Policy: Grievances

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1. Definitions

For the purpose of this policy the following definitions are to apply.

1.1 Administrative Decision

‘Administrative decision’ is a decision made by PSBA in relation to the administration of its affairs (other than a decision described in section 195 of the Public Service Act 2008) and includes the failure to make a decision.

1.2 CEO

‘CEO’ means the Chief Executive Officer of PSBA or his delegate.

1.3 Conciliation

‘Conciliation’ involves a direct or indirect meeting of the parties to resolve a matter with a conciliator acting as a neutral facilitator.

1.4 Conciliator

‘Conciliator’ means a member of PSBA who has undertaken the Conciliator Training Course and has been appointed in writing by the Executive Director, Human Resources Division, as a Conciliator.

1.5 Disciplinary Complaint

‘Disciplinary complaint’ means a complaint lodged in respect of official misconduct, misconduct or a breach of discipline (breach of discipline applicable to police only).

1.6 Facilitated Discussion

‘Facilitated discussion’ means an attempt by an independent third party to bring about resolution between the parties to the grievance. Facilitated discussion may include but is not limited to mediation, conciliation or negotiation.

1.7 Facilitator

‘Facilitator’ means an independent third party (from within PSBA) who is assigned the responsibility of assisting the parties to reach a resolution. The facilitator must be independent from the matter.

1.8 Issue of Conscience

‘Issue of conscience’ refers to a conflict between religious or other similar belief, and the performance of a specific authorised work activity.

1.9 Independent Person

‘Independent person’ means an impartial person selected from within the PSBA to investigate the grievance. The appointment of an independent person from outside PSBA to investigate the matter is not an option in regard to grievances lodged by employees of PSBA.
1.10 Industrial Matter

‘Industrial matter’ is as defined in the Industrial Relations Act 1999.

1.11 Initiating Mediation

‘Initiating mediation’ requires a discussion with the parties to establish whether mediation is likely to resolve the grievance; and if appropriate, then organising a suitably qualified mediator, and arranging times for the mediation to proceed.

1.12 Lawyer

‘Lawyer’ means a barrister or solicitor or legal practitioner of the High Court or the Supreme Court of a State.

1.13 Manager

‘Manager’, in the context of the various industrial award grievance resolution procedures, means the person who is next “in-line” command who attempts to resolve the grievance at the stage 2 level of the award procedures.

1.14 Mediation

‘Mediation’ is a meeting between people in conflict, in the presence of a mediator, with the purpose of resolving the conflict in a structured manner. A mediator guides the discussion between the parties in the conflict with the aim of reaching an agreement that suits them both.

1.15 Monitoring Committee

‘Monitoring Committee’ in cases of alleged sexual harassment includes in its composition: the Executive Director, Human Resources Division (or delegate), a Conciliator and, in some circumstances, a member of the Ethical Standards Command, QPS (for police) or Ethical Standards Unit, PSBA (for staff members).

1.16 Principles of natural justice

‘Principles of natural justice’ means that the decision makers must act fairly, in good faith and without bias and must afford each party the opportunity to respond to issues.

1.17 Reasonable Person

‘Reasonable person’ means an ordinary person, possessed of such powers of self-control as everyone is entitled to expect that their fellow citizens will exercise in society.

1.18 Sexual Harassment

‘Sexual harassment’ is defined in sections 119 and 120 of the Anti-Discrimination Act 1991.

1.19 Workplace Bullying

‘Workplace bullying, is defined as “repeated” and “unreasonable” behaviour directed towards a worker or a group of workers that creates a risk to health and safety.
2. Introduction

PSBA is committed to ensuring that grievances lodged by its employees are dealt with as close as possible to their respective source in a timely, fair, and effective manner. In order to ensure that the rights and obligations of all parties to the grievance are given due consideration, the principles of natural justice are to be observed.

All employees planning to utilise any of the procedures/processes referred to in this policy are to read the full text of the source documents in conjunction with this policy.

Any amendment to, or replacement of, legislation or industrial instruments referred to in this policy will apply to employees.

3. Scope

The provisions of this policy are applicable to police (commissioned police officers and non-commissioned police officers) and staff members.

This policy relates to the grievance procedures:

- outlined in industrial awards (for both police or staff members); and
- for police in relation to administrative issues which fall outside of the definition of “industrial matter” - in which case the industrial award grievance resolution procedures may not be appropriate.

