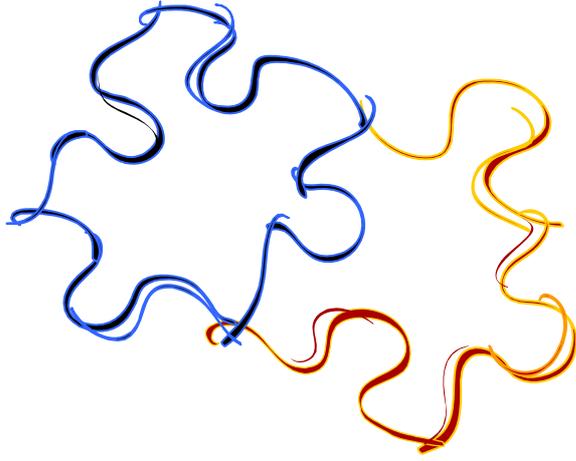


**GRIEVANCE RESOLUTION
POLICY AND GUIDELINES**



Grievance Resolution Policy and Guidelines

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Grievance Resolution Policy and Guidelines

1. POLICY

Corrective Services NSW (CSNSW) is committed to providing a fair, harmonious and safe work environment that fosters positive and productive work relationships and where workplace concerns or grievances are addressed promptly, impartially, confidentially and in accordance with the principles of procedural fairness.

Workplace grievances are generally dealt with most effectively when the parties are able to resolve issues in a respectful environment and accept outcomes that are consistent with ethical practice, approved policies and within the norms of a mature workplace. This type of grievance handling is effective when the intervention is early, local and generally informal.

Therefore all employees are encouraged to initially seek to resolve their concerns or complaints through direct dialogue in the workplace. Avoiding or not seriously attempting to resolve issues may lead to a damaging, enduring and, perhaps, legal impact on the individuals concerned and on the workplace.

Of particular concern are behaviours that are not only unacceptable but are workplace hazards that constitute a risk to staff wellbeing, morale and personal and organisational effectiveness and, in some instances, are unlawful. Unmanaged, this type of behaviour is detrimental to workplace health and culture.

Bullying, harassment and unlawful discrimination are, in any form, unacceptable and will not be tolerated. CSNSW does not condone such behaviour and condemns it in the strongest possible terms.

Using the grievance resolution process in relation to allegations of bullying, harassment and unlawful discrimination does not diminish the significance of these issues. It is a method of commencing the process in a systematic way.

The policy must be read in conjunction with the ***Grievance Resolution Procedure*** that provides guidance in lodging a grievance where the normal positive workplace interactions have not been effective or have not been possible.

2. SCOPE

This policy applies to all employees of CSNSW.

3. DEFINITIONS

Conciliation is a process in which the parties to a dispute, with the assistance of a neutral third party (the conciliator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement.

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Grievance is a problem, concern or complaint about the work environment. It may be about an act, behaviour, omission, situation or decision which the employee believes to be unfair or contrary to existing CSNSW policy or procedures. Grievances may relate, but are not limited, to:

- staff development or training availability
- rosters or hours of work
- problems with the nature of supervision
- transfer or promotion
- work relationship/interpersonal conflict
- difference of opinion
- interpretation/application of policy/procedure
- leave allocation
- harassment or other unlawful behaviour
- bullying

Grievance Manager is the CSNSW employee responsible for managing the grievance resolution process.

Grievance Outcome Report is the final report containing a summary of the grievance, findings and recommendations.

Grievant is an employee who has expressed a workplace grievance to the Respondent or to the Grievance Manager with the intent of seeking a resolution.

Mediation is a process where the mediator facilitates and helps parties achieve their own solution rather than the mediator providing one. The mediator guides them to clarify and discuss issues, to explore options and helps them arrive at an agreement that both parties are comfortable with.

Mediator is a person who has received formal training in the skill of mediation and is an accredited mediator. This person is a neutral third party but is not the Grievance Manager.

Respondent is an employee against whom a workplace grievance has been raised.

Senior Project Officer, Workplace Behaviour is the employee responsible for providing advice and support on matters related to the *Grievance Resolution Policy and Guidelines*.

Support Person is an individual who provides support and assistance to the parties involved in a grievance during the grievance resolution process but is not an advocate or spokesperson for the parties.

