



Procedure

Individual employee grievances procedure

Version: 4.3 | **Version effective:** 22/01/2024

Audience

Department-wide

Purpose

This procedure outlines the process for submitting, managing and resolving individual employee grievances (a grievance).

Overview

The Department of Education (the department) expects that all employees will make reasonable efforts to work together and resolve issues as early and informally as possible. Where an employee submits a grievance under this procedure, the department seeks to ensure that it will be appropriately managed and resolved in accordance with [Directive 11/20: Individual employee grievances](#) (the Directive).

Grievances within the scope of this procedure are detailed in the Directive, but generally are those submitted by a current employee who has reasonable grounds to believe:

- 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
- the conduct or behaviour of an employee, agent or contractor constitutes bullying in the workplace, sexual harassment, sex or gender-based harassment, racial vilification, or religious vilification.
- 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 2019 \(Qld\)](#) (HR Act).

If a grievance cannot be resolved informally, the department will use a three-stage process to manage and resolve the grievance:

- **Stage 1: Local action** – the primary stage of the process where the written grievance is made, addressed and responded to at the workplace or regional level as appropriate.

Refer to the [Preventing and responding to workplace sexual harassment policy](#) and [procedure](#) to address complaints associated with sexual harassment.

- **Stage 2: Internal review** – if the employee is dissatisfied with a decision made through Local action, the employee may make a written request for an internal review of the local action decision. In circumstances relating to sexual harassment, if an employee is dissatisfied with the decision about their grievance, the employee may bypass stage 2 and seek an external review under stage 3.
- **Stage 3: External review** – if the employee is dissatisfied with a decision made following internal review, the employee may seek an external review.

Complaints about the department and about early childhood and care services should refer to the [Complaints and grievances management policy](#). Student protection matters should be sent directly to the Intake and Assessment team within the Integrity and Employee Relations Unit. Notifications can be made through iRefer (DoE employees only) or by email to intake@qed.qld.gov.au.

This procedure does not replace, modify or revoke any legislative requirements that apply to the management of particular types of complaints (e.g. corrupt conduct under the [Crime and Corruption Act 2001 \(Qld\)](#), public interest disclosures under the [Public Interest Disclosure Act 2010 \(Qld\)](#), or complaints under the HR Act).

Further, this procedure does not replace any grievance related provisions within the [Industrial Relations Act 2016 \(Qld\)](#) or any other relevant industrial instrument, such as a Queensland modern award or certified agreement.

Responsibilities

All employees

- engage in a grievance management and resolution process in good faith, respecting the confidentiality of the process and its outcomes
- make a genuine and reasonable attempt to resolve grievances as promptly and informally as possible
- continue to undertake work as directed by a manager, principal or supervisor (except in the case of a genuine safety issue)
- have the right to be supported by a person of their choosing, and be represented by a union representative or member of a professional association
- be responsible for their workplace conduct
- must not unreasonably refuse to participate in the management of their grievance, or understand that their grievance may not proceed.

Additional responsibilities for employees submitting an individual employee grievance

- submit the grievance in writing as soon as reasonably possible after the administrative decision, or alleged conduct/behaviour has occurred, and after informal resolution has been unsuccessful, if appropriate in the circumstances
- provide sufficient information to enable the department to take appropriate action.

Additional responsibilities for managers, principals and supervisors

- proactively identify and effectively manage workplace issues in accordance with the management principles set out in section 40(3) of [Public Sector Act 2022 \(Qld\)](#) (PS Act)
- create a safe environment to conduct courageous and supportive conversations

- respond to, manage and resolve grievances in a manner that:
 - considers human rights and the principles of natural justice
 - protects the privacy of the employee (subject to any legal disclosure obligations, such as the requirement to provide natural justice to the subject of the grievance).
- ensure employees are aware of their entitlement to a support person, union representative or member of a professional association
- ensure employees are aware of the [Employee Assistance Program \(EAP\)](#) (DoE employees only) counselling services and contact details
- deal simultaneously with multiple grievances about related matters wherever possible
- ensure all relevant records are maintained in relation to the grievance
- provide regular and timely information regarding any progress in the grievance matter to the relevant parties
- where a perceived or real conflict of interest is identified in the management of a grievance, the grievance must be referred to another appropriate officer.

