

POLICY

PPMF | TAFESA | 119

Title

TAFE SA Staff Grievance Resolution Procedure

Contact Officer

Position

Manager, Workforce Relations

Phone

(08) 8463 5474

Table of Contents

| | | |
|----|---|----|
| 1 | Policy | 2 |
| 2 | Scope | 2 |
| 3 | Definitions | 2 |
| 4 | Related policies | 3 |
| 5 | Related forms | 3 |
| 6 | References | 3 |
| 7 | Policy Statement | 4 |
| 8 | Procedure..... | 5 |
| | 8.1 Stage 1 - 'Primary (Local) Level' Interventions..... | 5 |
| | 8.2 Stage 2 - 'Secondary Level' Interventions..... | 6 |
| | 8.3 Stage 3 - External Review | 10 |
| 9 | Industrial Disputes..... | 11 |
| 10 | Office for Public Integrity / Independent Commissioner Against Corruption | 11 |
| 11 | Reporting Criminal Offences and Unethical Conduct..... | 12 |
| 12 | Reporting Obligations under the Code of Ethics | 12 |
| 13 | Review of TAFE SA Policy | 12 |
| | Attachment 1 - Request for Investigation of a Grievance | 13 |
| | Attachment 2 - Application for Internal Review (Salaried Employees)..... | 15 |
| | Attachment 3 - Application for Review of an Administrative Decision (Educational Employees) | 19 |

TAFE SA Procedures are issued under the TAFE SA Policy Management Framework. They are binding on all TAFE SA employees

1 Policy

To detail the process for the management of employee grievances, including employment decisions, administrative decisions and other workplace matters including, but not limited to, discrimination, harassment, bullying, misconduct and maladministration.

2 Scope

This procedure applies to all TAFE SA employees and is to be read in conjunction with the relevant legislation and related policies.

3 Definitions

| | |
|-------------------------|---|
| Administrative decision | A decision, or failure or refusal to make a decision, by an agency official with administrative authority |
| CE | Chief Executive |
| Code of Ethics | Code of Ethics for the South Australian Public Sector |
| Complainant | The person who is aggrieved; makes the complaint/grievance |
| Educational Employee | An employee employed by the CE, TAFE SA and covered by the <i>TAFE SA Educational Staff Enterprise Agreement 2016</i> (or its successor) |
| Employee(s) | All TAFE SA employees employed by the CE, TAFE SA |
| Employment decision | An administrative decision relating to the employment of a person including an administrative decision relating to the engagement, promotion, transfer, remuneration, entitlements or termination of employment of a person and a decision to take disciplinary action against a person [defined by the <i>PS Act</i>] |
| Executive Employee | (a) a member of SAES; or (b) an employee to whom clause 3(3) of Schedule 3 of the <i>PS Act</i> applies and who is not a member of SAES |
| Misconduct | A breach of a disciplinary provision of the Code of Ethics whilst employed as a public sector employee or other misconduct. Categories of other conduct that can amount to misconduct include, but are not limited to: <ul style="list-style-type: none"> • failing to comply with lawful and reasonable managerial directions; • engaging in conduct that undermines or disrupts the employer's functions; • failing to perform work with a reasonable degree of competence or skill and/or to a proper standard; • engaging in intentional wrong doing. |
| Respondent | The person responding to the complaint/grievance; the person against whom the complaint/grievance has been made |
| Salaried Employee | An employee employed by the CE, TAFE SA and covered by the <i>South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014</i> (or its successor) |
| Weekly Paid Employee | An employee employed by the CE, TAFE SA and covered by the <i>South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid Salaried 2015</i> (or its successor) or the <i>South Australian Public</i> |

| | |
|--|---|
| | <i>Sector Wages Parity Enterprise Agreement (Plumbing, Metal and Building Trades Employees) 2016 (or its successor)</i> |
|--|---|

4 Related policies

| | |
|----------------------|---|
| PPMF TAFESA 1010 | TAFE SA Respectful Behaviours Policy |
| PPMF TAFESA 195 | Work Health and Safety Policy Statement |
| PPMF TAFESA 90 | Work Arrangement Hazards Procedure |

5 Related forms

| | |
|--------------|--|
| Attachment 1 | Request for Investigation of a Grievance |
| Attachment 2 | Application for Internal Review (Salaried Employees) |
| Attachment 3 | Application for Review of an Administrative Decision (Educational Employees) |

