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| Q:\Logos\Melton City Council Logo\Melton logo colour.jpg | **Disputes and Grievances Procedure associated with Construction – Engineering Services** |
| **Version No.** | 1.4 |
| **Endorsement** | 15 May 2020 |
| **Expiry Date** | 30 June 2025 |
| **Responsible Officer** | Infrastructure Planning Coordinator |
| **Policy Owner** | Engineering Services Manager |

# Purpose

This purpose of this procedure is to ensure that all disputes and grievances are acknowledged, addressed and resolved in the interests of providing quality construction supervision services.

Disputes, complaints and grievances received shall be dealt with fairly, promptly, confidentially and without retribution.

# Scope

This procedure applies to all construction supervisors responsible for auditing civil works and strongly encouraged to be used by land development Consultants, Superintendents and Contractors.

# Definitions

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| **Word/Term** | **Definition** |
| MCC | Melton City Council |
| Evidence | Information pertaining to the grievance or dispute that is current within two business days of the incident(s), and that can be substantiated and prove the incident(s) occurred. Here-say is not permissible. |

# Procedure

The dispute and grievance process for Superintendents and Contractors relating to construction must:

* be submitted in writing,
* have evidence supporting the dispute or grievance,
* be recorded,
* be responded to in writing,
* be confidential, where the matter pertains to Council’s staff, Consultant’s, Superintendent’s and Contractor’s inappropriate behaviour

### **4.1 Disputes and grievances related to civil construction matters**

### **4.1.1 MCC’s interaction with the site Superintendent or Consultant**

MCC will deal initially with the site Superintendent (on construction matters) or Consultant (on design matters) regarding any disputes and grievances related to construction works. MCC will not deal directly with the Contractor.

### **4.1.2 Dispute and grievance process**

### **Grievances related to Construction Supervisor’s inappropriate behaviour**

### **4.2.1 MCC Code of Conduct**

The Construction Supervisors shall be informed of MCC’s Code of Conduct as part of their terms of employment and induction requirements. The Construction Supervisors must adhere to the Code of Conduct at all times.

### **4.2.2 Conflict of Interest**

The Construction Supervisors shall be informed of MCC’s Conflict of Interest policies and guidelines as part of their induction requirements. The Construction Supervisors must disclose to the Infrastructure Planning Coordinator any relationship that will affect their ability to act fairly and in a professional manner in dealing with the Superintendent or Contractors on the work sites. The Construction Supervisors must adhere to the policies and guidelines at all times.

The Infrastructure Planning Coordinator may re-assign the Construction Supervisor to another site where a conflict of interest is disclosed.

### **Grievance process when raised with MCC**

### **4.2.4 MCC Disciplinary Policies and Procedures**

Any disciplinary actions taken against the Construction Supervisor shall be in accordance with Melton Council’s Disciplinary Policies and Procedures.

### **4.2.5 Resolution sought from options other than MCC’s procedure**

Other options may be sought by the complainant to raise and resolve a matter. However it is strongly recommended to use MCC’s dispute and grievance procedure first.

### **Grievances related to a Superintendent’s or Contractor’s inappropriate behaviour**

Any grievances that Council’s Construction Supervisor has with a Superintendent’s or Contractor’s inappropriate behaviour shall be immediately reported to the Infrastructure Planning Coordinator along with any evidence.

The Infrastructure Planning Coordinator, with advice from Council’s Human Resources department, shall correspond in writing to the Superintendent’s or Contractor’s employer to investigate and resolve the matter in accordance with their company’s policies and procedures.

Correspondence to Council shall be provided by the Superintendent’s or Contractor’s employer confirming the matter has been handled and that the inappropriate behaviour will desist.

Where further inappropriate behaviour is directed towards the Construction Supervisor by the same Superintendent or Contractor, it shall be escalated to their employer by Council’s Infrastructure Planning Coordinator or Manager Engineering Services.

# Responsibility /Accountability

**5.1 Manager Engineering Services**

The Manager is the owner of this Procedure.

**5.2 Infrastructure Planning Coordinator**

The Infrastructure Planning Coordinator oversees the handling and implementation of this procedure within the team.

**5.3 Principal Construction Supervisors and Construction Supervisors**

All construction staff within the Infrastructure Planning team are responsible for compliance with this procedure.

**5.4 Land development Consultants, Superintendents and Contractors**

Consultants, Superintendents and Contractors are strongly recommended to follow this procedure.

# Supporting References

This procedure is to be read and implemented in conjunction with the most current documents of the following:

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| **Name** | **Location** |
| MCC Code of Conduct | MCC Intranet |
| MCC Disciplinary Policies and Procedures | MCC Intranet |
| MCC Conflict of Interest Policies and Guidelines | MCC Intranet |