



Neighbourhood Houses Tasmania Inc

# **Conflict and Grievance Resolution**

# **Information Handbook**

**NOTE:** This handbook should be read in conjunction with the Conflict and Grievance Resolution Policy

**For Use or Adaptation  
By  
Neighbourhood Houses in Tasmania**

**August 2013**

## **Acknowledgements**

*Prepared by Ron Sutton, and drawing upon and incorporating ideas and material from The United Church of Canada, Malcolm MacDonald & Associates, The Conflict Information Consortium at the University of Colorado and others.*

## **Disclaimer**

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**SECTION A.**

**BACKGROUND TO THE  
POLICY**

# 1 The Issue of Conflict

Conflict is an unavoidable part of life. The goals that people have and the ways that they work towards those goals are as many as there are people. Inevitably, at times, people's goals and ways of working will come into conflict with others.

Neighbourhood Houses deal with challenging issues, often within a stressful environment. As a consequence, conflict in a House will almost certainly arise from time to time. Conflict could be between members of the management committee, between staff and members of the management committee, between users of the neighbourhood house, or with other members of the local community. Sometimes the conflict may involve a combination of people from some or all of these groups.

Conflict is not inherently bad. It can be the agent of constructive change. Through conflict, problems are exposed and misunderstandings are brought into the open. The resolution of a conflict brings with it the potential for greater understanding and growth for all participants in the conflict. The key to realising this potential lies in how we deal with conflict, in both the process we use for resolving the conflict and the spirit in which we work through the process. Having a clear process for dealing with conflict is very helpful at resolving conflict but unfortunately no process can guarantee that people will work in good faith to resolve a conflict.

If handled well, the negative impacts of conflict can be minimised, and at times positive outcomes may result from well-handled conflict resolution. Poorly handled, conflicts can be very destructive not only of interpersonal relations, but also of the effectiveness of the Neighbourhood House. Sometimes conflict can result in grievances and disputes where a real or imagined wrong leads to a complaint.

## 2 Preventing Conflict

### 2.1 Recognise Potential Causes of Conflict

Even with the best will in the world, conflict will arise from time to time, through differences of opinion, personal style or ways of doing things. However there are some circumstances which almost guarantee conflict will arise in a Neighbourhood House, including:

#### **Absent or Unclear Direction Setting**

- No agreed goals
- Unclear or conflicting goals
- Unclear or conflicting priorities
- Lack of planning, policies and procedures to guide action
- Unclear or undocumented policies and procedures
- Lack of clarity about what is meant to be happening and who is responsible

### **Poor Governance or Management Practices**

- Confusing, inconsistent governance and management practices
- Poor definition of roles and responsibilities
- Ineffective communication leaving people in the dark
- Multiple lines of communication causing mixed messages
- Power imbalances and misuse of power
- Discrimination or bias in the behaviour or treatment of management committee members, staff or users
- Workplace harassment

### **Unsatisfactory Workplace Conditions**

- People who are not skilled or experienced enough to do what is expected of them
- Excessive workloads from too many things on the go and unrealistic demands on people's time
- Stretched resources, putting people under pressure and making them feel undervalued
- Lack of supervision, support or training
- Poor employment conditions
- Unsuitable working environments

### **Interpersonal Rivalries**

- Clashes of personality
- Baggage from the past or from outside the House
- People pushing hidden agendas
- Factionalism

All these factors, sometimes in combination, can lead to frustration, stress and burnout. People stop listening and can lose trust and respect for each other. In these circumstances, conflict can easily arise. When people are in conflict, they disagree, quarrel or clash about ideas or how to do things. When this gets heated and unproductive, and people become set in their antagonism towards each other, you have a conflict on your hands that needs to be resolved.

While a conflict may seem to be about core issues such as what happened, or what needs to be done, the facts of the matter as it were, it almost certainly will also involve personal feelings and people's sense of identity.

## **2.2 Limit the Causes of Conflict**

There are steps that can be taken to prevent or limit conflict occurring by addressing to some degree the issues discussed above.

### **Set Goals and Strategic Direction**

- Document the aims and objectives of the Neighbourhood House (consistent with the requirements of the Funding Agreement).
- Prepare and sign off on a strategic plan to provide an agreed overall direction and realistic priorities for the work of the Neighbourhood House.

### **Establish Policies and Procedures**

- Develop and apply clear policies and procedures that govern the operation of the House.
- Develop and follow clear, even-handed conflict and grievance resolution procedures.
- Deal with conflict early – pretending it isn't there doesn't help.

### **Define Roles and Delegated Authority**

- Develop and document clear position descriptions for members of the management committee and for staff and volunteers.

### **Develop a Supportive Workplace**

- Hire staff with the necessary skills for the job.
- Use the priorities of the strategic plan to limit workloads to realistic levels.
- Review work practices to minimise “busy work” and focus on priorities.
- Develop work plans with staff to guide and focus their work
- Develop a healthy, safe and comfortable physical environment in which to work.
- Check regularly how people are doing.
- Give people regular feedback and recognition of their contribution.
- Offer adequate training.
- Celebrate successes

### **Maintain Good Communication**

- Ensure information is documented and widely available, not just to a limited “inner circle”.
- Make correspondence available for everyone to read.
- Hold regular staff meetings.
- Take time to really listen to people.
- Hold regular joint staff and governing body meetings.
- Give everyone an opportunity to be heard at meetings.
- Keep clear and accurate minutes for all meetings.
- Make minutes of meetings available to everyone in good time.

## **3 If Conflict Arises**

Conflicts and grievances can arise about industrial issues such as wages, conditions of employment and performance, non-industrial issues such as the directions and priorities of the neighbourhood house, unclear roles and responsibilities, compliance with policies and procedures, conflict of interest, discrimination, harassment and bullying, interpersonal disputes and power struggles, community disputes being played out in the House and, on rare occasions, illegal activity.

