

Grievance 1#

Risk of workplace industrial disputes occurring between the company and the employee/s in relation to working conditions.

Appropriate Solution:

Should an industrial dispute occur, a three stage process shall be undertaken to ensure resolution of the disputation.

Step 1.

Discussions will be undertaken with the employee/s and, at their request, their Union or other employee representative, along with their immediate supervisor with the intention of resolving the dispute.

Step2.

Should resolution not be achieved all involved parties shall arrange for further discussions between the employee/s and their nominated representative and if practicable, more senior levels of management with the intention of resolving the dispute.

Step3.

Should the matter remain unresolved, discussions shall be undertaken between the BSCAA and the Union or other nominated representative of the employee with the intention of seeking resolution.

At any stage of the process any party may choose to escalate the proceedings to the next stage.

Resources

Initial resources shall the employee and their chosen representative and the employer and immediate supervisor of the employee/s.

Further resources may involve the Union and BSCAA as determined by the employee and employer respectively.

Responsibilities.

The employer has a responsibility to enter into communication and consultation with the employee to attempt to resolve issues prior to them developing into an industrial dispute.

All parties have a responsibility to act in a conciliatory manner to achieve resolution where possible.

Timing

Initial consultation should commence as soon as possible when an issue is brought to the attention of an employer and has the capacity to develop into an industrial dispute. Where practicable, consultation should commence within 24 hrs of the matter arising.

Grievance 2#

Resourcing appropriate staff may be an industrial relations management issue where inappropriate staff is employed and dismissal/termination is necessary. It raises the question of unfair dismissal – should the person ever be employed in the first instance if they were and remain unable to meet competency requirements in order to fulfill the job responsibilities.

Appropriate Solution:

1. Selection of employees must give priority to experienced personnel. A formal application must be provided and the employee shall complete the application, including references.
2. The application will state that the prospective employee shall give approval for reference checks to be made. Reference checks shall confirm [or otherwise] competency standards and fitness for the job related tasks.
3. On appointment [3 month probationary period], an employee shall undergo both company and job specific induction according to company procedures. At this time, additional training needs are identified and training provided.
4. Supervision of new employees shall be of sufficient depth to ensure safe operational practices are maintained.
5. Should the employee not be able to meet operational standards, further training shall be offered to allow the employee to meet the necessary standards.
6. If after 3 months of training and close supervision, the employee is unable to achieve the required competencies, the employee shall be counseled and termination may occur if alternative duties cannot be found.
7. Payment at time of termination shall apply according to the Award, given consideration to the employee's status of less than one year's continuous employment.
8. Should a dispute arise, the previous procedure relating to dispute resolution shall apply.

Resources

Appropriate induction and training resources shall be made available to the employee and additional training provided as necessary.

A Training Plan is in place to support the induction and training process.

Supervision shall be adequate at all times and a mentoring program offered to those employees who require additional assistance.

Responsibilities.

The employer has a responsibility to ensure appropriate selection processes.

The employer has a responsibility to ensure appropriate training.

The employee has a responsibility to attend training sessions provided.

The supervisor has a responsibility to ensure the employee's workplace remains safe at all times during the working life and in particular during the probationary period.

Timing

Appointment of new staff must allow sufficient time for a proper selection process.

Induction and training must commence on day 1 of an employee commencing work.

Grievance 3#

Communication barriers occurring due to language barriers [English as a second language] that may create communication breakdowns in the workplace.

Appropriate Solution:

Prospective employees shall undergo a comprehension test at time of election to test the person's ability to understand the written word. Even though a person may not be able to verbally communicate well in English, often they can read and comprehend written instruction. It is this written instruction [comprehension of] that is the critical employment criteria.

Step 1.

Application form completed in the presence of a company representative who will determine whether a comprehension test is required.

Step2.

On appointment, successful applicants will be provided with a letter of appointment that clearly documents the terms and conditions of the employment arrangements. This information will be provided in simple easy to read language.

Should the need arise, employment agreements [letters of appointment] may be provided in the employees native tongue, however, this is not normally the process due to the increase safety risk of employees who are unable to read English [cannot read emergency procedures in a building].

Step3.

At the workplace at least one person capable of communicating both written and verbally shall be designated by the supervisor to liaise with all other staff and offer assistance in translation where necessary.

Resources

Site representative who can communicate with other staff and also with the employer.

Responsibilities.

The employer has a responsibility to ensure the employee is fully aware and understands their employment conditions at the time of appointment.

Timing

Prior to appointment the employer has an obligation to ensure language barriers are being managed and do not become disadvantageous to the employee.