6 References

| | |
|--|--|
| Age Discrimination Act 2004 | <i>Age Discrimination Act 2004 (Cth)</i> |
| Australian Human Rights Commission Act 1986 | <i>Australian Human Rights Commission Act 1986 (Cth)</i> |
| Civil Liability Act 1936 | <i>Civil Liability Act 1936 (SA) – see racial victimisation provisions</i> |
| Code of Ethics | <i>Code of Ethics for the South Australian Public Sector</i> |
| Disability Discrimination Act 1992 | <i>Disability Discrimination Act 1992 (Cth)</i> |
| Equal Opportunity Act 1984 | <i>Equal Opportunity Act 1984 (SA)</i> |
| Fair Work Act 1994 | <i>Fair Work Act 1994 (SA)</i> |
| Independent Commissioner Against Corruption Act 2012 | <i>Independent Commissioner Against Corruption Act 2012 (SA)</i> |
| Privacy Act 1988 | <i>Privacy Act 1988 (Cth)</i> |
| Public Sector Act 2009 | <i>Public Sector Act 2009 (SA) (“PS Act”)</i> |
| Racial Discrimination Act 1975 | <i>Racial Discrimination Act 1975 (Cth)</i> |
| Racial Vilification Act 1996 | <i>Racial Vilification Act 1996 (SA)</i> |
| Sex Discrimination Act 1984 | <i>Sex Discrimination Act 1984 (Cth)</i> |
| South Australian Employment Tribunal Act 2014 | <i>South Australian Employment Tribunal Act 2014 (SA)</i> |
| TAFE SA Act 2012 | <i>TAFE SA Act 2012 (SA)</i> |
| Whistleblowers Protection Act 1993 | <i>Whistleblowers Protection Act 1993 (SA)</i> |
| Work Health and Safety Act 2012 | <i>Work Health and Safety Act 2012 (SA)</i> |
| Workplace Gender Equality Act 2012 | <i>Workplace Gender Equality Act 2012 (Cth)</i> |

7 Policy Statement

TAFE SA is committed to ensuring that the workplace is free from inappropriate behaviours and to ensuring a harmonious, respectful, fair and equitable working environment.

Respectful and ethical behaviour in conjunction with professional integrity, results in positive benefits for the individual and TAFE SA including greater work satisfaction, improvements in productivity, less absenteeism, improved morale and greater staff retention. In contrast, disrespectful or negative, inappropriate behaviours can create an uneasy, humiliating, intimidating, hostile or offensive work environment.

A fair and reasonable workplace encourages appropriate behaviours and supports the physical, psychological and social wellbeing of all employees. In a respectful workplace:

- employees can feel valued;
- communication is respectful, polite and courteous;
- people are treated with dignity;
- people can raise an issue without fear of victimisation;
- conflict is addressed in a positive, timely and respectful manner;
- disrespectful behaviour and harassment are addressed immediately.

The Code of Ethics and the TAFE SA Values identify the behaviours that are expected from all TAFE SA employees at all times. They set out expectations in ensuring that the working environment is free from behaviours that may adversely affect the harmony of the workplace/and or cause harm or injury to others.

TAFE SA does not tolerate any form of inappropriate behaviour in the workplace by, or towards, any employee, student, contractor, volunteer, supplier or customer under any circumstances.

As a public sector employee, inappropriate conduct which occurs outside of work hours may also be subject to investigation where there is a sufficient connection between the conduct and the duties and/or status of the employee.

TAFE SA recognises that as an employer, it has a duty to protect the health and safety of all employees and others in the workplace. Equally, it is the obligation and responsibility of every employee to ensure that the workplace is free from inappropriate behaviours.

Under work health and safety legislation, TAFE SA and its employees must take reasonable care to ensure that they do not adversely affect the health and safety of others. Additionally, executives and management have a responsibility to ensure reasonable steps are taken to inform and educate employees about appropriate behaviour and the resolution of grievances.

TAFE SA expects people to:

- read and familiarise themselves with, and comply with, this procedure and not make malicious, vexatious or false grievances;
- participate in good faith to resolve grievances;
- behave in a responsible and professional manner;
- act appropriately and require appropriate behaviour from others;
- treat others in the workplace with courtesy and respect;
- listen and respond appropriately to the views and concerns of others;
- be fair and honest in their dealings with others; and
- be accountable for their own behaviour.

