Grievance Resolution Policy

1. Purpose

The *Grievance Resolution Policy* (the policy) sets out the minimum requirements and responsibilities for WA health system entities to ensure Employee Grievances are resolved in an equitable and timely manner.

This policy is a mandatory requirement for Health Service Providers under the *Workforce and Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016*.

This policy is also a mandatory requirement for the Department of Health pursuant to section 29(1)(l) of the *Public Sector Management Act 1994*.

This policy must be read in conjunction with MP 0138/20 *Managing Conflicts of Interest Policy*.

This policy supersedes OD 0452/13 *WA Health Employee Grievance Resolution Policy*.

2. Applicability

This policy is applicable to the WA health system.

The requirements contained within this Policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or Health Service Provider. The State of Western Australia or Health Service Provider contract manager is responsible for ensuring that any obligation to comply with this Policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

3. Policy Requirements

Health Service Providers and the Department of Health must develop and implement a local procedure or guidelines establishing a Grievance Resolution process which:

- aligns with the Public Sector Commission's Grievance Resolution Standard (the Standard)
- ensures that an Employee's Grievance is directed to the appropriate line manager or local Human Resources unit
- ensures the Complainant and Respondent are afforded Procedural Fairness
- clearly defines the roles and responsibilities of the WA health system entity and the employees involved.

3.1 Grievance Resolution Requirements

Health Service Providers and the Department of Health must meet the Grievance Resolution requirements specified below:

3.1.1. The Grievance Resolution process must comply with the Standard, *Commissioner's Instruction No. 7: Code of Ethics* and MP 0124/19 *Code of Conduct Policy.*

3.1.2. Employees who are party to a Grievance must be informed about the Grievance Resolution process.

3.1.3. The Complainant and Respondent should attempt to resolve the Grievance informally before resorting to formal or more structured processes.

3.1.4. Grievance Resolution is the responsibility of the Decision Maker. Where required, the Grievance will be escalated.

3.1.5. Grievances will be considered seriously and will be dealt with fairly, sensitively and as quickly as possible. If a Grievance cannot be resolved within a reasonable period of time, the Decision Maker will inform the Complainant and Respondent about the delay and the reasons for the delay.

3.1.6. If at any stage of a Grievance process the Decision Maker determines the matter constitutes a suspected breach of discipline, the matter is to be progressed in accordance with:

- *Commissioner's Instruction No. 3: Discipline – general* and Part 5 of the *Public Sector Management Act 1994* for Department of Health employees; or
- MP 0127/20 *Discipline Policy* and Part 11 of the *Health Services Act 2016* for Health Service Provider employees.

Any remaining issues may continue to be addressed under the Grievance Resolution process. The Complainant and Respondent will be informed accordingly.

3.1.7. Procedural Fairness must be afforded for the duration of the Grievance Resolution process by adhering to the following:

- No finding shall be made against the Respondent prior to the completion of the Grievance Resolution process.
- The Respondent must be given relevant details of any Grievance and time and opportunity to respond to the particulars of the Grievance.
- Reasonable time and notice must be provided to all persons involved in the Grievance Resolution process to enable them to prepare for meetings.
- Complainants and Respondents must be given the opportunity to present their case and to respond to any adverse material.
- If required, aids or additional support must be made available to an Employee involved in the Grievance Resolution process to enable them to participate fully in the process.

- The Decision Maker is impartial and acts without bias when making the decision. Conflicts of interests must be managed in accordance with MP 0138/20 *Managing Conflicts of Interest Policy*

3.1.8. Appropriate levels of documentation must be maintained for each Grievance in accordance with:

- public sector record keeping practices pursuant to the *State Records Act 2000*
- the provisions of the General Disposal Authority for State Government Information issued by the State Records Office of Western Australia
- the requirements of the *Freedom of Information Act 1992*.

3.1.9. Grievance documentation must be held in a confidential file in secure storage.

3.2 Breach of Public Sector Standard Claims

Once a final reviewable decision is made, the Complainant and Respondent are to be notified in writing that they may make a breach of Public Sector Standard claim in relation to the reviewable decision, with details of how the claim may be made and the prescribed period in which the claim must be lodged.

If a breach claim is lodged, reasonable attempts must be made to resolve the claim with the Claimant.

