

# 8. Grievance Procedures



CSIRO Staff Association



## The Know Your Rights series

This is the eighth in a series of fact sheets to assist CSIRO union members to better understand and enforce our rights at work. The source of these rights is the new CSIRO Enterprise Agreement 2011-2014 (EA). The reference for Grievance Procedures is Schedule 4. This fact sheet focuses on the formal stage of the grievance procedures. Members who have a grievance are encouraged to read the schedule in its entirety and contact their Staff Association delegate or organiser for assistance.

# Know Your Rights

## What is the objective of grievance procedures?

The objective of these procedures is to encourage the resolution of matters of concern in a manner that is fair, transparent, timely and maintains good staff/management relations.

## What can I lodge a grievance about?

You can lodge a grievance about a wide range of matters, including:

- the application of existing employment conditions;
- probation or selection procedures;
- an official instruction; and
- issues arising from decisions or actions connected to your employment.

## What can't I lodge a grievance about?

- salary/performance and development step decisions
- decisions to annul appointments during probation
- classification decisions
- redundancy
- workers compensation issues

For all of the above matters, either separate internal appeal mechanisms exist or the matters can be pursued through external bodies such as Fair Work Australia. Note that for matters that involve breaches of clauses of the EA itself, the notification of a formal dispute (under clause 87 of the EA) may be more appropriate than the lodgment of a grievance.

## How can I be supported by the Staff Association?

Members are strongly encouraged to seek advice and assistance from their Staff Association delegate or organiser, including at an early stage to discuss the most appropriate course of action. Members can be represented by a delegate at meetings in the grievance process.

## What are the steps in the formal grievance process?

**Step 1** - A staff member can initiate the formal process by writing to the responsible Senior Manager (a Chief of Division or equivalent). If a Senior Manager is the subject of a complaint, or has already had involvement in the complaint, the request is forwarded to another appropriate Senior Manager.

**Step 2** - The Senior Manager appoints an Independent Investigator and Administrator.

**Step 3** - The Independent Investigator undertakes a formal investigation.

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**Step 4** - The Independent Investigator prepares and submits a report to the Senior Manager addressing each of the staff member's areas of complaint and makes recommendations where appropriate. The Administrator provides a copy of the relevant sections of the report to all parties.

**Step 5** - The Senior Manager:

- reviews the report and may request further information if necessary;
- accepts or varies the recommendations; and
- advises the staff member of any actions as a result of the investigation. Generally this should occur within one month of the receipt of the report from the Independent Investigator.

If the matter is resolved to the satisfaction of the staff member, the matter is closed. If not, the matter can be referred to the Chief Executive Officer for review (Step 6).

**Step 6** - The matter can be referred to the CEO for review where:

- the Senior Manager did not accept or varied the recommendation/s of the Independent Investigator: or
- a party to the grievance believes the investigation was procedurally flawed.

The matter should be referred to the CEO within 28 days. The CEO's decision is final and should be communicated to all parties within one month of the date of request for review by the staff member.

### **Is there a time limit for the lodgment of grievances?**

Yes. Currently a grievance will be considered if it is submitted in writing within three years of an alleged incident which forms the basis for the grievance. In exceptional circumstances, grievances may be considered outside this timeframe. This decision is made by the Independent Investigator.

**From 1 January 2012, this time limit changes to 12 months:**

Grievances will only be considered where they are submitted in writing within 12 months of an alleged incident. Where supporting evidence for a grievance extends beyond the 12 month period, this evidence shall be considered as part of the grievance. Consistent with current practice, in exceptional circumstances, grievances may be permitted outside this timeframe, as determined by the Independent Investigator.