TAFE SA is committed to a grievance resolution process that is fair and equitable to all parties. This includes a commitment towards the timely resolution of employee grievances; ensuring formal investigations and internal reviews are also conducted in a timely manner.

This procedure is designed to assist employees to:

- access avenues to redress improper or unreasonable conduct;
- resolve grievances with respect, integrity and accountability in a confidential manner and at the lowest Level possible in the circumstances; and
- treat each other with respect and in a manner that is not undermining.

8 Procedure

The grievance management options available to employees are listed below and are normally considered in the order outlined. Grievances may relate to:

- employment decisions (e.g. engagement, promotion, transfer, remuneration, entitlements or termination, a decision to take disciplinary action or to declare an employee excess);
- processes (e.g. merit selection);
- other workplace matters (e.g. discrimination, harassment, bullying, disrespectful behaviour or any other misconduct) [See related 'Respectful Behaviour Policy'].

The following principles underpin all grievance resolution processes:

- procedural fairness – including the right to be heard and respond to an intended decision, and to have a decision maker who is objective, impartial and free from bias;
- timeliness – grievances to be dealt with in a prompt manner;
- confidentiality – grievances are discussed only with those who have a genuine role to play in the grievance resolution process;
- support – all parties have the right to receive advice and support from a support person, union representative or anyone else of their choosing.

8.1 Stage 1 - 'Primary (Local) Level' Interventions

A Local Level Intervention can include:

- self-help (talking with or contacting the person directly);
- assistance from line supervisor/manager;
- assistance from a Human Resource Business Partner (“**HRBP**”), employee representative/union or Employee Assistance Provider (i.e. Davidson Trahaire Corpsych).

8.1.1 Self-Help

It is expected that in the first instance employees will try to resolve their concerns directly with the person the employee is aggrieved by or the manager responsible for the employment decision. Many issues can be resolved by talking to the person concerned and this can be done with the assistance of a support person if required.

To assist in talking to or contacting the person directly, employees should prepare for the meeting by:

- writing down:
 - what happened;
 - who was involved;
 - when the incident took place;
 - where the incident took place;
 - how they and other persons reacted;
 - if this was not the first time the matter had occurred, details of previous occasions and what was done;
 - who, if anyone, witnessed the incident;
- collect any relevant documents;
- consider the outcome sought and compromises willing to be made;

- arrange for a private place to hold the discussion.

Persons who are the subject of a grievance and are approached by an employee to meet to discuss the grievance should make a genuine attempt to resolve the matter. At the meeting, both parties should:

- focus on facts - avoid vague terms, accusations, sarcasm or hostility;
- actively listen to each person;
- respond, don't react;
- understand and accept responsibility for one's own feelings and behaviour;
- move from justification to resolution;
- identify areas of compromise;
- focus on moving forward rather than laying blame;
- attempt to view the situation from both sides;
- be open, and make every effort to respond in a positive manner.

8.1.2 Seeking Assistance from Management

When seeking assistance with a grievance from a Manager, the employee shall:

- meet with their immediate line manager (unless the Manager is the respondent; in which case the matter may be escalated to the next appropriate management level);
- describe the behaviour that was considered inappropriate;
- make it clear what the preferred outcome is;
- where appropriate, report the incident in the online Hazard and Incident Reporting Module ("HIRMS").

Seeking assistance from management can include:

- Local Level assessment and/or investigation;
- recommencement of a process from the beginning or from a later stage;
- clarification of whether the matter is viewed as a breach of the legislation, policy or the Code of Ethics and expectations of future behaviours;
- a facilitated conversation by either management or a HRBP between the complainant and respondent to discuss the issues and work towards a resolution;
- counselling and/or other educative interventions;
- a management decision, such as, but not limited to, a change in a work instruction or location.

The Manager will consider the information provided by the complainant and assess the ability for an amicable resolution at the workgroup level.

If the matter relates to an employment decision or process, the Manager should be prepared to explain how the decision or process was arrived at and the reasons behind it. This should include the background and appropriate surrounding facts and any departmental and/or whole of government policy which supports the decision. The manager should re-examine their decision if:

- it is apparent or likely that the decision does not comply with relevant law and/or policy; or
- other information indicates that upon external review, the decision would in all likelihood be found to be harsh, unjust or unreasonable.