The Support Person may be a CSNSW employee (including workplace delegate) or an Industrial Officer.

Witness is an employee who has first-hand knowledge of the grievance through personal, direct observation rather than having heard about the issue from the Grievant or another party.

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Workplace refers to the environment in which an employee conducts work duties. This may include one or many CSNSW work sites, or work activities conducted at the premises of external stakeholders, business partners or customers, or venues in which the employee is representing CSNSW.

Official or social activities occurring outside the regular work location or hours are also regarded as an extension of the workplace. Examples include attendance at training, seminars and conferences, working off-site (external meetings, on regional or interstate visits), Christmas parties, after-hours official or social gatherings and meetings organised through CSNSW.

Workplace conferencing is a process for transforming conflict into co-operation within groups. The people affected by conflict come together and engage in a facilitated exchange about what has happened and how people have been affected. The group then decides together what needs to be done in order to behave constructively towards each other in the workplace.

4. EXCLUSIONS AND REFERRALS

4.1 Exclusions

These exclusions are managed through other formal processes, therefore, this policy should not be used if the matter relates to the following:

- (a) incidents of violence or threats;
- (b) assault (including sexual assault);
- (c) matters related to misconduct or criminal investigations;
- (d) issues of misconduct, fraud, corruption, maladministration, substantial waste or any other behaviour that is inconsistent with the principles of the CSNSW Guide to Conduct and Ethics;
- (e) applications before an external tribunal or review panel (such as the NSW Industrial Relations Commission);
- (f) workplace health and safety issues and workers compensation matters, unless specifically required by a registered medical practitioner as a strategy to resolve the issue;
- (g) protected disclosures as defined in the CSNSW Internal and Public Interest Disclosures Policy;
- (h) performance management issues, unless the grievance relates to a flawed process not an unfavourable outcome;
- (i) issues that have previously been extensively reviewed and the Grievant endeavours to re-open the matter, unless new information is available;

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- (j) concerns regarding legitimate and reasonable supervision of staff; and
- (k) an issue currently subject to formal investigation. In this instance a grievance process cannot be initiated until the finalisation of the investigation.

If an issue is in one of the excluded categories, or is assessed as unsuitable to be dealt with under the Grievance Resolution Policy and Guidelines, the manager must provide a written explanation to the employee lodging the grievance within 3 days of the receipt of the complaint

4.2 Professional Standards Branch

Where a grievance relates to allegations of unlawful behaviour of the type listed below¹, the Grievance Manager will immediately confer with Professional Standards Branch for advice:

- sexual harassment
- unlawful discrimination – direct and indirect
- vilification
- victimisation

Additionally, instances of bullying for which remedial action has been taken at local management level and the behaviour has been repeated must also be referred to the Professional Standards Branch.

Depending on the information provided to the Professional Standards Branch, the Grievance Manager may be advised to pursue the matter initially as a grievance but having regard to the Management of Professional Conduct in the Department of Corrective Services policy.

5. PRINCIPLES

Grievance resolution in CSNSW is based on the following principles and conciliation is the preferred method of resolution.

5.1 Confidentiality

Grievances must be managed in a confidential manner to ensure that:

- only the employees directly involved in or responsible for the management of the grievance have access to the information regarding the grievance.² The parties have the option to share information with their respective Support Persons, who also must maintain confidentiality;

¹ See also Clause 10 *Unlawful workplace behaviour*

² Privacy and Personal Information Protection Act 1998 and Health Records and Information Privacy Act 2002

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- all staff in the matter respect the confidentiality of the grievance resolution process, limiting discussions to the parties involved, the Grievance Manager or those with the right to know;
- no information about a grievance managed under this policy will be placed on an employee's Personal file;
- documentation is stored in an appropriate manner; and
- the identity of witnesses interviewed is protected in the Grievance Outcome Report.

All documentation (in any format) related to the process should be kept in the strictest of confidence, to protect the integrity of the grievance resolution process and the privacy of the parties involved.

Discussing a grievance with anyone other than the principal parties may be construed as bullying and therefore may be subject to disciplinary processes.

However, there are limits to confidentiality and in cases of alleged unlawful behaviour a Grievance Manager is required to confer with Professional Standards Branch.

