

Individual employee grievances

- Policy Number:** E12 (QH-POL-140)
- Publication date:** August 2021
- Purpose:** To outline the process for managing and resolving grievances made by Queensland Health employees.
- Application:** This policy applies to all employees of Queensland Health.
- This policy does not apply to employees of Queensland Ambulance Service. Instead, Queensland Ambulance Service employees are to refer to their local policy/procedure.
- Delegation:** The 'delegate' is as listed in the relevant Department of Health Human Resource (HR) Delegations Manual, or Hospital and Health Services Human Resource (HR) Delegations Manual, as amended from time to time.
- Legislative or other authority:**
- *Anti-Discrimination Act 1991*
 - *Hospital and Health Boards Act 2011*
 - *Human Rights Act 2019*
 - *Industrial Relations Act 2016*
 - *Information Privacy Act 2009*
 - *Ombudsman Act 2001*
 - *Public Interest Disclosure Act 2010*
 - *Public Service Act 2008*
 - Public Service Regulation 2018
 - PSC Directive 11/20 – Individual employee grievances

Related policy or documents:

- Code of Conduct for the Queensland Public Service
- Anti-discrimination and vilification HR Policy E2 (QH-POL-101)
- Sexual harassment HR Policy E5 (QH-POL-228)
- Requirements for reporting corrupt conduct HR Policy E9 (QH-POL-218)
- Workplace harassment HR Policy E13 (QH-POL-266)
- Access to Employee Records HR Policy F3 (QH-POL-095)
- Public interest disclosure HR Policy I5 (QH-POL-202)
- Conduct and Performance Excellence (CaPE) case categorisation framework
- QIRC public service appeals guide
- [Role of union representatives and support persons](#)

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1 Policy statement

Queensland Health is committed to creating a positive and healthy workplace culture, where employees, supervisors and managers:

- make decisions and take actions that are fair and transparent, and take responsibility for the consequences of their decisions and actions
- question actions that are inconsistent with the Code of Conduct for the Queensland Public Service (Code of Conduct) and Queensland Health values
- treat each other with respect, independent of their status or disagreement
- listen well to understand and show empathy for others
- work together to resolve issues early and as informally as possible.

The framework outlined in this policy recognises that an effective grievance resolution system forms a useful mechanism through which employees and the organisation can work together to create better workplaces that benefit all Queensland Health employees. The framework enables Queensland Health to respond in a supportive way to resolve concerns raised by employees, including through the use of alternative dispute resolution (ADR) strategies. ADR strategies are processes that enable parties to resolve their disputes. Examples of ADR strategies may include facilitated discussion, mediation, conciliation or negotiation.

Managers and supervisors are required to proactively identify workplace issues in accordance with the management principles set out in section 26(3) of the *Public Service Act 2008*. Regardless of whether an individual employee grievance has been submitted by an employee under this policy, managers and supervisors should manage workplace issues effectively by creating a safe environment to conduct courageous and supportive conversations and afford natural justice to all parties.

This policy does not replace, modify or revoke any legislative requirements that apply to the management of particular types of complaints, for example, corrupt conduct under the *Crime and Corruption Act 2001*, public interest disclosures under the *Public Interest Disclosure Act 2010*, or complaints under the *Human Rights Act 2019*.

A decision maker has an obligation under the Human Rights Act to act and make decisions in a way that is compatible with human rights. When making a decision under this policy, the delegate is to give proper consideration to human rights.

Applied ruling

The Public Service Regulation 2018 applies the Public Service Commission (PSC) directive relating to individual employee grievances to all health service employees.

Any replacement directive issued dealing with substantially the same subject matter is to be applied.

2 Individual employee grievances

2.1 Matters that can be the subject of an individual employee grievance

A current employee can make an individual grievance where the employee has an honest belief, based on reasonable grounds, that one or more of the following have occurred:

- an administrative decision, which they are aggrieved by, is unfair and unreasonable
- the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable or
- the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification or vilification on the grounds of gender identity or sexuality
- the conduct or behaviour of an employee is a breach of the Code of Conduct
- an act or decision is not compatible with human rights or a decision failed to give proper consideration to a relevant human right under the Human Rights Act.