8.2 Stage 2 - 'Secondary Level' Interventions

Secondary Level Intervention processes are usually required where the employee may feel Local Level Intervention is not appropriate, has failed, or where TAFE SA considers a matter warrants more formal action due to the seriousness of the circumstances.

Secondary Level interventions can include:

- assistance from the Relevant Director;

- conciliation with a third party;
- an investigation.

8.2.1 Seeking Assistance from the relevant Director

A grievance at this Level is considered formal and must be detailed in writing to the relevant Director. If a grievance was not dealt with at the Local Level without good reason, the relevant Director may refer the matter back to this Level.

When making a grievance at this Level, the complainant must:

- provide full details of their grievance in writing, with supporting documentation/evidence (e.g., emails, letters) including:
 - name and business unit of the person raising the grievance;
 - what occurred;
 - who was involved;
 - where and when the matter occurred;
 - if this was not the first time the matter had occurred, details of previous occasions and what was done;
 - what steps have already been taken to resolve the grievance and why they were unsuccessful.
- provide the name and contact details of any witnesses able to provide direct evidence in support, and who are prepared to be interviewed;
- provide details of preferred resolution options;
- where appropriate, report the incident in the online Hazard and Incident Reporting Module (“HIRMS”).

Upon receipt of a grievance at this Level, and where Secondary Level Intervention is appropriate, the relevant Director will:

- acknowledge receipt of the grievance in writing;
- investigate the matter or refer the matter for investigation;
- where appropriate and/or required, refer the matter to the CE (or Delegate) for assessment and determination.

The ‘Request for Investigation of a Grievance’ Form is to be completed in circumstances where the matter of concern is not an “employment decision” with reference to section 61 of the *Public Sector Act 2009* (for salaried employees – [see 8.2.3.1 below] and is not an “administrative decision” with reference to Regulation 31 of the *TAFE SA Regulations 2012* (for educational employees – see 8.2.3.2 below).

8.2.2 Conciliation with a Third Party

A third party conciliator may be appropriate in either Local or Secondary Level Interventions where a structured approach is required. Depending on the circumstances, the third party may be a senior manager, a HRBP or an external conciliator. The conciliator must have an understanding of reasonable options open to the parties and will offer potential solutions for the parties to consider. An agreement is reached when the parties are satisfied with all of its terms – and those terms meet any legislative or policy requirements. If resolution is agreed then the details of the agreement are to be documented and signed by all parties.

In relation to salaried staff, section 60 of the *PS Act* imposes a duty for TAFE SA to endeavour to resolve grievances by employees about reviewable employment decisions by conciliation. This obligation exists regardless of whether an employee has sought an internal or external review of a decision.

8.2.3 Investigations

With reference to the management of employee grievances generally, the CE (or Delegate) will assess the written grievance and evidentiary material to determine whether there is sufficient substance to the grievance to support a more detailed investigation or review. If a grievance was not dealt with at the Local Level without good reason, the CE (or Delegate) may refer the matter back to this Level.

If there is sufficient substance to the grievance, the CE (or Delegate) will appoint an Investigative/Review Officer to conduct the investigation, in accordance with the principles of natural justice and procedural fairness.

The CE (or Delegate) will consider, on a case-by-case basis, whether it is appropriate to advise the employee and/or related parties that an investigation is being undertaken. There is no requirement that employees be advised that they are subject to investigation unless/until the process reaches the stage where the CE (or Delegate) provides the affected employee and/or related parties with an opportunity to respond.

The investigation/review process will usually involve:

- notifying the complainant of the decision to conduct a formal and more detailed investigation/review;
- notifying the respondent of the scope of the grievance and the intended investigation/review;
- affording the respondent every opportunity to make an informed response to the grievance;
- presenting an investigation report to the CE (or Delegate);
- the CE (or Delegate) making a decision on the evidence;
- notifying the complainant and/or respondent of the CE's (or Delegate's) findings and advising the affected parties of options for review of the decision.

The Investigative/Review Officer will ensure that parties interviewed are:

- informed of their right to have a support person present;
- informed of the requirement for strict confidentiality in relation to all aspects of the grievance process and the conduct of the investigation;
- informed of the manner in which the interview will be conducted;
- informed of the purpose of the interview;
- informed that they may decline to answer a question (right against self-incrimination);
- advised that the investigator is a 'fact gatherer' and not the decision maker or finder of fact;
- informed that the investigator is objective, impartial and neutral to the interests of any party to the investigation;
- provide the interviewee with a copy of their statement and afford an opportunity to edit and amend its contents;
- informed that their statement may be disclosed to an external review body and/or other persons as required by law.