5.2 Impartiality

Grievances are to be handled in an impartial manner ie the employee managing the grievance will not "take sides" or be a party to the complaint. If the grievance involves the manager, then she/he is not the appropriate person to handle the complaint and the Grievant would need to refer it to another manager in the reporting line.

5.3 Fairness

All grievances should be managed in a prompt, impartial and confidential manner, whereby the Respondent is informed of the identity of the Grievant and of the specifics of all complaints against her/him.

Only in exceptional circumstances such as when there is an assessed risk of violence or reprisal, can the name of the Grievant be withheld from the Respondent. In these cases advice should be sought from the Executive Director, Professional Standards in regard to the management of the grievance.

The Respondent must be given the right to respond and there is a presumption of innocence until any allegations have been substantiated.

All employees have the right to raise legitimate grievances without fear of reprisal or victimisation.

Procedural fairness must be applied to all aspects of grievance resolution.

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5.4 Responsiveness

The Grievance Manager is responsible for undertaking an examination of the grievance and formulating an intervention strategy within **4 weeks** of it being lodged, unless there are unexpected delays eg work scheduling, planned leave etc. Failure to meet this timeline will result in the next line of management being asked to intervene to prevent any prolonged delay in the process.

Regular updates on the progress of the grievance must be provided to the Grievant and the Respondent. Updates must be in writing and may be in the form of an email or a letter. If there are any factors that delay the process, the Grievant and the Respondent should be informed of the reasons for the delay and the revised timeframe.

If the grievance remains unresolved **12 weeks** after lodgement, without the presence of unavoidable delays, any of the principal parties (ie the Grievant, the Respondent or the Grievance Manager) may refer the matter to the manager next in the reporting line for finalisation. The referring party should inform the other principal parties of this action prior to initiating the referral.

6. GRIEVANCE MANAGER

The Grievance Manager is usually the person with whom the grievance is raised and in most instances is the Grievant's immediate line manager. If the issue involves the Grievant's manager or the Respondent is of similar rank/grade to the Grievant's manager, the grievance must be lodged with the manager next in the reporting line or a senior manager of a similar level.

Prior to assuming the role of Grievance Manager, consideration should be given to whether:

- the potential Grievance Manager has a relationship with the Grievant or the Respondent that may affect her/his judgement or may be perceived as affecting judgment; and
- there are other factors such as a conflict of interest that would not allow her/him to handle the grievance in an impartial manner.

If the Grievant or the Respondent consider that the Grievance Manager is not the most appropriate person to manage the grievance she/he may, within **1 week** of notification or lodgement of the grievance, raise the concerns with the Grievance Manager who will consider the matter and may refer it to the next level of management for review and for the identification of another Grievance Manager.

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6.1 Alternative Grievance Manager

In certain circumstances, such as where a person with particular skills³ is required, an alternative Grievance Manager may be appointed to handle the grievance. In some cases, the role of the alternative Grievance Manager may be limited to “fact finding” (including conducting interviews and making recommendations). The alternative Grievance Manager’s role is concluded on submitting a Grievance Outcome Report to the original recipient of the grievance.

Where an alternative Grievance Manager is nominated, it is the responsibility of the original recipient of the grievance to notify the Respondent of the grievance, provide her/him with the essence of the grievance and inform both the Grievant and Respondent of the name of the (alternative) Grievance Manager.

It is also the responsibility of the original recipient of the grievance to conclude the matter, including endorsement and implementation of the recommendations in the Grievance Outcome Report.

7. RESPONSIBILITIES

All employees have a responsibility to work together to resolve workplace issues in order to maintain a productive, safe and harmonious workplace.

7.1 Employee responsibilities

All employees have a responsibility to treat others with respect and dignity and are required to:

- (a) ensure that their behaviour and conduct is consistent with the CSNSW Guide to Conduct and Ethics;
- (b) reflect on their workplace behaviour and consider how it may impact on others;
- (c) report inappropriate workplace behaviours when they are subjected to, witness or are aware of such incidents, based on evidence rather than unsubstantiated gossip;
- (d) fully explore all options to resolve a workplace issue including, if appropriate, direct and informal attempts to manage the issue;
- (e) be open to working towards a resolution of a workplace grievance;
- (f) participate constructively in the grievance resolution process;

³ Eg knowledge of dispute resolution

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- (g) cooperate fully with the Grievance Manager;
- (h) maintain confidentiality throughout the grievance resolution process;
- (i) not pursue or lodge vexatious grievances; and
- (j) not victimise employees as a result of the lodging of a grievance.

