



Staff Grievance Management and Resolution Policy

1. Purpose

- 1.1 This policy provides guidance for staff and management of Western Sydney University International College (WSUIC) in relation to the practices and principles for the management of staff grievances with the aim of providing a successful resolution for all parties concerned. Due to the provision of the Services Agreement with Navitas Ltd for provision of Human Resource services, this policy is informed by related Navitas Pty Ltd policies and procedures.
- 1.2 The principles outlined within this policy aim to achieve consistent and fair treatment in the handling of grievances in the workplace and through the associated procedure, define a process to be followed in the event that a grievance arises.
- 1.3 WSUIC may, at its sole discretion, alter the manner and timing in which this policy is implemented to ensure it suits the context of the grievance.

2. Scope

- 2.1 This policy applies to employees of WSUIC. In the instance where a grievance is reported by an employee of Western Sydney University and the Respondent is also an employee of Western Sydney University The College, the grievance will be directed to Western Sydney University to be managed in accordance with its own internal policies and procedures.
- 2.2 In the instance where the Complainant and Respondent are employed by different employers, the employer institute of the Complainant will manage the grievance in accordance with its related policies and procedures.
- 2.3 This policy does not apply to grievances between staff and students or grievances relating to decisions of the WSUIC Board, employment contracts or disputes under an enterprise agreement or dismissal.

3. Definitions

“Grievance”

Any type of problem, concern or complaint related to an employee’s work or the work environment. A grievance can be about any act, behaviour, omission, situation or decision impacting on an employee, which the employee thinks is unfair or unjustified.



“Complainant”

The employee lodging the grievance.

“Respondent/s”

The person/s against whom the grievance is made.

“Grievance Handler”

The manager, or manager’s nominee where appropriate, who takes on the role of managing the grievance.

“Observer”

A person presented by an employee (Complainant, Respondent, Witness) at any meeting/interview undertaken under this policy. The role of the Observer is purely to provide support to the employee involved. The Observer must not respond on the employee’s behalf or otherwise intervene in the meeting or interview. An Observer may be a union representative or work colleague but will not be a practising solicitor or barrister.

“Conciliation”

A form of dispute resolution in which the Grievance Handler (acting as Conciliator) meets with the Complainant and the Respondent to hear their respective views of the matters raised in the grievance and facilitate a discussion between them in an attempt to resolve the issues. The Conciliator may give advice on the subject-matter and use their role to actively encourage the Complainant and Respondent to come to a resolution. The Conciliator’s role is purely facilitative: he/she has no advisory role and may not issue an outcome.

“Mediation”

A process in which an external, independent third party (the Mediator), meets with the Complainant and Respondent to help them to develop a shared understanding of the conflict, identify the disputed issues, develop options, consider alternatives, and endeavour to reach a practical and lasting resolution. Mediation is a voluntary process and either the Complainant or Respondent may withdraw at any time by giving written notice to the Grievance Handler. Failing an agreed resolution, the Mediator may issue a non-binding suggested resolution.

4. Policy Statement

- 4.1 WSUIC recognises that an employee may not perform to the best of their ability if they feel they are being treated unfairly or are feeling aggrieved. Accordingly, WSUIC will endeavour to provide a fair and just working environment by aiming to ensure that employees have access to processes for the resolution of genuine grievances related to the workplace.



- 4.2 As such, WSUIC will use its reasonable endeavours to:
- 4.2.1 Encourage staff to come forward with grievances and ensure that all details of grievances are kept confidential;
 - 4.2.2 Provide a consistent and transparent process for managing grievances;
 - 4.2.3 Deal with grievances in a supportive way, without victimisation or intimidation of any person connected with the grievance;
 - 4.2.4 Encourage fairness, impartiality and the resolution of grievances as promptly and as close as appropriate to the source of the grievance;
 - 4.2.5 Provide various options of procedures which employees can undertake to deal with a grievance (i.e. formal and informal, internal and external); and
 - 4.2.6 Have managers seek to prevent and resolve grievances.
- 4.3 A grievance should be dealt with in a timely fashion and at the lowest possible level, to prevent it from escalating. In any case, it is expected that WSUIC managers will deal with problematic issues or behaviours as they arise, and not wait for a grievance to be lodged.
- 4.4 An employee should lodge a grievance with their direct line manager, unless the grievance is related to that line manager.
- 4.5 Where the grievance relates to their line manager, it should be lodged with the Manager Once Removed (MOR) from that manager.
- 4.6 If any manager involved in any procedure under this policy becomes aware of a conflict of interest, they must immediately cease their involvement and notify the College Director and Principal.
- 4.7 Where the nature of the grievance (or the people involved) spans more than one department and/or involves more than one manager, or there is a conflict of interest as per Clause 4.6, the complaint should be lodged with the College Director and Principal, who will seek advice from NHRSS.
- 4.8 Where the nature of the grievance is related to CDP, the grievance should be lodged with Navitas Human Resources Shared Services.
- 4.9 At all times during these procedures, any employee may seek the advice of Navitas Human Resources Shared Services - HR.SharedServices@navitas.com
- 4.10 Any employee (Complainant, Respondent, Witness) has the right to request that an Observer be present during any stage of the procedure in which he/she is involved.
- 4.11 The Navitas Human Resources Shared Service representative assigned to WSUIC will liaise between the departments to determine an appropriate Grievance Handler. In some cases, it may be appropriate for a representative of Navitas HR Shared Services to act as Grievance Handler. This can be determined in consultation with the relevant manager/s.



