

GIPPSLAND FM POLICY INTERNAL CONFLICT RESOLUTION

1.0 INTRODUCTION

1.1 Gippsland FM has a strong commitment to maintaining an organisation that embraces equal opportunity and the provision of a harmonious and cohesive station environment. As a community advancement co-operative, it also endeavours to pursue and promote a co-operative approach to all of its activities. As such, the Board shall ensure that:

- a) all station personnel (volunteers, officers, staff and directors) are treated fairly and consistently and not be subject to arbitrary or impulsive or erratic decisions,
- b) all station personnel have reasonable avenues of redress for any sources of conflict which may arise, and
- c) it prevents unlawful discrimination against station personnel.

1.2 The objectives of this policy and its procedures are to:

- Encourage all station personnel to solve matters of conflict before their own involvement or the performance of the station is severely affected,
- Encourage all station personnel to seek appropriate assistance and mechanisms to resolve conflict,
- Allow grievances to be solved quickly and with the mutual agreement between the parties as to the outcome,
- Ensure that the process is fair and seen to be fair to all parties,
- Allow resolution of grievances as close to the source as possible,
- Ensure confidentiality and the protection of rights of all parties involved,
- Assist in maintaining an environment that reflects the right of individuals to fair and equitable treatment, and
- Provide a method of resolving grievances without (unnecessarily) involving external organisations

1.3 The Board shall ensure that principles of good practice are maintained; these include the principles of procedural fairness and principles concerned with the appropriate use of discretion.

The principles of procedural fairness include:

- Providing time to reflect on the information
- The respondent's right to know the allegations
- The rights of both the respondent and the complainant to respond
- The right for any enquiry to be free from bias
- Grievance procedures that are explicit and known to all

- Grievances should be made as soon as practicable after the alleged behaviour or incident occurs
- The grievance should be clearly defined
- The grievance should be dealt with as soon as possible, and
- Prompt action must be taken against vexatious or frivolous complaints and relevant disciplinary procedures applied to protect station members from such conduct.

The principles of appropriate use of discretion require that decisions:

- Take into account all relevant factors and are not based on irrelevant factors
- Are reasonable in the circumstances of the case
- Are made for a proper purpose
- Are based on evidence
- Are not the result of undue influence by a person without appropriate authority
- Are clearly articulated, and
- Are not made in abuse of the position of authority which the decision maker holds.

- 1.4 Principles of good practice also provide that complainants and respondents are entitled to appropriate representation throughout the process of conflict resolution.
- 1.5 Confidentiality shall be adhered to during and after the process of making and resolving grievances.
- 1.6 Whilst it is accepted that conflict is often a necessary and useful part of human endeavour, Gippsland FM shall demonstrate a commitment to work through conflict and adopt policies and practices which prevent or minimise harmful conflict. This outcome can be assisted through the following actions:
 - a) the Board providing a clear articulation of station mission, goals and priorities,
 - b) all station Board and committee meetings providing a clear understanding of what has been done through the timely publication of minutes documenting decisions and plans,
 - c) the Board ensuring that all processes and procedures are clearly articulated and that all station personnel are aware of these,
 - d) the Board encouraging good communication between all station personnel and promoting active listening and developing creative means for articulating ideas, and
 - e) the Board building a sense of community within the organisation where trust is maintained and station personnel are comfortable challenging and being critical in a constructive manner.

- 1.7 The Board shall ensure that awareness of this policy by station members is maintained. This shall include placement of the policy on the station web-site and a copy held in an area at the station that is accessible to all station members.

2.0 GOVERNING PROCESSES

- 2.1 Station personnel may elect, according to the nature and seriousness of their grievance, to deal with their grievance in one or more of the following ways:
- a) personal resolution,
 - b) an Expression Of Concern or complaint to an appropriate member of the Board, or
 - c) the lodgement of a Formal Grievance to the Board.
- 2.2 The choice of the above resolution process in clause 2.1 remains with the complainant. A complaint must be made as soon as possible but not later than six months after the alleged event occurred unless good and sufficient reason for consideration after this time can be established.
- 2.3 A complainant wishing to seek resolution through personal resolution can undertake this process without reporting the incident to anyone, and
- Would discuss and resolve the matter with the person responsible for the complaint, and
 - May seek confidential advice in relation to strategies to deal personally with the grievance.
- 2.4 A complainant wishing to seek resolution through an Expression Of Concern should do so by contacting the appropriate member of the Board as soon as practicable after the cause of the grievance occurs. Refer Section 3 of this policy.
- 2.5 A complainant wishing to seek resolution through a Formal Grievance procedure should lodge a formal written grievance with the Board Chairperson. Written grievances should be marked "Confidential" and forwarded as soon as practicable after the events(s) which prompted the grievance. Refer Section 4 of this policy.
- 2.6 In the event that anonymous grievances are received by the Chairperson, the Board shall be informed and the Board shall consider the seriousness of the complaint in determining what action, if any, is to be taken.
- 2.7 Where resolution is not sought under personal resolution, any director who is contacted by a complainant must not participate in the management of the conflict resolution if that director has a conflict of interest in the matter. The director should advise the complainant immediately of the conflict of interest and advise of another director to be contacted.
- 2.8 The Board or any director in receipt of an Expression of Concern or Formal Grievance shall ensure that no victimisation of the complainant or the respondent shall occur as a result of any grievance reported.

