

NORTHERN MIDLANDS COUNCIL
HUMAN RESOURCES POLICIES & PROCEDURES



Policy Name:	Issue Resolution Policy
Policy Owner:	People & Culture Business Partner
Originated Date:	August 2015
Amended Date/s:	June 2017; June 2019
Review Date:	This Policy should be reviewed as required and/or as legislation changes
Applicable Legislation:	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1998 (TAS)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Fair Work Act 2009 (Cth)</i> <i>Local Government Act 1993 (TAS)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>Work Health & Safety Act 2012 (TAS)</i> <i>Workers Rehabilitation & Compensation Act 1988 (TAS)</i>
Publication Sources:	ECM - 15/013 - Human Resources Policies & Procedures LivePro / HR / HR Policies Works Depot, Childcare Facility and Pool Locations

1. AUTHORITY & APPLICATION:

This Policy should be considered in the context of the following policies and procedures:

- Alcohol & Other Drugs
- Communications & Social Media
- Disciplinary
- Employee Code of Conduct
- Fitness for Work
- Performance Management
- Work Health & Safety
- Workplace Behaviour

Definitions

Contact Officer – an employee of Council who is appointed in writing after receiving and completing appropriate training to perform the role of Contact Officer.

Council - Northern Midlands Council.

Councillor - an elected member of Council known as a Councillor or Alderman or otherwise meeting the definition of a Councillor as defined under section 3 of the *Local Government Act 1993 (TAS)*.

Employee - a person who carries out work for Council as an employee of Council.

General Manager - the General Manager of Council as appointed under section 61 of the *Local Government Act 1993 (TAS)*.

Infringing Workplace Behaviour - any act or omission, which amounts to a breach of any Council policy, contractual obligation or misconduct at common law.

Industrial Instrument – an instrument recognised under the Fair Work Act 2009 that has legal application with respect to minimum entitlements to those employees covered within its scope (e.g. Award or Enterprise Agreement).

Issues – any grievances, disputes, issues, complaints or concerns that a worker or other persons at the workplace may have against Council, a Councillor, workers or other persons at the workplace.

Manager/Supervisor - a person at the workplace who is appointed to a position that has management/supervisory responsibilities for others or their appropriately nominated or authorised delegate.

Other Persons at the Workplace - any person, other than a Councillor at the workplace who is not a worker including visitors and ratepayers.

Policy - this Policy including the Authority and Application.

Procedure – the Issue Resolution Procedure including the Authority and Application.

Worker - a person who carries out work in any capacity for Council, including work as:

- an employee
- a contractor or subcontractor
- an employee of a contractor or subcontractor
- an employee of a labour hire company who has been assigned to work at Council
- an outworker
- an apprentice or trainee
- a student gaining work experience or
- a volunteer

Workplace - a place where work is carried out for Council.

Training

Council will provide all persons covered by this Policy with the appropriate training, so they are made aware of their responsibilities and obligations under the Policy.

Amendment

Council retains the sole discretion to reasonably vary, terminate or replace this Policy from time to time. Council will consult before amendments are made and will notify and train those the amendments apply to.

Interpretation of Policy

The singular includes the plural and vice versa.

A reference to any legislation includes all delegated legislation made under it and amendments, consolidations, replacement or re-enactments of any of them.

A reference to a policy or procedure means any approved policies or procedures of Council unless otherwise stated.

‘Including’ and similar expressions are not words of limitation.

A reference to a document (including this document) is to that document as amended, novated or replaced unless otherwise stated.

Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

Examples used in this Policy are for illustrative purposes only and are not intended to be exhaustive.

Unless expressly provided for, this Policy is not in any way incorporated as part of any enterprise agreement and does not form part of any employee’s contract of employment and any applicable enterprise agreement or contract of employment will prevail over this Policy to the extent of any inconsistency.

It is not intended that this Policy impose any obligations on the Council or those covered by it that are unreasonable or contrary to the operation of applicable laws. Any obligation, direction, instruction or responsibility imposed by this Policy must be carried out in a manner that an objective third party would consider to be fair and reasonable taking into account and in the context of all the relevant applicable laws, operational and personal circumstances.

Questions relating to the interpretation, application or enforcement of this Policy should be directed to the person's manager/supervisor or the People & Culture Business Partner.

Reporting of Breaches

Persons covered under the paragraph 'Coverage' must reasonably report breaches of infringing workplace behaviour as follows:

For breaches by:

- an employee (other than the General Manager or other workers) the report must go to the reporting person's applicable manager/supervisor
- another person at the workplace, to the General Manager and/or
- the General Manager the report must go to the Mayor (or if unavailable to the next appropriately delegated Councillor) and

as otherwise required or permitted by applicable laws.