For completeness, this policy also makes cross-reference to the Preventing and Resolving Negative Workplace Behaviours policy given these issues can also be addressed either through an industrial award grievance resolution procedure.

4. Goals

The implementation of grievance resolution procedures provides PSBA with an opportunity to refocus on how it can effectively deal with workplace issues. It is important to determine the goals that the organisation is trying to achieve. Consistent with the procedures outlined in this policy, the goals for PSBA, its managers and employees are:

(a) to resolve workplace issues as early, fairly and as efficiently as possible;
(b) to resolve workplace issues in an informal manner prior to employees feeling the need to lodge and initiate a formal grievance resolution procedure;
(c) proactively to identify and resolve workplace issues before they escalate into a situation where an employee feels the need to initiate any of the grievance resolution procedures outlined in this policy;
(d) to consider and use a range of available strategies to resolve workplace issues effectively;
(e) to place greater reliance on communication and interpersonal skills, flexibility, creativity and innovation in resolving workplace issues;
(f) to ensure employees, as well as managers, understand that they have a significant role in cooperating and assisting in the resolution of workplace issues; and
(g) to have a significant reduction in the number of formal grievances being lodged at all stages of the available procedures.

These goals provide some guiding principles that should be considered when a manager is faced with resolving a workplace issue, or when an employee is thinking of lodging a grievance.
4.1 **Is a Grievance Necessary?**

As a part of this philosophy, aggrieved employees should ask themselves (i) whether or not their preferred solution is practical, possible and/or reasonable (for example, a grievance will not overturn a departmental policy); or (ii) whether or not there are other options available.

For those police or staff members planning to follow the grievance resolution procedures outlined in this policy (e.g. the industrial award provisions), a self-assessment of the situation or circumstances is not mandatory. However, it is a strongly recommended step to take (refer to Appendix A).

**Employees are encouraged to pursue local communication to resolve issues without resort to any of the grievance resolution procedures outlined in this policy.**

4.2 **Which Procedure/Process to Utilise?**

Where aggrieved employees choose to lodge a grievance, they are advised to select the procedure/process which best fits their particular circumstance. It should be noted that only one procedure/process can be utilised for substantially the same matter. An aggrieved employee may seek advice from the Human Resources Consultancy or his/her union as to which procedure/process would be the most appropriate in the circumstances. Alternatively, an aggrieved employee may seek advice from Employee Relations.

In this respect, it should be noted that **NOT ALL MATTERS** which aggrieve employees can be handled through the grievance resolution procedures.

**Other courses of action** (apart from the lodgement of a disciplinary complaint or a review lodged with the Commissioner for Police Service Reviews pursuant to the *Police Service Administration Act 1990*) can be taken in accordance with:

**EITHER**

the provisions for the prevention and settlement of industrial disputes (as outlined in the various industrial awards):

- *Police Service Award – State 2012*
- *Queensland Public Service Award – State 2012*
- *Employees of Government Departments (Other Than Public Servants) Award – State 2012*
- *Engineering Award – State 2012*

**OR**

the dispute settlement procedure (as outlined in the various enterprise agreements):

- *Queensland Police Service Certified Agreement 2013*
- *State Government Departments Certified Agreement 2009*

5. **Underpinning Principles**
5.1 Confidentiality

The matters surrounding a grievance and the grievance resolution process are to remain confidential (i.e. divulged only on a justifiable “needs to know” basis). All parties to the grievance are to be required to comply with confidentiality requirements.

5.2 No More than One Grievance Procedure to be Used

Despite the options available to employees, only one grievance procedure for substantially the same matter can be utilised by an aggrieved employee.

This is not to be confused with the procedure for dealing with multiple grievances (refer to section 5.3 of this policy). Nor is this requirement to be confused with a disciplinary complaint and a grievance lodged by the same employee about the same situation (refer to section 5.4 of this policy).

5.3 Dealing with Multiple Grievances

Where more than one current grievance has been lodged by an employee about essentially the same issue, the grievances may be dealt with through one grievance resolution procedure.

Where grievances are lodged about related matters by more than one employee, it may be appropriate to utilise one grievance resolution procedure. In such instances, the following arrangements are to be addressed:

(a) each aggrieved employee must specify how his/her individual interests are affected;
(b) each aggrieved employee and all witnesses should be interviewed separately;
(c) each aggrieved employee should be consulted to ensure that he/she is prepared to share his/her information with other aggrieved employees; and
(d) the outcome of the grievance must address each aggrieved employee’s concerns.

