

# Discrimination, Harassment, Equal Employment Opportunities and Grievances Procedure Policy

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## 1. PURPOSE

To provide a system to achieve the most timely and effective resolution of all employee grievances related to industrial relations and conditions of employment.

EMtek personnel using this procedure shall ensure compliance with the dispute resolution process detailed in the Workplace Relations Act 1996. Where a site is operating under a workplace agreement the grievance/dispute resolution procedure detailed within the workplace agreement shall apply.

## 2. ABBREVIATIONS AND DEFINITIONS

AIRC	Australian Industrial Relations Commission
CBII	Construction and Building Industry Improvement Act 2005
FW Act	Fair Work Act 2009
HSR	Health and Safety Representative
WR Act	Workplace Relations Act 1996

## 3. PROCEDURE

### 3.1 General

EMtek's processes for resolving employee grievances and issue resolution are set out below and if followed should enable the resolution in a timely and satisfactory manner.

Grievances and issues can be minimised by line management and supervision being committed to ongoing consultation, cooperation and discussion with all employees. It is preferable that persons are alert to grievances and potential disputes and that action is taken to rectify the problems before they become issues.

When a grievance is raised it is to be dealt with in a timely manner appropriate to the situation. The issue should be resolved at the lowest level within the organisation and as close to the initiating point of the issue as possible.

A genuine attempt to resolve grievances must occur at the workplace before a third party is engaged to mediate or before it is referred to a third party.

When involved in the grievance process management, we must be mindful of the need to maintain the integrity of the applicable Workplace Agreement and shall not enter into any other arrangements that may impact on the site. Any changes to the employment conditions as a result of a grievance must only be at the approval of an EMtek Director.

Employees that are party to a dispute are required to:

- Continue their work in accordance with their contract of employment, unless the employee has a reasonable concern about an imminent risk to their health and safety.
- Comply with any reasonable direction given by their manager/supervisor to perform other available work, whether at their usual workplace or another place of work.
- A manager/supervisor, on directing an employee to perform other work must take into account:
  - OH&S legislation and requirements that apply to the employees or to the other work.
  - Whether the work is appropriate for the employee to perform.

When employees do not participate properly in the grievance resolution process this must be dealt with firmly but fairly.

When unlawful or dispute action is threatened or taken employees must be informed of their rights and responsibility according to the FW Act, the Workplace Agreement and WR Act.

## 3.2 Grievance and Issue Resolution Process

### 3.2.1 Issue Raised with Supervisor for Resolution

Employee(s) with a grievance are to raise the grievance with their supervisor, preferably in writing. The supervisor should evaluate and resolve the problem in consultation with the employee.

The issue should be noted by the line manager or supervisor and this will need to be kept as a record.

If the issue is not adequately resolved the line manager or supervisor is to refer the matter to the next level of management.

### 3.2.2 Issue raised with Site Management

In the event that the issue has not been resolved it is important that through the responsible supervisor, consultation takes place with the responsible line management and with the employee and their representative.

The Project Manager/Superintendent will in consultation with respective personnel, determine what corrective action is to be taken and in what time frame.

### 3.2.3 Issue Raised with Senior Manager

In the event the problem has still not been resolved it is recommended that the issue is raised with the Line Manager or an EMtek Director regarding a solution to the problem.

The EMtek Director may seek advice from appropriate external parties.

An EMtek Director should be notified of the issue as soon as practicable.

### 3.2.4 Third Party Resolution

Once these processes have occurred and resolution has not been achieved, the matter may be referred to an agreed third party for assistance in resolution.

When agreeing to the third party a genuine attempt to resolve the grievance must be made. The method of resolution is to be clearly agreed e.g. mediation, assisted negotiation, neutral evaluation, conciliation. Arbitration will not generally be accepted at this stage.

The party to assist in the mediation must be acceptable to the Company and recognised according to the WR Act 1996 for an alternate dispute resolution process.

### 3.2.5 Referral to Australian Industrial Relations Commission

If the parties cannot agree on a third party or cannot resolve the issue the matter is to be referred to the AIRC.

### 3.3 External Advice

Advice may be sought by any management representative from an independent party, e.g. consultant or Australian Industry Group to assist in resolving the issue.

### 3.4 Communication

During any grievance/dispute process the EMtek Site Manager is to keep EMtek supervisors informed and to coordinate the communication of our position to the employees concerned, either directly or through our supervision.

If the worksite is client controlled the client's industrial relations representative will need to be notified and involved where the issue may have a significant impact on the operation of the project or on other site contractors.

At all times the affected person(s) shall be kept informed as to the state grievance resolution and what resolutions have been reached.

Notifying management of any disputes that may be developing as early as possible will assist in the appropriate management of a HSE issue and prevent industrial problems.

## 4. RESPONSIBILITIES

### 4.1 Management

It is the responsibility of management to resolve issues at their workplace, using the process detailed in this procedure or the specific process established in a EMtek workplace agreement.

### 4.2 Employees, Contractors and Visitors

Promptly raise and resolve grievances using the process detailed in this procedure.