SCOPE

This procedure applies to all staff of Monash University, herein collectively referred to as ‘you’ for the purpose of this procedure. This procedure does not apply to unpaid adjunct appointees or honorary or conjoint appointees.

PROCEDURE STATEMENT

Monash University’s (‘us’, ‘our’ or ‘we’) employment-related grievance resolution procedures provide staff with a streamlined and user-friendly grievance resolution process that facilitates fair treatment of grievances and their resolution in a conciliatory, informal and effective manner without undue delay. The dispute settlement procedures outline the process for resolution of disputes as defined under the University’s Enterprise Agreements.

Except for staff covered by performance based contracts, employment-related grievance resolution and dispute settlement procedures for academic and professional staff and building and metal trades and services staff are prescribed by the relevant Enterprise Agreement. This procedure directs staff to the appropriate clauses for the grievance and dispute settlement processes.

1. Lodging an employment related grievance

1.1 If you are an academic or professional staff member covered by the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 (other than a PBC staff member) or a trades and services staff member covered by the Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005 and you wish to lodge an employment-related grievance, you should refer to clause 56 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 for the appropriate procedure and resolution process.

1.2 If you are a building and metal trades and services staff member and you wish to lodge an employment related grievance, you should refer to clause 13 of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009.

1.3 It is expected that in most situations you will first discuss the grievance with your supervisor. If your supervisor is unable to resolve the grievance, you should follow the resolution process as described in the Relevant Enterprise Agreement clause. Where the grievance relates directly to your supervisor, you may approach in the first place your supervisor's line manager.

1.4 You may contact an Employment Related Grievance Resolution Adviser or a representative at any stage of the grievance procedure for advice on how to deal with the grievance.

1.5 You may refer to the Employment Related Grievance Process Flow Chart for an overview of the grievance process and the options available to you.

2. Non-employment related grievances

2.1 Employment-related grievances for the purposes of this procedure do not include grievances or appeals pertaining to disciplinary action, unacceptable behaviour, appointment, probation, classification or promotion, sexual harassment or discrimination, action arising under the Accident Compensation Act 1985, and/or any decision or failure to make a decision or any other matter arising under clause 18 - Continuing (Contingent funded) Employment of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014.
2.2 If you wish to lodge a non-employment related grievance, you should refer to the applicable University procedure:

- Academic Promotion Rehearing Process Levels B-E procedure
- Disciplinary Action and Dismissal procedure
- Probation and Confirmation of Academic Appointments made prior to 7 October 2014
- Probation and Confirmation of Academic Appointments made on or after 7 October 2014
- Reclassification for Professional Staff procedure
- Resolution of Unacceptable Behaviour in the Workplace procedure
- Student Complaints and Grievances Policy
- Whistleblowers procedure

3. Dispute settlement procedures

3.1 Where any dispute arises regarding the application of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 or in relation to the National Employment Standards (other than a dispute about whether an employer had reasonable business grounds under subsection 65(5) of the Fair Work Act 2009) or where the Enterprise Agreement expressly and additionally provides that a dispute may be referred, the procedure articulated in clause 12 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 will apply.

3.2 Where any dispute arises regarding the application of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009 or in relation to the National Employment Standards (other than a dispute about whether an employer had reasonable business grounds under subsection 65(5) of the Fair Work Act 2009) or where the Enterprise Agreement expressly and additionally provides that a dispute may be referred, the procedure articulated in clause 12 of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009 will apply.

3.3 Where any dispute arises regarding the application of the Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005, the procedure articulated in clause 11 of the Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005 will apply.

4. Privacy

4.1 In the event that you provide personal or health information in the course of an employment-related grievance or dispute settlement process, we will comply with the Privacy procedure with regards to the management of that information.

4.2 Employment-related grievance advisers have been trained to adhere to all relevant Monash policies and procedures including confidentiality and privacy policies. An adviser will not discuss the content of a grievance with any person other than you in any way which could lead to your identification without your prior express authority. However, in certain cases when you disclose a criminal act or where an adviser believes that you are at risk of causing harm to yourself or others, the details of the grievance must be reported to the relevant internal and external bodies.

5. Breach of procedure

5.1 We treat any breach of our policies or procedures seriously. We encourage reporting of concerns about non-compliance and manage compliance in accordance with the applicable Enterprise Agreement or contract terms.

**DEFINITIONS**

<table>
<thead>
<tr>
<th>Employment-Related Grievance</th>
<th>A grievance lodged by a staff member, arising out of treatment or decisions which aggrieve them in their capacity as a member of staff employed by the University and which are not excluded from the operation of this Procedure.</th>
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<tbody>
<tr>
<td>Employment-Related Grievance Resolution Advisers</td>
<td>Staff of the University whose role is to provide advice to a staff member who is considering pursuing a grievance, about the process and its operation (refer clause 56.3 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014 and clause 13.3 of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009).</td>
</tr>
<tr>
<td>PBC staff member</td>
<td>A staff member who is employed on a Performance-Based Contract (PBC) in accordance with clause 15 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014.</td>
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### Relevant Enterprise Agreement

The relevant Enterprise Agreement that applies to a particular staff member. Clauses relating to this procedure are:

- **Monash University Enterprise Agreement (Academic and Professional Staff) 2014**
  - Clause 3 - Definitions
  - Clause 12 - Dispute Resolution Procedure
  - Clause 56 - Employment Related Grievance Resolution Procedure
  - Clause 58 - Probationary Employment Principles – Academic Staff
  - Clause 64 - Performance Development
  - Clause 69 - Disputed Classifications
- **Monash University Enterprise Agreement (Trades & Services Staff- Building & Metal Trades Staff) 2009**
  - Clause 3 - Definitions
  - Clause 11 - Joint Consultative Committee
  - Clause 12 - Dispute Settling Procedures
  - Clause 13 - Employment Related Grievance Resolution Procedures
  - Clause 25 - Performance Enhancement
- **Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005**
  - Clause 3 - Definitions
  - Clause 10 - Joint Consultative Committee
  - Clause 11 - Dispute Settling Procedures
  - Clause 26 - Performance Enhancement

### Representative

A person chosen by a staff member but not a practising barrister or solicitor (refer clause 3.10 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014, clause 3 of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009 and clause 3 of the Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005).

### Supervisor

The person who is responsible for the day-to-day supervision of the staff member (refer clause 3.14 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2014).

## GOVERNANCE

<table>
<thead>
<tr>
<th>Parent policy</th>
<th>Integrity and respect</th>
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<tr>
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<td>Associated procedures</td>
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