5.4 Disciplinary Complaint vis-à-vis Grievance Procedures

The disciplinary complaint procedures and the grievance procedures are two separate entities insofar as the two different processes normally are directed towards different outcomes. Simply because a complaint may be unsubstantiated in relation to a disciplinary matter does not mean that there is not a valid grievance or that there are no other aspects of, for example, a management process that should not be addressed. Additionally, neither process takes legal precedence over the other and both have legislative backgrounds that require them to be handled expeditiously.

For police officers seconded to PSBA only:

In the event of a disciplinary complaint and a grievance being lodged about essentially the same issue, the grievance investigating officer will firstly advise the aggrieved employee of the need to contact the aggrieved person’s Professional Practice Manager for the purpose of having the situation assessed. In turn, the Professional Practice Manager will contact Internal Investigations Branch for an assessment as to the appropriate action that could be taken in respect of the grievance. Such an assessment shall be made in consultation with the Assistant Commissioner, Ethical Standards Command, AND shall take into account (i) the sensitivity and/or confidentiality of the information; (ii) the possible prejudice to either process; (iii) the complexity of the issue; and (iv) any undue time delay.

The outcome of this assessment to be communicated to the aggrieved employee is to be restricted to whether it is appropriate for the grievance (in whole or in part) to proceed simultaneously with the complaints process.
or alternatively, for the grievance investigation to await the outcome of the investigation into the disciplinary complaint.

It may also be that a matter lodged as a grievance is an outright disciplinary complaint and should be treated as such. In such a case, an aggrieved employee is to be notified that it may be more appropriate for the matter to be pursued through the Complaints Management process. Furthermore, it may be a matter for which there is a mandatory reporting obligation under section 7.2 of the Police Service Administration Act 1990.

For PSBA staff members only:

Contact Ethical Standards Unit, Ministerial and Executive Services for further advice/information.

5.5 Circumstances under which a Grievance Procedure may Lapse: Police and Staff Members Exiting PSBA

A grievance resolution procedure which commenced before the aggrieved police or staff member exited PSBA is to lapse once the employment of that member ceases. However, the Deputy CEO (as the CEO’s delegate) has the discretion as to whether the circumstances are such that the matter should continue to be investigated in a general sense as a grievance, the outcome of which would have applicability to other employees.

5.6 Approved Recommendations are to be Implemented

If a grievance is resolved between the parties before the final internal stage is entered into, the agreed arrangements are to be implemented without delay.

Where a grievance is taken to the final internal stage and the recommendations are approved as outlined later in this policy, they are to be implemented as soon as practicable.

5.7 Disclosure of Information to WorkCover

Where a grievance investigation is named as a stressor which has led to a WorkCover claim being lodged, it is usual for a WorkCover investigator to request documents and information pertaining to the grievance.

Issues may arise where an investigator is not a WorkCover employee. In these circumstances advice is to be sought from Legal Services, Ministerial and Executive Services.

In order to avoid any confusion, where a matter concerns a complaint and a grievance about essentially the same matter brought by the same employee, the Crime and Corruption Act 2001 may prevent disclosure. In such cases, the advice of the Executive Director, Ethical Standards Command should be sought irrespective of whether the investigator seeking the disclosure is a WorkCover employee or not.

5.8 Mischievous, Frivolous or Vexatious Grievances

Grievances which are reasonably assessed during any stage of the resolution process as being mischievous, frivolous or vexatious in nature, will be brought to the attention of the Executive Director, Human Resources.

5.9 Normal Work to Continue

(a) Award grievance procedures and Administrative Grievance Procedures for Police only: Subject to legislation, while the grievance procedure is being followed, normal work is to continue, except in the case of a genuine safety issue. The status quo which existed before the emergence of
a grievance is to continue while the procedure is being followed. No party shall be prejudiced as to the final settlement by the continuation of work.

(b) **Directive grievance procedures:** Subject to the requirements of legislation, while the grievance resolution process is being followed, work must continue as it was immediately prior to the grievance being lodged. The exception to this may be where there is a genuine health and safety issue, the grievance relates to sexual harassment or workplace bullying, the existence of an issue of conscience or where to do so could create a legal or financial liability for the Agency. No party will be prejudiced as to the final outcome as a result of this provision.

