

Grievance Procedures Schools without a Union Sub-branch

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Overview

The grievance resolution procedures set out below are to be used where a grievance is lodged under clause 12 of the *Victorian Government Schools Agreement 2017* and where there is no union sub-branch in the school.

For the purposes of these procedures “union” means the Community and Public Sector Union, Australian Education Union or Australian Nursing and Midwifery Federation and these procedures operate where the union does not have a sub-branch at the school.

SCHOOL LEVEL

Where a principal makes a decision about matters related to the long-term planning and operation of the school that the union does not support, the union should inform the principal not later than five working days after the principal’s decision has been communicated to staff of its objections, including the reasons for those objections, and provide the principal with the opportunity to resolve the matter at the school.

Where the matter is not resolved at the school the union may determine to proceed with the matter by forwarding the grievance to the identified Department regional contact with a copy to the Department. In lodging a grievance the union is to ensure the following information is provided to the Department:

- clear statement of the subject of the grievance
- evidence that the union at the school has supported the lodging of the grievance;
- reasons why the principal’s decision is not supported and, if applicable, the reasons why the decision is inconsistent with the *Victorian Government Schools Agreement 2017*;
- the outcome sought by the union;
- the union’s nominee for Step 1 of the grievance.

The Department has identified regional contacts for all grievance purposes. This regional contact will not necessarily be the regional nominee. The regional nominee and the union’s nominee jointly have the responsibility for progressing STEP 1 immediately the grievance is received.

TIMELINE

As far as is practicable, a grievance is to be addressed within ten working days of the Executive Director, People Division, receiving the grievance. Therefore STEP 1 and STEP 2 must be completed within the ten days. This does not preclude a longer timeframe. For example, if during STEP 1 there is a prospect of the parties reaching agreement it may be important to provide more time. Alternatively, during school vacation periods one or other of the parties may be unavailable. Provided there is agreement between the parties a longer timeframe may be appropriate.

Where a grievance relating to a decision affecting the long-term planning and operation of the school is lodged, the decision is not to be implemented and a mutually acceptable holding position should be worked out by agreement between the parties, where practicable. Any such holding position is evidence of good faith only and is without prejudice to the resolution of the dispute.

A Guide to Grievance Resolution

STEP 1

On receipt of a grievance from the union, the Department’s regional contact will immediately provide the principal with a copy of the grievance.

Role of regional nominees

One person will be nominated by the Department and one person will be nominated by the union at the regional level whose role is to establish the nature and extent of the grievance and to attempt to resolve the grievance.

During this process, each nominee should act, as far as practicable, not as representatives of the union or the Department but as individuals attempting to achieve a fair resolution to the grievance having regard to all relevant factors in an independent and objective manner. The role of the regional nominees is to attempt to facilitate the parties at the school reaching resolution and to provide a statement of agreed facts where this is not possible.

This may necessitate clarifying relevant aspects of the *Victorian Government Schools Agreement 2017*. In addition, ensuring both parties fully understand the views of the other and any reasons for holding those views is needed if a resolution is to be achieved.

During any discussions with the nominees of the Department and the union, individuals may be accompanied by a colleague from the school.

During this process all information in relation to the grievance, including documentation that is to be relied upon, is to be provided by the principal and the union. This will assist in resolution at this stage, reduce the likelihood that the grievance is referred back to the regional nominees during STEP 2 as insufficient information was provided on which to consider the grievance, and increase the likelihood of the grievance being resolved within the ten working days.

Conclusion of Step 1

At the conclusion of STEP 1 a report is to be prepared and forwarded to the Department and the union.

Resolved

Where the grievance is resolved during STEP 1, a report is to be prepared by the regional nominees and agreed with the principal and forwarded to the union and the Department by the regional nominees.

Not resolved

Where the grievance is not resolved, a confidential report is to be prepared by the regional nominees and forwarded to the union and the Executive Director, People Division, in the Department. The report is to include all documents that may be relied upon in any further resolution procedure.

Proformas to assist in writing these reports are available from the Department and the central union.

STEP 2

Where a grievance is not resolved under Step 1 the grievance will be considered by a central grievance committee comprising one person nominated by the Department and one person nominated by the union whose role is to consider the report under Step 1 and determine a fair resolution to the grievance having regard to all relevant factors. This committee will endeavour to consider the grievance within two working days of receiving a report under Step 1 and refer the grievance back to the regional nominees if additional information is required.

At the conclusion of Step 2 a report is to be prepared by the central grievance committee. This report will be simultaneously e-mailed to the principal and the relevant union.

Grievance resolved

A grievance is resolved if the central grievance committee reach agreement which shall be binding. When a grievance is resolved all the parties at the work location shall be informed of the resolution including, where relevant, an implementation timetable and method of implementation.

Grievance not resolved

A grievance is not resolved:

- if after Step 2 the central grievance committee cannot reach agreement; or
- where Step 1 and/or Step 2 are not completed within ten working days of the union referring the grievance to the Department, unless otherwise agreed by the Department and the union.

STEP 3

Where the matter cannot be resolved, the matter may be referred by either party to the Fair Work Commission for conciliation and, if the matter is still not resolved, arbitration.

Resolution under Step 3 is subject to the processes determined by the Fair Work Commission.

Further Assistance

Further information, advice or assistance on any matters related to grievances is available by:

- accessing the A-Z topic list on [HRWeb](#),
- using the [related topics](#) list; or
- contacting Policy and Employee Relations Branch on 03 7022 0013 or email any query to employee.relations@edumail.vic.gov.au