Delay in dealing with potential conflicts almost always results in the conflict getting worse. We tend to avoid conflict, moving around it or trying to smooth it over, in the hope that it will go away. If it doesn't, and it often doesn't, by the time it is dealt with, people end up feeling angry or fearful or are ready to start blaming the other party for everything.



Conflict and grievance resolution is the process of clarifying what needs to be resolved or changed, and determining how people can work together to achieve that.

In the first instance, encourage the people in or close to the dispute to try to sort it out by themselves. Make sure the conflict and grievance procedures contain clear and fair procedural steps to follow if people are not satisfied with the outcomes of dealing with the conflict themselves, or feel unable to use this approach.

If a dispute escalates, the next step will usually be to ensure that the House policies and procedures, the Constitution or Model Rules, and the Funding Agreement are all being properly followed and applied. In many cases, one of these will provide the basis for resolution of the conflict. During this time, those trying to resolve the conflict can call on the advice of the Department or Neighbourhood Houses Tasmania.

If the dispute is still not resolved, there are a number of pathways which can be followed. Which pathway is chosen will depend on the nature of the conflict. The policy and procedures set out in this handbook provide a step by step guide to help do this.

## **4 Principles for Conflict and Grievance Resolution**

The procedures suitable for resolving a particular conflict or grievance will depend on the type of dispute and the parties to the dispute. The policy is flexible in this regard.

However, there are some fundamental principles that apply to guide all conflict and grievance resolution under this policy. These are:

- **Act Holistically** Place emphasis on responding to all the needs of each of the parties in the conflict.
- **Be Inclusive** Ensure the interests of the community affected by the conflict are accommodated in the resolution.
- **Focus on Healing** Place emphasis on re-establishing right relationships and balance in the community affected by the conflict. The focus is not on punishment.
- **Be Fair** Ensure the empowerment, dignity, respect and care of all parties in the dispute, avoiding as far as possible “winners and losers”.
- **Aim for Problem-solving** Focus on resolution, not blaming and scapegoating of participants.
- **Ensure Accountability** Make sure there is accountability for any harm that has been done.
- **Seek a Just Resolution** Address the needs of all those affected by the conflict.

## **5 Methods of Conflict and Grievance Resolution**

Under this Policy, there are a number of methods of conflict and grievance resolution listed below that are available to the Neighbourhood House. If these are unsuccessful or unsuitable, parties to a dispute can pursue avenues outside the House that are not covered by this Policy. Frequently, professional and independent conflict and grievance resolution support will be required somewhere in the process because the Neighbourhood House community may not have someone sufficiently uninvolved or skilled enough to guide the process. Usually the earlier you bring in this support, the better. Refer to [Appendix 3](#) for contact information for independent support people and organisations.

### **5.1 Appoint a Grievance Officer**

As a critical first step to putting in place any methods of conflict and grievance resolution in the House, a Grievance Officer must be appointed and trained. The role of the Grievance Officer is to serve as an important first point of contact for people who believe they have an issue in the Neighbourhood House, including discrimination, harassment, and bullying. They are a member of the House community who provides information and confidential support.

The Grievance Officer can advise people about the House conflict and grievance resolution policy and procedures and provide support to people in how best to deal with their concerns.

The Grievance Officer must operate as a neutral and impartial person when dealing with a conflict or grievance. If there is any doubt about this, or if any party to the dispute expresses such a concern, the role must be handed on to an alternative grievance officer acceptable to all parties. Everyone involved must be able to have confidence that the Grievance Officer will operate with neutrality and impartiality.

### **5.2 Role of the Grievance Officer**

The role of the Grievance Officer is to:

- Provide a 'first point of contact' for people with enquiries related to a conflict or grievance, including discrimination, harassment and bullying.
- Provide information about the House's policies and conflict and grievance resolution procedures, and how to access support or advice, both internal and external to the House.
- Explain and provide information about conflict and grievance resolution and what constitutes discrimination, harassment and bullying.
- Undertake awareness-raising in the House about House policies and procedures in regard to conflict and grievance resolution and discrimination, harassment and bullying.
- Assist parties involved in a grievance to work towards a solution.
- Where possible and as appropriate, encourage parties to utilise the informal processes available to them.

- Inform people of their rights under Tasmanian and Commonwealth law
- Refer people who decide to make a formal complaint to the relevant House policy and procedures, or to outside options.

The Grievance Officer should have a good knowledge of:

- House policies, including conflict and grievance resolution policies and procedures
- Discrimination, harassment and bullying legislation and issues
- Strategies for dealing with and assisting in the resolution of conflicts and grievances

and should:

- Have a commitment to and understanding of social justice and equal opportunity.
- Provide accurate information and appropriately refer matters as required.
- By their own behaviour, act as a role model to people involved with the House.
- Be proactive in promoting a discrimination, harassment and bullying free environment.
- Be discreet and maintain confidentiality of the issues raised by persons seeking advice.
- Keep up to date with any changes in policies and procedures.

It is never appropriate for a Grievance Officer to ignore a grievance/complaint. All matters should be dealt with immediately or referred to an appropriate authority.

## 5.3 Informal Resolution

Ideally, resolving conflict should happen early, when the parties are able to mutually work through the issues between themselves, and before the situation becomes inflamed. Some steps to support [informal conflict and grievance resolution](#) are set out in the policy and procedures in this Handbook.

## 5.4 Formal Resolution

Where an informal approach does not work, or does not cover the situation, the conflict or grievance must be addressed by a [formal model of resolution](#) covered by the policy and procedures in this Handbook.