6. **Options Available to Aggrieved Employees**

An aggrieved employee may seek advice from the Human Resource Consultancy or his/her union as to which of the procedures/processes mentioned in this policy would be the most appropriate in the circumstances. Alternatively, an aggrieved employee may seek this advice from Employee Relations.

**AT A GLANCE: OPTIONS AVAILABLE**

<table>
<thead>
<tr>
<th>Type of Grievance</th>
<th>Police</th>
<th>Staff Member</th>
</tr>
</thead>
<tbody>
<tr>
<td><em><em>Industrial matters</em> – police or staff members</em>*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant industrial awards – see section 7 of this policy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Note: The <em>Engineering Award – State 2012</em> also covers grievances relating to “all other matters”</td>
<td></td>
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</tr>
<tr>
<td><strong>Administrative Grievance Procedures – police</strong> (for issues not defined as ‘industrial matters’)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant industrial award – see section 7 of this policy</td>
<td>✓</td>
<td>N/A</td>
</tr>
<tr>
<td>This policy – see section 8</td>
<td>✓</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Administrative matters or employee conduct – staff members</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant industrial award – see section 7 of this policy</td>
<td>N/A</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Sexual Harassment – all employees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant industrial award – see section 7 of this policy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Preventing and Resolving Negative Workplace Behaviours policy – see section 9 of this policy</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Workplace Bullying – all employees</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Relevant industrial award – see section 7 of this policy</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Type of Grievance</td>
<td>Police</td>
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<td>✓</td>
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<tr>
<td>this policy</td>
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</tbody>
</table>

* Award grievances concern “industrial matters” as defined in the Industrial Relations Act 1999. The definition contained in Schedule 1 of this Act is broad and may encompass an issue which may be administrative in nature. To avoid any confusion as to which procedure is being utilised, the aggrieved employee should indicate which process he/she wishes to employ in the attempt to bring the matter in contention to resolution.

### 7. Industrial Awards

#### 7.1 Industrial Matters

Grievances which concern an industrial matter (including alleged sexual harassment or workplace harassment) may be addressed in accordance with the industrial award under which an aggrieved employee is covered. In the case of the Engineering Award – State 2012, “all other matters” may also be addressed under these procedures.

Employees should consult the relevant industrial award for full details of the grievance procedures.

**Self-assessment**: Before an aggrieved employee initiates grievance procedures in accordance with his/her industrial award, that employee may, at his/her discretion, opt to undertake a self-assessment as to whether the issue is one which could be addressed appropriately through the grievance procedures. A guideline for this appraisal is found in Appendix A.

#### 7.2 Options

##### 7.2.1 Police

*Police Service Award – State 2012*

##### 7.2.2 Staff Members

Depending on award coverage:

**EITHER**

*Queensland Public Service Award – State 2012*

**OR**

*Employees of Government Departments (Other Than Public Servants) Award – State 2012*

**OR**

*Engineering Award – State 2012*

(The Engineering Award – State 2012 provides for a staff member to lodge a grievance in relation to an industrial matter and all other matters)
7.3 Additional Information

The following information is provided for the purpose of highlighting important aspects of the industrial award grievance procedures.

7.3.1 Stages to a Grievance and External Redress

As stated in section 7.1 of this policy, the employee may exercise his/her discretion in applying a self-assessment of the situation (refer to Appendix 1) before initiating the grievance procedures as outlined in his/her industrial award.

For all industrial award grievance procedures (excluding sexual harassment which is covered separately below), there are three internal stages. If still aggrieved at the conclusion of the third stage, the employee may have the matter progressed to Queensland Industrial Relations Commission.

**Stage 1:** In the first instance the employee will inform his/her immediate supervisor of the existence of the grievance and they will consult in an attempt to resolve the issue. The employee’s union may be involved in the procedures: refer to section 8.3 of this policy.

**Stage 2:** If the grievance remains unresolved (and the aggrieved employee wishes to proceed with the matter), that employee will refer the grievance to the next in line management (‘the manager’). **Note that the onus for progressing the matter to Stage 2 rests with the aggrieved.** Where the aggrieved employee progresses the matter accordingly, the manager will consult with the parties (including the employee’s union if so involved) and attempt to resolve the grievance.

**Stage 3:** If the grievance is still unresolved, **the manager will advise the Deputy CEO (as the CEO’s delegate) immediately through the relevant Executive Director.** The matter will rest at this point and will only be progressed further should the aggrieved employee wish this to be the case. If desired by either party to the grievance, the matter will also be notified to the union.

