

## Internal Disputes Policy

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The purpose of this policy is to assist in risk scenarios or events where Regional Development Australia Northern Rivers (RDA-NR) members may have conflicts amongst themselves, or with the RDA-NR CEO, or between staff and the Board/ CEO resulting in lack of agreement leading to ineffective management of the organisation or potential standstill, or inappropriate strategies / actions being implemented.

RDA-NR undertakes to resolve disputes in a timely manner, taking into consideration, confidentiality, sensitivity and fairness to all parties as well as legislation and policies that impact on dispute handling such as the Australian Standards 2004.

Internal disputes can be resolved by handling them immediately (immediate resolution) or by using a range of Alternate Dispute Resolution (ADR) options. These processes involve mediation, conciliation, performance management, arbitration (as a last resort) and negotiation. RDA NR recommends ADR as a process for the management of internal grievances and workplace conflicts and disputes.

### Recognising Conflict

Recognising conflict is an integral part of managing and resolving workplace conflict and disputes.

It may not be common for parties to a dispute to disclose to others interpersonal conflict occurring, therefore, it is up to individuals to recognise if conflict exists between members and manage this conflict. Signs of conflict between individuals include:

- poor communication
- poor performance
- low morale
- hostility

If conflict has been identified, initial (individual) discussions should be carried out with involved the parties to confirm that conflict exists and determine the best method to address the conflict.

### ADR PROCEDURES

#### Immediate Resolution, Mediation, Conciliation & Arbitration

**Immediate resolution** involves resolving disputes as soon as they arise.

**Mediation** and **conciliation** involve the parties to a dispute, with the assistance of a dispute resolution practitioner, identifying the disputed issues, developing options, considering alternatives and endeavouring to reach an agreement.

The difference between mediation and conciliation is as follows:

- **Mediation** involves the resolution of a complaint or dispute between two parties through a face-to-face meeting. A professional mediator serves as a neutral facilitator and both parties ultimately agree that an acceptable resolution has been reached.
- **Conciliation** involves the resolution of a complaint or dispute with a third party serving as a go-between, but without a face-to-face meeting between the disputing parties. The complainant ultimately agrees that the matter has been satisfactorily settled.
- AS A LAST RESORT, **Arbitration**, which involves the parties to a dispute presenting arguments and evidence to a dispute resolution practitioner (the arbitrator) who makes a determination which is binding on both parties.

### **Confidentiality**

Boundaries of confidentiality and privacy must be made clear to all parties involved in the dispute handling process. In the best interests of resolving any dispute, information should be restricted to members directly involved or who otherwise have a need to know.

### Resolution of Internal Disputes at the Board Level

1. This policy applies for disputes between either:
  - a. members (in their capacity as members) of the RDA-NR; or
  - b. members and the RDA-NR as an association; or
  - c. members and the RDA-NR CEO.

### Response

<b>Action</b>	<b>Responsible Officer</b>	<b>Timing</b>
2. Initiate action based on conflict/dispute identified. The responsible officer is determined based on the following regarding whether the conflict is between: <ol style="list-style-type: none"> <li>a. the Chair and another RDA-NR member(s); or</li> <li>b. the Chair and the CEO; or</li> <li>c. the Chair and Deputy Chair; or</li> <li>d. another RDA-NR member(s) and the CEO.</li> </ol>	Deputy Chair Deputy Chair Executive Committee member (ECCM) Chair	Immediately
3. The responsible officer encourages parties to try and resolve conflict between themselves.	Chair/Deputy Chair/ECCM	Within two weeks
4. If parties are unable to resolve conflict or they request a third party to assist with the resolution of the conflict, then the responsible officer or other nominated officer will adopt the role of mediator to assist in the resolution of the conflict.	Chair/Deputy Chair/ECCM	Within two weeks
5. If either party does not respond to steps 3 or 4 within two weeks, the conflict will be deemed to be resolved and no further action is required.	Chair/Deputy Chair/ECCM	Within two weeks