### 5.4.1 House Grievance Officer Resolution

This model relies on a written notification of a conflict or grievance, and the support and guidance of an in-House person, appointed as the Grievance Officer, to resolve the issue by mutual agreement of the parties involved. For more information on the role of the House Grievance Officer, see the [Grievance Officer Checklist](#) and the [role of the Grievance Officer](#).

### **5.4.2 Mediated Resolution offered through House**

In some cases, and with the agreement of the parties, the House Grievance Officer may recommend that an independent, trained mediator assist the parties to reach a mutually agreed resolution. The mediator may be a member of the House community or an external person brought in by the House. While an external mediator will cost money, the benefits will almost certainly outweigh the costs.

### **5.4.3 Arbitrated Resolution applied through the House**

Where the circumstances warrant, and the parties are unable or unwilling to resolve the issue, the Grievance Officer may direct that the conflict or grievance be arbitrated. This means the parties are directed to abide by a resolution determined by the arbitrator. In other words, someone needs to be instructed to do something or stop doing something. They must comply or there will be further consequences. Arbitrated resolutions, and the circumstances leading up to them, should always be fully documented in writing.

The arbitrator may be an external person brought in by the House or, depending on circumstances, the Management Committee, or the Co-ordinator or Manager. An arbitrated resolution may be necessary when there is cause for disciplinary action for breaches of any House policies or employment codes or when a user of the House needs to change their behaviour or be excluded.

## **5.5 Legal Settlement**

Where the conflict or grievance cannot be resolved by the methods offered in this Information Handbook, or they do not cover the situation that has arisen, the conflict or grievance will need to be referred to outside models of resolution.

For industrial matters, the relevant processes set out in the related Federal or State Act or Industrial Award should be followed.

As an employer, the House can get industrial relations and HR advice and support from organisations such as Jobs Australia, Quartz Consulting, or the Tasmanian Chamber of Commerce and Industry (TCCI). These bodies can support or run an industrial relations process for the House. NHT strongly recommends that Houses take out a membership or otherwise contract for services with one of these bodies. Some [contact details](#) are provided with this Handbook.

Advice can also be sought from the Department of Health and Human Services, the Anti-Discrimination Commission, Unions such as the Australian Services Union or the Health and Community Services Union, or the Tasmanian Industrial Commission.

If criminal activity is involved, the police must be informed and the matter dealt with in accordance with the law.

**SECTION B.**

**POLICY AND PROCEDURES**





[Name of House]

# Conflict and Grievance Resolution Policy

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## PURPOSE

The [Name of House] is committed to creating and maintaining constructive, productive and supportive working relationships with all who work in or use the House.

We want everyone to communicate openly and respectfully with one another, recognising different points of view and dealing with them constructively. The presence of conflict, if dealt with effectively, offers an opportunity for individual and organisational learning including the identification of policies and practices that need to be improved. If left unresolved, conflict and grievances can lead to a stressful, and in the worst cases, a poisoned environment.

The purpose of this policy is to guide management committee members and other members, staff, tutors, volunteers and house users in resolving conflict and grievance issues if and when they arise.

While this policy can be used to assist in dealing with issues concerning bullying, harassment and discrimination, if such issues arise, refer in the first instance to the House Anti-Discrimination, Harassment and Bullying policy.

This policy does not apply to alleged criminal activity, suspected corruption, and reportable conduct involving children or young persons under 18 years of age, which must be reported promptly and directly to Tasmania Police.

## POLICY

The [Name of House] will provide and maintain a positive environment in which all are able to work and interact constructively together.

The [Name of House] will establish procedures to support timely, fair and effective conflict and grievance resolution.

In the first instance, the [Name of House] will encourage management committee members, staff, volunteers, members, house users and others to resolve directly with each other at the earliest opportunity, and to their mutual satisfaction, any conflict or grievance issues or concerns that they may have.

If informal conflict and grievance resolution between the parties themselves is not acceptable to a person involved, not possible for other reasons, or cannot be resolved to the satisfaction of all parties, a formal conflict and grievance resolution procedure will be implemented.

A person requesting formal conflict and grievance resolution must do so in writing in the



[Name of House]

## Conflict and Grievance Resolution Policy

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manner designated in this policy. A person must be offered independent support to put things in writing if they require it.

All formal conflict and grievance resolution requests will be investigated fully and promptly, and all parties will be kept informed of progress.

The formal conflict and grievance resolution procedures available will be fully documented and provided to those involved at the outset of the process. Then, the wishes and concerns of all parties will be taken into account in determining the procedures appropriate to the circumstances.

The [Name of House] will maintain confidentiality as far as is possible. Only the relevant parties will be involved in investigation and resolution procedures.

Parties to the conflict and grievance resolution will be encouraged to observe confidentiality.

A person raising a conflict or grievance issue may, at any time, withdraw in writing from pursuing the matter.

No person will be intimidated or unfairly treated in any respect if they use this Policy to resolve an issue.

A clear and accurate written record will be kept of the details of any formal conflict and grievance resolution requests and the procedures, actions and outcomes of the resolution process, including dates and signatures of those involved.

Members of the Management Committee or other members, the House Coordinator, staff, tutors and volunteers are obliged to take immediate action in addressing a conflict or grievance if the physical or mental health and safety of any of the parties is perceived to be at risk.

If threats to persons are made, or members of the Management Committee or other members, the House Coordinator, staff, tutors or volunteers perceives a possible danger to a party or to other employees, including the possibility of one party being a danger to themselves, external professional assistance must be sought immediately.

## PROCEDURES

### Appoint a Grievance Officer

Before any conflict arises, and as a first step, appoint and train a Grievance Officer, chosen from the membership of the House, who is capable of responsibly undertaking the role.





# Conflict and Grievance Resolution Policy

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Designate and train an Alternative Grievance Officer to deal with situations where it is not practical or appropriate for the Grievance Officer to be involved.