The onus of progressing the matter onto each of the higher stages ultimately rests with the aggrieved employee and/or his/her union representative.

**Appointment of a Stage 3 investigator:** Should the aggrieved employee progress this matter to stage 3, the Deputy CEO may request the Executive Director HRD to appoint an independent person to investigate the grievance. This appointed person, who will be other than the employee’s supervisor or manager, will ensure that:

(a) the aggrieved employee or such employee’s union representative (as the case may be) has the opportunity to present all aspects of the grievance;

(b) the grievance will be investigated in a thorough, fair and impartial manner.

If the matter has been notified to the union by the aggrieved employee, the independent person will consult with the union during the course of the investigation.

The independent person will submit a report with recommendations for consideration by the Executive Director, HRD, who will consult with the relevant Executive Director prior to approving (or not approving) the recommendations. In the event of a divergence of opinion between the Executive Director HRD and the relevant Executive Director, the matter will be referred to the Deputy CEO for determination.
The Executive Director HRD will advise the employee initiating the grievance, such employee’s union representative (if involved) and any other employee directly concerned of the determinations made as a result of a stage 3 investigation of the grievance.

7.3.2 Alleged Sexual Harassment – may commence at stage 3

All of the industrial awards covering PSBA employees provide for a grievance concerning an alleged case of sexual harassment. In such cases, the procedures may commence at the stage 3 level. If still aggrieved at the conclusion of this stage, the employee may have the matter progressed to the Queensland Industrial Relations Commission.

However, the aggrieved employee has other redress options available via the Preventing and Resolving Negative Workplace Behaviours policy.

7.3.3 Alleged Workplace Bullying

In the case of alleged workplace bullying, the procedures outlined in section 7.3.1 of this policy are to be followed as such an issue is within the definition of industrial matter outlined in the Industrial Relations Act 1999.

However, the aggrieved employee has other redress options available via the Preventing and Resolving Negative Workplace Behaviours policy.

7.3.4 Timeframes

All of the industrial awards contain timeframes which are to be met unless the parties agree otherwise. In this regard, discussions at all stages of the procedures are not to be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity that it may take a reasonable period of time for the appropriate responses to be made.

7.3.5 Union and/or Lawyer Involvement

It is not the role of the supervisor or manager to contact the union.

An aggrieved employee may exercise the right to involve his/her union in the procedures from the outset as provided for in the relevant industrial award.

An aggrieved employee may not be represented by a lawyer unless that lawyer is an employee of the union of coverage. It follows that PSBA also may not be represented by a lawyer, unless that lawyer is an employee of PSBA.

7.4 Statistical Recording of Grievances Lodged

PSBA will record all grievances lodged by employees. Details of this aspect are outlined in section 11 of this policy and in Appendix B. The person who addresses the matter at first instance is to commence a file to which will be attached a pro-forma. For all grievances lodged pursuant to an industrial award by police employees or staff members, Pro-forma 1 (Appendix B) is to be utilised.
8. Administrative Grievance Procedures (Police Only)

There may be circumstances where a police employee is aggrieved by a decision that may not come within the definition of “industrial matters” in the *Industrial Relations Act 1999*. Such circumstances are expected to be rare given the broad concepts included in the definition of “industrial matters”.

8.1 Stages to a Grievance

Self-assessment: Before an aggrieved employee initiates the grievance procedures outlined below, that employee would be well advised to undertake a self-assessment (Appendix A) as to whether the issue is one which could be addressed appropriately through the grievance procedures.

Stage 1: In the first instance the employee will inform his/her immediate supervisor of the existence of the grievance and they will consult in an attempt to resolve the issue. The employee’s union may be involved in the procedures: refer to section 8.3 of this policy.

Stage 2: If the grievance remains unresolved (and the aggrieved employee wishes to proceed with the matter), the employee will refer the grievance to the next in line management (“the manager”). Note that the onus for progressing the matter to Stage 2 rests with the aggrieved. Where the aggrieved employee progresses the matter accordingly, the manager will consult with the parties (including the employee’s union if so involved) and attempt to resolve the grievance.

Stage 3: If the grievance is still unresolved, the manager will accordingly advise the Deputy CEO (as the CEO’s delegate) immediately through the relevant Executive Director. The matter will rest at this point and will only be progressed further should the aggrieved employee wish this to be the case if desired by either party to the grievance, the matter will also be notified to the union.

