does not address the management of underperformance. For matters relating to performance management, refer to the following policies:
 - Employee Code of Conduct
 - Fair Treatment Policy
 - Workplace Bullying Policy
 - Fraud, Corruption, Misconduct and Maladministration Policy

4. DEFINITIONS

Definitions for the purpose of this policy are provided in the below table.

Code	Employee Code of Conduct
Complainant	Person who brings the grievance to the attention of Council under this Policy.
Council's Values and Principles	<p>Guide all workplace behaviour and set the foundation for how we perform our day-to-day work. Specifically, they are:</p> <ul style="list-style-type: none"> - Act with integrity and take ownership of, and responsibility for, our decisions. - Treat everyone with fairness and respect. We value diversity and appreciate everyone's strengths. - Take pride in delivering value to our community. - Engage with our community through collaboration, understanding and inclusivity. - Strive for continuous improvement in all our operations and seek creative solutions. - Meet the changing needs and priorities of our community and continue to build organisational and community resilience.

Dispute	A state of disagreement over an issue or group of issues between an employer and its employees.
Employee	Permanent, casual or contract employee, employed by Roxby Council.
Good Faith	Good faith includes not making frivolous or vexatious complaints and acting truthfully and confidentially throughout the resolution process.
Grievance	<p>A grievance is an issue where an employee has concerns that:</p> <p>They have been adversely affected by a decision, an action or an omission of the employer that the employee thinks is unfair, unreasonable or unjust.</p> <p>They have been adversely affected by the behaviour of employee(s) which has, or is likely to have, an unreasonable negative impact on the ability of the employee to undertake their duties.</p> <p>The grievance should relate directly to the employee bringing that grievance.</p>
Frivolous or Vexatious	A complaint that is pursued without merit, to unreasonably harass, inconvenience, or to annoy or subdue another employee.
Natural Justice	Procedural fairness ensures the person who is the subject of the grievance has sufficient information to respond to the matter, proper investigation occurs, all parties are heard, all submissions are considered, reasons are provided for decisions made, and officers handling the grievance act fairly and without real or apparent bias.
Resolution	Outcomes or solutions for all parties to a grievance that address the original matter leading to the grievance.
Respondent	Person or entity whose behaviours, actions or decisions are the subject of the grievance.
Victimisation	Treating a person less favourably because they have asserted their right to raise a grievance, supported someone else to raise a grievance, acted as a witness to a grievance or refused to do something because it is unlawful, or breaches Council policies or the Employee Code of Conduct.

5. POLICY

Council strives to resolve all grievances in good faith at the lowest level possible by consultation, cooperation and discussion, and to promote efficiency, effectiveness and equity in Council.

Some grievances are serious and unlawful. In seeking to resolve a grievance, Council may initiate a formal investigation at any stage, regardless of the wishes of the complainant or whether they have formally lodged a grievance as described in [Procedure Approach 3](#).

5.1. What is considered a Grievance?

- i. A complaint that alleges conduct that may, if substantiated, constitute a breach of any of the Council' policies, procedures or legislative obligations may be investigated by the Council.
- ii. A complaint that alleges conduct of a criminal nature should be referred to South Australia Police.

5.2. The principles of natural justice will apply to this resolution process to ensure effective, fair, transparent and timely workplace issue resolution processes.

5.3. A Grievance resolution can be achieved through:

- Conversation and discussion
- Negotiation
- Formal investigation

5.4. These processes will be professional and confidential, and take into consideration the following guiding principles:

- Grievances will be resolved at the lowest possible level.
- Grievances will be taken seriously.
- Grievances will be dealt with promptly and fairly, under the terms of natural justice.
- All parties to a grievance have the right to have a support person at any time or attend meetings with a support person.
- Performance of duties will continue in a normal manner until the outcome of a grievance is determined. However, during this time, Council may take reasonable steps to ensure the health and safety of the employee(s) involved in the grievance, and to minimise disruption to client service. Those steps may include changing work arrangements, additional supervision and support and counselling. These measures are in no way punitive or indicative of Council's views regarding the grievance.
- Confidentiality will always be respected and is required by all parties to the grievance. Privacy will be respected, and disclosure of information will be limited to the requirements of a full investigation. Breaches of confidentiality may result in disciplinary processes.
- There will be no reprisals, disadvantage or victimisation of any employee who raises a grievance in good faith, acts a witness to a grievance, or is involved in an investigation, should that be required.
- When a grievance has been lodged formally, progress on the grievance will be regularly communicated with the complainant.
- Grievances will be dealt with in a reasonably practicable timeframe and any outcome will be advised at discretion.