If the claim is not resolved within 15 working days after it is lodged, the relevant Employer must refer the claim to the Public Sector Commissioner by providing:

- the claim
- the name and the telephone number or contact details of the Claimant and the nominated officer managing the claim
- any documents that the Employer considers relevant to the claim.

The Employer must also provide written notice to the Claimant that the claim has been sent to the Public Sector Commissioner.

3.3 Advice and Support

Employees seeking advice and support are encouraged to access the Employee Assistance Program (EAP). Details regarding an Employee's relevant EAP can be sought from their line Manager and/or local Human Resources unit.

Managers seeking advice and support should contact their local Human Resources unit.

4. Compliance Monitoring

Health Service Providers and the Department of Health are responsible for ensuring compliance with this Policy.

The function of the System Manager is to undertake assurance activities in relation to the Department of Health in accordance with the *Public Sector Management Act 1994* and Health Service Providers in accordance with the *Health Services Act 2016*.

The System Manager may conduct audits into Health Service Provider and Department of Health compliance with the policy, and to monitor and evaluate the effectiveness of this policy.

The System Manager will monitor Health Service Provider and Department of Health compliance and performance with this policy via audit and/or review.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- Grievance Resolution Standard
- *Commissioner's Instruction No. 7: Code of Ethics*
- MP 0124/19 *Code of Conduct Policy*
- MP 0138/20 *Managing Conflicts of Interest Policy*

6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- N/A

7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Claimant	The person/s who lodges a Breach of Public Sector Standard claim pursuant to the *Public Sector Management (Breaches of Public Sector Standard) Regulations 2005*.
Complainant	The person/s who lodges a Grievance pursuant to this Policy.
Decision Maker	The person occupying the nominated position authorised to manage a Grievance process.
Employee	An Employee employed pursuant to Part 3 of the *Public Sector Management Act 1994* or as defined in section 6 of the *Health Services Act 2016*.
Employer	The employing authority of the Department of Health or a Health Service Provider.
Grievance	Any real or perceived problem or concern in relation to work, the work environment or working relationships which is raised with the Employer by the Employee, where the problem or concern has a direct impact upon the Complainant.
Grievance Resolution	The process used to resolve or redress Employee Grievances. Grievance Resolution is not a disciplinary process.
Health Service Provider	A Health Service Provider established by an order made

	under section 32(1)(b) of the *Health Services Act 2016*.
Procedural Fairness	Rules of common law relating to how a Decision Maker should act when making decisions that may adversely impact upon a person's rights or interests to ensure there is a fair and equitable process.
Respondent	The person/s against whom a Grievance has been lodged.
System Manager	The responsibility of the Director General, Department of Health for the overall management of the WA health system as provided for at section 19(2) of the *Health Services Act 2016*.
WA health system	The WA health system is comprised of: (i) the Department; (ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and (iii) contracted health entities, to the extent they provide health services to the State.

8. Policy Contact

Enquiries relating to this Policy may be directed to:
Title: Director, System-wide Governance and Reform
Directorate: Governance and System Support
Email: OED.GSSD@health.wa.gov.au

9. Document Control

Version	Published date	Review date	Amendment(s)
MP 0116/19	12 August 2019	December 2020	Original version
MP 0116/19 v.2.0	16 November 2021	November 2024	Amendments as below.
• Amendments to policy to broaden applicability to include the Department of Health resulting in subsequent updates to legislative requirements, definitions, references and links.			
MP 0116/19 v.2.1	23 August 2022	November 2024	Amendment as below.
• Amendment to update the Policy Contact Section from Executive Director, Governance and System Support to Director, Workforce and Employment.			
MP 0116/19 v.2.2	November 2024	Minor amendments listed below.	
• Updated mandatory policy hyperlinks throughout the policy			

MP 0116/19 v.2.3	16 July 2026	November 2024	Amendment as below.
• Policy contact Director and generic email updated to align with Unit changes.			

10. Approval

Approval by	Dr DJ Russell-Weisz, Director General, Department of Health
Approval date	7 August 2019

This document can be made available in alternative formats on request for a person with a disability.

© Department of Health 2026

Copyright to this material is vested in the State of Western Australia unless otherwise indicated. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the provisions of the *Copyright Act 1968*, no part may be reproduced or re-used for any purposes whatsoever without written permission of the State of Western Australia.