Section 52 of the Public Service Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

Awards and certified agreements

Employee grievances about the application, interpretation or operation of a modern award or certified agreement **must** use the dispute procedure outlined in the relevant award or agreement – refer to Section 3 of this policy.

2.2 Matters that cannot be the subject of an individual employee grievance

The following decisions, conduct or behaviour cannot be the subject of an individual employee grievance under this policy:

- a decision under Chapter 5, Part 7 of the PS Act relating to mental and physical incapacity
- a decision made under Chapter 6, Part 2 of the PS Act relating to discipline decisions

- a decision relating to the recruitment or selection of a Queensland Health employee
- a decision relating to a person's work performance, other than a decision about the person's work performance that is recorded in a formal way as part of a periodic performance review
- a decision relating to the resolution of a grievance under an industrial instrument, other than a decision about the outcome of a grievance
- a decision relating to the development or performance management of the Director-General Department of Health or a senior executive
- a work performance matter that is the subject of an existing review of a procedural matter under section 88IA of the PS Act
- an investigation, suspension or discipline process that is the subject of a current internal or external review under the PS Act and relevant directive
- conduct or behaviour of an employee agent or contractor, or a decision by Queensland Health that is already the subject of an application, or which becomes the subject of an application, by the same employee to the Queensland Industrial Relations Commission (QIRC) in relation to an alleged contravention of a workplace right under Chapter 8, Part 1 (General Protections) of the *Industrial Relations Act 2016*
- conduct or behaviour of an employee, agent or contractor that is already the subject of a complaint, or which becomes the subject of a complaint, by the same employee to the QIRC in relation to alleged sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality under the *Anti-Discrimination Act 1991*
- a decision by Queensland Health that is the subject of an existing complaint by the same employee to the Queensland Ombudsman under the *Ombudsman Act 2001* where the Ombudsman investigates the complaint.

Under the PS Act, an employee of Queensland Health seeking to lodge a fair treatment appeal is generally required to have used Queensland Health's individual employee grievance mechanism prior to lodging an appeal.

An employee of Queensland Health may choose not to use Queensland Health's complaints mechanism where they are seeking to appeal a finding by a relevant authorised delegate under section 187 of the PS Act that a disciplinary ground exists for an employee. Section 195(3A)(b) of the PS Act allows the employee aggrieved by this decision to lodge a public service appeal in relation to the decision.

Employee grievances cannot be made about a matter which is substantially the same matter that was the subject of a previous employee grievance, whether the grievance was made under this policy or another industrial instrument. Employee grievances cannot be re-raised once the employee grievance process has been exhausted.

2.3 Making an individual employee grievance

When possible, employees should make genuine attempts to resolve grievances informally at the local workplace level, e.g. discussion with the immediate supervisor and/or the person who is the subject of the grievance. All grievances are to be managed in a way which is open, transparent and fair, and which affords natural justice to all parties to the grievance, including timely decisions and the provision of adequate reasons. If the matter cannot be resolved locally, the employee may lodge a formal grievance under this policy (refer to the individual employee grievance process outlined in Attachment One).

It is not appropriate for grievances involving sexual harassment to be resolved informally. Grievances of this nature should be escalated immediately to a formal grievance.

Employees are required to ensure that employee grievances are made as soon as reasonably possible after the administrative decision, alleged conduct or alleged behaviour has occurred.

Employee grievances are to be managed and resolved using a three-step process (as outlined in Attachment One):

- local action (stage one).
- internal review of a decision made following local action (stage two)
- where applicable, external review of a decision made at internal review (stage three).

Individual employee grievances must be managed:

- in accordance with the principles of natural justice, including timely decisions and the provision of adequate reasons
- in a manner that protects the privacy of the employee who has submitted the grievance and any persons named in the complaint, subject to any legal disclosure obligations such as the requirement to provide natural justice to the subject of the grievance; and
- in accordance with the relevant individual employee grievance process in Attachment One or Attachment Two.

