

<b>Relevant Legislation/Reference Document</b>	Employment Relations Promulgation. PSC Terms And Condition Of Employment For Government Wage Earners (GWE)
<b>Commencement Date</b>	21 December 2017
<b>Review Date</b>	The review date is 12 months after the commencement date and every three years after that.

## POLICY STATEMENT

### 1 Intent

The Office of the Auditor-General (OAG), in line with its strategic theme to provide conducive/ideal workplace for staff and in doing so, the office recognises that effective working relationships must be based on mutual respect and confidence.

Any matters of concern or complaint arising from misunderstanding are usually resolved by clearly communicating decisions with staff. However, it is necessary to have procedures documented for grievances to be addressed in a fair manner.

### 2 Scope

This policy sets out the OAG's general approach to grievance process and is applicable to all staff members employed by OAG.

All staff under the ERP have the right to seek redress of any grievance relating to their colleagues, conditions of work or any other aspect of their working life or environment.

### 3 Objective(s)

Staff have the right to be treated with respect and dignity.

Staff are to be treated fairly at all times and in all circumstances.

Staff must submit their grievance in writing and will be dealt under informal complaint, formal grievance can be taken for further appeals process.

All grievance matters must be treated with confidentiality.

#### 4 Definitions and Acronyms

**Policy Maker** Auditor-General

**Management** Approval of Management Committee Meeting

#### 5 Policy Maker

Auditor-General

#### 6 Supporting Documents/ References

Employment Relations Promulgation

PSC Terms and Condition of Employment for Government Wage Earners (GWE)

#### 7 Keywords

Grievance

Grievance Procedure

Appeal

#### 8 Supporting Procedures and Guidelines

The guidelines to the policy are attached as Annexure I to this policy. This information will provide the background to the development of the policy should Officers need clarification.

<b>RESPONSIBILITIES</b>	
<b>Implementation</b>	The Supervisors and Directors are responsible for implementing the policy.
<b>Compliance</b>	The applicant is responsible for complying with the policy.
<b>Monitoring and Evaluation</b>	The Corporate Services are responsible for monitoring and evaluating the policy.
<b>Development and/or Review</b>	The Corporate Services division will be responsible for developing and/or reviewing the policy.
<b>Interpretation and Advice</b>	Deputy Auditor-General

## ANNEXURE 1

### Definitions

#### 1.0 What is Grievance in the Workplace?

Grievance is a problem or concern related to or about work, working conditions or relationships with colleagues or with the organisation in general.

A grievance is a clear statement by a staff of a work-related problem, concern, including those involving. Employment grievance is a grievance that a worker, may have against the worker's employer or former employer because of the worker's claim

- A complaint about disrespectful workplace behavior.
- A workplace communication or interpersonal conflict.
- A workplace health and safety issue.
- An allegation of discrimination or misjudgment.
- The staff has been dismissed;
- The staff's employment, or one or more conditions of it, is or are affected to the staff disadvantage by some unjustifiable action by the employer;
- The staff has been sexually harassed in his/her employment.

#### 2.0 Grievance Procedure

The OAG recognises three separate stages in the grievance process:

- a) Informal complaint
- b) Formal grievance
- c) Appeals process

##### a. Informal Grievance Procedure

Staff are encouraged to attempt resolution of grievances informally where possible and to discuss their concerns as soon as they arise with their supervisor or in exceptional circumstances with their Director. In many cases discussion can resolve a grievance swiftly and without recourse to a formal grievance process. Individuals may feel confident enough to discuss their concerns on a one-to-one basis with their supervisor or Director.

However, some grievances may be too serious for informal resolution and in such cases the staff should immediately raise the matter as a formal grievance. Consideration of the grievance at the informal stage is not a pre-requisite for a formal complaint, due to seriousness of the grievance.

In an informal process the supervisor with whom the grievance is raised should arrange a meeting at the earliest possible time where the discussion can take place. All matters will be kept confidential with the aim of reaching agreeable resolution.

