Grievance Resolution Flow Chart

**Employee with**

**Complaint/ Grievance**

**OPTION 1**

Grievance should firstly be raised (as first point of contact) with the **LINE MANAGER**

Case closed

Resolution

NO

Resolution

YES

Grievance investigated and appropriate actions taken

Case closed

Grievance taken to all or any members of the Exec team and investigation reviewed

Resolution

YES

Resolution

NO

Response and action taken, as recommended by HR

Resolution

YES

Resolution

NO

Formal resolution. Case closed

Grievance taken to Senior Manager and investigation continued

**OPTION 2**

Grievance can be directly taken to a

**SENIOR MANAGER** if grievance involves direct manager

**OPTION 3**

Grievance can be raised alternatively with **HUMAN RESOUCRES** or any

**EXECUTIVE MANAGER** if grievance involves a senior manager

Case closed

Response and action taken, as recommended by HR

Resolution

YES

Resolution

NO

Grievance taken to all or any members of the Exec team and investigation reviewed

Resolution

YES

Resolution

NO

Grievance investigated and appropriate actions taken

Option for complainant to take matter to external tribunal

Option for complainant to take matter to external tribunal

Formal resolution. Case closed

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| Grievance Resolution Flowchart This flowchart is ready to be tailored to your company’s needs and should be considered a starting point for setting up your management processes.Disclaimer: This template is meant to provide general guidelines and should be used as a reference. It may not take into account all relevant local, state or federal laws and is not a legal document. Neither the author nor HR Expert Australia will assume any legal liability that may arise from the use of this document. |

Definitions

**Grievance**

Any real or perceived problem or concern in relation to work, the work environment or

working relationships which is raised with the employer by an employee (the complainant),

where the problem or concern has a direct impact upon the complainant.

Grievances are generally about the perceived fairness or propriety of decisions or actions

taken or not taken by another person that adversely affects the complainant’s, and may

include:

* allocation of work or training and development opportunities
* workplace communication and interpersonal conflict
* bullying, harassment or discrimination
* changes in technology, work processes or location
* the application of policy, practice or procedure
* administrative decisions
* issues with work processes or work systems

**Complainant**

The person who has lodged a grievance/made a complaint.

**Dispute**

A dispute is a disagreement concerning an employee’s statutory or contractual rights or entitlements.

Dispute resolution

Dispute resolution refers to the processes by which disputes are brought to an end. This can occur through:

* a negotiated outcome, where the parties concerned sort out things themselves
* a mediated outcome, where the parties use the services of an independent mediator to help them arrive at their own agreement, or an arbitrated or adjudicated outcome, where an independent arbitrator or court determines how the dispute is to be resolved and makes a binding decision or order to this effect.

**Respondent**

The person against whom a grievance has been lodged.

**Victimisation**

Any detriment experienced by an employee involved in a grievance, where the detriment is

caused by any other person involved with same grievance as a consequence of the first

employee’s involvement with the grievance.

**Manager**

The officer, however titled, to whom a staff member is managerially accountable

Dispute resolution in modern awards and enterprise agreements

**Modern Awards**

The Fair Work Act 2009 (FW Act) requires that all modern awards include a term which sets out a procedure for resolving disputes between employers and employees about any matter arising under the modern award and the National Employment Standards (NES).

Every modern award contains a dispute resolution clause. Generally, the clause will provide for a process with the following stages:

1. employee/s meet with their direct supervisor to discuss the grievance
2. failing resolution, the matter is discussed further with more senior management
3. failing resolution of the matter, the employer refers the dispute to a more senior level of management or more senior national officer within the organisation
4. where the dispute remains unresolved, the parties may jointly or individually refer the matter to the Fair Work Commission
5. the employer or employee may appoint another person, organisation or association to represent them during this process.

Employers should be aware of, and familiarise themselves with, any dispute resolution procedure that applies to their workplace.

**Enterprise agreements**

When making an enterprise agreement, the FW Act requires the parties to include a dispute resolution clause. Enterprise agreements lodged with the Fair Work Commission without such a clause will not be approved. The dispute resolution clauses in enterprise agreements must provide a process to resolve any disputes:

* arising under the agreement, or
* relating to the NES.

The FW Act requires that a dispute resolution clause in an enterprise agreement must:

* set out a procedure that requires or allows either the Fair Work Commission or some other independent person to settle the dispute
* allow for the representation of employees covered by the agreement when there is a dispute (for example by another employee or a union).

A 'model dispute resolution clause' is available in the Fair Work Regulations 2009 and can be used to develop a dispute resolution term in an enterprise agreement.