Internal Review Decision Maker

- where a request for an internal review is made the Internal Review Decision Maker determines whether the decision made through local action was fair and reasonable in the circumstances.

Public Service Commission (PSC) Chief Executive

- manages and resolves grievances involving the Director-General.

Process

Prior to submitting a grievance, employees must, where appropriate, make a genuine and reasonable attempt to resolve the grievance as early and informally as possible. Where this does not result in satisfactory resolution, or where informal resolution is not appropriate, the employee may pursue the matter through the process outlined below.

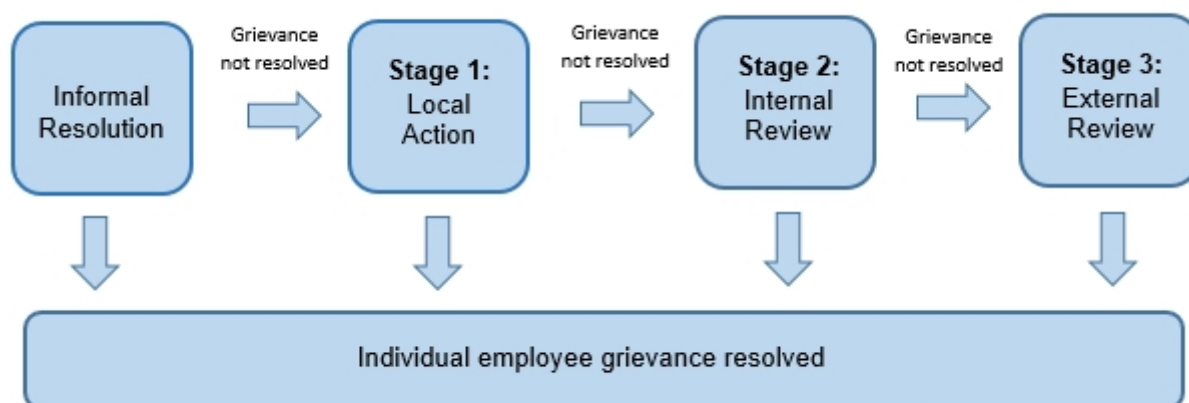


Image 1 Individual Employee Grievance Process Flowchart

Stage 1: Local action

1. An employee must submit their grievance in writing to the relevant manager, principal or supervisor (Local Action Decision Maker) as soon as reasonably possible (refer to optional [Grievance submission form](#)).
2. The written grievance must:
 - include sufficient information to enable the Local Action Decision Maker to make an informed decision and take appropriate action
 - outline any action the employee considers would resolve the grievance; and
 - the informal steps the employee has already taken to resolve the individual employee grievance. If the written grievance does not include this information, the employee may be asked to provide it.
3. An employee may seek support throughout a grievance process by:
 - inviting a support person of their choosing, including a union representative or member of a professional association, to attend any scheduled meetings in relation to the grievance
 - accessing the [Employee Assistance Program \(EAP\)](#) (DoE employees only).
4. A Local Action Decision Maker will undertake action to resolve the grievance. This action may include, but is not limited to:
 - conducting preliminary enquiries to determine appropriate options for resolution;
 - considering human rights impacts for all persons involved and ensuring decisions are compatible with human rights as defined in the HR Act;
 - arranging alternative dispute resolution strategies including facilitated discussion, mediation, conciliation or negotiation. In circumstances relating to sexual harassment, this may be offered by should only occur if agreed to by the aggrieved;
 - gathering information, including from witnesses; and/or
 - taking other reasonable action in the circumstances.