Where the grievance concerns the staff's supervisor, every effort should be made to resolve it with their Director.

The informal discussion must be begin within 10 working days of receipt of grievance, and that the documented discussion be submitted to HR on the 15th Day.

##### The following general principles apply to the meeting:

- The staff will be given the opportunity to fully discuss their concerns and set out how they feel
- The supervisor must give full and serious consideration to the concerns raised;

- Where possible the staff and supervisor should agree how to resolve any differences, but no agreement may be reached that breaches OAG policy.
- The discussion must be documented.

The Supervisor provides the documented copy to the staff and the Senior Admin officer Human Resources department for filing under the individual staff confidential files. It should include:

- Details of the staff grievance;
- The supervisor's response to these concerns;
- Any further concerns that the staff may have.

## **b. Formal Grievance Procedure**

The formal process should be adopted where:

- The grievance cannot be resolved at the informal meeting.
- The staff wishes the grievance to be considered through the formal process.
- The supervisor considers the grievance too complex or serious for an informal approach.
- The actions agreed to remedy a grievance at the informal stage have not been taken and the grievance are not resolved.
- There are unresolved issues following an informal grievance meeting after submission of report to Senior Admin Officer Human Resources.

Under the formal grievance handling procedure the staff should record the grievance in writing, using the OAG 'Grievance Form' and submit it to Senior Admin Officer Human Resources. Additional or more detailed information can be included with the form if necessary.

The Senior Admin Officer Human Resources will acknowledge the grievance, normally within 5 working days of receipt and arrange a grievance hearing as provided below.

### **i. The Grievance Hearing**

This meeting will have 3 members on the panel, Deputy Auditor-General, Director and Senior Administration Officer [Human Resources]. The meeting will be chaired by Deputy Auditor-General. The hearing will be minuted by HR and a copy will be provided to the staff as soon as possible after the hearing.

The employee will be invited in writing, by letter or email, to attend the grievance hearing. This will:

- Be for the purpose to consider the staff's grievance;
- Give the staff a minimum of 5 working days' notice of the hearing;
- Specify the time date and place of the hearing;
- Specify who will attend and who will chair the hearing;
- Identify any reasonable adjustments that may be helpful at the hearing.

Where the staff is unable to attend a grievance hearing it will be rescheduled to a later date, normally within 5 days of the initial date. Where the staff fails to attend the hearing without good reason it may be conducted in the staff's absence.

The hearing will normally proceed as follows:

- The Chair of the hearing shall confirm the purpose of the meeting and explain how it will proceed.
- The staff will be invited to explain the grievance, elaborate on the information provided in the Grievance Form and to put forward any proposals on how the matter should be resolved.
- Relevant documentation (if any) will be introduced.
- Witnesses called shall only be present whilst giving their evidence.
- Witnesses may be questioned by the Chair.
- The Chair will summarise each key point relating to the grievance lodged, and assess the allegations made by questioning the staff.
- The hearing will be adjourned whilst the Chair, Director and Human Resources reaches a decision. If time is required in order to reach a decision the staff will be notified accordingly. If a hearing is adjourned to allow for an investigation, then the results of the investigation will be disclosed to the staff and will be given the opportunity to respond to hearing committee with supporting documentation and witnesses once the hearing is resumed.
- The decision can be given verbally to both parties when the hearing is resumed.
- If it seems likely that time will be needed to carefully consider the matter before a decision is reached, the hearing should be suspended and the staff informed. This should then be confirmed in writing within 5 working days of the end of the hearing;
- Whether or not the decision is advised verbally at the end of the hearing it must be confirmed in writing, normally within 5 working days of the decision being reached.

The hearing may be adjourned if necessary for the purpose of further investigation as set out below. The results of the investigation will be disclosed with the staff prior to the hearing reconvening so as to allow opportunity for studying the findings.

