

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, such as in correctly filling in the grievance form listing what the grievance is as well as the remedy sought to resolve the grievance.
3. If you choose to formally seek a resolution from your employer for the grievance issue/s to be resolved, use the USU Grievance Notification form – STAGE 1 – attached to this guide. **KEEP AN ORIGINAL SIGNED COPY OF YOUR GRIEVANCE FORM FOR YOUR RECORDS.**
4. **FOR RECORD KEEPING PURPOSES THREE COMPLETED COPIES OF THE GRIEVANCE FORM WILL BE REQUIRED: - 1 Copy to be provided to your Employer, 1 Copy to be retained by you for your records, and 1 Copy for your local USU Delegate with a copy to be forwarded by the Delegate to your USU Organiser should you require the assistance of the Organiser in resolving the grievance. The USU Organiser will ensure that a copy of the grievance and any supporting documents including any response from the employer, will be forwarded on to the USU Industrial Officer to be placed in a dispute file in our records.**
5. If you do not receive a response after 2 working days or are not satisfied with the response that is given, use the USU Grievance Notification form – STAGE 2 – to escalate the matter to a possible dispute.
6. Once the Union receives the completed STAGE 2 form, together with the signed Waiver form authorising the Union to initiate proceedings, a Union official will contact you to discuss the Grievance further and the possible options to resolve the matter.
7. If a matter cannot be resolved at the workplace level and the matter needs to be dealt with in a tribunal, assistance will be provided in taking the matter further, subject to the Union's policies and the merits of the case.
8. **KEEP A SIGNED COPY OF YOUR STAGE 2 GRIEVANCE FORM FOR YOUR RECORDS.**

YOUR RIGHTS AND OBLIGATIONS:

Every USU Award, Agreement and referral Deed contains a procedure for settling Disputes. These procedures apply the following principles: Remember Local Workplace Policy does not override your rights in the grievance and dispute resolution process as provided in the award or registered workplace agreement.

- Wherever reasonably possible, Grievances should be resolved at the local level first.
- The Employer is required to respond to the Grievance in a reasonable time period. In some Awards, such as the NSW Local Government (State) award, time periods are set; in that case two working days. The USU recommends, wherever possible, initial attempts to resolve a Dispute should occur within two working days.
- USU Members have the right to request to be represented by a USU Delegate or Official for any stage of the process. The USU strongly advises that you request to have a USU representative of your choosing with you at all times when meeting with your employer regarding any grievance issue.

- If the relevant supervisor cannot resolve a Grievance, you are entitled to have the matter referred to the head of the department or another authorised officer.
- If the matter remains unresolved the General Manager is required to provide you with a written response which must include the reasons for not implementing any proposed remedy.
- If the matter remains unresolved, please contact the USU who may take the matter further subject to the Union's policies and the merits of the case.
- During the Dispute procedure the work practices existing prior to the Dispute or Grievance 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.



STAGE 1 GRIEVANCE NOTIFICATION FORM

THREE COPIES OF THIS FORM ARE REQUIRED

- 1 x ORIGINAL COPY FOR YOUR RECORDS 1 x COPY FOR YOUR EMPLOYER
- 1 x COPY FOR THE USU ORGANISER TO BE FORWARDED TO INDUSTRIAL OFFICER

EMPLOYER DETAILS	
NAME OF EMPLOYER	
EMPLOYER'S ADDRESS	
SUBURB	POSTCODE
NAME OF SUPERVISOR	
Supervisor's Contact Number	Fax number
Date lodged with Supervisor	
Delegate's Details - Only if you wish to be represented by a Delegate at this stage	
NAME OF DELEGATE	

I wish to bring to your attention a grievance. The Grievance relates to the matters as outlined below. I am committed to resolving the matter in accordance with the process outlined in the relevant Award, Agreement and/or referral Deed and seek a response to the matters raised within two working days.

This form can be used by USU Delegates to raise general Grievances on behalf of several or all members.

Details of the Grievance are as follows:- *Please add an attachment if you require more space

The remedy I / we seek is:-

Member Details:	
Print Name	
Address	
Suburb / Town	Postcode
Home Phone	Work N ^o
Email	Mobile N ^o
Signature	Date / /

"This document does not constitute a demand for a workplace agreement under the *Fair Work Act 2009 (Cth)* and does not promote or condone conduct prohibited under that Act. You are instructed to disregard any statement or representation to the contrary contained in this correspondence."



STAGE 2 GRIEVANCE NOTIFICATION FORM

I wish to bring a Grievance to the Union's attention and seek the assistance of the Union to resolve the matters.

The Grievance relates to the matters as outlined in the STAGE 1 Grievance form attached. The result of raising the matter with the appropriate Supervisor or Manager:-

- No response was received
- The response received was inadequate
- Attempts to resolve the matter were unsuccessful.

Provide an outline of what has happened since the Dispute or Grievance was lodged:-

NB please add an attachment if you require more space

Please outline in what regard the remedy was insufficient and what you are seeking:

I authorise the USU through its representatives to contact my Employer and take whatever steps are deemed necessary to protect my interests, after consultation with me.

Signature	Date / /
-----------	--------------

USU Office Use

Date received / /	File
Received by	Response date / /
Result	

PLEASE ATTACH A COPY OF THE STAGE 1 GRIEVANCE FORM, plus all correspondence and any other material that relates to the Grievance. KEEP A COPY OF THIS FORM FOR YOUR RECORDS.



**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 or cease to act on my behalf in the event I either decline to conciliate, refuse an offer that the Union considers reasonable and in the range of conciliation outcomes, fail to provide the Union with timely instructions, fail to appear at any pre-determined Court, Commission or Tribunal date or refuse to accept the advice provided by the Union. 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, and may decline or cease to act on my behalf in the event that my matter does not have reasonable prospects of success.

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 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 also understand 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.

Name: _____
(please print)

Membership No _____

Signature: _____

Dated ____ / ____ / ____