5. If the Local Action Decision Maker determines that the grievance would meet the threshold for discipline (in accordance with [Public Service Commission Directive 05/23: Discipline](#)) and/or require a workplace investigation (in accordance with [Public Service Commission Directive 17/20: Workplace investigations](#)) the Local Action Decision Maker will liaise with the Intake and Assessment team regarding a referral of the matter to be managed in accordance with the respective directives. If the referral is accepted by Intake and Assessment, the Local Action Decision Maker will advise the aggrieved employee of the referral in finalisation of the Individual Employee Grievance process.
6. When the Local Action Decision Maker is reasonably satisfied that the grievance submission is vexatious or the employee has unreasonably refused to participate in any resolution, the Local Action Decision Maker may decide to take no further action. The Local Action Decision Maker must provide their reasons to the employee in writing.
7. The Local Action Decision Maker must make a decision about a grievance as soon as possible, or within 28 calendar days of receipt of the written grievance (or from the date that the information required to submit a grievance is received from the employee), unless an extension has been mutually agreed. A party to the grievance is not to unreasonably withhold their agreement.
8. In relation to grievances about administrative decisions, if the Local Action Decision Maker's decision is not made within 28 days, the department is deemed to have confirmed the administrative decision and the employee may request an internal review (within 14 days of the deemed decision).
9. In relation to grievances about sexual harassment, the Local Action Decision Maker must provide a written decision to the aggrieved within 14 calendar days of receipt of the grievance, unless an extension has been mutually agreed. A party to the grievance cannot unreasonably withhold their agreement.
10. The Local Action Decision Maker must provide a written decision (including a decision to take no action) to the aggrieved employee outlining:
 - any actions taken to manage the grievance and the outcome of these actions;
 - the reasons for the decision (including reasons for a decision to take no action);
 - any action the department proposes to take, or will take, as a result of the decision; and
 - the employee's right to an internal review, including any relevant timeframes.
11. The Local Action Decision Maker must retain a copy of the decision in the department's record management system.

Stage 2: Internal review

1. If an employee is dissatisfied with a decision made at the Local Action stage, the employee may request an Internal Review (refer to optional [Internal Review request form](#)). In circumstances relating to sexual harassment, if an employee is dissatisfied with the decision about their grievance, the employee may seek an external review under stage 3.
2. The request must:
 - be submitted to InternalReview@qed.qld.gov.au within 14 days of the employee receiving a copy of the decision;
 - clearly state the reasons for dissatisfaction with the Local Action decision, and not merely state a belief that the decision was unfair and unreasonable; and

- state the action the employee believes would resolve the grievance.
3. An Internal Review considers the process undertaken to manage the grievance at Stage 1: Local Action, including information considered, and any resultant decision. An Internal Review is not a reinvestigation of the grievance, but a determination as to whether the Local Action Decision was fair and reasonable in the circumstances.
 4. Once a request for an Internal Review is received, the department must notify the employee in writing (including email):
 - that the request has been received;
 - of the name and contact information for the contact person for the Internal Review; and
 - of the 14-day timeframe for making a decision about the outcome of an Internal Review.
 5. An Internal Review is to be completed by the Internal Review Decision Maker, who determines whether the decision made at Stage 1: Local Action was fair and reasonable in the circumstances.
 6. The Internal Review Decision Maker may decide to take no further action if they are satisfied that
 - the reasons for seeking an Internal Review are insufficient; and/or
 - the request for Internal Review is frivolous or vexatious; and/or
 - the employee has unreasonably refused to participate in a local action process to resolve the individual employee grievance.