- 4.12 A Complainant may withdraw a grievance at any stage. However, WSUIC retains the right to continue to pursue matters relevant to the grievance if it considers it appropriate to do so.
- 4.13 A manager or employee must not victimise any person for lodging a grievance or participating in any procedures under this policy.
- 4.14 The Navitas Employee Assistance Program (EAP) is available to provide confidential support to all parties involved in a grievance.

5 Confidentiality

- 5.1 It is expected that all parties involved in any of the grievance resolution action under this policy will maintain confidentiality throughout the process, except to the extent necessary to give effect to this policy.
- 5.2 Doing so facilitates a proper and timely investigation, protects reputations, prevents victimisation and helps avoid any personal and corporate liability for defamation.
- 5.3 Anyone involved in resolution of a grievance under this policy who is concerned about defamation should, in the first instance, speak with the College Director and Principal.

6 Vexatious Grievances

An employee must not lodge a false, vexatious, trivial or malicious grievance. Doing so may result in disciplinary action. A manager may decline to accept a grievance which is false, vexatious trivial or malicious.

7 Time for Raising Grievances

- 7.1 If a manager receives a grievance which relates to an incident which occurred so long ago such that the manager believes it cannot reasonably be investigated and resolved, the manager may decline to accept the grievance.
- 7.2 Incidents occurring more than 12 months prior to the grievance being lodged will be regarded as “out of time” unless the Complainant can show that is more likely than not that:
 - a) the incident can be reasonably investigated and resolved;
 - b) it is continuing to have a substantial effect on the Complainant; and
 - c) it will not be unfair to the Respondent considering the time that has elapsed.



8 Record Keeping

The Grievance Handler and Decision Maker (as appropriate) must submit a copy of any record of interview, report or decision made under this policy to Navitas HR Shared Services so it can be placed on the personnel file of the Complainant and Respondent from which it will not be removed. Other than in relation to the Complainant, records will be removed from files in cases where claims are found to be false, vexatious, trivial or malicious, or where they are overturned by a court or tribunal.

9 Quality and Compliance

- 9.1 This policy is reviewed periodically (at a minimum every two years) to ensure regulatory compliance, operational currency, the identification of continuous improvement opportunities and risk identification and mitigation. This review is reflected in WSUIC's Quality Management Framework and Risk Management Framework.
- 9.2 This policy will be available on the WSUIC website for students and the WSUIC SharePoint site for staff access.
- 9.3 Emails will be issued to all staff to inform and update them on any changes to the policy and/or procedures and guidelines.
- 9.4 New staff will receive policy information during the induction process where it relates to their position.

10 Policy Source

This policy has been developed and informed by the following sources:

- Navitas – [Navitas Disciplinary Policy for the operations based in Australia](#) (GHR-02-08P updated 18 October 2011 Disciplinary Policy)
- [Navitas Grievance Management Policy](#)
- [Navitas Code of Conduct - The Company's Obligation to Stakeholders Code of Conduct UPA](#)

All policies retrieved from Policies and Procedures Library on Navitas Intranet

11 Related Forms and Documents

N/A



12 Related Policies, Procedures, Guidelines and Legislations

- POL 21 Staff WSUIC Code of Conduct
- POL 22 WSUIC Human Resource Management Policy
- POL 23 WSUIC Staff Wellness, Health and Safety Policy
- POL 12 WSUIC Equal Opportunity and Diversity Policy
- POL 39 WSUIC Anti-Discrimination and the Prevention of Harassment, Vilification and Bullying Policy
- [Navitas Code of Conduct - The Company's Obligation to Stakeholders Code of Conduct UPA](#)
- [Navitas Employee Assistance Program \(EAP\)](#)

Approval and Amendment History

Approval Authority:	Western Sydney University International College Board of Directors
Policy Owners:	Executive
Approval Date:	1/10/2016
Date for Next Review:	15/09/2024

Amendments		
Revision Date	Version	Summary of changes
1/10/2016	1	New Policy developed
16/02/2018	2	<p>Policy and Procedure separated into two separate documents.</p> <p>Replacement of Western Sydney University International College with WSUIC throughout policy.</p> <p>Change of policy name from Staff Grievance Management Policy to Staff Grievance Management and Resolution Policy to offer a more positive interpretation.</p> <p>Replace reference to Navitas Group Human Resources with Navitas Human Resources Shared Services throughout policy and change of reference to Navitas as Navitas Ltd.</p> <p>Removal of Clause 1.2 and relocation of Clause 1.4 to Clause 2.2</p> <p>Addition of Clause 2 – Scope (Clauses 2.1 and 2.2)</p> <p>Clause 2.2 Replace reference to Joint Venture Board with Board of Directors</p> <p>Addition of Clause 3.8</p> <p>Removal of Clause 4 – Procedure and subsequent renumbering of following Clauses.</p>



Revision Date	Version	Summary of changes
16/02/2018 (conti.)		<p>Removal of Grievance Management Flow Chart</p> <p>Addition of Clause 9.2, 9.3 and 9.4; Clause 10 and 11 and re-numbering of following clause.</p> <p>Clause 13 – update of related policies and procedures.</p> <p>Appendix A – replace Third Party Agreement with Services Agreement, Update of WSUIC and Navitas Ltd nomenclature for consistency. Update of references to HESF 2015</p>
21/01/2020	2.1	<p>Removal of Appendix A</p> <p>Update to Definition for an Observer</p>
15/09/2022	2.2	<p>Update to clause 4 - Clarification of process of escalation for complaints regarding direct manager</p> <p>Review of definition of Mediator/Conciliator</p>