The outcome of an investigation/review may result in a grievance being substantiated or unsubstantiated. Where a grievance is substantiated, TAFE SA will determine the appropriate course of action. Where a grievance is unsubstantiated, action may include monitoring of the situation and/or education, or no further action. The person raising the grievance must be informed that their grievance has been finalised. This does not however mean they will receive details of an investigation, the outcome, or action taken against another employee.

8.2.3.1 Review Processes for Salaried Employees (Internal Review – Grievances Relating to Employment Decisions and Selection Processes)

Section 61 of the *PS Act* provides that an employee aggrieved by an employment decision of a public sector agency which directly affects the employee, may apply for an internal review of the decision.

Employment decisions affecting executive employees are excluded from the right of review under the *Public Sector Act 2009* (SA) ("**PS Act**").

Section 59(2) of the *PS Act* exclude dismissal (termination of employment) from rights of review. The South Australian Employment Tribunal ("**SAET**") is the appropriate review body for an application for unfair dismissal. Section 25 of the *Public Sector Regulations 2010* details other matters excluded from right of review.

An application for internal review can be sought by making an application (Attachment 2) and submitting the relevant documents to the CE.

Timeframes to submit an application for internal review

Pursuant to the Regulation 27 of the *Public Sector Regulations 2010*, the timeframes for submission of an Application for internal review are:

- for merit based selection process – an employee has 7 days after the day the employee is notified of the outcome;
- in any other case – 21 days after the day the employee is formally notified of the decision.

With respect to the review of a selection process, section 63 of the *PS Act* states that a request to review a selection process will be limited to considering whether:

- the employee was not eligible for appointment; or
- the processes were affected by nepotism or patronage or were otherwise not properly based on assessment of the respective merits of the applicants; or
- there was some other serious irregularity in the processes.

In most cases a member of the Workforce Relations team will conduct the internal review. The reviewer will contact the aggrieved employee to discuss the matter generally and explain the process. Where an employee is subsequently required to present or make submissions in person through an interview, they can be assisted by a support person. The support person is not to advocate or speak on behalf of the employee. Employees are not entitled to be legally represented at this stage, as defined in Section 26(9) of the *Public Sector Regulations 2010*.

Pursuant to the *Public Sector Regulations 2010*, internal reviews must be completed within 21 days after the applicant has finished providing all the information on the application.

Following an internal review, a report will be presented to the CE (or Delegate). The CE (or Delegate) will consider the report and may either affirm the original decision or overturn and replace the decision with a decision they are of the view should have been made. The employee will be advised of the CE's (or Delegate's) determination in writing.

If an employee remains aggrieved following an internal review, they can apply for an external review of the decision with the appropriate review body (see 8.3.1 below).

8.2.3.2 Review Processes for Educational Staff (Grievances Relating to Administrative Decisions and Selection Processes)

As provided in Regulation 31 of the *TAFE SA Regulations 2012*, if an educational employee is aggrieved by an administrative act or decision of the CE (or Delegate) or any other employee in TAFE SA, that directly affects the employee, the employee may apply in writing to the CE for a review of the act or decision.

That employee has 28 days after the date of the act or decision in question.

An application for review can be sought by making an application (Attachment 3) and submitting the relevant documents to the CE.

Upon completion of the review, the CE (or Delegate) will notify the employee in writing of any act or decision made.

8.2.3.2.1 Review of a Selection Process (Educational Staff)

Educational employees can seek a review relating to a selection process to the CE (or Delegate).

Employees have 5 working days from the time they are informed in writing of the outcome of the selection process to submit a grievance in writing relating to any concerns regarding departure from the approved selection process and the grounds for believing that this departure may have influenced the outcome of the selection process.

The CE (or Delegate) will respond in writing within 14 days by either supporting the selection process that was followed or not supporting it and recommending that the selection process either be recommenced from the beginning or from a later stage.