## Informal conflict and grievance resolution

**Step 1.** Open and honest communication is essential for resolution of conflicts and grievances within the House. The person/s with a concern is encouraged to raise concerns with those involved at the first sign of an issue developing. In other words, sit down and talk about the issue sooner rather than later.

**Step 2.** At this meeting, aim to:

- Be accepting that the other party's view of the situation may be different. At this stage, simply seek agreement that there is a problem and what the nature of the problem is, not agreement with the other party's view
- Listen actively to each other's point of view, allowing time for each person to have their say. It is very important to stay calm during this process and concentrate on issues.
- Make a commitment to working it out. Agree on a timeframe and a course of action.

**Step 3.** If it helps, working together, write down the issues to assist with separating behaviours and issues from the emotions involved. Ask questions like, "What are the facts or behaviours involved? How do they make me feel? What would I like the outcome to be?"

**Step 4.** Working with good will:

- Decide your agreed actions, including who will be involved and in what way, the timeframe, how you will know that the matter is settled, and any other things that the parties agree are necessary. There may be a benefit in putting all this in writing and signing off on it.
- Organise to meet again informally at some point to check with each other that things are now resolved.

**Step 5.** If the people who are in conflict feel unable to deal with the issues by themselves, but want to pursue an informal process, an independent person that they both trust can be invited to sit in on the discussion to help them deal with the issues.

In summary the informal conflict and grievance resolution process is as follows:

- Initiate a discussion
- Identify the "real" conflict
- Listen to all points of view
- Recognise and respect feelings
- Explore ways to resolve the conflict



# Conflict and Grievance Resolution Policy

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- Mutually agree on what is to be done
- Check that everyone is satisfied with the resolution

## Formal conflict and grievance resolution

All people involved in this formal process will retain the right to contact an external agency for advice, support or assistance at any stage of the process, including any dissatisfaction with resolution of the complaint.

**Step 1.** If informal resolution procedures do not reach an outcome to the satisfaction of all parties involved, the person with concerns (the notifier) should be directed to first discuss the situation with the House Grievance Officer appropriate for the particular circumstances. The notifier will also be given a copy of the Conflict and Grievance Resolution Policy.

**Step 2.** If the person with concerns wishes to proceed, the Grievance Officer will request they complete, sign and date the Conflict and Grievance Notification Form, with supporting documentation if appropriate, detailing their view of the situation, and submit it to the Grievance Officer. A person must be given independent support to put things in writing if they require it.

**Step 3.** The Grievance Officer will offer assistance to the person with concerns, talk about the problem or grievance and how they would like to see the complaint resolved, and explain the formal conflict and grievance resolution procedures that are available. In consultation with the notifier, the Notification Form may be amended if the notifier requires and/or agrees to the revision, for example to make sure the issues are clear or that abusive language or put-downs are not included.

**Step 4.** People will reasonably expect to know if their behaviour or their decision is a problem for another person or group. Therefore, once finalised and signed, a copy of the Notification Form will be provided to the other parties identified on the form as being involved in the conflict or grievance. All parties must be provided with a copy of the Conflict and Grievance Resolution Policy at the same time as they are provided with the Notification Form.

**Step 5.** The Grievance Officer will check that all documents which define how the House should operate, such as the House policies and procedures, Codes of Conduct, the Constitution or Model Rules, the Strategic Framework and the Funding Agreement, are being properly followed and applied. In some cases, these will provide the basis for resolution of the conflict. During this time, the Grievance Officer may seek the advice of the Department or Neighbourhood Houses Tasmania.

**Step 6.** If Step 5 does not lead to a resolution or requires further action, the Grievance Officer will investigate the circumstances and details of the notification and consult with all relevant



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parties. Meetings held to investigate or resolve a complaint will only be open to the parties and the Grievance Officer, though the parties may have an advocate or supporter present. Meetings may be with the parties individually, together or both. To encourage openness, no legal representation will be permitted. For the same reason, minutes or written records of what is said during meetings will not be taken, but agreed outcomes of the meetings or any resulting agreement will be documented and signed and dated by all the parties.

**Step 7.** If a clear resolution, agreed to by all parties, does not arise in Step 6, the Grievance Officer will prepare a draft written report on the investigation within ten working days of receiving the Notification Form.

**Step 8.** The Grievance Officer will forward a copy of the confidential draft report to all the parties involved, requesting a written response to any factual errors and comment on any recommendations contained with the report within ten working days.

**Step 9.** Once the Grievance Officer has checked and confirmed any changes to the draft report, the Grievance Officer will meet with all the parties together to discuss and finalise a resolution to the conflict or grievance. In some circumstances, this may be the final step and the end of the matter. If so, the Grievance Officer will implement Step 12 of these Procedures.

**Step 10.** If deemed necessary by the Grievance Officer, or if requested by any party to the conflict or grievance, an independent mediator may be appointed to assist in resolution of the matter and help the parties restore a positive working relationship in the future. The mediator should be trained or otherwise have the necessary skills to support the parties reach a mutually agreed resolution.

**Step 11.** If a mediated approach fails to resolve the matter, an arbitrated approach can be undertaken. The arbitrator will investigate the matter and make a decision or determination of what should be done and what the consequences for the parties should be. The arbitrator may be an external person brought in by the House or, depending on circumstances, the Management Committee, or the Co-ordinator or Manager. If the resolution directed by the independent arbitrator necessitates it, arrange or apply whatever sanctions are required under the Constitution, Policies and Procedures, or Funding Agreement. In writing, describe clearly the expectations about future behaviour and outline the consequences of unwanted or unacceptable behaviour.

**Step 12.** Once the parties have agreed to recommendations of the Grievance Officer for resolution, or the mediated or arbitrated resolution, the details of the resolution of the conflict or grievance will be fully documented in writing and signed and dated by all parties. The complete file, including the conflict and grievance notification form with any supporting documentation, documentation of relevant factual information, analysis of the information, the conclusion, and the signed and dated resolution will then be held for a minimum of two years in confidential storage.