The onus of progressing the matter onto each of the higher stages ultimately rests with an aggrieved employee and/or his/her union representative.

Appointment of a stage 3 investigator: Should the aggrieved employee progress this matter to stage 3, the Deputy CEO may request the Executive Director HRD to appoint an independent person to investigate the grievance. This appointed person, who will be other than the employee’s supervisor or manager, will ensure that:

(a) the aggrieved employee or such employee’s union representative (as the case may be) has the opportunity to present all aspects of the grievance;

(b) the grievance will be investigated in a thorough, fair and impartial manner.

If the matter has been notified to the union by the aggrieved employee, the independent person will consult with the union during the course of the investigation.

The independent person may also institute mediation if it was thought to be an appropriate remedy or course of action, and the parties are agreeable to it. Mediation in this context is desirable, but not mandatory.

The independent person will submit a report with recommendations for consideration by the Executive Director, HRD, who will consult with the relevant Executive Director prior to approving (or not approving) the recommendations. In the event of a divergence of opinion
between the Executive Director HRD and the relevant Executive Director, the matter will be referred to the Deputy CEO for determination.

The Executive Director HRD will advise the aggrieved employee initiating the grievance, such employee’s union representative (if involved) and any other employee directly concerned of the determinations made as a result of a stage 3 investigation of the grievance.

8.2 Timeframes

The procedure is to be completed in accordance with the following timeframes unless the parties agree otherwise.

**Stage 1:** Discussions should take place between the employee and/or union representative (if involved) and such employee’s supervisor within 24 hours and the procedure shall not extend beyond 7 calendar days.

**Stage 2:** Not to exceed 7 calendar days.

**Stage 3:** Not to exceed 14 calendar days.

In this regard, discussions at all stages of the procedures are not to be unreasonably delayed by any party, subject to acceptance that some matters may be of such complexity that it may take a reasonable period of time for the appropriate responses to be made.

8.3 Union and/or Lawyer Involvement

It is not the role of the supervisor or manager to contact the union.

An aggrieved employee may exercise the right to involve his/her union in the procedures from the outset except during mediation (where mediation is being utilised by the independent person in an attempt to resolve the issue/s).

An aggrieved employee may **not** be represented by a lawyer unless that lawyer is an employee of the union of coverage. It follows that PSBA also may **not** be represented by a lawyer, unless that lawyer is an employee of the PSBA.

8.4 External Redress

It will depend on the nature of the issue as to what may be the appropriate method (e.g. Ombudsman, Judicial Review) to redress continuing concerns of an aggrieved employee following the completion of the internal procedures outlined above. Aggrieved employees are encouraged to seek their own advice in this regard (e.g. legal or union advice).

8.5 Statistical Recording of Grievances Lodged

The PSBA will record all grievances lodged by employees. Details of this aspect are outlined in section 11 of this policy and Appendix B. The person who addresses the matter at first instance is to commence a file to which will be attached a pro-forma. For all grievances lodged by police employees in accordance with these Administrative Grievance Procedures, Pro-forma 2 (Appendix B) is to be utilised.
9. Alleged Sexual Harassment

For matters which allege sexual harassment, several options are available to aggrieved employees.

9.1 Options

9.1.1 Police

EITHER

Police Service Award – State 2012 (may commence at stage 3)

OR

The Preventing and Resolving Negative Workplace Behaviours policy

9.1.2 Staff Members

EITHER (depending on award coverage):

Queensland Public Service Award – State 2012 (may commence at stage 3)

Employees of Government Departments (Other Than Public Servants) Award – State 2012 (may commence at stage 3)

Engineering Award – State 2012 (may commence at stage 3)

OR

The Preventing and Resolving Negative Workplace Behaviours policy

9.2 Additional Information

The following information is provided for the purpose of highlighting important aspects of the relevant procedures.

9.2.1 Industrial Award Procedures

Police officers and staff members are to refer to section 7.3.2 of this policy and to the industrial award which covers them, for further information.

9.2.3 The Preventing and Resolving Negative Workplace Behaviours Policy

PSBA’s policy provides police employees staff members and recruits with a number of suggestions as to how to deal with issues of alleged sexual harassment. Aggrieved persons are at liberty to deal with the matter themselves; to have their supervisor/manager deal with the situation informally; to use the conciliation process; or have the matter formally investigated. A small Monitoring Committee, which supervises the resolution of these matters, may consider that a formal investigation is warranted. This is likely to occur in serious situations (i.e. criminal offence, victimisation, etc.) or where there have been previous incidents involving the alleged harasser.
9.2.4 Timeframes

The timeframes will depend on which option has been selected to address the matter.