8.3 Stage 3 - External Review

8.3.1 ***External Review Processes for Salaried Employees***

If a salaried employee is not satisfied with the outcome of the internal review they can lodge an application for an external review. In most cases an employee will need to lodge a request for an internal review before proceeding to an external review. However, in the following circumstances, pursuant to the *Public Sector Regulations 2010*, an employee may seek an external review without having applied for an internal review:

- where the decision related to a merit selection process, application must be made within 7 days after which the employee has been notified of the selection process outcome;
- where a request for an internal review has been refused unreasonably or where the internal review period has been extended unreasonably, application must be made within 7 days after which the employee is notified of the decision to refuse or not extend the time period for an internal review.

If an internal review of an employment decision has been completed, an application to the appropriate review body for an external review of the decision must be made within:

- 7 days in the case of a decision to select an employee as a consequence of a merit-based selection process; or
- 21 days for any other case.

The appropriate review body to hear and determine an external review of a reviewable employment decision depends on the nature of the employment decision under review. For prescribed employment decisions, the review body is the SAET. Section 62 (8) of the *PS Act* defines a “prescribed decision” as either:

- a decision to take disciplinary action; or
- any decision to reduce an employee’s remuneration level; or
- a decision to transfer an employee, or to assign an employee to different duties or a different place, made in conjunction with a decision to take disciplinary action or reduce an employee’s remuneration level; or
- a decision to transfer an employee, or to assign an employee to a different place, that reasonably requires the employee to change his or her place of residence.

To apply for an external review of an employment decision (as prescribed in Section 62 of the *PS Act*) in SAET, employees should utilise the relevant application form available on the SAET website at <http://www.saet.sa.gov.au/forms/>.

8.3.2 External Review Processes for Educational Employees

If an educational employee is not satisfied with review of the administrative decision, they can lodge an application for an external review.

Application, in writing, must be made to the SAET within 14 days of the employee receiving written notification of the outcome of the review.

To apply for an external review in the SAET, employees should utilise the relevant application form available on the SAET website at <http://www.saet.sa.gov.au/forms/>.

8.3.3 External Review for Other Workplace Matters

If an employee is terminated and believes that termination of their employment was harsh, unjust or unreasonable, they may make an application for a review of the decision to the SAET. Employees can also seek assistance by the SAET if their grievance relates to an industrial matter as defined by section 4 of the *Fair Work Act 1994*.

For matters such as discrimination in the workplace, employees can seek the assistance of the Equal Opportunity Commission.

9 Industrial Disputes

Processes for industrial disputes can be found in the relevant enterprise agreement.

10 Office for Public Integrity / Independent Commissioner Against Corruption

Pursuant to the *Independent Commissioner Against Corruption Act 2012*, public sector employees must report any matter they reasonably suspect involves corruption, misconduct, or maladministration in public administration to the Office for Public Integrity (<http://www.icac.sa.gov.au/content/office-public-integrity>).

Employees can raise such a grievance with OPI/ICAC on an identified or anonymous basis. In cases where the employee prefers to raise the matter anonymously, it must contain sufficient information to form a reasonable basis for investigation and should provide as much information as possible.

11 Reporting Criminal Offences and Unethical Conduct

As per the Code of Ethics, TAFE SA employees also have an obligation to report criminal offences to management. Failure to do so is a direct breach of the Code of Ethics and amounts to misconduct.

If the complaint involves criminal conduct of any kind, the manager shall contact the police directly.

If you are unsure about whether the behaviour may be a crime, TAFE SA Workplace Relations should be contacted for advice on (08) 8207 8885.

12 Reporting Obligations under the Code of Ethics

The Code of Ethics obligates all TAFE SA employees to report to management any suspected unethical behaviour that violates a law, is a danger to public health or safety or to the environment, or amounts to misconduct. Failure to do so is a direct breach of the Code of Ethics and amounts to misconduct.

13 Review of TAFE SA Policy

TAFE SA Policy must be reviewed at least every two years, but may be actioned earlier according to strategic priorities, reforms or feedback received.

TAFE SA
REQUEST FOR INVESTIGATION OF A GRIEVANCE

NOTES FOR APPLICANTS

1. This form must be forwarded direct to the CE (or Delegate)
 2. Applicants should retain a personal copy of this Form for their information and file.
-

Preliminary Notes:

- In accordance with the *TAFE SA Staff Grievance Resolution Procedure*, in the first instance, an employee should approach their line manager and/or the person of whom they are aggrieved, to express their concerns and attempt where possible to resolve the issue at the local level (See Local Level Interventions, Clause 8.1 of the *TAFE SA Staff Grievance Resolution Procedure*).
 - This Form is to be used for matters which fall outside the definition of “employment decision” (for salaried employees – see Clause 8.2.3.1 of the *TAFE SA Staff Grievance Resolution Procedure* and section 61 of the *Public Sector Act 2009*) or fall outside an “administrative decision” (for educational employees – see Clause 8.2.3.2 of the *TAFE SA Staff Grievance Resolution Procedure*).
-

Applicant details

Full name:

Role title and classification level:

.....