[Name of House]

## Conflict and Grievance Resolution Policy

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**Step 13.** When a conflict or grievance cannot be resolved by this House policy and procedures, the parties and/or the House should seek resolution through the relevant industrial or legal processes available.

### ADOPTION AND REVISION HISTORY

Include policy versions, approvals, review dates etc. here.

**This policy was adopted by the Management Committee of [Name of House] on**

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Position

# **SECTION C.**

# **FORMS**



# Conflict or Grievance Notification Form

[Name of House]

## REQUIREMENTS

You must complete a copy of this Notification Form and provide it to the House Grievance Officer if you are seeking a formal procedure for resolution of a conflict or grievance. Advice or help to complete the Form and put your concerns in writing is available. Discuss this with the House Grievance Officer.

The House Grievance Officer will review the Form and clarify any details with you, including revising the Form if you require and/or agree to the revision. Once finalised and signed, a copy of the Notification Form will be provided to the other parties identified below as being involved in the conflict or grievance. All parties must be provided with a copy of the Conflict and Grievance Resolution Policy at the same time as they are provided with the Notification Form.

Other than the parties involved and the Grievance Officer, the Notification Form must be kept in confidence.

## DETAILS

**Notifier's Name:**

**Address:**

**Phone Number:**

**Mobile Number:**

**Email:**

Please provide a very brief description of the conflict or grievance, including dates where these apply. This information will be used to help identify the appropriate procedures for dealing with the complaint.

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# Conflict or Grievance Notification Form

[Name of House]

Name of other person(s)  
or group involved in the conflict  
(the respondent):

Contact details  
of the respondent(s)  
[if known]

What steps have you already taken to try to resolve this conflict or grievance with the other person(s)?

-----  
-----  
-----  
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Is your complaint, or any matter related to your complaint, already being dealt with or has it been dealt with elsewhere? If so, please describe briefly.

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Do you have any special needs that require consideration? For example, wheel chair access, interpreter, child care (indicate times), visual/hearing disability, help to put things in writing etc.

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**Signed:**

**Dated:**

**Received by:**

**Signed:**

**Dated:**



# Grievance Officer Checklist

[Name of House]

## REQUIREMENTS

You must ensure that all the matters listed here have been dealt with when you are acting in the role of the Grievance Officer (or the Alternative Grievance Officer) dealing with a request for formal procedure for resolution of a conflict or grievance.

As the Grievance Officer, you must treat all Conflict or Grievance Notifications seriously at the outset and not dismiss or trivialise the concerns of the notifier.

As the Grievance Officer you must operate as a neutral and impartial person when dealing with a Conflict or Grievance Notification. If you have any doubt that you can do this, or if any party to the dispute expresses such a concern, you must hand the role onto an alternative grievance officer acceptable to all parties. Everyone involved must be able to have confidence that you will operate with neutrality and impartiality.

If you are the Grievance Officer, but are a party to the conflict or grievance, as indicated by the notifier on the Conflict or Grievance Notification Form, you must immediately redirect the notifier to the Alternative Grievance Officer to deal with the matter. You must also do this if there is any other conflict of interest in you undertaking the role of Grievance Officer. If neither the designated Grievance Officer nor the designated Alternative Grievance Officer can meet these requirements, another competent independent person, not party to the matter, must be brought in to act in the role of Grievance Officer.

As the Grievance Officer, you must act promptly within the time frames set out in the Conflict and Grievance Resolution Policy and Procedures. If you are unable to do so, you must obtain the agreement of all parties to any delay, or otherwise hand the role onto an alternative grievance officer able to respond within the time frames required.

As a Grievance Officer, your role is to discuss options for resolution of the conflict or grievance with the people involved and assist with the resolution process (e.g. organise meetings, timetables etc., offer counselling or support services, attend meetings to facilitate the process and support parties, ensure fairness, set ground rules and provide safeguards about behaviour).

Except for you as the Grievance Officer and the parties involved, information dealt with during the resolution process must be kept in confidence.

## Grievance Officer Checklist

[Name of House]

### CHECKLIST

Action	Comments	Done
Confirm you are the appropriate person to act as Grievance Officer and explain your role in the process. If necessary, refer the person to the Alternative Grievance Officer		
Talk with the person notifying a conflict or grievance (the notifier) to determine the appropriate way to proceed. Provide them with a copy of the Conflict and Grievance Resolution Policy		
Check if there are any safety, distress or urgency issues which require immediate action		
Check if the matter concerns a form of discrimination, harassment or bullying. If so, refer immediately to the Discrimination, Harassment and Bullying Policy for guidance and apply the procedures set out in that policy.		
Check if the notifier has attempted or is willing to try an informal resolution.		
If the notifier wishes to proceed with a formal process, ask them to complete the Conflict or Grievance Notification Form (if they have not already done so)		
Explain that anyone listed on the Notification Form as a party to the conflict or grievance will be provided with a copy of the form and a copy of the Conflict and Grievance Resolution Policy		
Review the Notification Form with the notifier. Make any revisions, deletions or additions that the notifier requests or agrees to.		
Explain the resolution procedure and options available to the notifier		

