

OUR LADY OF THE SACRED HEART SCHOOL

PERSONAL GRIEVANCE POLICY

RATIONALE

A personal grievance is a complaint by an employee (or employees) that they have been unfairly, wrongfully or unjustifiably mistreated by the employer (or anyone acting for the employer). Good employer practices (State Sector Act 1988, Part VIIA) will minimise the possibilities of a Board of Trustees becoming involved in a personal grievance case.

GUIDELINES

1. Personal grievances are lodged against the Board of Trustees by the employee.
2. For the purposes of section 103 of the Employment Relations Act 2000, *personal grievance* means any grievance that an employee may have against the employee's employer or former employer because of a claim –
 - a. that the employee has been unjustifiably dismissed; or
 - b. that the employee's employment, or one or more of the employee's employment (including any condition that survives termination of the employment), is or are or was (during employment that has been terminated) affected to the employee's disadvantage by some unjustifiable action by the employer; or
 - c. that the employee has been discriminated against in the employee's employment; or
 - d. that the employee has been sexually harassed in the employee's employment; or
 - e. that the employee has been racially harassed in the employee's employment; or
 - f. that the employee has been subject to duress in the employee's employment in relation to membership or non-membership of a union or employee's organisation.

Refer to Parts 7 & 7A of the State Sector Act 1988 and the Employment Relations Act 2000 (especially Part 9). The Employment Relations Act 2000 applies to the education sector.

3. The Board of Trustees will seek the advice and/or assistance of NZSTA personnel or industrial relations adviser.
4. The procedures to settle personal grievances are as stated in the current Collective Agreements for:
 - Primary Principals
 - Primary Teachers' (including Deputy and Assistant Principals and Other Unit Holders)
 - Support Staff in Schools
 - School Caretakers and Cleaners
5. In the event of a personal grievance, and subject to the relevant collective agreements listed in 4, and the advice received in 3, the following action will be taken:
 - a. Upon notification from an employee of a personal grievance, the Chairperson of the Board of Trustees will inform the Principal.

- b. Due to the serious nature of a personal grievance claim, the Board of Trustees, upon being notified by the employee, or his/her agent, that a personal grievance is lodged, shall also immediately notify:
 - i. the School's insurer of the claim and obtain the Insurer's approval to proceed (and obtain the Insurer's prior approval to any subsequent settlement); and
 - ii. the School Trustees Association
- c. After seeking advice and obtaining the insurer's approval, the Principal may endeavour to resolve the complaint by direct discussion with the employee concerned. All discussions and actions will be accurately documented with copies given to the employee and to the Chairperson of the Board. Confidentiality will be respected at all times.
- d. In the event that the Principal is the employee in regard to a personal grievance, the Chairperson of the Board of Trustees will action the procedures as listed above, points a. to d. Refer relevant section Primary Principals' Collective Agreement.

CONCLUSION

It is the Board's belief that the best approach to personal grievances is prevention by being a good employer in all employment situations (See section 77A, Part 7A, State Sector Act 1988).

When addressing complaints, matters of discipline or competency against employees, the Board of Trustees will follow the principles stated in the respective employment agreements and in the applicable legislation.

The nature of personal grievances is such that every situation must be treated sensitively and in keeping with the Special Character of the school and the Code of Ethics and Conduct.

Adopted 21 August 1996
 Reviewed 18 August 1999
 Reviewed 18 June 2003
 Reviewed 18 August 2004
 Reviewed 17 May 2006
 Reviewed 20 May 2009
 Reviewed 5 December 2012

CHAIRPERSON

SECRETARY