It is the Chair's responsibility to ensure that hearings are fairly conducted. It is also essential that matters are considered with precision and that time is not wasted. The Chair has a critical role in creating an appropriate environment.

Once all the relevant information has been collected at the end of hearing, the discussion will be adjourned while a decision is reached. A decision will be made as quickly as reasonably practicable and communicated in writing to the staff.

A decision on the grievance should normally also set out the action intended to be taken if the grievance is supported in whole or in part (including any general steps by the OAG e.g. reviewing part of a Policy or Procedure). It should also notify the staff of the right of appeal.

## **II. Investigation**

Where prior to or during the course of a grievance hearing it is considered that further information is required to give proper consideration to the matter, an investigation will be arranged.

The investigation may take the form of a review of relevant documents and records and/or interviews with other managers and potential witnesses. It should be noted that the investigator is not required to “prove” the case but merely to gather and record all evidence relating to the grievance.

Where the grievance relates to the actions, conduct, performance or decisions of other staffs, the respective staffs will be notified of the allegations concerning them and they will be interviewed by the investigator. Where an investigation indicates that there may be a case for disciplinary action the investigating officer should report those indications to the members of the Hearing team who will consider what actions to take.

Any disciplinary issues will be dealt separately from the grievance matter.

### **c. Appeal**

A staff who is unhappy with the findings after the grievance hearing or the proposed remedy may submit an appeal. Notice of appeal must be submitted within 5 working days of the receipt of the grievance decision,

When lodging an appeal, the staff should:

- state the grounds of appeal
- identify any alleged procedural failings
- identify any new substantial evidence which has come to light since the hearing

The appeal may comprise a review of the process or involve a re-hearing depending on the grounds of the appeal. The appeal process will be chaired by a staff from the Office [who was not part of the grievance hearing committee] and two independent members. The appointment of this panel must be approved by the Auditor-General.

There will be an appeal hearing which will normally take place within 14 days of receipt of the staff's written notice of appeal. The staff will be notified in advance of the time and place of the hearing. The outcome of the appeal should be notified to the grieving staff.

In accordance with ERP, “where an employment contract includes an internal appeal system it must not provide for appeal to the Tribunal or Employment Court, and the internal appeal system must first be exhausted before any grievance is referred for Mediation Services. In doing so, the OAG is implementing internal procedure for Appeal as part of this policy.

### **3.0 The Grievance is upheld**

In the event that the grievance is upheld, members conducting the hearing or appeal must decide upon the action to be taken to remedy the grievance.

### **4.0 Unconvincing Outcomes**

Evidence in grievance complaints can sometimes rely purely on one person's word against another's. In these circumstances, it is imperative that all parties are clear about the standards of behaviour expected by the OAG, and where appropriate, action will be

taken to ensure that the professional relationship of the parties is addressed and code of conduct is respected.

## **5.0 False Allegations**

Evidence may be uncovered that suggests that a complaint has been made unkindly. In circumstances, where there is evidence of any false allegation against another staff, there is a possibility that disciplinary action will be considered.

## **6.0 Nature of Grievance**

If the staff brings an employment grievance in relation to one aspect of employment but during the determination of the grievance there is evidence of a grievance in relation to another aspect of employment, the decision may also cover that other aspect, provided that the staff is advised during the proceedings of such matter.

## **7.0 Confidentiality**

To maintain confidentiality and ensure that there is a totally independent approach to proceedings, the staff involved in any Grievance discussion shall not discuss the proceedings or any issues relating thereto with any other staff or Committee member unless they are directly involved in the case.

## **8.0 Staff Grievance Remedies**

If the decision on staff employment grievance is settled, one or more of the following remedies can be made:

- a) reinstatement of the staff in the same or current position or a position no less advantageous to the staff;
- b) the reimbursement to the worker of a sum equal to the whole or any part of the wages or other money lost by the worker as a result of the grievance;

## **9 Review**

This policy will be reviewed 12 months after implementation and every 3 years after that.