Promptly provide all parties with a copy of the Notification Form and the Conflict and Grievance Resolution Policy		
Check the requirements and options for resolution offered by the various House policy and procedures, Codes of Conduct, the Constitution, the Strategic Plan and the Funding Agreement with the Department. In some cases, these will require a particular resolution. In some circumstances, this may be the final step and the end of the matter. If so, implement Step 12 of the formal conflict and grievance resolution procedures.		
Meet with all parties individually, or together or both of these, as frequently as necessary to canvas all the issues and concerns		
Find out as much as possible about the situation or incident, including the behaviour involved, timelines, witnesses etc. and spend time reviewing all the information.		
Within 10 working days of receiving the finalised Notification Form, prepare a draft written report setting out the incidents, issues, concerns and explanations, including dates where relevant. Include any appropriate comments or recommendations.		
Circulate the draft report to the parties involved and request written responses on matters of fact, omissions, and recommendations be provided within 10 working days.		
Check and confirm any changes to the draft report and meet with the parties together to discuss a resolution to the conflict or grievance. In some circumstances, this may be the final step and the end of the matter. If so, implement Step 12 of the formal conflict and grievance resolution procedures.		
If necessary, and with the agreement of the parties involved, engage an independent mediator to work with them to arrive at an agreed resolution		
If your own or mediator support is unsuccessful or unsuitable, and the particular circumstances of the conflict or grievance warrant, appoint an		

independent arbitrator to direct resolution.		
If the resolution directed by the independent arbitrator necessitates it, arrange or apply whatever sanctions are required under the Constitution, Policies and Procedures, or Funding Agreement. Describe clearly the expectations about future behaviour and outline the consequences of unwanted or unacceptable behaviour.		
If your own or mediator support is unsuccessful or unsuitable, and if the substance of the conflict or grievance is governed by the requirements of the Funding Agreement, refer the conflict to the Department for resolution		
At any stage during the process, and once a resolution is agreed, clearly record in writing the details as agreed and have all parties sign and date the agreement.		
Remind all parties to abide by the resolution as agreed.		
Place the complete file including the Conflict and Grievance Notification Form with any supporting documentation, documentation of relevant factual information, analysis of the information, the conclusion, and the signed and dated resolution in confidential storage.		
If no resolution under the House Conflict and Grievance Resolution Policy is achievable, advise the parties to seek settlement using industrial or legal resolution models available external to the House.		
List here any other actions you have taken (or not taken) and explain the details and reasons?  -----  -----  -----  -----		
<b>Name of Grievance Officer:</b>		
<b>Signed:</b>	<b>Dated:</b>	

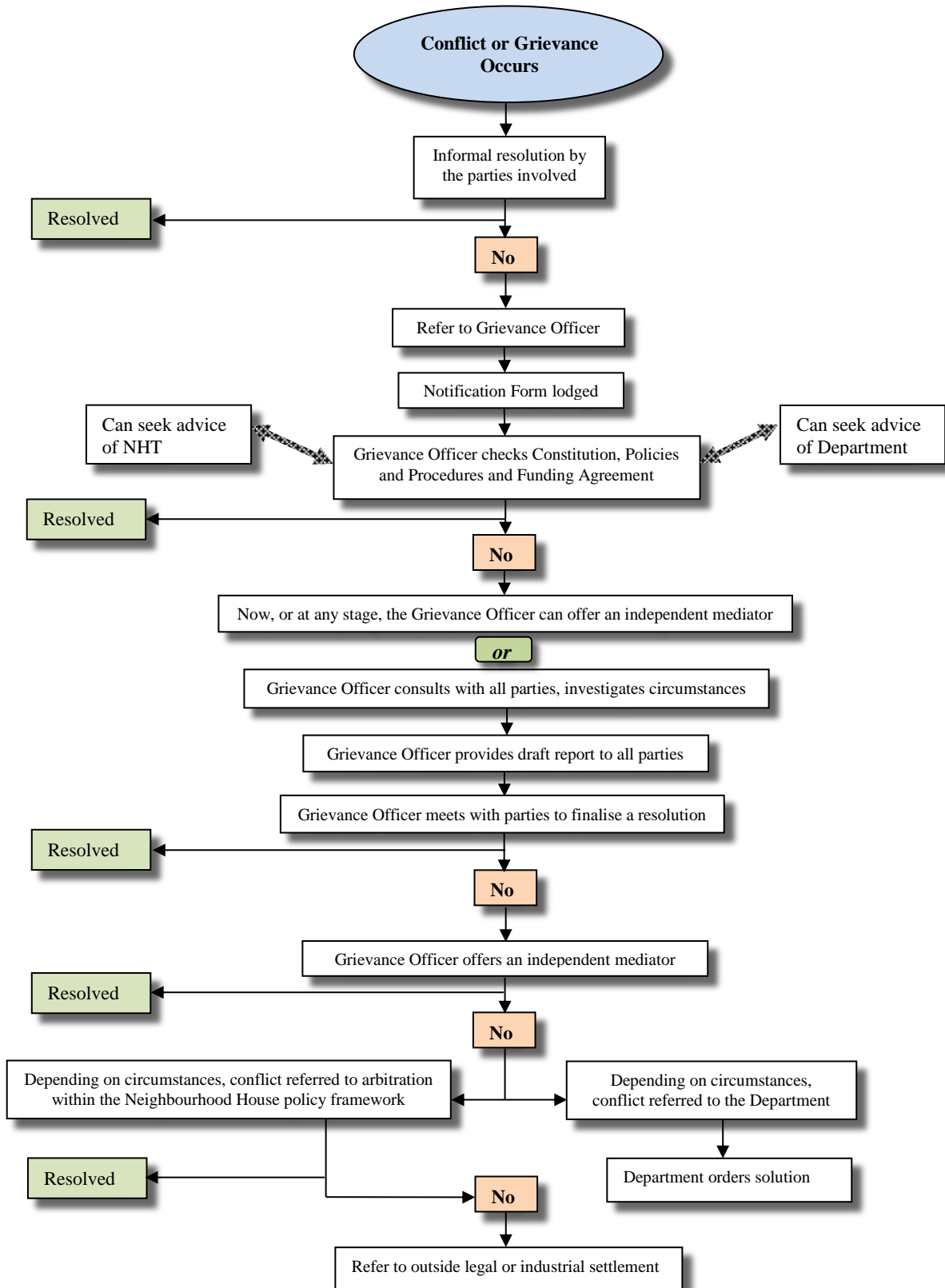
# **SECTION D.**

# **APPENDICES**



# Appendix 1 Flowchart

The following chart sets out the conflict and grievance resolution pathways provided for in this policy. The chart is indicative only, and refers to general types of conflicts. The particular conflict being dealt with may require a modified conflict resolution pathway. If the conflict appears to be particularly difficult, professional advice and mediation will almost certainly be required.