Manager:

Business Unit/ Workgroup:

Campus:

Contact telephone number:

Applicant declaration

I hereby:

- request that an investigation be conducted;
- confirm that prior to lodgement of this Form, I have tried the grievance management options provided for in the *TAFE SA Staff Grievance Resolution Procedure*.

Applicant's signature

Relevant particulars of my request are as follows:

Description of the incident which is the cause of my grievance:

.....
.....
.....
.....
.....
.....

Date on which the incident first occurred is: ____/____/____

Where the incident first occurred:

.....

Name and role title of person(s) involved:

.....

Steps taken in an attempt to resolve the grievance:

.....
.....
.....
.....
.....

Name(s) and role title of witness(es) to the incident(s):

.....
.....
.....
.....
.....

The outcome sought:

.....
.....
.....
.....

Signature of applicant

Signature Dated ____/____/____

Please ensure this Form is signed before lodgement

Administrative Use Only – to be completed by the CE (or Delegate)

This Form was received on ____/____/____

Signature Dated ____/____/____

TAFE SA

APPLICATION FOR INTERNAL REVIEW (SALARIED EMPLOYEES)

(Section 61 Public Sector Act 2009 – Review of an Employment Decision (other than dismissal))

NOTES FOR APPLICANTS

1. This Form must be forwarded direct to the CE (or Delegate)
 2. Applicants should retain a personal copy of this Form for their information and file.
-

Preliminary Notes:

- Section 60 of the *Public Sector Act 2009* (PS Act) provides that TAFE SA must endeavour to resolve its employee's grievances by conciliation. Therefore, in the first instance, an employee should approach their line manager to express their concerns and attempt where possible to resolve the issue at the local level (See Local Level Interventions, Clause 8.1 of the TAFE SA *Staff Grievance Resolution Procedure*).
 - Section 61 of the *PS Act* provides that an employee aggrieved by an employment decision of a public sector agency which directly affects the employee may apply for an internal review of the decision.
 - Section 3 of the *PS Act* defines an "employment decision" as 'an administrative decision relating to the employment of a person, including an administrative decision relating to the engagement, promotion, transfer, remuneration, entitlements or termination of employment of a person and a decision to take disciplinary action against a person'.
 - This Application Form is to be used for review of such employment decisions, other than dismissal, or those decisions excluded as prescribed in Section 25 of the *Public Sector Regulations 2010*.
 - Regulation 26 of the *Public Sector Regulations 2010*, requires that an Application for Internal Review must be made to TAFE SA on the approved Application Form within the following timeframes:
 - merit based selection process – an employee has 7 days after the day the employee is notified of the outcome
 - in any other case – 21 days after the day the employee is formally notified of the decision.
 - In particular circumstances, TAFE SA may extend the period within which an application for internal review must be made.
 - The Form must be completed and lodged with the CE (or Delegate) within the required time frame for consideration for internal review.
-

Applicant details

Full name:

Role title and classification:

.....

Manager:

Business Unit/ Workgroup:.....

Campus:

Contact telephone number:

Applicant declaration

I hereby:

- request that an Internal Review be conducted in relation to an employment decision;
- confirm that my employment decision fits the definition provided for in section 3 of the *Public Sector Act 2009* and is not an excluded decision as defined in Section 25 of the *Public Sector Regulations 2010*;
- confirm that prior to this Application, I have tried the grievance management options provided for in the *TAFE SA Staff Grievance Resolution Procedure*.

Applicant's signature

Relevant particulars of my request are as follows:

Indicate relevant option

My grievance is in relation to a decision to select an employee as a consequence of a selection process conducted on the basis of merit.

This application is made within 7 days after the day on which I was notified by TAFE SA of the outcome of the selection process pursuant to Section 26(1)(a) of the *Public Sector Regulations 2010*.

Description of the selection process which is the cause of my grievance:

.....
.....
.....
.....