7.2 Grievance Manager responsibilities

Employees in management roles are additionally required to:

- (a) promote, model and coach staff on standards of expected workplace conduct and behaviour;
- (b) monitor the workplace to ensure early intervention in workplace issues;
- (c) lead, direct and develop staff within their work roles;
- (d) be familiar with, support and promote the Grievance Resolution Policy and Guidelines;
- (e) manage grievances in terms of the Grievance Resolution Policy and Guidelines; and
- (f) upon receipt of a staff grievance, take appropriate steps as a Grievance Manager to ensure the prompt, impartial, confidential and just management of the grievance, and undertake appropriate monitoring and follow up of the grievance resolution process.
- (g) provide a copy of the approved / endorsed Grievance Outcome Report to both the Grievant and the Respondent. This is not the responsibility of an alternative Grievance Manager.

Failure to take action where the nature of the matter is alleged unlawful behaviour (eg sexual harassment) may result in disciplinary action being taken against the Grievance Manager or other managers who were advised of the issue. This will also be the case if the report is verbal only and/or the Grievant suggests she/he does not want any action taken.

The Grievance Manager must advise the Grievant about the limits of confidentiality and that in cases of alleged unlawful behaviour the Grievance Manager is bound to take action and confer with Professional Standards Branch.

7.3 Support Person responsibilities

The role of the Support Person is only to provide support to the parties concerned throughout the grievance process, with the exception of the

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mediation process (if the grievance reaches that stage).

The Support Person can take notes, observe and listen, but is not an active participant in the process and cannot advocate on behalf of either party, nor can she/he negotiate outcomes.

8. RESOLUTION METHODS

The most effective outcomes for workplace grievances are achieved through timely and open discussion of the issues and a collaborative approach to the identification and implementation of resolution options.

In finalising a grievance, not all the parties will necessarily be satisfied with the outcome, however, as long as procedural fairness is observed, the Grievance Manager can terminate the matter. An example may be an instance in which it is difficult to establish the facts of a grievance.

Techniques for resolving a grievance may include informal, direct approaches by the Grievant to the Respondent ie informal resolution, or a formal process facilitated by the manager ie conciliation.

A Grievant may seek advice and assistance on a strictly confidential basis from the following people who will advise the Grievant about the limits of confidentiality as any allegations of unlawful behaviour will need to be discussed with Professional Standards Branch.

- Senior Project Officer, Workplace Behaviour
- Executive Director, Professional Standards
- Director, Aboriginal Support and Planning
- Human Resources Managers
- Manager Equity and Diversity

8.1 Informal resolution

When a grievance arises, employees ought to attempt dealing with the matter directly with the other person involved ie **self-resolution** at the earliest opportunity. Frequently, respectful and constructive discussion is effective and sufficient in resolving a problem.

If self-resolution is not achievable or feasible, the Grievant is strongly encouraged to consider the option of **assisted resolution**, whereby her/his Manager can facilitate an informal discussion with the Respondent. Assisted resolution is a standard strategy for managing employee concerns and is effective because it is early, local and informal.

If the grievance involves the manager, the Grievant can approach the manager next in the reporting line for this facilitated conversation.

Though informal means may not be achievable or appropriate in resolving a grievance relating to bullying or unlawful behaviour, informal resolution options are recommended in the first instance before initiating a formal

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process.

8.2 Formal resolution

If informal means are not successful in resolving the grievance or if an informal approach is not appropriate or achievable, the Grievant should commence the formal resolution process.

The Grievant raises the issue with their immediate manager or other suitable manager who, upon receipt of the grievance, assumes the role of the Grievance Manager and can utilise the following options to attempt resolution.

8.2.1 Conciliation

The Grievance Manager may consider that a facilitated discussion (conciliation) may be an effective strategy for resolving the grievance, and manage the process as described in the Grievance Resolution Procedure.