If an employee lodges two or more employee grievances about related matters, or two or more employees lodge separate employee grievances about related matters, they may be managed as one grievance.

All parties to an employee grievance must:

- engage in the employee grievance process in good faith, and
- be provided with regular and timely information by the decision maker in relation to the progress of the employee grievance.

To assist in the resolution of employee grievances, an employee who submits an employee grievance may be:

- supported by a person of their choosing, and
- represented by a union representative or member of a professional association.

2.4 Employee grievances about immediate supervisor

If the employee grievance relates to the employee's immediate supervisor, the grievance can be referred to the supervisor's reporting officer.

If the employee grievance relates to a senior employee, the grievance can be referred to the relevant authorised delegate, as appropriate.

2.5 Employee grievances about the Director-General, Department of Health

An employee grievance about the conduct of the Director-General, Department of Health, must be made in writing to the Public Service Commission (PSC) Chief Executive, and state the action the employee believes would resolve the grievance. The employee grievance process is outlined in Attachment Two.

2.6 Employee grievances about a Health Service Chief Executive

A grievance about the conduct of a Health Service Chief Executive must be made in writing to the Board of the relevant Hospital and Health Service and state the action the employee believes would resolve the grievance. The grievance process is outlined in Attachment Two.

2.7 Employee grievances about subordinate employees

In accordance with section 26 of the Public Service Act, managers must pro-actively manage the work performance and personal conduct of employees under their management; and if a case of unacceptable work performance or personal conduct arises, take prompt and appropriate action to address the matter.

Supervisors and managers are encouraged not to lodge an employee grievance about employees who report to them when there are more appropriate processes to deal with the issues, except where the grievance involves workplace harassment and/or sexual harassment.

Supervisors and managers should:

- address performance issues through appropriate performance management processes
- consider other appropriate ways of addressing their concerns
- speak with their manager and/or local HR unit for advice on how to manage the situation
- comply with any other statutory requirements.

2.8 Employee grievances involving suspected corrupt conduct

All employees need to be aware of their obligations to report matters of suspected corrupt conduct.

Supervisors and managers must ensure that in matters of suspected corrupt conduct no action is taken to resolve the employee grievance, either informally or formally, until the matter has been reported to the Crime and Corruption Commission through the appropriate process.

Refer to Requirements for reporting corrupt conduct HR Policy E9 (or equivalent policy) for further information.

Employee grievances involving criminal activity may require notification to the Queensland Police Service.

2.9 Reviews/Appeals

An employee may have review and/or appeal options if they are dissatisfied with the employee grievance decision. The employee is to be advised of their review/appeal options in writing at the time of being provided with the grievance decision. The review options are set out in Attachments One and Two of this policy.

2.10 Queensland Health individual employee grievance resolution system for recording and reporting information

Queensland Health is required to ensure an appropriate individual employee grievance resolution system is in place in relation to:

- recording and reporting employee grievance information
- monitoring employee grievances information to identify trends and resolve ongoing issues
- ensuring the complainant, and other parties to the grievance, are kept updated on the progress of the grievance.

Hospital and Health Services/Department of Health agencies/divisions must:

- record information on all formal employee grievances
- comply with the quarterly reporting requirements of the PSC for employee grievances as per the conduct and performance excellence (CaPE) case categorisation framework
- provide the Department of Health with information about the application of this policy as requested from time to time.

3 Award, industrial or certified agreement matters

Management of disputes and grievances relating to matters under the industrial instruments are defined in the relevant instrument.

3.1 Award matters

Disputes relating to the interpretation or implementation of modern awards are to be resolved in accordance with the dispute resolution clause (Prevention and settlement of disputes – Award matters) outlined in the relevant modern award.

Access to employee awards is available via the Human Resources Branch QHEPS pages, or alternatively online through the Queensland Industrial Relations Commission - <https://www.qirc.qld.gov.au/awards/modern-awards>.