The Internal Review Decision Maker must provide the employee with reasons for the decision in writing.
 7. An Internal Review decision must be made as soon as possible, and within 14 days of receipt of a written request from an employee. This timeframe applies unless:
 - the timeframe has been extended by mutual agreement between the parties (a party to the individual employee grievance is not to unreasonably withhold their agreement); or
 - where the Internal Review Decision Maker can demonstrate that reasonable attempts have been made to progress the individual employee grievance.
 8. If the Internal Review Decision Maker fails to make a decision in relation to the request for an Internal Review, the department is taken to have confirmed the decision made at the Local Action stage. This may result in an avenue of External Review being available to an employee once the 14-day timeframe has passed.
 9. At the completion of an Internal Review, (including a decision to take no further action), the Internal Review Decision Maker must provide a written decision to the employee that outlines:
 - the action taken to review the decision made at Stage 1: Local Action;
 - the reasons for the decision, including a decision to not take further action;
 - any action that the Internal Review Decision Maker proposes to take, or will take, as a result of the Internal Review; and
 - any avenues of External Review that may be available to the employee, including any relevant timeframes.
 10. A copy of the decision must be kept by the Internal Review Decision Maker on the department's record management system.

Stage 3: External review

1. If the employee who made the original individual employee grievance is dissatisfied with a decision made following an Internal Review, the employee may seek an External Review.
2. Employees must determine if the issues raised in their grievance are eligible for External Review under relevant legislation using the [Individual employee grievances \(Directive 11/20\)](#) and [PSC Directive 04/23: Appeals](#). Depending on the issues raised in the individual employee grievance, the avenues for review may include:
 - A public service appeal against (must be lodged within 21 days after the day the appellant received notice of the decision appealed against);
 - a decision under a directive;
 - a decision of the Commission Chief Executive to give a direction about the handling of a work performance matter; or
 - a fair treatment decision.
 - notification to the QIRC of an industrial dispute under an industrial instrument
 - an application to the QIRC in relation to an alleged contravention of a workplace right
 - an application to the QIRC for a stop bullying order
 - a complaint to the QIRC in relation to alleged sexual harassment, racial vilification or religious vilification
 - a complaint to the Queensland Ombudsman
 - a complaint to the Queensland Human Rights Commission, where the agency has not responded to an individual employee grievance about conduct affecting a relevant human right within 45 days, or where the employee considers the agency response inadequate.

For all External Review avenues, employees are encouraged to contact the relevant external review agencies regarding timeframes and processes relevant to the type of external review sought.

Individual employee grievances submitted about the Director-General of the department

For individual employee grievances which involve, or may involve, corrupt or inappropriate conduct by, or corruption of, the Director-General, follow the [Complaints involving the 'public official' \(Director-General\) procedure](#).

All other individual employee grievances about the Director-General should be directed to the Commission Chief Executive as outlined in section 10 of [Individual employee grievances \(Directive 11/20\)](#).

Definitions

Term	Definition
Administrative decision	A decision made by the department in relation to the administration of its affairs and includes the failure to make a decision within a specified timeframe where a department is required to do so.
Aggrieved employee	An employee who lodges an individual employee grievance.

Term	Definition
Association	Means an unincorporated entity formed or carried on to protect and promote its members' interests
Commission Chief Executive	Means the Chief Executive of the Public Service Commission.
Corrupt conduct	<p>Corrupt conduct has the same meaning as defined in section 15 of the Crime and Corruption Act 2001 (Qld).</p> <p>Corrupt conduct is conduct that:</p> <ul style="list-style-type: none"> adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of a unit of administration or a person holding an appointment; and is not honest or impartial; or involves a breach of trust (knowingly or recklessly); or involves a misuse of information; and would, if proved, be: <ul style="list-style-type: none"> a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.
Discrimination	Means discrimination that would contravene the Anti-Discrimination Act 1991 (Qld) .
Employee	Any current departmental employee whether permanent, temporary, full time, part-time or casual.
Employee Assistance Program	<p>A free, short-term, confidential counselling services (DoE employees only):-</p> <ul style="list-style-type: none"> for both staff and immediate family members to provide confidential support services for all departmental staff with supervisory responsibilities.
External review	A process conducted by an external review body (e.g. Queensland Ombudsman or Queensland Human Rights Commission) to ensure departmental decision-making is fair, reasonable and proper.
Human rights complaint	<p>A complainant can make a human rights complaint if the department has:</p> <ul style="list-style-type: none"> acted or made a decision in a way that is not compatible with human rights; or failed to give proper consideration to a relevant human right when making a decision.
Individual employee grievance	An individual employee grievance under the Individual employee grievances (Directive 11/20) (the directive) is a grievance made by a current public service employee who has an honest belief, based on reasonable grounds, that:

