

DISPUTE RESOLUTION AND EMPLOYMENT RELATED GRIEVANCE RESOLUTION PROCEDURE

SCOPE

This procedure applies to all staff of the University ('us', 'our' or 'we'), herein collectively referred to as 'you' for the purpose of this procedure.

This procedure does not apply to PBC staff members (except regarding the dispute resolution procedures), unpaid adjunct appointees or honorary or conjoint appointees.

In this procedure, the Enterprise Agreement means the [Monash University Enterprise Agreement \(Academic and Professional Staff\) 2019](#) or the Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2009 or the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005 as applicable to you. Links to relevant clauses are included in this procedure.

PROCEDURE STATEMENT

Staff are directed to the appropriate clauses for the dispute resolution and grievance processes.

1. Dispute resolution procedures

- 1.1 Where any dispute arises regarding the application of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 or the Monash University Enterprise Agreement (Trades and Services Staff – Building and Metal Trades Staff) 2005, 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 relevant Enterprise Agreement expressly and additionally provides that a dispute may be referred, then clause 12 of the relevant Enterprise Agreement will apply.
- 1.2 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, [clause 11](#) will apply.

2. Lodging an employment-related grievance

- 2.1 If you wish to lodge an employment-related grievance (excluding staff employed under the Monash University Enterprise Agreement (Trades and Services Staff – Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005), you should refer to the relevant Enterprise Agreement clauses as follows:
 - [clause 63](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019; or
 - [clause 13](#) of the Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009.
- 2.2 It is expected that in most situations you will first discuss the grievance with you 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.

3. Non-employment related grievances

- 3.1 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 21](#) of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019. If you wish to lodge a non-employment related grievance, you should refer to the applicable University procedure which can be found within the [University Human Resources Policy Bank](#).

4. Privacy

- 4.1 In the event that you provide personal or health information in the course of an employment-related grievance or dispute resolution process, we will comply with the [Data Protection and Privacy procedure](#) with regards to the management of that information.
- 4.2 In certain cases when you disclose a criminal act or where it is believed 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

Employment-Related Grievance	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.
PBC staff member	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) 2019 .
Enterprise Agreement	<p>The Enterprise Agreement means the:</p> <ul style="list-style-type: none"> • Monash University Enterprise Agreement (Academic & Professional Staff) 2019; or • Monash University Enterprise Agreement (Trades and Services Staff - Building and Metal Trades Staff) 2009; or • Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005 <p>as applicable to the staff member in accordance with their contract of employment.</p> <p>Clauses relating to this procedure include:</p> <p>Monash University Enterprise Agreement (Academic and Professional Staff) 2019</p> <ul style="list-style-type: none"> • Clause 3 - Definitions • Clause 12 - Dispute Resolution Procedure • Clause 21 – Continuing (Contingent Funded) Employment • Clause 63 - Employment Related Grievance Resolution Procedure • Clause 65 - Probationary Employment Principles – Academic Staff • Clause 71 - Performance Development • Clause 73 - Professional Staff Position Classifications <p>Monash University Enterprise Agreement (Trades & Services Staff- Building & Metal Trades Staff) 2009</p> <ul style="list-style-type: none"> • Clause 3 - Definitions • Clause 11 - Joint Consultative Committee • Clause 12 - Dispute Settling Procedures • Clause 13 - Employment Related Grievance Resolution Procedures • Clause 25 - Performance Enhancement <p>Monash University Enterprise Agreement (Trades and Services Staff - Catering and Retail, Cleaning and Caretaking, and Miscellaneous Services Staff) 2005</p> <ul style="list-style-type: none"> • Clause 3 - Definitions • Clause 10 - Joint Consultative Committee • Clause 11 - Dispute Settling Procedures • Clause 26 - Performance Enhancement
Supervisor	Means the person who is responsible for the day-to-day supervision of the staff member. For academic and professional staff, refer clause 3.12 of the Monash University Enterprise Agreement (Academic and Professional Staff) 2019 .

GOVERNANCE

Parent policy	Integrity and respect
Supporting schedules	N/A
Associated procedures	<ul style="list-style-type: none">• Academic Promotion Appeals Procedure• Academic Probation Procedure• Resolution of Unacceptable Behaviour and Discrimination• Whistleblowers
Legislation mandating compliance	N/A
Category	Human Resources
Approval	Chief Human Resources Officer as delegate of the Chief Operating Officer – 12 February 2020
Endorsement	Director, Workplace Relations – 12 February 2020
Procedure owner	Director, Workplace Relations
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