3.2 Industrial matters

An industrial matter is defined in section 9 of the *Industrial Relations Act 2016*. Grievances relating to industrial matters are to be resolved in accordance with the dispute resolution clause (Employee grievance procedures – other than Award matters) of the relevant modern Award.

3.3 Certified agreement matters

Disputes relating to the interpretation, application, implementation or operation of agreements are to be resolved in accordance with the prevention and settlement of disputes clause of the relevant certified agreement.

Access to employee agreements is available via the Human Resources Branch QHEPS pages, or alternatively online through the Queensland Industrial Relations Commission - <https://www.qirc.qld.gov.au/agreements/public-service-agreements>.

3.4 Workload matters

Workload concerns, including those that may impact on patient and staff safety, may be raised by any employee, union representative or the employer. Matters are to be managed in accordance with the workload management concern escalation process outlined in the various awards and agreements.

4 Status quo while a grievance procedure is being followed

While a grievance procedure is being followed, work is to continue as it was prior to the lodgement of the grievance, except in the case of a genuine safety issue or to mitigate any identified risks, e.g. sexual harassment, an issue of conscience, or when to do so could create a legal liability for Queensland Health.

Without limiting an employee's right to pursue a grievance, an employee is not to use the grievance procedure to prevent the introduction of the outcomes of organisational change or restructuring

undertaken in accordance with the relevant industrial instrument, or to limit matters agreed between the parties in accordance with award provisions.

5 Treatment of employees who make grievances

Employees should be supported during the grievance process, including (but not limited to):

- provided with the name and contact information of a contact person to assist with answering any questions or concerns
- be provided with regular and timely information by the decision maker in relation to the progress of the employee grievance.
- offered access to the relevant Employee Assistance Program.

Appropriate action, including management or disciplinary action, will be taken against any employee who is found to have victimised or retaliated against an employee who has made a grievance.

Appropriate action, including management or disciplinary action, will also be taken against any employee found to have knowingly made a false or vexatious grievance.

6 Transitional arrangements

An employee grievance lodged under the superseded PSC Directive 02/17 – Managing employee complaints, is to continue to be resolved in accordance with the provisions outlined in that directive.

Definitions:

Administrative decision	Means a decision made by the agency in relation to the administration of its affairs and includes the failure to make a decision within a specified timeframe where an agency is required to do so.
Corrupt conduct	Same meaning as defined in section 15 of the <i>Crime and Corruption Act 2001</i> . Refer to Requirements for reporting corrupt conduct HR Policy E9 (or equivalent policy) for further information.
Fair Treatment Decision	Is a decision that an employee considers to be unfair and unreasonable, as defined in section 194(1)(eb) of the Public Service Act.
Gender identity	Same meaning as defined in the <i>Anti-Discrimination Act 1991</i> .
Industrial matter	Same meaning as defined in the <i>Industrial Relations Act 2016</i> .
Issue of conscience	A conflict between a religion or other similar belief, and the performance of a specific authorised work activity.
Mediation	A process by which a neutral third party, called a mediator, helps parties in conflict negotiate a mutually acceptable agreement.
Natural justice	Is a right recognised and defined by law that involves two key elements - the hearing rule (everyone is entitled to a decision by a disinterested and unbiased adjudicator), and the bias rule (the parties shall be given adequate notice of the case against them, and a right to respond). In the context of an employee grievance, this requires that when material is obtained that may reasonably be considered to be detrimental to an employee's interests, that employee is to be provided with access to the material as soon as practicable and given an opportunity to respond to such material. Material provided is to include the factual information to be examined and is to be in sufficient enough detail to enable adequate