Term	Definition
	<ul style="list-style-type: none"> an administrative decision, which they are aggrieved by, 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; 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 <i>Human Rights Act 2019</i> (Qld).
Individual employee grievances resolution/ management system	The Department of Education's policy, procedures, personnel and technology used to receive, record, respond to and report on employee complaints, as defined in section 110 of the Public Sector Act 2022 (Qld) .
Internal review	A process conducted by appropriately trained departmental staff on request from the aggrieved employee which examines if the grievance management process for the original grievance was appropriate and/or if the outcome reached was reasonable. An internal review is not a re-investigation of the original grievance.
Internal Review Decision Maker	The person who is responsible for making a decision about an internal review request as detailed in the HR Delegations Manual (DoE employees only) or persons as otherwise delegated by the Director-General.
Local Action Decision Maker	The manager, principal or supervisor who is responsible for making a decision regarding a grievance lodged by an employee.
Parties to an individual employee grievance	includes the person who submits the individual employee grievance and the respondent (either the agency or employee who is the subject of the individual employee grievance) to the individual employee grievance.
Personal information	<p>Personal information has the same meaning as defined in section 12 of the Information Privacy Act 2009 (Qld).</p> <p>Personal information is information or an opinion, including information or an opinion forming part of a database, whether true or not and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.</p>
Natural justice	Natural justice is a right recognised and defined by law that involves two key elements:

Term	Definition
	<ul style="list-style-type: none"> 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).
Privacy	Management of personal information (including information or an opinion) in accordance with the Information Privacy Act 2009 (Qld) .
Racial vilification	<p>Racial vilification has the same meaning as defined in section 124A of the Anti-Discrimination Act 1991 (Qld).</p> <p>By a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the race of the person or members of the group.</p> <p>Race has the same meaning as defined in the schedule of the Anti-Discrimination Act 1991 (Qld).</p> <p>Race includes—</p> <ul style="list-style-type: none"> colour; and descent or ancestry; and ethnicity or ethnic origin; and nationality or national origin.
Religious vilification	<p>Religious vilification has the same meaning as defined in section 124A of with the Anti-Discrimination Act 1991 (Qld).</p> <p>By a public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the religion of the person or members of the group.</p>
Sex or gender-based harassment	<p>Sex or gender-based harassment has the same meaning as defined in Schedule 5 of the Industrial Relations Act 2016 (Qld).</p> <p>Means the harassment of a person (the harassed person), on the basis of the harassed person's sex or gender, by another person who—</p> <ul style="list-style-type: none"> engages in unwelcome conduct of a demeaning nature in relation to the harassed person on the basis of— <ul style="list-style-type: none"> the harassed person's sex or gender; or a characteristic a person of the harassed person's sex or gender generally has; or a characteristic often imputed to a person of the harassed person's sex or gender; or

