

GRIEVANCE POLICY—INDUSTRIAL (SCHOOLS AND NON-SCHOOL MINISTRIES)

POLICY 11



**St Francis Xavier Province of the
Christian Brothers
(Queensland and Northern Territory)**

MAY 2002

***EDMUND RICE EDUCATION DIRECTORATE
INDOOROOPILLY***

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1. INTRODUCTION

This procedure is designed to ensure that there is an efficient mechanism for an employee to raise any grievance with the employer (subject to paragraph 2.3 below) and to ensure that there is a mechanism for resolution of such grievances between the employee and the employer.

2. SCOPE

- 2.1 This procedure applies to all employees at Edmund Rice Schools/Ministries/Initiatives and to the employer.
- 2.2 No person who is not an employee of the Christian Brothers is entitled to raise a grievance under this procedure.
- 2.3 Complaints relating to sexual harassment, discrimination and bullying are **not raised** pursuant to this grievance procedure, but are raised instead by way of complaint under the Christian Brothers' Complaints Procedure (annexed to the Anti-Discrimination, Sexual Harassment and Bullying Policy).

3. PROCEDURE

This grievance procedure, which forms part of the Enterprise Agreement between the Christian Brothers and the Queensland Independent Education Union and other relevant Unions, is as follows.

- 3.1 The matters to be dealt with in this procedure shall include all grievances or disputes between an Employee and the Employing Authority in respect to any **industrial** matter and all other matters that the parties agree on and are specified herein. Such procedure shall apply to a single Employee or to any number of Employees.
- 3.2 In the event of an Employee having a grievance or dispute, the Employer shall, in the first instance, attempt to resolve the matter with the immediate supervisor, who shall respond to such request as soon as reasonably practicable under the circumstances.
- 3.3 If the grievance or dispute is not resolved under subclause 3.2 hereof, the Employee or the Employee's Representative may refer the matter to the next higher level of management for discussion. Such discussion should, if possible, take place within 24 hours after the request by the Employee or the Employee's Representative.
- 3.4 If the grievance or dispute is still unresolved after discussions listed in subclause 3.3 hereof, the matter shall, in the case of a union member, be reported to the State Secretary of the relevant Union of Employees and the Principal or nominated representative of the Employing Authority. An Employee who is not a Union member may report the grievance or dispute to Senior Management or the nominated representative of the Employing Authority. This should occur as soon as it is evident that discussions under subclause 3.3 hereof will not result in resolution of the dispute.
- 3.5 If, after discussion between the Parties or their nominees, as outlined in subclause 3.4, the dispute remains unresolved, then notification of the existence of the dispute is to be given in pursuance of *Section 229 of the Industrial Relations act 1999 (Queensland)*.
- 3.6 Whilst the foregoing procedure is being followed, normal work shall continue except in a case of a genuine safety issue.
- 3.7 Except in the case of termination, the status quo existing before the emergence of the grievance or dispute is to continue whilst the above procedure is being followed.
- 3.8 All Parties shall give due consideration to matters raised, or any suggestion or recommendation made, by an Industrial Commissioner or Industrial Magistrate with a view to the prompt settlement of the dispute.

- 3.9 Any Order of the Queensland Industrial Relations Commission (subject to the Parties right of appeal under the Act) will be final and binding on all Parties to the dispute.
- 3.10 Discussions at any stage of the procedure shall not be unreasonably delayed by any Party, subject to acceptance that some matters may be of such complexity or importance that it may take a reasonable period of time for the appropriate response to be made. If genuine discussions are unreasonably delayed or hindered, it shall be open to any Party to give notification of the dispute pursuant to *Section 2229 of the Industrial Relations Act 1999 (Queensland)*.
4. Concerns about an employee's performance or conduct is **not dealt** with pursuant to this grievance procedure but rather pursuant to the Christian Brothers' Disciplinary Policy for staff and/or the Christian Brothers' Performance Review Policy as applicable.
5. The only parties to a grievance raised under this procedure are the employee who has raised the grievance (who is entitled to be represented) and the employer or its delegate (who is entitled to be represented).
6. The delegate of the employer has the responsibility to inform the Province Leadership Team and the Director, Edmund Rice Schools of any significant problem which may have industrial implications. In such matters, no substantial action should be undertaken by the delegate without the advice of the Province Leadership Team or the Director, Edmund Rice Schools first being sought and obtained.