	<p>preparation of a response. However, provision of material to a party to a grievance is to be in accordance with the relevant privacy obligations, including (but not limited to) the <i>Information Privacy Act 2009</i>, <i>Public Interest Disclosure Act 2010</i> and Access to Employee Records HR Policy F3.</p> <p>Review Tribunals, such as the PSC and the QIRC, may overturn decisions if they are found to be procedurally flawed. Therefore, the role of decision-makers in ensuring all of the necessary steps in the process are followed is an extremely important one.</p>
Personal information	As defined in section 12 of the <i>Information Privacy Act 2009</i> .
Public Interest Disclosure	As defined in the <i>Public Interest Disclosure Act 2010</i> . Refer to the Public interest disclosure HR Policy I5 (or equivalent policy) for further information.
Professional Association	For the purposes of this policy, professional association refers to a society or organisation, however so named, related to an occupational group, other than an industrial organisation (i.e. a union).
Privacy	Means the management of personal information in accordance with the <i>Information Privacy Act 2009</i> .
Racial vilification	Same meaning as defined in the <i>Anti-Discrimination Act 1991</i> .
Relevant authorised delegate	<p>The employee who has authority to make decisions in relation to formal grievances in accordance with the Human Resource Delegations Manual.</p> <p>The delegate must ensure they are unbiased in that they do not have an actual, perceived or potential conflict of interest in the matter and/or its outcome.</p>
Religious vilification	Same meaning as defined in the <i>Anti-Discrimination Act 1991</i> .
Sexual harassment	Same meaning as defined in the <i>Anti-Discrimination Act 1991</i> .
Union	Union, for the purpose of this directive, means an employee organisation registered under chapter 12 of the <i>Industrial Relations Act 2016</i> or under the <i>Fair Work (Registered Organisations) Act 2009 (Cth)</i> .
Workplace harassment/ bullying in the workplace	<p>A person is subjected to workplace harassment if the person is subjected to repeated behaviour, other than behaviour amounting to sexual harassment, by a person, including the person's employer, a co-worker or a group of co-workers, that:</p> <ul style="list-style-type: none"> • is unwelcome and unsolicited • the person considers to be offensive, intimidating, humiliating or threatening • a reasonable person would consider to be offensive, intimidating, humiliating or threatening. <p>Workplace harassment does not include reasonable management action taken in a reasonable way by the Director-General (or delegate) in connection with the employee's employment.</p>
Repeated behaviour	<p>"Repeated" refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p> <p>A single incident of unreasonable behaviour is not considered to be workplace bullying, however may constitute a breach of the Code of Conduct for the Queensland Public Service.</p>

Unreasonable behaviour	“Unreasonable” refers to behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
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History:

August 2021	<ul style="list-style-type: none"> • Policy: <ul style="list-style-type: none"> – formatted as part of the HR Policy review – amended to update references and naming conventions – title amended from “Grievance Resolution” to “Individual employee grievances” – amended to align with grievance process and timeframes as per PSC Directive 11/20: Individual employee grievances – included Attachments One and Two to contain the processes for individual employee grievances and grievances about the Director-General or Health Service Chief Executive.
August 2015	<ul style="list-style-type: none"> • Policy amended to reinstate original 2010 version policy provisions as a result of the restoration of conditions under the Industrial Relations Act 1999 effective 11 June 2015
May 2014	<ul style="list-style-type: none"> • Policy formatted as part of the HR Policy Simplification project. • Policy amended to: <ul style="list-style-type: none"> – reflect change in policy title from “Grievance Resolution” to “Employee Complaints” – outline new employee complaints process • limit the application to the employees working in and for Department of Health and non-prescribed employees.
April 2010	<ul style="list-style-type: none"> • Developed as a result of the HR policy consolidation project.
Previous	<ul style="list-style-type: none"> • IRM 3.5 Grievance Resolution and EB6 Grievance Settling and Industrial Disputes

Attachment One – Individual employee grievance process

The following information is provided as the minimum mandatory standard practice, procedure or process to enable satisfactory compliance with this Queensland Health HR policy.

Local guidelines/procedures may be developed to facilitate implementation of this policy. Any local guidelines/procedures must be consistent with this policy and attachment and ensure employee entitlements continue to be met.