In all cases, discussions are not to be unreasonably delayed by any party, subject to the acceptance that some cases may be of such complexity that it may take a reasonable period of time for the appropriate responses to be made.

9.2.5 Union Involvement

It is not the role of the supervisor or manager to contact the union.

(a) Under the industrial award procedures:

An aggrieved employee may exercise the right to involve his/her union in the process from the outset as provided for in the relevant industrial award.

(b) Under the HR policy:

A person claiming to have been sexually harassed may utilise the services of his/her union representative as a support person at any time, except during conciliation. The person who is the alleged harasser may also involve his/her union in the process, except during conciliation.

An aggrieved staff member may not be represented by a lawyer unless that lawyer is an employee of the union of coverage. It follows that the PSBA also may not be represented by a lawyer, unless that lawyer is an employee of PSBA.

9.2.6 External Redress

The relevant industrial awards depending on coverage (available to police or staff member) outline what external redress is available should the matter not be resolved internally by PSBA.

The Preventing and Resolving Negative Workplace Behaviours policy does not outline an appeal process. However, it provides advice in respect of seeking a resolution external to the PSBA (i.e. the lodgement of a complaint with the Anti-Discrimination Commission).

9.3 Statistical Recording of Allegations of Sexual Harassment

A statistical record of cases of alleged sexual harassment which are addressed in accordance with the Preventing and Resolving Negative Workplace Behaviours policy will be collected by Employee Relations subject to that Unit’s recording protocols.

10. Alleged Workplace Bullying

For matters which allege workplace bullying, the options available to employees are outlined below. Reporting obligations may apply - refer to section 10.2.6 of this policy.
10.1 Options

10.1.1 Police

EITHER

*Police Service Award – State 2012*

OR

The Preventing and Resolving Negative Workplace Behaviours policy

10.1.2 Staff Members

EITHER (depending on award coverage):

*Queensland Public Service Award – State 2012*

*Employees of Government Departments (Other than Public Servants) Award – State 2012*

*Engineering Award – State 2012*

OR

The Preventing and Resolving Negative Workplace Behaviours policy

10.2 Additional Information

The following information is provided for the purpose of highlighting important aspects of the relevant procedures.

10.2.1 Industrial Awards

Matters of alleged workplace bullying fall within the meaning of “industrial matter” as defined in the *Industrial Relations Act 1999*. Police officers and staff members are to refer to section 7.3.3 of this policy and to the relevant award, depending on their own particular coverage, for further information.

10.2.2 The Preventing and Resolving Negative Workplace Behaviours Policy

The Preventing and Resolving Negative Workplace Behaviours policy provides police employees, staff members and recruits with a number of suggestions as to how to deal with issues of alleged workplace harassment. Aggrieved persons are at liberty to do nothing (e.g. self-elect to take no action for minor matters); to deal with the matter themselves (e.g. attempt to resolve the matter directly with the alleged harasser if appropriate for the aggrieved employee to do so).

The policy provides a pro-active approach as well as a reactive approach once the behaviour has occurred. The process is designed so that, once it is found that the matter cannot be resolved after a first attempt, the services of a trained conciliator are called upon.

The policy provides for alleged harassers to be given a fair and reasonable opportunity to respond to any accusations against them.
10.2.3 Timeframes

The timeframes will depend on which option has been selected to address the matter.

In all cases, discussions are not to be unreasonably delayed by any party, subject to the acceptance that some cases may be of such complexity that it may take a reasonable period of time for the appropriate responses to be made.

10.2.4 Union Involvement

It is not the role of the supervisor or manager to contact the union.

(a) Under the industrial award procedures:

An aggrieved employee may exercise the right to involve his/her union in the process from the outset as provided for in the relevant industrial award.

(b) Under the HR policy:

Both an employee claiming to have been subjected to workplace harassment and an alleged harasser may consult with his/her union before entering into any discussions at the initial level (i.e. the pre-conciliation stage). A union representative may participate in initial discussions between the parties. However, where the union is involved and the matter proceeds to conciliation, the union representative is not to be included in this process, although he/she is to be advised in brief terms of the outcome of the conciliation. It should be noted that such advice is to be limited to the provision of the names of the parties involved and the success or otherwise (as the case may be) of the conciliation.