Breach of this Policy

Persons covered under the paragraph 'Coverage' who engage in infringing workplace behaviour may (as is appropriate) be subject to appropriate disciplinary action in accordance with the Disciplinary Policy and Procedure or removal from the workplace or termination of services (workers, other than employees and other persons at the workplace). Infringing workplace behaviour may also amount to breaches of applicable laws:

- exposing individuals to legal proceedings and
- making Council vicariously liable for the conduct of others

2. PURPOSE:

Northern Midlands Council is committed to providing a fair and supportive working environment for all workers and a safe workplace for all workers and other persons at the workplace.

Council will provide a flexible approach for issue resolution which takes into consideration the individual, operational and environmental circumstances.

Council recognises that issues are best dealt with at the individual level, as soon as is practicable and without unnecessary formality to prevent unnecessary escalation and to promote fairness all round for all parties.

This Policy will provide a reference framework for the Issue Resolution Procedure and operate in conjunction with applicable laws and related Council documents.

3. COVERAGE:

This Policy covers and applies to worker and other persons at the workplace regarding issues in relation to:

- behaviour at the workplace
- the performance of work for or in connection with Council and
- conduct outside the workplace or working hours if the acts or omissions:
 - are likely to cause serious damage to the relationship between Council, Councillors, workers or other persons at the workplace or
 - are incompatible with a workers or other person at the workplace's duty to Council or
 - damage or are likely to damage Council's interests or reputation

This Policy does not cover or apply to issues that are covered by a specific policy, procedure or process including a dispute settlement procedure, which is provided for in the *Northern Midlands Council Enterprise Agreement*.

For the avoidance of doubt this Policy does not cover or apply to a Councillor.

4. REQUIREMENTS:

Workers and other persons at the workplace must comply with this Policy.

Managers/Supervisors must communicate and implement this Policy within their area of responsibility.

5. RESPONSIBILITIES:

What are the managers/supervisors responsibilities?

Managers/Supervisors are responsible for:

- ensuring appropriate management of issues under the Issue Resolution Procedure
- making appropriate records relating to issues
- taking reasonable steps to ensure workers and other persons at the workplace are not victimised or subjected to other infringing workplace behaviour because they have made, are respondent to or otherwise involved in an issue legitimately raised
- making reasonable resources available to assist workers and other persons at the workplace in relation to raising or responding to and resolving issues and
- advising employees of reasonable internal and external support to raise or respond to and resolve issues

What are the workers and other persons at the workplace responsibilities?

Workers and other persons at the workplace are responsible for:

- their own behaviours, including reasonably raising or responding to and resolving issues
- not raising or responding to issues to be dealt with or participating in any process under the Issue Resolution Procedure that is not in good faith, vexatiously, falsely, frivolously, or without reasonable grounds
- participating appropriately in issue resolution processes under the Issue Resolution Procedure and
- identifying the appropriate support, training or experience and opportunities to raise or respond to and resolve Issues

6. ENGAGING IN AN ISSUE RESOLUTION PROCEDURE:

What is an issue resolution procedure?

An issue resolution procedure consists of an appropriate process to make and respond to and resolve Issues.

When may Council utilise the issue resolution procedure?

Council may utilise the Issue Resolution Procedure where an Issue has been raised by a worker or other person at the workplace or when a manager/supervisor or the People & Culture Business Partner becomes aware of an issue or reasonably considers an issue exists where it is appropriate to utilise the Issue Resolution Procedure.

What is the process?

The Issue Resolution Procedure provides guidelines containing several different processes that may be utilised to make or respond to or resolve issues.

Is there a requirement to use a particular process?

People & Culture Business Partner considers reasonable in the circumstances. This may involve utilising a process that is requested by the worker or other person at the workplace raising an issue (if applicable) or using a different process without their agreement.

Who conducts an issue resolution process?

An issue resolution process is conducted by a manager/supervisor at the lowest possible level with support from the People & Culture Business Partner.

Despite this, Council may decide, taking into consideration the relevant circumstances, to utilise instead or in addition to a manager/supervisor at the lowest possible level:

- a more senior manager or
- an external person with expertise appropriate to the particular circumstances

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In any event, a manager/supervisor engaged in an issue resolution process should consider early consultation with the People & Culture Business Partner if they need guidance regarding the appropriate process and/or the issue is of higher complexity or difficulty than usual.