

Grievance Procedures

The Know Your Rights series of fact sheets assist CSIRO union members better understand and enforce our rights at work. The source of these rights is Schedule 4 of the CSIRO Enterprise Agreement 2017-2020 (EA). This fact sheet focuses on the formal stage of the grievance procedures. Members who have a grievance are encouraged to read the schedule in its entirety and contact their Staff Association delegate or organiser for assistance.

1) What is the objective of grievance procedures?

The objective is to encourage the resolution of matters of concern in a manner that is fair, transparent, timely and maintains good staff/management relations.

2) What can I lodge a grievance about?

You can lodge a grievance about a wide range of matters, including:

- the application of existing employment conditions
- probation or selection procedures
- an official instruction
- issues arising from decisions or actions connected to your employment.

3) What can't I lodge a grievance about?

You can't lodge a grievance procedure about:

- salary/performance and development step decisions
- decisions to annul appointments during probation
- classification decisions
- disciplinary actions
- redundancy
- workers compensation issues.

For all of the above matters, either separate internal appeal mechanisms exist or the matters can be pursued through external bodies such as the Fair Work Commission. Note that for matters that involve breaches of clauses of the EA itself, the notification of a formal dispute (under clause 84 of the EA) may be more appropriate than the lodgement of a grievance.

4) How can I be supported by the Staff Association?

Members are strongly encouraged to seek advice and assistance from their Staff Association delegate or organiser, including at an early stage to discuss the most appropriate course of action. Members can be represented by a delegate at meetings in the grievance process.

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This resource was produced by the CSIRO Staff Association and paid for by union members. Every member contributes to the resources, strength and capacity of the Staff Association. Non-members seeking advice and support at work need to join today.

For more information about membership talk to your local organiser, email csstaff@cspu.org.au or visit www.cpsu-csiro.org.au

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Important points

- The objective of CSIRO grievance procedures is to encourage resolution that is fair, timely and transparent.
- There are specific issues that can and cannot be raised as part of formal grievance procedures.
- A formal grievance process can involve up to six (6) steps, including final review.
- Consideration of formal grievances is time limited to 12 months of an alleged incident.
- Staff Association members are strongly advised to seek advice and assistance at the earliest possible stage of a grievance process.
- A replacement Workplace Issues Resolution Procedure is being negotiated.



**CSIRO STAFF
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Grievance Procedures

5) What are the steps in the formal grievance process?

The steps in a formal grievance process are:

Step 1 - A staff member can initiate the formal process by writing to the responsible Senior Manager (Business Unit Director or equivalent). If a Senior Manager is the subject of a complaint, or has already had involvement in the complaint, the request is forwarded to another appropriate Senior Manager.

Step 2 - The Senior Manager appoints an Independent Investigator and an Administrator of the process.

Step 3 - The Independent Investigator undertakes a formal investigation.

Step 4 - The Independent Investigator prepares and submits a report to the Senior Manager addressing each of the staff member's areas of complaint and makes recommendations where appropriate. The Administrator provides a copy of the relevant sections of the report to all parties.

Step 5 - The Senior Manager:

- reviews the report and may request further information if necessary;
- accepts or varies the recommendations; and
- advises the staff member of any actions as a result of the investigation.

If the matter is resolved to the satisfaction of the staff member, the matter is closed. If not, the matter can proceed to Step 6.

Step 6 - The matter can be referred to the CEO for final review if:

- the Senior Manager did not accept or varied the recommendation/s of the Independent Investigator; or
- a party to the grievance believes the investigation was procedurally flawed.

6) Is there a time limit for the lodgement of grievances?

Yes. Grievances will only be considered where they are submitted in writing within 12 months of an alleged incident. Where supporting evidence for a grievance extends beyond the 12 month period, this evidence shall be considered as part of the grievance. In exceptional circumstances, grievances may be permitted outside this timeframe, as determined by the Independent Investigator.

7) Is a new procedure to deal with grievances going to be developed?

Yes, Clause 85 of the EA states that within the next two years, CSIRO and the Staff Association will negotiate a procedure for the resolution of workplaces issues in CSIRO. The procedure shall be called the Workplace Issues Resolution Procedure and consider both grievance and misconduct matters.

8) What will change with the new procedure?

Once negotiated, the Workplace Issues Resolution Procedure will replace the Grievance Procedure (Schedule 4) and the Misconduct Procedure that currently exist in the new EA and CSIRO policy respectively. These existing procedures will continue in operation until such time as the new Workplace Issues Resolution Procedure becomes effective.