8.2.2 Workplace conferencing

Another option is to use workplace conferencing. If the Grievance Manager considers the issue to be affecting a group of people within the workplace, she/he can explore this aspect by contacting the Senior Project Officer, Workplace Behaviour for further advice.

8.2.3 Mediation

When the Grievance Manager has exhausted all conciliation options and not achieved a successful outcome, the matter may be referred for mediation. The referral must be in consultation with the Senior Project Officer Workplace Behaviour with the cost of the mediation being borne by the workplace.

Any resolution to the grievance through mediation must be documented, signed by all parties and placed on the secure and confidential grievance file.

9. INAPPROPRIATE WORKPLACE BEHAVIOUR

To assist in determining what constitutes inappropriate and unacceptable behaviour in the context of this policy, the following descriptions are provided.

9.1 Bullying

Bullying, as defined by WorkCover NSW, is repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. A broad range of inappropriate types of behaviour can be termed bullying, including:

- verbal abuse
- putting someone down
- excessive scrutiny at work
- unjustified criticism or complaints

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- deliberately excluding someone from workplace activities
- spreading rumours or innuendo about someone
- withholding information that is vital for effective work performance
- deliberately changing work arrangements, such as rosters and leave to inconvenience a particular worker or workers
- pushing, shoving, tripping, grabbing, or any other type of direct physical contact
- deliberately denying access to information or other resources
- setting timelines that are very difficult to achieve
- setting tasks unreasonably above or below a worker's ability
- interfering with someone's personal property or work equipment
- initiation or hazing, where someone is made to do humiliating things in order to be accepted as part of the team

Bullying can be carried out verbally, physically or in writing (including electronic social media⁴). Bullying can be directed in a range of ways in a workplace:

- downwards (from managers to workers);
- sideways (between co-workers); and
- upwards (from workers to managers).

Bullying can be directed at a single employee or at more than one employee. It can be carried out by one or more employees.

Managers have the right to give lawful instructions and provide counselling to staff in relation to poor performance. This, in itself, is not considered bullying.

Bullying of anyone reporting a grievance, as a witness or as a Grievant, constitutes inappropriate workplace behaviour and may be subject to management action. This form of bullying could include adverse changes in the working environment, denial of training, denial of promotion and exclusion by peers and managers.

Bullying of a Respondent (especially in cases where a grievance has been examined and the allegations found to be unsubstantiated) also constitutes inappropriate workplace behaviour.

10. UNLAWFUL WORKPLACE BEHAVIOUR

To assist in determining whether the workplace behaviour is possibly illegal in terms of anti-discrimination law, as well as inappropriate and unacceptable,

⁴ CSNSW Social Media Policy

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the following descriptions are provided.

10.1 Discrimination

Except where an exemption has been granted under the Anti-Discrimination Act 1977, it is against the law in NSW for any employer to discriminate against an employee or job applicant because of their:

- sex (including pregnancy and breast feeding)
- disability (including past, present or possible future disability)
- age (including forcing people to retire at any particular age)
- race, colour, ethnic or ethno-religious background or nationality
- association with someone with one or more of the above.
- homosexuality (male or female, actual or presumed)
- marital or domestic status
- carer's responsibilities
- transgender status

Both direct and indirect types of discrimination are against the law.

10.1.1 Direct discrimination

A person unlawfully discriminates against another person if she/he treats a person less favourably in the same circumstances, or in circumstances which are not materially different, on account of any of the grounds listed above.

For example, if an employer does not employ someone just because she/he is a woman, or of a particular race, this is likely to be direct discrimination. It could be direct age discrimination if an older person is not employed in an office job because it is assumed that she/he no longer has the ability to learn new computer programs.

10.1.2 Indirect discrimination

Employers must ensure that they do not indirectly discriminate against people. Indirect discrimination occurs when a rule or requirement disadvantages one group more than another – unless the employer can establish that a particular rule or requirement is “reasonable in all circumstances”.

For example, a requirement that an employee must be over 180cm in height to do a particular job might discriminate against women and some ethnic groups. It may be discrimination if the job does not really need someone to be 180cm in height or could easily be adapted to suit people of lesser height.

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10.2 Harassment

A person is harassed if they are subjected to behaviour that they do not want, that offends, humiliates or intimidates, and they are targeted because of their sex, pregnancy, breastfeeding, race, age, marital status, homosexuality, disability, transgender status or carers' responsibilities.