## **10 Who to Contact About this Policy**

Any queries is directed to Deputy Auditor-General.

## **11 Approval**

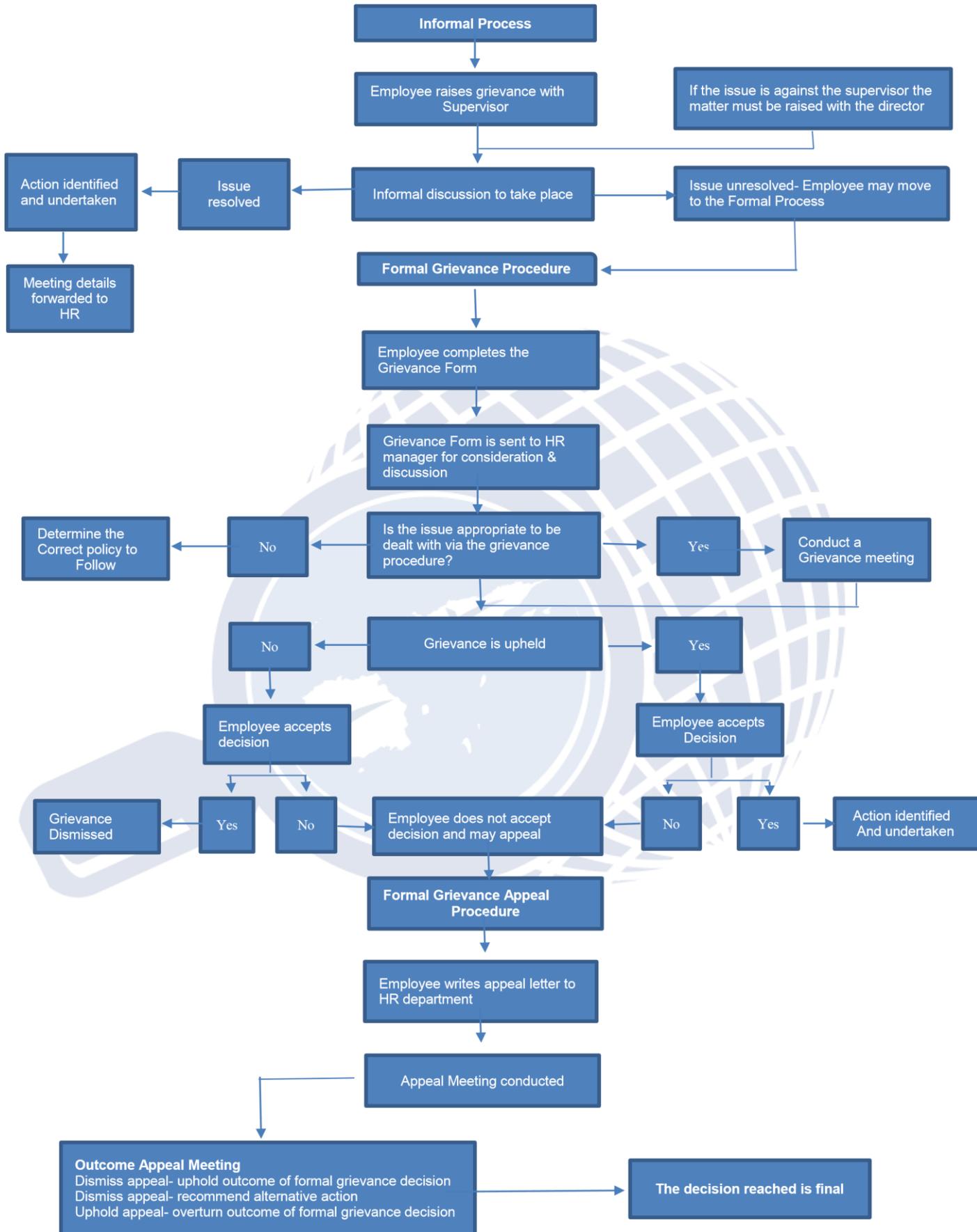
The policy becomes effective on the date approved by the Management Committee.