### Establishing Ground Rules

Ground rules for meetings dealing with conflict are important because they establish the purpose of the meeting and how it will be conducted. People involved in the meeting will know from the beginning who may participate and how decisions will be made and can be more confident that the process will run smoothly. Also, the ground rules provide safeguards about behaviour and discourage things getting out of hand.

The people attending the meeting should be involved in identifying the ground rules so that they are more likely to commit to following the rules about how they will act. Establishing ground rules against personal attacks, for example, can help to keep uncertainty or hostility from becoming issues in themselves. Ground rules for attendance can likewise be important, as the meeting may be prevented from making decisions or miss critical information if someone is absent.

With the agreement of the people at the meeting, ground rules should also define the role of the person facilitating the meeting, such as the House Grievance Officer or an external mediator. For them, rules might include the idea that they will set an agenda for each day's meetings and lead the discussion, giving each person an equal amount of time to talk and reminding people about behaviour. Such rules also need to make it clear how much authority they have in conducting the meeting.

There is another, perhaps unexpected benefit of agreeing on ground rules at the beginning. Doing this means that people have to reach agreements early in the discussions. Success in developing ground rules at the beginning shows sceptical parties that they might be able to reach agreement with one another on the issues at the heart of the conflict or grievance.

### Keeping Things On Track

When dealing with parties to a conflict or grievance, the Grievance Officer should:

- Keep interactions within a structured process. Minimize spontaneous discussions to help prevent unintended “blow-ups.” A structured process helps keep focus and balanced communication happening, especially around delicate issues.
- Try to write the issues down - seeing them in black and white helps.
- Try to keep feelings and opinions separate from "fact" but don't ignore feelings.
- Make sure both parties are satisfied with the problem definition before moving on (otherwise you may make the situation more confusing).

There are behaviours known to inflame a situation, prevent cooperation and block progress towards a solution. As the Grievance Officer, watch out for:

- Negative labelling, insulting, or calling the other party offensive names - “Liar!”
- Minimizing or ignoring the other's feelings - “Frankly, I don't care if you are upset!”)
- Lying, denying, or misrepresenting information known to the other party.



- Blaming the other for the problem with “you” statements - “You make me mad when you forget to lock the door when you leave the office!”
- Being condescending - “You mean to tell me you are just figuring that out?”
- Questioning the other’s honesty, integrity, intelligence, or competence - “How do you expect me to trust you this time?”
- Making offensive or hostile non-verbal expressions or gestures - rolling the eyes, loud sighs, “giving the finger,” or groaning when the other speaks.
- Making interpretations of what the other says based on stereotypes/ prejudicial beliefs - “All you people ever think about is how you can avoid working!”
- Insisting that the other party admit to being wrong - “This is not about my opinion, I saw you take my floppy disk and you damn well better admit it!”
- Using sarcasm in addressing the other party - “Well, how nice of you to grace us with your presence. I’m shocked!”
- Making moral judgments about the other party - “The Lord will punish you for these sins!”
- Making threats to the other party - “You’d better stick to your word or I’m going to talk with the boss about your behaviour!”
- Making demands of the other party - “I demand you write me an apology letter.”
- Refusing to shake hands with the other party when he/she offers - at the beginning of the meeting)
- Interrupting the other party when he/she is speaking.
- Shouting at the other party.

## **Example of Meeting Ground Rules**

### **GROUND RULES**

- Parties agree to call each other by their first names
- One person speaks at a time – allow people to have their say and let them finish (this will help encourage them to listen to you when you are speaking)
- Show respect – avoid put-downs and name calling, even when feeling frustrated or hurt
- Behave decently – no abusive language, shouting or violence or other belittling behaviour
- Be honest – focus on your real concerns and unmet needs
- Be objective - focus on facts not rumours or assumptions
- Listen to each other – show that you want to understand rather than just waiting for your turn to talk. Check to make sure you’ve understood what they are saying.
- Respect confidentiality – don’t involve others in gossip or alliance building
- Look for solutions – focus on what needs to change and how this could happen, rather than making accusations or demands

## Appendix 3

## Useful Contacts

### Mediation and Conflict Resolution Support

#### Relationships Australia (Tasmania)

##### **Hobart**

20 Clare Street

New Town Tas 7008

Ph: 1300 364 277

Fax: 6279 5073

Email: [hobart@reltas.com.au](mailto:hobart@reltas.com.au)

Website: [www.tas.relationships.org.au](http://www.tas.relationships.org.au)

##### **Launceston**

6 Paterson St

Launceston Tas 7250

Ph: 1300 364 277

Fax: 6332 8015

Email: [launceston@reltas.com.au](mailto:launceston@reltas.com.au)

##### **Devonport**

68 North Fenton Street

Devonport TAS 7310

Ph: 1300 364 277

Fax: 6421 3605

Email: [devonport@reltas.com.au](mailto:devonport@reltas.com.au)