Harassment can be a form of discrimination and can be an isolated incident - it is not required that it be a pattern of repeated behaviour.

Workplace harassment may relate to a range of inappropriate types of behaviour directed towards an employee as a result of the grounds of discrimination outlined in the *Anti-Discrimination Act 1977* and may include:

- circulation or display of offensive or inappropriate material, including graffiti, pictures, sms, emails, internet websites or posters. This may include materials that are sexist, racist, homophobic or ageist;
- imitating an employee's accent, cultural habits, mannerisms or disability;
- comments, jokes or gossip that belittle or stereotype an individual or work group based on sex, pregnancy, race, sexual orientation, disability, marital status or age etc;
- offensive physical gestures or inappropriate physical contact or touching;
- intrusive and unwanted enquiries about a staff members personal life;
- ignoring, isolating, excluding or segregating an individual or work group because of their sex, pregnancy, race, sexual orientation, disability, marital status or age; and
- stalking or persistently following an individual.

10.3 Sexual harassment

A person sexually harasses another person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated if:

- (a) the person makes an unwelcome sexual advance or an unwelcome request for sexual favours to the other person; or
- (b) the person engages in other unwelcome conduct of a sexual nature in relation to the other person;

Examples include:

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- unwelcome sexualised contact (pinching, patting, touching, kissing, hugging, invading personal space);
- intrusive and unwanted enquiries about a person's sexual activities;
- the distribution, display, or access of sexually explicit materials within the workplace; and
- unwelcome sexual advances, for example repeated unwelcome invitations or requests for dates or sexual favours

Sexual harassment does not arise in the context of mutual sexual attraction, interaction and flirtation which is invited, mutual, consensual and reciprocated between the parties.

10.4 Victimisation

It is unlawful to victimise a person because she/he makes a complaint or a claim of discrimination or because she/he provides evidence (or similar) with respect to a claim of discrimination.

An employer must not victimise an employee because the person is or was a member or an official of an industrial organisation of employees or otherwise an elected representative of employees⁵.

10.5 Vilification

It is unlawful to vilify a person on the grounds of their race, homosexuality, transgender or HIV/AIDS status. Vilification is defined as behaviour that incites others, by a public act, to hate, have serious contempt for or severely ridicule a person or group of persons on these grounds. A 'public act' includes any form of communication to the public either verbal or in writing; any conduct that is observable by the public, including actions and gestures; and the knowing distribution or dissemination of matter that vilifies.

11. APPROPRIATE WORKPLACE BEHAVIOUR

Inappropriate workplace behaviour must be differentiated from legitimate management activities such as workflow control, performance feedback and management of underperformance. These actions, when carried out in a constructive, non-threatening manner, constitute legitimate management action.

Provided managers perform their roles in a constructive, equitable and appropriate manner, their actions do not constitute bullying, unlawful discrimination or harassment. Legitimate and lawful directions and instructions require compliance from employees. The directing, instructing or counselling of staff in a manner which offends, intimidates or humiliates, however, may

⁵ Industrial Relations Act 1996 (NSW) section 210 *Freedom from victimisation*

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constitute a misuse of delegated authority and may constitute bullying or harassment.

There are a number of workplace scenarios or situations that may involve disagreement, discomfort or dissatisfaction and should not be mistaken for bullying, unlawful discrimination or harassment. These include:

- decisions and behaviour for which there are differences of opinion, view or perspective;
- fair work allocation and identification of performance goals, standards and deadlines;
- the provision of feedback, including constructive criticism regarding performance or inappropriate workplace behaviour;
- counselling and/or performance management of workplace duties or behaviour; and
- business or operational processes including changes in work practices or structures.

12. REVIEW MECHANISM

If a party involved in the grievance resolution process is dissatisfied with the conduct of the process, she/he has the right to request a review. The request must identify how the application of the Grievance Resolution Policy and Guidelines was flawed.

The request is to be submitted in writing within **2 weeks** of the grievance outcome being communicated to the parties. The request for a review should be submitted to the Grievance Manager, who will refer it to the next level of management (not involved in the initial handling of the grievance) for review and the Grievance Manager will inform the other parties of the request. The review will focus on whether the grievance resolution process has been consistent with the Grievance Resolution Policy and Guidelines.