An aggrieved staff member may not be represented by a lawyer unless that lawyer is an employee of the union of coverage. It follows that PSBA also may not be represented by a lawyer, unless that lawyer is an employee of PSBA.

10.2.5 External Redress

The relevant industrial awards depending on coverage (available to police or staff member) outline what external redress is available should the matter not be resolved internally by PSBA.

The Preventing and Resolving Negative Workplace Behaviours HR policy does not outline an appeal process. It provides for the matter to be addressed up to and including the relevant Executive Director.

10.2.6 Reporting Obligations for Matters involving Police

If the workplace bullying being alleged is such that, in the opinion of a reasonable person, it could be regarded as misconduct or a breach of discipline, it is incumbent on an aggrieved employee or any other employee who reasonably suspects that the conduct has occurred, to comply with section 7.2 of the Police Service Administration Act 1990. This is not inconsistent with the requirement that an aggrieved employee can only follow one grievance process in respect of the same issue [refer to section 5.2 of this policy].
10.3 Statistical Recording of Allegations of Workplace Bullying

A statistical record of cases of alleged workplace bullying which are addressed in accordance with the Preventing and Resolving Negative Workplace Behaviours policy will be collected by Employee Relations subject to that Unit’s recording protocols.

11. Statistical Recording and Reporting of Annual Data

Given the requirements of Government, PSBA is required to record details of all grievances lodged for the purpose of reporting statistics.

Consequently, the various Divisions are required from the outset to collect data from all employees in respect of all grievances lodged. This requirement only relates to grievances per se and not to cases addressed in accordance with the Preventing and Resolving Negative Workplace Behaviours policy.

To ensure uniform collection throughout the State, a series of pro-formas have been prepared (as follows) for this purpose (Appendix B).

<table>
<thead>
<tr>
<th>Pro-forma</th>
<th>Type of grievance/allegation</th>
<th>Relevant section of this policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Grievances lodged in accordance with a relevant industrial award. (Both police employees and staff members)</td>
<td>7</td>
</tr>
<tr>
<td>2</td>
<td>Grievances lodged in accordance with the Administrative Grievance Procedures. (Police employees only)</td>
<td>8</td>
</tr>
</tbody>
</table>

Mechanisms for collecting the data:

**PRO-FORMA 1**

For all grievances lodged pursuant to an industrial award by police employees or staff members

Generally, the following procedure will apply in regard to recording of grievances:

1. For each grievance lodged (in writing or as a face-to-face exchange), the person who addresses the matter at first instance, is to commence a file which will include pro-forma 1 and either the originating correspondence from the aggrieved employee or a file note about the matter (as the case may be).

   (a) **From the outset, all columns up to and including the column relating to the type of grievance can be completed.** Where the matter concerns an alleged sexual harassment, the names of the parties are not to be recorded due to the confidentiality of such allegations.

2. Once the matter is brought to an agreed conclusion or resolved (irrespective of the number of steps the grievance had to pass through), the person who brought about the outcome is to finalise the pro-forma.

3. If the matter is brought to an agreed conclusion or resolved within the Region/Command/Directorate, the pro-forma is to be completed accordingly and forwarded to Employee Relations. The file is retained in the Division.

4. If the aggrieved employee remains aggrieved after the completion of stage 2:
(a) The file containing the “incomplete” pro-forma is to be forwarded to the Deputy CEO by the manager dealing with the grievance at stage 2 together with a covering letter to this effect.

(b) If considered appropriate, the Deputy CEO will forward the file and pro-forma to the Executive Director HRD, who will hold the material. No further action is to be taken at this stage.

(c) A stage 3 investigation is not instigated until such time as the aggrieved employee submits a request to the Deputy CEO requesting this further step.

(d) Once such advice is received, the file and the pro-forma is to be promptly retrieved and forwarded for necessary action to the person appointed to undertake the stage 3 investigation.

5. At the conclusion of the stage 3 investigation irrespective of whether or not the matter is brought to an agreed conclusion or resolved at this point, the pro-forma and file is to be returned to Employee Relations.

PRO-FORMA 2

For all grievances lodged by police employees in accordance with the Administrative Grievance Procedures outlined in section 8 of this policy.

As for Pro-forma 1 – except that it will be a pro-forma 2 which will be commenced.