



GUIDE FOR GRIEVANCE RESOLUTION

What to do if you have a dispute or grievance:

If members have a concern about an issue at work, we recommend they take the following steps:

1. Keep notes, diary records and copies of any paperwork that are relevant to the issue.
2. Talk to your local delegate or Union official about the issue if there is any more information that you need, or if you generally need some support.
3. If you want the matter resolved, use the USU Grievance Notification Form – Stage 1 attached to this flyer. This should be lodged with your employer.
4. If you are not satisfied with the response that is given, use the Stage 2 form to receive more assistance from your Union. Once we have received this form, together with a signed waiver form giving the Union authority to initiate proceedings, an official will contact you to discuss the grievance further and your options.
5. If a matter cannot be resolved and the case needs to be dealt with in a tribunal, you will receive assistance in taking the matter further subject to the Union's policies and the merits of the case.

Your Rights and Obligations:

Every USU award, agreement and referral deed contains a procedure for settling disputes. These procedures apply the following principles:

- Wherever possible, grievances should be resolved at the local level
- An employer is required to respond to the grievance in a reasonable time period. In some awards, such as the Local Government (State) award, time periods are set – in that case two working days. The USU recommends that wherever possible, initial attempts to resolve a dispute should occur within two days.
- Members will need to request to be represented by a USU delegate or official for any stage of the process.
- If an immediate supervisor cannot resolve a grievance, you are entitled to escalate the issue to higher levels of management.
- If the matters are still not able to be resolved, please contact the USU who may take the matter further subject to the Union's policies and the merits of the case.
- During the disputes procedure the work practices existing prior to the dispute shall as far as practicable proceed as normal.
- You should be clear about the outcome you are seeking
- Both sides should be honest, fair and reasonable about the matters at issue
- Please note that the USU shall not pursue grievances in respect of matters prescribed or prohibited under the *Fair Work Act 2009 (Cth)* or in respect of any conduct prohibited under such legislation, subject to the application of such legislation.



**New South Wales Local Government, Clerical,
Administrative, Energy, Airlines & Utilities Union**

**New South Wales Local Government, Clerical,
Administrative, Energy, Airlines & Utilities
Branch of the Australian Services Union**

Re: Court, Commission or Tribunal proceedings on behalf of myself

I understand that the Union exercises its own discretion as to whether it will undertake proceedings on my behalf.

I understand that the Union will, from time to time, review and assess my claim both in terms of its prospects of success and in terms of negotiations for settlement.

I understand that the Union will advise me as to its views on prospects of success and conciliation negotiations.

I understand that the Union may, in its discretion, decline to act on my behalf in the event I either decline to conciliate or refuse an offer that the Union considers reasonable and in the range of conciliation outcomes (having regard to all the circumstances or failure to appear at any pre-determined Court, Commission or Tribunal date). I understand in limited circumstances costs can be ordered against me and I understand the Union will not pay such costs.

I understand the Union will also review its continued involvement in the matter having reviewed documents and/or witness statements submitted by the employer.

For my part, I will co-operate with the processes put in place by the Union and/or the Court, Commission or Tribunal including making myself reasonably available for interviews for the purpose of either conciliation or the preparation of witness statements. In this regard I appreciate that I may be required to confer from as early as 7.00am through to as late as 7.30pm.

I know that I cannot presume that the Union will cover any travelling expenses or any forfeited earning in either attending before the Court, Commission or Tribunal for any purpose or in attending for interview. These expenses will not be recovered in any order of the Court, Commission or Tribunal.

I understand it is my obligation to endeavour to find suitable work having regard to my education, vocational skills and training whilst an application for Unfair Dismissal is pending. I similarly understand that it will be my obligation to continue to pay my Union fees whilst the matter remains pending.

It may be, that the employer will wish to be represented by persons who are legally qualified and I understand that it will be at the Union's sole discretion as to whether the Union shall authorise the expenditures of any monies for the purpose of providing assistance in either the preparation or presentation of this claim by persons who are legally qualified.

I understand that the Union shall in its own discretion decide which of its Officers shall have conduct or carriage of my matter. I understand that the Union reserves the right to reallocate my matter to a different Officer from time to time due to the operational needs of the Union. Should the Union initiate proceedings on my behalf, I understand that the Officer who prepares my matter may not be the same Officer who presents my claim or advocates my claim in the Court, Commission or Tribunal.

Appreciating all the above I request the Union to at least initiate Court, Commission or Tribunal proceedings on my behalf.

I understand that once my matter is concluded the Union will in normal circumstances archive my file and it will be destroyed in accordance with any lawful statutory legislation and the Union's policy.

I hereby accept all of the above conditions contained herein without duress.

Dated: _____

Name: _____
(please print)

Signature: _____