1 Stage 1 – Local action (Lodging a formal employee grievance)

When appropriate and possible, an employee with a grievance should attempt to resolve it informally through discussion and cooperation with their immediate supervisor and/or the person who is the subject of the grievance before taking the matter further.

If an employee grievance cannot be resolved informally, or where it is not appropriate for an employee grievance to be resolved informally (e.g. grievances regarding sexual harassment), the grievance should be managed as a formal individual employee grievance by the relevant authorised delegate (refer applicable HR delegations manual).

Local HR units are available to provide advice and assistance in the management and resolution of formal employee grievances.

A formal employee grievance must be made in writing and specifically include the following:

- the grounds on which the employee believes:
 - they have been adversely affected by an administrative decision and the decision is unfair and unreasonable; or
 - the conduct or behaviour of an employee, agent or contractor is unfair and unreasonable; or
 - the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, racial vilification, religious vilification or vilification on the grounds of gender identity or sexuality; or
 - the conduct or behaviour of an employee is a breach of the Code of Conduct; or
- an act or decision is not compatible with human rights or a decision failed to give proper consideration to a relevant human right under the HR Act.any attempts the employee has made to resolve the grievance locally
- sufficient information or documentation which is relevant to and supports the grounds of the grievance and enables appropriate action to be determined
- the outcome the employee believes would resolve the grievance.

If the formal employee grievance does not include this information, the delegate can request that additional information be provided by the employee.

Action to resolve a formal employee grievance may include, but is not limited to, one or more of the following:

- conducting preliminary enquiries to determine appropriate options for resolution of the employee grievance
- alternative dispute resolution (ADR) strategies, including facilitated discussion, mediation, conciliation or negotiation
- gathering information, including from witnesses
- investigation
- other reasonable action in the circumstances.

A decision can be made to take no further action in relation to an employee grievance where the delegate is reasonably satisfied:

- the individual employee grievance is frivolous or vexatious
- the grievance cannot be made in accordance with this policy (refer section 3 of this policy)
- the employee has unreasonably refused to participate in local action, including ADR (where appropriate), to resolve the individual employee grievance.

A decision about an employee grievance should be made as soon as possible but must be made **within 28 calendar days** of receipt of the employee grievance, unless the timeframe has been extended by mutual agreement between the parties. A party to the employee grievance is not to unreasonably withhold their agreement.

After the delegate has made a decision about an individual employee grievance (including a decision to take no action) a written decision must be provided to the employee who submitted the grievance. The written decision must:

- outline the action taken to manage the employee grievance and the outcome of this action
- provide the reasons for the decision, or the decision to take no further action
- outline any action taken, or proposed to be taken, as a result of the decision
- inform the employee of their internal review rights outlined in stage two, including specific details of where or to whom a request for internal review should be lodged, as well as any relevant timeframes.

If a decision about an administrative matter is not made within 28 calendar days of receipt of the employee grievance (or longer time as agreed), the administrative decision which formed the basis of the initial employee grievance is taken to be confirmed. The employee may then make a request for internal review (stage two).

2 Stage 2 – Internal review

If an employee is dissatisfied with the decision made by the delegate (at stage one) or a decision is not made within the timeframes provided for a stage one grievance, the employee can make a written request to the relevant authorised delegate for internal review.

A request for an internal review must:

- be received by the delegate within 14 days of the employee receiving the written decision on the formal grievance (outcome of stage one), or within 14 days after the timeframes for a decision on a stage one grievance
- clearly state the reasons why the employee is dissatisfied with the decision on the formal grievance, and not merely state a belief that the decision made in stage one was unfair or unreasonable
- clearly state the action the employee believes would resolve the employee grievance.

Once a request for an internal review is received, the employee must be notified in writing:

- that the request for an internal review has been received
- of the name and contact information of a contact person for the internal review
- of the 14-day timeframe for making a decision about the internal review.

The internal review is to be completed by a relevant authorised delegate and is to determine whether the decision made about the formal employee grievance was fair and reasonable in the circumstances.

