



# Procedure 3.08 – Resolving Workplace Grievances

## 1. Application

This procedure applies to all NQBP Personnel and Contractors.

## 2. Procedure

This Resolving Workplace Grievances Procedure outlines the approach NQBP will take when dealing with employee grievances which arise in the workplace. NQBP recognises the need for all NQBP Employees and Contractors to be able to have their grievances handled efficiently, effectively and genuinely.

A grievance is a concern or complaint regarding any work-related matter that a person feels is unjust or unfair or which causes frustration or distress.

Grievances may include, but are not limited to, issues regarding:

- Interpersonal conflict
- Inappropriate behaviour (e.g. Bullying, sexual harassment)
- Outcome of internal recruitment processes
- Terms and conditions of employment
- Health and safety
- Organisational change, and/or
- Discrimination.

When a grievance is received the matter may need to be addressed in accordance with another NQBP policy or procedure dependent on the nature of the grievance. The NQBP Human Resources Team (HR) will discuss this with the complainant, if relevant.

## 3. Overarching Principles

When managing and resolving grievances, the following principles will be applied, taking into account the nature of the grievance:

- Grievances are to be made in good faith;
- Less formal and early resolution of grievances is encouraged where possible;
- Grievances should be resolved by the parties in good faith, through their participation in processes appropriate to the matter (e.g. mediation, negotiation, investigations);
- The parties (the employee with a grievance, and others) may nominate a support person to accompany and support them at any stage during the resolution process;
- Any decision-maker must act impartially and without bias;
- All relevant submissions and evidence must be considered;
- Grievances will be treated seriously;
- Grievances should be dealt with within a reasonable timeframe;
- Victimisation of either a complainant, respondent or any other person with a legitimate involvement in a grievance resolution process will not be tolerated;
- Procedural fairness will apply;

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Version Control	Only electronic copy in RM8 is controlled. To ensure any paper copy is current, please check the policy document list on ERIC.			Revision	7
				Document Number	E16/15601
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Approval	This procedure requires subject matter expert approval for minor changes. Where substantive changes are made, Board approval is required.			Date Approved	27 November 2018

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- Support will be available to all parties (complainant and respondent) of the grievance such as access to the Employee Assistance Program (EAP); and
- Appropriate documentation will be maintained of the grievance and the resolution process.

### 4. Employee Resolution of Issue

NQBP encourages employees to directly resolve issues they have with another party or parties. This might be with a colleague, their supervisor or NQBP where it concerns a decision made by NQBP, a process of NQBP, practice or behaviour. This is generally the quickest and most effective way of dealing with the resolution of issues.

By doing this, it allows the other parties (other employees, NQBP etc.) to directly hear how the decision, process, practice or behaviour is affecting the employee.

Employees may seek the support from others to resolve grievances, such as the HR, a colleague and / or their supervisor or manager.

There are several interventions that may be proposed to resolve a matter. Depending on the specific issue, some are: one to one mediation, a facilitated team or group mediation / workshop, coaching or training (e.g. performance, communication or conflict resolution), counselling (via the EAP), performance feedback, and a review of role requirements (e.g. role description review and / or a R.A.C.I. workshop (responsibility, accountability, consultation and informing)).

If any of the above approaches do not resolve the matter or if the allegation or issue is of a serious nature, a formal grievance can be raised.

### 5. Formal Grievance

Where a grievance is not resolved or able to be resolved through direct resolution for any reason, the grievance is to be raised with the employee's immediate manager, an NQBP Senior Manager or HR.

Where a grievance is raised with a manager, the manager is required to notify HR.

If the grievance concerns the employee's supervisor or manager, the matter should also be taken to HR or a more senior manager.

At any time, the employee can seek advice from HR on the grievance process.

#### 5.1. Formal Grievance Process

The following steps are used to guide the parties in managing grievances for resolution.

##### Step 1 - Formal notification

The employee with the grievance will need to write down the details of their grievance. Details should include:

- specifics of the matter having occurred, for example; dates, facts, behaviours alleged to have occurred, details of decisions made;
- person(s) involved including witnesses, decision makers etc.;
- times; and

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- other relevant facts.

HR, after receiving the written allegation of the grievance may need to meet with the employee to clarify any details contained in the written grievance.

Where a matter involves allegations of misconduct or criminal action, internal legal counsel must be immediately informed.

Once the grievance is received, HR will:

- Acknowledge receipt of the grievance in writing;
- Discuss the grievance with the employee to ensure the facts are understood;
- Seek to understand the outcome desired by the employee that may result in resolution; and
- Offer the services of NQBP's employee assistance provider (EAP).

### Step 2 – Investigation

HR, based on the written grievance and any meetings with the employee (who raised the grievance), will gather any further information and facts as and if needed.