The reviewer will examine all available documentation and consult with the parties if further information is required. The decision of the reviewer will be provided to all parties in writing within **2 weeks** of the identification of the reviewer.

Depending on the nature of the grievance, employees may seek advice or pursue a complaint with an external agency such as the Anti-Discrimination Board of NSW, the Australian Human Rights Commission or the relevant union.

13. VEXATIOUS GRIEVANCES

An employee who lodges a grievance that is subsequently determined to be vexatious will be subject to disciplinary action. A vexatious grievance is one that includes but is not limited to those grievances that are malicious and raised to cause harm and/or raised to annoy or harass.

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14. DOCUMENTATION

The Grievance Manager is responsible for retaining all grievance documentation in a Corporate Information Management System (CIMS) - TRIM container⁶ with appropriate security settings to restrict access and maintain confidentiality. Documentation must be retained by CSNSW in accordance with State Records NSW directions relating to retention periods⁷.

15. ADVICE AND SUPPORT

Further advice and support can be obtained from:

- Workplace managers
- Senior Project Officer, Workplace Behaviour
- Executive Director, Professional Standards
- Director, Aboriginal Support and Planning
- Human Resources Managers
- Manager, Equity and Diversity
- Director, Workplace Relations
- Senior Manager, Safety and Staff Support

The Employee Assistance Program (EAP) - telephone 1300 363 202 - is a free, confidential service available to support staff experiencing work-related or personal difficulties that may impact on their capacity for work. The EAP offers short-term professional support and intervention for employees and their families through an external provider.

For assistance with matters of serious misconduct, advice can be obtained from the Executive Director, Professional Standards.

16. LEGISLATION AND OTHER REFERENCES

- Work Health and Safety Act 2011 (NSW)
- Workers Compensation Act 1987 (NSW)
- Anti-Discrimination Act 1977 (NSW)
- Industrial Relations Act 1996 (NSW)
- Privacy and Personal Information Protection Act 1998 (NSW)
- Health Records and Information Privacy Act 2002 (NSW)

- NSW Department of Premier and Cabinet, Ministerial Memorandum 1996-11 *Dealing with Employee Work-related Concerns and Grievances and Harassment Free Workplace Policy and Guidelines*
- NSW Department of Premier and Cabinet, Ministerial Memorandum 2007-02 *Dignity and Respect: Policy Guidelines on Preventing and Managing Workplace Bullying*

⁶ eg Personnel – Grievances – [location]

⁷ State Records General Retention and Disposal Authority: Personnel Records (GDA12): 1.3 Records authorised for disposal (GDA12): 2.14.0 Grievances

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- NSW Department of Premier and Cabinet, Circular C2007-48 *Leading Well: The Role of Leadership in Improving the Prevention and Management of Psychological Injury*
- Commissioner's Memorandum 2011/21 *Review and development of policies, procedures and training regarding bullying and harassment*
- CSNSW Social Media Policy
- CSNSW Equal Employment Opportunity Policy and Guidelines
- CSNSW Guide to Conduct and Ethics
- CSNSW Work Health and Safety Policy
- CSNSW Grievance Resolution Procedure
- CSNSW The Management of Professional Conduct in the Department of Correct Services policy

17. IMPLEMENTATION

This policy supersedes the Grievance Management Policy and Guidelines (2004) and the Managing Work-Related Bullying and Harassment policy (2004) and it is to be implemented from the date of approval.

See Commissioner's Memorandum 2012/18 *Grievance Resolution Policy and Guidelines*.

Date approved: 20 April 2012

Review date: 20 April 2013

Ownership: Assistant Commissioner, Office of the Commissioner and Human Resources is assigned ownership to ensure the policy is maintained and updated.

Contact: Senior Project Officer, Workplace Behaviour
(02) 8346 1056

File: 09/8805

18. DOCUMENT HISTORY

Version	Date	Reason for amendment
D09/126044 and D09/076161	2004	Initial policy statements (September 2004)
D11/561812	20/04/2012	Major policy review.
D12/429921	26/11/2012	Inclusion of alternative Grievance Manager in Clause 6 <i>Grievance Manager</i> ; changes to Clause 10.4 <i>Victimisation</i> ; and other minor changes.