Term	Definition
	<ul style="list-style-type: none"> ○ a sex or gender the harassed person is presumed to have, or to have had at any time, by the person engaging in the conduct; or ○ a sex or gender the harassed person has had, even if the harassed person did not have that sex or gender at the time of the conduct; and • engages in the conduct— <ul style="list-style-type: none"> ○ with the intention of offending, humiliating or intimidating the harassed person; or ○ in circumstances in which a reasonable person would have anticipated the possibility that the harassed person would be offended, humiliated or intimidated by the conduct.
Sexual harassment	<p>Sexual harassment has the same meaning as defined in section 119 of the Anti-Discrimination Act 1991 (Qld).</p> <p>Sexual harassment happens if a person—</p> <ul style="list-style-type: none"> • subjects another person to an unsolicited act of physical intimacy; or • makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or • makes a remark with sexual connotations relating to the other person; or • engages in any other unwelcome conduct of a sexual nature in relation to the other person; and the person engaging in the conduct described in the paragraphs above does so— <ul style="list-style-type: none"> ○ with the intention of offending, humiliating or intimidating the other person; or ○ in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.
Student protection matters	<p>Any allegations of student harm.</p> <p>Additional information outlined in the Student protection guidelines (DoE employees only).</p>
Workplace bullying	<p>Workplace bullying is repeated unreasonable behaviour in the workplace, as per section 272 of the Industrial Relations Act 2016 (Qld):</p> <p>An employee is bullied in the workplace if—</p> <ul style="list-style-type: none"> • while the employee is at work, an individual or group of individuals repeatedly behaves unreasonably towards— <ul style="list-style-type: none"> ○ the employee; or ○ a group of employees of which the employee is a member; and

Term	Definition
	<ul style="list-style-type: none"> that behaviour creates a risk to the health and safety of the employee. <p>This does not apply to reasonable management action carried out in a reasonable manner.</p>

Legislation

- [Public Sector Act 2022 \(Qld\)](#)
- [Industrial Relations Act 2016 \(Qld\)](#)
- [Public Interest Disclosure Act 2010 \(Qld\)](#)
- [Crime and Corruption Act 2001 \(Qld\)](#)
- [Anti-Discrimination Act 1991 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Individual employee grievances \(Directive 11/20\)](#)
- [Appeals \(Directive 04/23\)](#)
- [Preventing and responding to workplace sexual harassment \(Directive 12/23\)](#)

Delegations/Authorisations

- [HR Delegations Manual](#) (DoE employees only)

Policies and procedures in this group

- [Complaints and grievances management policy](#)
- [Complaints and appeals – subclass 500 \(schools\) visa procedure](#)
- [Complaints involving the ‘public official’ \(Director-General\) procedure](#)
- [Customer complaints management - Internal review procedure](#)
- [Customer complaints management procedure](#)
- [Early childhood education and care complaints management policy](#)
- [Information privacy and right to information procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Managing unreasonable complainant conduct procedure](#)

Supporting information for this procedure

- [Grievance submission form](#)

- [Request for Internal Review form](#)

Other resources

- [Code of Conduct for the Queensland Public Service](#)
- [Standard of Practice](#)
- [Managing a public interest disclosure procedure](#)
- [Customer complaints management procedure](#)
- [Making and managing a public interest disclosure procedure](#)
- [Student protection guidelines](#) (DoE employees only)
- [‘Appeals Guide’ – Public Service Appeals](#)
- [The Department’s Human Rights Act 2019 OnePortal page](#) (DoE employees only)
- [The Queensland Human Rights Commission](#)
- [Employee Assistance Program](#) (DoE employees only)
- [Public Service Commission Role of Support Person Fact Sheet](#)
- [Preventing and responding to workplace sexual harassment policy](#)
- [Preventing and responding to workplace sexual harassment procedure](#)

Contact

For further information, please contact your regional HR Business Partnering team:

Central Queensland Region

CQRegion.HUMANRES@qed.qld.gov.au

North Queensland Region

HumanResources.NQR@qed.qld.gov.au

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South East Region

HR.Southeast@qed.qld.gov.au

Darling Downs South West Region

HumanResourcesDDSW@qed.qld.gov.au

North Coast Region

HumanResourcesCorrespondence.NCR@qed.qld.gov.au

Far North Queensland Region

HumanResources.FARNTHQLD@qed.qld.gov.au

Metropolitan Region

Metropolitan.HRSouth@qed.qld.gov.au

Employee Relations

Where necessary, Regional HR should contact Employee Relations for further advice and assistance

EmployeeRelations.HUMANRES@qed.qld.gov.au

Review date

4/05/2024

Superseded versions

Previous seven years shown. Minor version updates not included.

3.0 Managing employee complaints

4.0 Individual employee grievances procedure

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