The delegate may decide to take no further action in relation to the request for internal review if they are satisfied that:

- the reasons for seeking an internal review are insufficient
- the request for internal review is frivolous or vexatious; or
- the employee has unreasonably refused to participate in local action to resolve the employee grievance.

A decision about the internal review must be made as soon as possible, and within 14 days of receipt of a written request from an employee for internal review, unless:

- the timeframe has been extended by mutual agreement between the parties (a party to the employee grievance is not to unreasonably withhold their agreement); or
- reasonable attempts have been made (and can be demonstrated) to progress the employee grievance.

If an internal review decision is not made within 14 days of receipt of the request for internal review or in accordance with the above timeframes, the decision made at the formal grievance stage may be taken to be confirmed.

At the completion of an internal review (including a decision to take no further action), the delegate must provide a written decision to the employee who made the request for an internal review. This decision must outline:

- the action taken to review the decision made about the formal grievance
- the reasons for the internal review decision, or the decision to take no further action
- any action taken, or proposed to be taken, as a result of the internal review
- any avenues of external review that may be available to the employee, including any relevant timeframes.

3 Stage 3 – External review/appeal

If the employee who made the initial employee grievance is dissatisfied with the decision made at an internal review, the employee may, if eligible, refer their grievance to an appropriate external body for review/appeal.

Which appropriate external body will depend on the nature of the grievance, however could include the Queensland Industrial Relations Commission, Queensland Ombudsman or Queensland Human Rights Commission. Refer to section 9.3 of PSC Directive 11/20: Individual employee grievances for further detail.

Employees considering referring a grievance to an external body should contact the relevant external body for specific information about their processes and any timeframes that may apply.

Union members may wish to consult with their union before an application/grievance is made to an external body.

The *Industrial Relations Act 2016* precludes an employee from lodging more than one type of application to the Queensland Industrial Relations Commission in relation to the same decision, conduct or behaviour, except where the matters relate to bullying in the workplace.

Attachment Two – Process for employee grievances made about the Director-General or a Health Service Chief Executive

1. Process for employee grievances made about the Director-General

This section is to be read in conjunction with section 2.5 of this Policy.

A current employee may submit a grievance regarding the conduct of the Director-General, Department of Health, to the Commission Chief Executive (CCE), Public Service Commission. The grievance must be made in writing and must state the action the employee believes would resolve the individual employee grievance.

In making a decision regarding a complaint about the Director-General, the CCE is to take action.

2. Process for complaints made about a Health Service Chief Executive

This section is to be read in conjunction with section 3.3 of this Policy.

The complaints process regarding the conduct of a Health Service Chief Executive is outlined as follows:

- a) A complaint must be made in writing and must state the action the employee believes would resolve the complaint.
- b) In making a decision regarding a complaint about a Health Service Chief Executive, the Board of the relevant Hospital and Health Service is to take action in accordance with section 1 of Attachment One.
- c) A decision about a complaint should be made as soon as possible, but must be made **within 28 calendar days** of receipt of the complaint unless:
 - i) the timeframe has been extended by mutual agreement between the parties (a party to the complaint is not to unreasonably withhold their agreement)
 - or
 - ii) where the Board of the relevant Hospital and Health Service can demonstrate that reasonable attempts have been made to progress the complaint.
- d) The Board of the relevant Hospital and Health Service may decide to take no further action in relation to a complaint if they are reasonably satisfied that the complaint is frivolous or vexatious, lacks substance, does not meet the definition of an employee complaint or an employee unreasonably refuses to participate in action to resolve the complaint.
- e) After making a decision about the complaint, including a decision to take no further action, the Board of the relevant Hospital and Health Service must provide a written decision to the employee who made the complaint. This decision must outline:
 - i) the action taken to manage the employee complaint and the outcome of this action
 - ii) the reasons for the decision, or the decision to take no action
 - iii) any action that the Board of the relevant Hospital and Health Service will take, or proposes to take, as a result of the decision
 - and
 - iv) any avenues of external review that may be available to the employee.