



TRAFFIC MANAGEMENT
ASSOCIATION OF AUSTRALIA
QUEENSLAND
DIVISION

Traffic Management Association of Australia

GRIEVANCE HANDLING POLICY

Procedure

Raise concerns with Executive Officer on an informal basis in the first instance

- Raise formal grievance, with Executive Officer, in writing stating:
 - Basis of grievance;
 - Who is involved; and
 - Outcome sought.
- Manager investigates grievance by interviewing respondent, with your permission.
- Manager arranges meeting between you, respondent and him/herself to substantiate grievance and develop a resolution.
- If grievance not resolved at this level, matter can be referred to Personnel Committee and hence to the Board.
- If grievance is still not resolved, an external mediator may be brought in to handle the process.
- If grievance cannot be solved, you can seek advice from external bodies eg your Union.

You have the right to:

- discuss the issues with a support person or advisor to clarify the basis for the grievance;
- go directly to the personnel committee if the Executive Officer is not the appropriate person (or if you are the Executive Officer); and
- withdraw the grievance at any time.

Grievance Policy Statement

It is the policy of Traffic Management Association of Australia (TMAA) to maintain a harmonious working environment which is free from intimidation and harassment and which affords equality of opportunity. The Traffic Management Association of Australia (TMAA) encourages staff to express concern about work-related issues and to raise concerns with the Executive Officer on an informal basis in the first instance and if not resolved, to seek recourse to more formal grievance and dispute procedures. Traffic Management Association of Australia (TMAA) Grievance Handling and Dispute Resolution Procedures reflect the requirements of the *Federal Workplace Relations Act 2003*. Relevant passages from the legislation and Award are attached in the Appendix to this policy.



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Definitions and Procedural Responsibilities

Grievance

Grievances may be a result of issues such as:

- Allocation of work or development opportunities;
- Perceived discrimination, victimisation, harassment;
- Workplace communication and interpersonal conflict;
- Changes in technology, work processes or location;
- Occupational health and safety issues; or
- Interpretation, application or operation of an industrial award or agreement.

The person lodging the grievance

There may be more than one person involved in lodging a given grievance. The person/s making the grievance has control of the grievance process. At any time you may seek advice from outside agencies including Community Justice Centres, Unions, the Industrial Commission, or Anti-Discrimination Board.

The Respondent

The person who is alleged to have acted unfairly, or in a discriminatory manner, or is alleged to be the reason for the grievance. There may be more than one respondent in any grievance situation.

Supervisors and Managers

The first point of contact should be the Traffic Management Association of Australia (TMAA) Manager. If you feel uncomfortable lodging the grievance with the manager, then the matter should be brought to the attention of the Personnel Committee of the Board.

Resolution Phase

Wherever possible, the resolution of grievances should be determined in a way that is satisfactory to those involved, and most importantly to the person/s who lodged the grievance. A grievance should only be regarded as satisfactorily resolved where the outcome is fair having regard to:

- any damage and suffering;
- the anticipated long-term outcome; and
- the improvement of the immediate circumstances which gave rise to the grievance. The resolution must not be contrary to any relevant legislation, award, agreement, policy or procedure.



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Documentation

Resolution of grievances should be handled as simply as possible. Notation is not to be placed on any files. Any notes made while working through a grievance are to be put on an unregistered file and destroyed when/if:

- a resolution is assured;
- the grievance is withdrawn; or
- the grievance is found to be unsubstantiated.

Confidentiality

The confidentiality and integrity of every person involved will be maintained. All staff involved in the resolution of grievances should ensure that information regarding the grievance is treated confidentially. Staff in the grievance should not discuss the matter with any other person. Details of unresolved grievances, grievances involving physical danger, criminal investigation, disciplinary action or employer liability should be passed to the Executive Officer as soon as possible.

Protection

Both you and the respondent are protected against any action for defamation by the defence of qualified privilege; provided the grievance is reported and dealt with in accordance with these procedures and does not intentionally make a malicious or substantially frivolous complaint. Any staff member who carries out a grievance resolution in accordance with established procedures, or is required to prepare a report concerning another member of staff is protected against any action for defamation by the defence of qualified privilege provided that he or she acts in accordance with these procedures, is not actuated by malice and/or does not publish or make information about the grievance available to persons who have no legitimate interest in receiving it.

Time Standards

Grievances should be reported and resolved promptly. However reasonable time limits must be allowed for discussion at all levels of authority. A grievance should not remain with the Manager for more than 48 hours before action towards resolution or referral has commenced.

Appendix

Workplace Relations Act 1996

As at 7 February 2003.

520 Dispute resolution provisions

(1) If an employment agreement does not contain provisions that set out procedures to be followed to prevent or settle claims, disputes or grievances that arise during the currency of the agreement, the agreement is taken to include the provision mentioned in subsection (2).

(2) The provision is that any dispute or grievance that arises must be dealt with in the following manner:



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- (a) the matter must first be discussed by the aggrieved employee with his or her immediate supervisor;
 - (b) if not settled, the employee may request a representative to be present and the matter must be discussed with the immediate supervisor and his or her superior or another representative of the employer appointed for the purpose of this procedure;
 - (c) if the matter is not resolved, it must be submitted to the Commission or an agreed mediator for the purposes of conciliation or mediation;
 - (d) the parties may agree to submit the dispute to arbitration and, if so agreed, the decision must be accepted by the parties subject to any appeal available;
 - (e) until the matter is determined, work must continue at the direction of the employer. No party is to be prejudiced as to the final settlement by the continuance of work in accordance with this procedure;
 - (f) the parties must co-operate to ensure that these procedures are carried out expeditiously.
- (3) if an employment agreement does contain provisions of the kind mentioned in subsection (1) and those provisions refer to conciliation or mediation by the Employee Relations Commission of Victoria, the reference is taken for the purposes of this Act to be a reference to conciliation by the Australian Industrial Relations Commission.

DISPUTE RESOLUTION PRINCIPLES OF THE SACS AWARD (ACT) 2001

32.1 In the event of a dispute arising in the workplace the procedure to be followed to resolve the matter will be as follows:

32.1.1 The employee and their supervisor meeting and conferring on the matter; and

32.1.2 If the matter is not resolved at such a meeting, the parties shall arrange for further discussions between the employee and his/her nominated representative, if any, and more senior levels of management.

32.1.3 Where a union or employee representative is involved, they shall be allowed necessary time during working hours to interview the employee(s) and the supervisor or employer representative.

32.2 If the matter is still not resolved a discussion shall be held between representatives of the employer and the Union or other employee representative.

32.3 The union representative involved must be allowed, at an appropriately confidential place designated by the employer within the employer's premises, a reasonable period of time during working hours to interview the duly accredited Officials of the Union to which they belong.

32.4 If the matter cannot be resolved it may be referred to the Commission.

32.5 While the parties attempt to resolve the matter, work will continue as normal unless an employee has a reasonable concern about an imminent risk to his/her health and safety.