Where a formal investigation is to be conducted, a decision will be made by NQBP as to how the investigation will be carried out. That is, internally by a NQBP officer, or by an external party.

Other parties (the respondent and/or NQBP representative) will be provided with details of the nature of the grievance.

NQBP may stand down (on full pay) parties involved with a grievance where the circumstances are such that attendance at work may result in an exacerbation of anxiety or stress. Other parties will be offered the EAP.

Details of ensuing investigation meeting(s) will be outlined with the parties.

The parties will be kept informed by HR of the progress and status of the investigation, particularly where the expected time to complete the investigation maybe delayed.

### Step 3 – Outcome

Once the investigation is finalised, the HR manager (or designated Senior Manager) will make recommendations about appropriate actions and outcomes.

Refer to discipline processes found in Procedure 3.07 – Performance Coaching & Discipline.

If the allegation is substantiated, possible outcomes may include (but are not limited to):

- a facilitated meeting or mediation between the parties to reach resolution;
- a verbal or written apology;
- disciplinary action;
- no further action;
- attendance at training; or
- reading of relevant policies and procedures and acknowledgement having read the required documents.

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The employee that raised the grievance and other parties (the respondent or NQBP representative) will receive notification of the outcome, including any required corrective actions.

### Step 4 – Monitoring

Ongoing monitoring may be appropriate to ensure there are no further issues between the parties. This may include following up agreed actions are completed (i.e. attendance at training, apology, confirmation that policies were read etc.).

Appropriate records will be confidentially filed by HR.

### 6. Vexatious or Frivolous Complaints

A vexatious or frivolous complaint is one which has the ability to harass or annoy, to cause delay or detriment, or is for any other improper purpose. Any grievance that is found to be vexatious, frivolous or made for an improper purpose may constitute grounds for disciplinary action.

### 7. Procedural Fairness

Procedural fairness will be afforded to all parties when a grievance is raised and investigated.

Procedural fairness means that:

- All relevant discussions are to be held in a private and confidential location where possible;
- There will be an investigation into the matter before deciding on outcome/s;
- The respondent will have adequate opportunity to respond to the allegations and provide any evidence;
- Responses should be taken into account that include mitigating factors, before outcomes are decided;
- The complainant and respondent should be kept informed throughout the complaint process;
- Appropriate coaching and/or warnings should be given to suit the circumstances; and
- The complainant or respondent may choose to bring a support person to formal meetings.

### 8. Support Person

A support person may attend a meeting at an employee's request. The support person may be another staff member, a representative, a friend, relative or legal representative.

The role of the support person is to provide support to the employee during any relevant meeting(s) including those which are part of the investigation. The support person must not speak on behalf of the employee.

### 9. Confidentiality and Victimisation

All parties to the grievance must ensure confidentiality is maintained throughout the entire process. Only relevant persons will be informed of the grievance, such as the CEO / Executive Team Members, internal legal team, direct manager and HR.

A person must not victimise or otherwise subject another person to detrimental action as a consequence of that person raising, providing information about, or otherwise being involved in a complaint.

All parties to the grievance will be informed of:

- The nature of the grievance;

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- The steps taken to resolve the grievance; and
- The outcome of the process, notwithstanding the process followed as set out below.

Generalised results of investigations (without releasing details or naming those involved) may be communicated to all staff to raise awareness.

### 10. Governance Policy, Procedure and Legislative Framework

NQBP is a Government Owned Corporation and a port authority and is required to comply with its own policies, prescribed applicable legislation and State Government policies and procedures. This procedure should be read in conjunction with:

- (a) Policy 3 - Human Resources Management
- (b) NQBPC Enterprise Agreement – Dispute Resolution Procedure
- (c) NQBPC Marine Pilots Enterprise Agreement – Dispute Resolution Procedure
- (d) Procedure 3.09 – Anti Bullying, Sexual Harassment & Discrimination
- (e) Policy 2 - Compliance
- (f) Procedure 2.05 - Whistleblower
- (g) Procedure 2.06 - Whistleblower / Public Interest Disclosure
- (h) Standard 2.02 - Integrity Framework
- (i) Standard 2.01 - Code of Conduct
- (j) Procedure 3.07 – Performance Coaching & Discipline

### 11. Procedure Review Date

This procedure should be reviewed by 31 October 2020.

### 12. Definitions

**Contractors:** means contractors or consultants engaged by NQBP under a personal services consultancy agreement or other similar arrangements.

**NQBP:** means North Queensland Bulk Ports Corporation Limited ACN 136 880 128.

**NQBP Employees:** means employees and Contractors of NQBP but does not include NQBP directors.

**NQBP Personnel:** means NQBP officers (for example NQBP directors) and NQBP Employees.

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