- 2.9 As a general principle, all those involved in the conflict should be involved in the resolution.
- 2.10 Where any group conflict is involved, it is recommended that an external person be used to assist in resolution of the conflict.
- 2.11 All records and information gathered shall be managed according to Commonwealth and State privacy legislation.

3.0 EXPRESSION OF CONCERN

- 3.1 Where resolution is sought under an Expression Of Concern, the director contacted by the complainant shall:
 - Treat the matter seriously, diligently and with due confidentiality,
 - Endeavour to resolve the matter as soon as is practicable, and
 - Ensure the resolution process is in accordance with this policy.
- 3.2 The director can handle the matter personally or seek assistance from another director, provided that adequate confidentiality is maintained. In the event that the director wishes to raise the matter with the Board, the view of the complainant should be taken into consideration on this course of action.
- 3.3 The director leading the resolution process shall hold discussions with all parties involved in the conflict to understand the facts and points of view held in order to then determine the appropriate process for resolution.
- 3.4 Depending on the nature of the grievance, the director can choose to:
 - (a) identify a solution and seek agreement of all the parties in conflict, or
 - (b) undertake conciliation where the parties in conflict are brought together to achieve a resolution acceptable to all parties, or
 - (c) facilitate a mediation process with the permission of all parties to a conflict.
- 3.5 The director leading the resolution process shall ensure that written records of the complaint, any salient discussions and the final resolution are prepared and kept in a manner where privacy and confidentiality are maintained.
- 3.6 In the event that the above process does not produce an acceptable resolution, the complainant can pursue a formal grievance process through the Board.

4.0 FORMAL GRIEVANCES

- 4.1 Where resolution is sought under a Formal Grievance process, the Chairperson contacted by the complainant shall:
 - Ensure that the grievance is documented by the complainant,
 - Treat the matter seriously, diligently and with due confidentiality,
 - Endeavour to resolve the matter as soon as is practicable, and
 - Ensure the resolution process is in accordance with this policy.

- 4.2 Depending on the nature of the complaint, the Chairperson shall advise the Board of the grievance in a timely manner. The Board shall determine the appropriate course of action to resolve the conflict.
- 4.3 At its discretion, the Board shall choose any of the following methods of resolution:
- (a) identify a solution and seek agreement of all the parties in conflict, or
 - (b) undertake conciliation in accordance with section 5 of this policy where the parties in conflict are brought together to jointly develop a solution acceptable to all parties, or
 - (c) facilitate a mediation process in accordance with section 6 of this policy with the permission of all parties to a conflict, or
 - (d) determine an appropriate Board resolution after considering all the facts and allowing all parties involved in a conflict to give evidence to the Board.
- 4.4 In the event that a resolution is made under clause 4.3(d), the Board shall advise the complainant and all others involved in the conflict within seven days of its decision. The complainant may have a right of appeal to the Board which must be lodged in writing to the Chairperson within fourteen days of receiving the decision of the Board.
- 4.5 In the event that an appeal is lodged, the Board shall hear the appeal within fourteen days or sooner if circumstances require and make a finding on the appeal within twenty-one days of the appeal being lodged. The Board shall advise the appellant and all other parties to the conflict in writing of its decision at that time and that decision shall be final.

5.0 CONCILIATION

- 5.1 Conciliation refers to the process where the complainant and the respondent are assisted to reach a resolution acceptable to both parties. Conciliation is a process where:
- (a) participants in a conflict agree on the appointment of a neutral person and meet with the neutral person, present their views about the conflict and allow the neutral person to assist in achieving a negotiated solution that is acceptable to all parties involved in the conflict,
 - (b) each party speaks to the neutral person in turn, without interruption by other parties to the conflict; other parties listen reflectively and problems or causation are identified,
 - (c) the neutral person and the parties in conflict can jointly negotiate an acceptable resolution, or
 - (d) in the event that a mutually acceptable resolution is not achievable, the neutral person should make a recommendation on the resolution and advise this to all parties in conflict and the director responsible for managing the conflict resolution process.
- 5.2 If conciliation is used under a conflict raised through an Expression of Concern (section 3 of this policy), the complainant shall have a right of appeal to raise a Formal Grievance under section 4 of this policy.

6.0 MEDIATION

6.1 Mediation refers to a situation where the parties in conflict are willing to discuss their grievance with a trained mediator. Mediation is a process where:

- (a) participants in a dispute, together with an appropriately trained neutral person (mediator), systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs,
- (b) an emphasis is on the participants' own responsibility for making decisions that affect their lives,
- (c) both parties to a conflict are willing to discuss the conflict with a neutral person and expect to arrive at a mutually acceptable outcome within a reasonable period of time, and
- (d) both parties agree with the person appointed to the role of mediator.