Date on which the employment decision occurred is: ____/____/____

OR

- My grievance is in relation to an administrative decision other than a selection process.
- This application is made within 21 days after the day on which I was notified by TAFE SA of the decision pursuant to Section 26(1)(b) of the *Public Sector Regulations 2010*.

Description of the administrative decision which is the cause of my grievance:

.....
.....
.....
.....
.....

Date on which the administrative decision occurred is: ____ / ____ / ____

Name and role title of person who authorised the said administrative decision is:

.....

Reasons for dissatisfaction with the said administrative decision are:

.....
.....
.....

Additional information required

Indicate relevant option

Did you express dissatisfaction with the said employment or administrative decision? Attach any paperwork.

- Yes
- No

Name and role title(s) of person(s) to whom you indicated your dissatisfaction:

.....

Date on which you indicated your dissatisfaction: ____ / ____ / ____

Was any action taken by the person(s) to whom you expressed dissatisfaction of the said employment or administrative decision?

- Yes
- No

If any action was taken in relation to the employment or administrative decision, please provide the following details:

The name and role title of the person who undertook the action:

.....

The nature and outcome of the action (attach documentation):

.....
.....
.....
.....
.....
.....
.....

The outcome sought:

.....
.....
.....
.....

Signature of applicant

Signature Dated ____/____/____

Please ensure the Application for Internal Review is signed before lodgement

Administrative Use Only – to be completed by the CE (or Delegate)

This *Application for Internal Review* was received on ____/____/____

Signature Dated ____/____/____

TAFE SA

APPLICATION FOR REVIEW OF AN ADMINISTRATIVE DECISION (EDUCATIONAL EMPLOYEES)

(Regulation 31 of the *TAFE SA Regulations 2012*)

NOTES FOR APPLICANTS

1. This Form must be forwarded direct to the CE (or Delegate)
 2. Applicants should retain a personal copy of this Form for their information and file.
-

Preliminary Notes:

- In accordance with the *TAFE SA Staff Grievance Resolution Procedure*, in the first instance, an employee should approach their line manager to express their concerns and attempt where possible to resolve the issue at the local level (See Local Level Interventions, Clause 8.1 of the *TAFE SA Staff Grievance Resolution Procedure*).
 - Regulation 31 of the *TAFE SA Regulations 2012* provides that an employee aggrieved by an administrative act or decision, that directly affects the employee, may apply in writing to the Chief Executive for a review of the act or decision.
 - This Application Form is to be used for review of such administrative decisions (other than dismissal).
 - Regulation 31(2) of the *TAFE SA Regulations 2012* requires an Application to be made to TAFE SA within 28 days after the date of the act or decision in question.
 - The Form must be completed and lodged with the CE (or Delegate) within the required time frame.
-

Applicant details

Full name:

Role title and classification level:

.....

Manager:

Business Unit/ Workgroup:

Campus:

Contact telephone number:

Applicant declaration

I hereby:

- request that a Review be conducted in relation to an administrative decision;
- confirm that prior to this Application, I have tried the grievance management options provided for in the TAFE SA *Staff Grievance Resolution Procedure*.

Applicant's signature

Relevant particulars of my request are as follows:

Description of the administrative act or decision which is the cause of my grievance:

.....
.....
.....
.....

Date on which the administrative act or decision occurred is: ____ / ____ / ____

Name and role title of person who authorised the said administrative act or decision is:

.....

Reasons for dissatisfaction with the said administrative act or decision are:

.....
.....
.....

Additional information required

Indicate relevant option

Did you express dissatisfaction with the said administrative act or decision? Attach any paperwork.

Yes No

Name and role title(s) of person(s) to whom you indicated your dissatisfaction:

.....

Date on which you indicated your dissatisfaction: ____ / ____ / ____

Was any action taken by the person(s) to whom you expressed dissatisfaction of the said administrative act or decision?

Yes No

If any action was taken in relation to the administrative act or decision, please provide the following details:

The name and role title of the person who undertook the action:

.....

The nature and outcome of the action (attach documentation):

.....

.....

.....

The outcome sought:

.....

.....

.....

Signature of applicant

Signature Dated ____ / ____ / ____

Please ensure the Application is signed before lodgement

Administrative Use Only – to be completed by the CE (or Delegate)

This *Application* was received on ____ / ____ / ____

Signature Dated ____ / ____ / ____