5.5. If council receives an anonymous grievance, in the absence of an identifiable complainant, the matter will be unable to be progressed.

In some cases, such as a grievance involving the Chief Executive, Group Manager, Supervisor or Team Leader, anonymity may not be possible due to the nature of the complaint and the need for procedural fairness. In such instances, employees are encouraged to report the matter directly to the Presiding Member of the Audit and Risk Committee or an external authority, such as the Office for Public Integrity, to ensure appropriate and independent handling of the concern.

6. PROCEDURE

The following three approaches may be taken to resolve a grievance:

- i. Approach 1 – Conversation
- ii. Approach 2 – Leader Support
- iii. Approach 3 – Formal lodgement of a grievance

Each of these approaches is fully explained in the Employee Grievance Resolution Procedure (Doc ID [374997](#)).

7. RESPONSIBILITIES

Employees

Employees have a responsibility to:

- i. Raise a grievance of concern as soon as possible.
- ii. Be clear as possible about the grievance and what resolution is being sought.
- iii. Raise a grievance and engage in the resolution process under this policy in good faith. Good faith includes acting truthfully and confidentially throughout the resolution process, not attempting to submit an anonymous grievance and not making frivolous or vexatious grievances. A person making a grievance that Council considers to be frivolous or vexatious may be subject to disciplinary action while grievances raised anonymously will not be accepted.
- iv. Conduct themselves in a professional manner and observe appropriate workplace behaviours in line with Council's values and Employee code of Conduct.
- v. Participate genuinely if an investigation is undertaken and provide truthful answers when required.
- vi. Give genuine and thoughtful consideration of proposed resolutions of the grievance.
- vii. Maintain confidentiality throughout the process.
- viii. Respect the rights of the complainant, the respondent, and any other persons involved, and must not victimise any person for raising a grievance or for their involvement in the resolution of a grievance.
- ix. Cooperate in any investigation and are required to provide full and accurate disclosure of any information that they have. (Failure to do so may be considered as failing to follow a lawful and reasonable management direction and may lead to disciplinary action)

Leaders

Group Managers, Managers, Work Group Coordinators and Team Leaders have the responsibility to:

- i. Give timely and genuine consideration to an employee's grievance when it is raised.
- ii. Act fairly and ensure conclusions reached are based on a fair and due process that relate to relevant evidence involving all parties to the grievance.
- iii. Facilitate the resolution of the grievance with involved team members.
- iv. Clearly articulate the reasons for any decision taken in relation to the grievance.
- v. Afford confidentiality for all parties involved in the grievance.
- vi. Maintain clear and comprehensive records of any approaches taken in the resolution process.
- vii. Refer the matter to Human Resources for advice.
- viii. Managers, Work Group Coordinators and Team Leaders are to keep their Group Manager aware that a grievance has been raised and that they are working to resolve it as necessary.

Human Resources

Human Resources have the responsibility to:

- i. Provide advice, assistance, and support to all parties to a grievance in line with this policy and procedure.
- ii. Afford confidentiality for all parties involved in the grievance.
- iii. Refer the matter to the Chief Executive where resolution has not been possible in-house.
- iv. Ensure that the decision is conveyed to the complainant promptly, in writing.

Chief Executive

The Chief Executive has the responsibility to:

- i. Carefully consider any outcome of the formal process that an employee is appealing.
- ii. Afford confidentiality for all parties involved in the grievance.
- iii. Seek additional information for the review process if required.
- iv. Consider all relevant matters and make a final determination.

8. AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Council Office at 6 Richardson Place during ordinary business hours and a copy will be available from Council's website www.roxbydowns.sa.gov.au.

9. REVIEW

This policy shall be reviewed by the Council within three (3) years of the initial adoption date, (or on significant change to legislation of aspects included in this policy that could affect the health and safety of workers).