### Positive Solutions – Mediation, Counselling

**Freecall 1800 064 039**

##### **Hobart Office**

162 Macquarie Street Hobart 7000

##### **Launceston Office**

44 Canning Street Launceston 7250

##### **Devonport**

Coastal Psychology

68 Oldaker Street Devonport 7310

##### **Burnie**

HQ Consulting Rooms

152 Wilson Street Burnie 7320

## **Discrimination, Harassment and Bullying**

### **Anti-Discrimination Commission**

**Statewide local call**      1300 305 062

**Office address**

Level 1, 54 Victoria St  
Hobart Tas 7000

**Postal address**

GPO Box 197  
Hobart Tas 7001  
Phone:      6233 4841  
Fax:         6233 5333  
Email:      [antidiscrimination@justice.tas.gov.au](mailto:antidiscrimination@justice.tas.gov.au)

### **Industrial Advice**

#### **Jobs Australia**

**Postal Address**

PO Box 299  
Carlton South  
Victoria 3053

**Phone:**      03 9349 3699  
                    1800 331 915 (Jobs Australia Members)

**Fax:**         03 9349 3655

**Email:**      [ja@ja.com.au](mailto:ja@ja.com.au)

#### **James O'Neill and Associates**

**South** - Level 5, 2-4 Kirksway Place, Battery Point, TAS 7004.

Phone:      62236361

Fax:         6223 8165

**North** - Level 2, 39 Paterson Street, Launceston, TAS, 7250

Phone:      6334 1173

**Email:**      [info@joneill.com.au](mailto:info@joneill.com.au)

## **Tasmanian Chamber of Commerce and Industry (TTCI)**

**Free call statewide      1300 559 122**

### **Southern Office**

Industry House, 309 Liverpool Street, Hobart 7000

GPO Box 793 Hobart TAS 7001

Phone:     03 6236 3600

Fax:        03 6231 1278

Email:     [admin@tcci.com.au](mailto:admin@tcci.com.au)

### **Northern Office**

Level 1, 111 St John Street, Launceston TAS 7250

PO Box 1490 Launceston TAS 7250

Phone:     03 6331 1144

Fax:        03 6334 6400

Email:     [laun@tcci.com.au](mailto:laun@tcci.com.au)

## **Fair Work Commission**

1st Floor, Commonwealth Law Courts,

39–41 Davey Street,

Hobart, 7000

GPO Box 1232M, Hobart, 7001

Phone:     6214 0200

Fax:        6214 0202

Out of hours emergency: 0418 124 021

Email:     [hobart@fwc.gov.au](mailto:hobart@fwc.gov.au)

## **Fair Work Ombudsman**

### **Southern Office**

Level 3,

142-146 Elizabeth Street,

Hobart, 7000

GPO Box 9887, Hobart, 7001

Phone:     13 13 94

Fax:        1800 618 366

Web:        <http://www.fairwork.gov.au>

### **Northern Office**

Ground Floor Transit Centre,

Cornwall Square,

Launceston, 7000

GPO Box 9887, Hobart, 7001

Phone:     13 13 94

Fax:        1800 618 366

Web:        <http://www.fairwork.gov.au>

## **Workplace Standards Tasmania**

**Hobart** – 30 Gordon’s Hill Road, Rosny Park  
**Launceston** – 3<sup>rd</sup> Floor, Henty House, 1 Civic Square  
**Burnie** – 3<sup>rd</sup> Floor, Reece House, 46 Mount Street  
PO Box 56  
Rosny Park TAS 7018  
Phone: 1300 366 322  
Fax: 03 6233 8338  
Email: [wstinfo@justice.tas.gov.au](mailto:wstinfo@justice.tas.gov.au)

## **Australian Services Union (ASU)**

**Hobart Office**  
265 Macquarie Street  
Hobart TAS 7000  
Phone: 6224 3411  
Fax: 03 9342 3498  
Email: [info@asuvictas.com.au](mailto:info@asuvictas.com.au)

**Launceston Office**  
237 Wellington Street  
Launceston TAS 7250  
Phone: 1300 855 570  
Fax: 03 9342 3498  
Email: [info@asuvictas.com.au](mailto:info@asuvictas.com.au)

## **Health and Community Services Union (HACSU)**

**Postal Address**  
PO Box 635  
North Hobart  
TAS 7002  
Phone: 1300 880 032  
Email: [assist@hacsutas.net.au](mailto:assist@hacsutas.net.au)

**Hobart Office**  
11 Clare Street, New Town TAS 7008  
Fax: 6231 4142  
**Launceston Office**  
91 Paterson Street, Launceston TAS 7250  
Fax: 6331 4309  
**Devonport Office**  
80 Oldaker Street, Devonport TAS 7310  
Fax: 6424 6808

## Appendix 4

## Conflict resolution

(Name of House) believes that:

All people are of intrinsic value and are worthy of respect.

We should seek right relationships with one another that result in harmony, wholeness, peace, well-being, and justice.

Diversity in humankind is a gift to challenge and enrich us. We live in a community, which is the place in which we learn to engage in dialogue with each other, to learn and to embrace diversity.

Conflict is a normal part of life and is necessary for personal and social development. Addressed constructively, conflict provides opportunities for growth, new understanding and transformation.

Conflict becomes destructive when, through attitudes, words, and actions, it leads to exclusion, wounded self-esteem, broken relationships, loss of a sense of well-being, alienation, distrust, undue stress, misunderstanding, abuse, and violation.

Justice is primarily concerned with the restoration of right relationships between people. Often this means not a return to the status quo but an improvement that addresses existing injustices and sets the way forward.

We need to move beyond dispute to the restoration of relationships, even when our behaviour must be challenged and changed.

We should restore broken relationships wherever they occur, and practice healing and reconciliation. Conflict can and should, whenever possible, be resolved in ways that are non-adversarial, and that emphasise accountability, inclusivity, understanding, reparation, tolerance, safety, respect for human dignity and forgiveness.

Conflict resolution through “winning” reflects an ethic of domination and control.

Conflict need not be the end, but part of a journey, which can lead to renewed wholeness and health for the people and communities involved.