## 12 Revision/Change Log

Version 1.0	
<b>Policy endorsed by:</b>	Executive Management Committee
<b>Policy approved by:</b>	Auditor-General
<b>Policy effective from:</b>	21 December 2017
<b>Policy to be reviewed by:</b>	21 December 2018
<b>Manager responsible for policy:</b>	Manager Corporate Services



## Appendix 1: Grievance Process



## OAG Grievance Form

### Instructions:

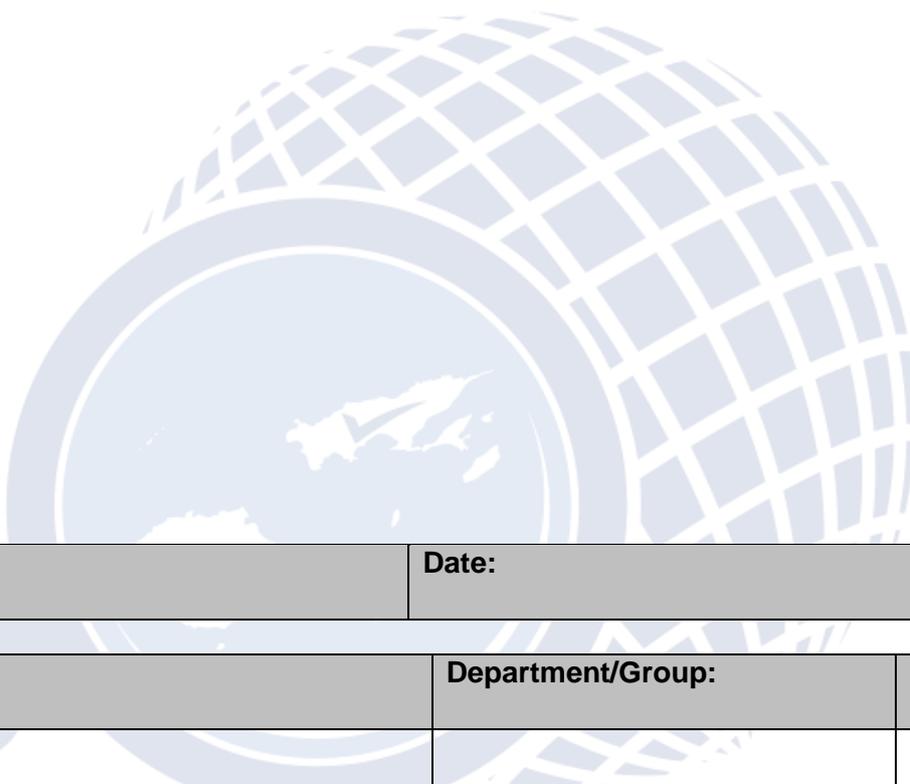
This form is to be used for submission of grievance details for formal hearings. Please complete and return the form to Human Resources. All information received will be treated as confidential.

Staff Name/Designation:	Department/Group:	Date:

Details of Grievance			
Name of individual(s) grievance about:	Date(s) of incident:	Witnesses (if relevant):	Details of Grievance

Have you attempted to deal with this issue informally?	If yes please provide brief details of who you spoke to and what happened?
Yes / No (please circle)	

<p><b>Statement:</b>  Please explain clearly the nature of your grievance, stating when the matter first began and continuing up to the present date. Where possible give specific details of dates and incidents. Please sign and date the end of your statement. (you may continue on a separate sheet if necessary)</p>
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<b>Signature:</b>	<b>Date:</b>

<b>Receiving Officer (Name &amp; Sign)</b>	<b>Department/Group:</b>	<b>Date:</b>

Decision	Resolved	Not Resolved
Name: _____ Sign: _____ Date: _____		