

Conflict and grievance procedures

Conflict

Conflict is a normal part of daily life but is often badly handled or purposely avoided with negative and lingering results. Working through difficulties can create stronger bonds and understandings between people within a group or organisation. Every individual has a responsibility to deal with conflicts that arise before they become major problems for the group.

Within community groups and on committees, we might attract conflict because we are engaged in managing people and managing scarce resources.

Conflict and controversy can sometimes be confused. Controversy provides the platform for group discussion on a particular issue and for the formation of good decisions. Conflict is usually brought about by the clash between opposing ideas and an inability to reach resolution. Conflict and controversy are a part of our lives; by accepting this as a committee we can then deal with it sensitively and effectively when it arises.

Some of the most common reasons for conflict in community groups are:

- Mixed levels of confidence among members (dismissive of an issue, new ideas/old members, new/old member tension, factions)
- Familiarity or lack of familiarity with the purpose of the group (personal sensitivities triggered, personal values challenged)
- Availability and distribution of information (information kept from or given late to members, or too much information)
- Language and jargon (lack of clarity, swearing)
- Authority (external representation – media, privileges, lack of responsibility)
- Organisational structure
- Workload
- Introducing change (new procedures, ideas)
- Meeting and meeting procedure (lack of clear and shared expectations, facilitation)
- Money and financial matters (trust vs. knowledge, in the 'red', decisions about \$



Be Prepared

Community groups are best placed to deal with disputes that may arise if there is a planned approach to conflict management. This means thinking ahead to how you might deal with a problem and documenting your policy and procedures for how complaints are made and how disputes are handled. You should consider who will deal with the issue in its early stages, and thereafter if the issue escalates. Think about whether, how and at what point the issue will be formally documented. Importantly, think about how you will maintain confidentiality and limit the repercussions for all parties involved.

Handle With Care

Serious disputes can have a broad impact. As well as those directly involved, you should consider the effect of conflict on others around them: members, volunteers, staff and the wider public.

How you handle a dispute could have long-term repercussions on morale among staff and volunteers as well as your group's public image and ability to attract public support in the future.

Put some thought into appropriate ways to deal with the fallout from conflict, balancing the need for confidentiality against some level of transparency and accountability.

A FOUR STAGE INFORMAL CONFLICT RESOLUTION METHOD:

1. Treat the other person/s with respect
2. Listen until you experience the other side
3. State your own views, needs and feelings
4. Work towards achieving closure

Grievance Procedure

Every community group should have a Complaints and Grievance Procedure, setting out the steps involved in making and resolving complaints and grievances within an organisation. This procedure should identify to whom complaints are made and how they are then acted on. Groups should act to minimize the unnecessary involvement of too many people and to ensure that complaints and grievances are acted on efficiently and effectively, without causing too much stress to those involved. It is not necessary for all complaints to be brought before the Committee of Management and if they are reported at the committee level, special regard should be given to privacy and confidentiality.

It is important to cultivate a culture where complaints are encouraged and not punished and where fair, impartial and considered processes allow for complaints to be heard and if necessary acted or reflected upon. Although initially confronting, many insights and learnings can be gleaned and applied when emotion and personal agendas are removed from the grievance process. Confidentiality and consideration for the welfare and well-being of all individuals involved is crucial to help minimize negative impacts and fallout for your community group.

Legal obligations

Depending on the way your group is structured, you may be under legal obligation to have a declared policy and procedure for managing grievances.

The Model Rules of the Associations Incorporation Reform Act 2012 provide detailed processes for

disciplinary action and grievance procedures between members of the organisation and members of the committee or with the organisation itself. The disciplinary procedures provided under the rules are formal and serious consideration should be given before evoking them as they may eventuate in the involvement of all members of the organisation in determining the outcome of a disputed disciplinary measure. The grievance procedures, however, allow for co-operative attempts at mediation with third party facilitation. Groups who have their own rules and constitution will also have a detailed dispute process provision.

The Dispute Settlement Centre of Victoria (DSCV) is a free dispute resolution service funded by the Victorian Government. The DSCV provides mediation services and can assist in helping to resolve disputes within committees, clubs or Incorporated Associations.

What is mediation?

Mediation is the guided negotiation of a dispute between two or more participants.

In mediation, the people in dispute meet in the presence of an unbiased, independent person, the mediator, to try to resolve their problems in a confidential, safe atmosphere. The mediator controls the process, but the participants decide on any outcomes that are agreed. The mediator can be a member of your community group but it cannot be a person who is a party to the dispute and the appointment of the mediator needs to be agreed between all parties involved in the dispute.

The mediator doesn't try to force the participants to agree. Instead the mediator:

- facilitates communication (which should be respectful and constructive);
- promotes understanding;
- assists the participants to identify their needs, interests and the issues in dispute;
- helps the participants explore the important issues and their present and future needs without dwelling on who was right or wrong in the past;
- helps the participants with options, alternatives and decisions about the future; and
- uses creative problem solving techniques to help the participants reach their own agreement.