Action	Responsible Officer	Timing
6. If the responsible officer or other internal nominated internal party is unable to resolve the conflict, then the matter will be referred to a Community Justice Centre for mediation in accordance with the <i>Community Justice Centres Act 1983</i> to coordinate a mediation of the conflict.	Chair/Deputy Chair/ECCM	Within one month
7. If the conflict is between: <ul style="list-style-type: none"> <li>a. the Chair and another RDA-NR member(s); or</li> <li>b. the Chair and the CEO; or</li> <li>c. the Chair and Deputy Chair; or</li> <li>d. other RDA-NR member(s) and the CEO;</li> </ul> and the parties are unable to resolve the conflict, then the matter will be referred directly to a Community Justice Centre for their assistance to mediate the conflict between the parties.	Deputy Chair Deputy Chair ECCM  Chair	Within one month
8. If either party will not participate in independent mediation, the conflict will deemed to be resolved and no further action is required.	Chair/Deputy Chair/ECCM	Within one month
9. At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.	Chair/Deputy Chair/ECCM	7 days before mediation session commences
10. If the conflict cannot be resolved the RDA-NR Board will make a determination on the way forward. Options open to the Board will depend on the severity of the conflict and could include, but are not limited to the following options: <ul style="list-style-type: none"> <li>a. If the conflict is not affecting the operations of the RDA-NR, take no further action; or</li> <li>b. If the conflict is affecting the successful operation of the RDA-NR: <ul style="list-style-type: none"> <li>a. suspend the dissenting RDA-NR member of the RDA-NR until, as a last resort arbitration of the matter can be completed; or</li> <li>b. if arbitration is not successful, write to the Commonwealth and NSW Ministers detailing the actions of the member and the RDA-NR's determination in accordance with clause 14 of the RDA-NR Rules.</li> </ul> </li> </ul>	RDA-NR Board	Within 3 months
11. After making a recommendation to the Commonwealth and NSW Ministers or suspending the individual the RDA-NR Board must immediately write to the member concerned detailing the actions that it intends taking.	Chair/Deputy Chair/ECCM	Immediately
12. The member has a right of appeal as specified in clause 15 of the RDA-NR Rules.	RDA-NR Board	Within 7 days of

Action	Responsible Officer	Timing
		written notification

Resolution of Internal Disputes at the Staff Level

13. This policy applies for disputes between either:
- staff and the RDA-NR as an association; or
  - staff and the RDA-NR CEO; or
  - staff (other than the CEO) and RDA-NR Board member(s).

Response

Action	Responsible Officer	Timing
14. Initiate action based on conflict/dispute identified.	CEO Chair if matter relates to 13(b)	Immediately
15. If the matter relates to performance and productivity, performance management and counselling actions will be implemented to support and address the staff member's concerns.	CEO	Within two weeks
16. If the matter is about an issue that does not relate to performance of the staff member in their role, the CEO/Chair encourages parties to try and resolve conflict between themselves.	CEO Chair if matter relates to 13(b)	Within two weeks
17. If parties are unable to resolve conflict or they request a third party to assist with the resolution of the conflict, then the CEO or Chair or other nominated officer will adopt the role of mediator to assist in the resolution of the conflict.	CEO Chair if matter relates to 13(b)	Within two weeks
18. If either party does not respond to steps 3 or 4 within two weeks, the conflict will be deemed to be resolved and no further action is required.	CEO Chair if matter relates to 13(b)	Within two weeks
19. If the CEO, Chair or other internal nominated internal party is unable to resolve the conflict, then the matter will be referred to a Community Justice Centre for mediation in accordance with the <i>Community Justice Centres Act 1983</i> to coordinate a mediation of the conflict.	CEO Chair if matter relates to 13(b)	Within one month
20. If the conflict is between: <ol style="list-style-type: none"> <li>staff and the RDA-NR as an association; or</li> <li>staff and the RDA-NR CEO; or</li> <li>staff (other than the CEO) and RDA-NR Board member(s).</li> </ol> and the parties are unable to resolve the conflict, then the matter will be referred directly to a Community Justice Centre for their	CEO Chair CEO	Within one month

Action	Responsible Officer	Timing
assistance to mediate the conflict between the parties.		
21. If either party will not participate in independent mediation, the conflict will be deemed to be resolved and no further action is required.	CEO Chair if matter relates to 13(b)	Within one month
22. At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.	CEO Chair if matter relates to 13(b)	7 days before mediation session commences
23. If the conflict cannot be resolved the CEO will make a determination on the way forward. Options opened to the RDA-NR will depend on the severity of the conflict and could include, but are not limited to the following options: <ul style="list-style-type: none"> <li>a. If the conflict is not affecting the operations of the RDA-NR, take no further action; or</li> <li>b. If the conflict is affecting the successful operation of the RDA-NR,:</li> <li>c. initiate performance management and counselling procedures, ensuring compliance with unfair dismissal requirements; or</li> <li>d. if arbitration and performance management is not successful, implement dismissal requirements in accordance with legislative procedures and inform the RDA-NR Board.</li> </ul>	CEO Chair if matter relates to 13(b)	Within 3 months

### Finalisation and recording

Everyone involved may not be satisfied with all aspects of the outcome. However, the Chair/CEO/Deputy Chair and members and/or staff must be satisfied that members and/or staff are able to work effectively without being hindered by ongoing concerns.

In order to finalise any dispute, the Chair/ CEO/Deputy Chair must ensure:

- all appropriate action has been taken to resolve the dispute with due regard for legislation and policy requirements, regardless of whether any involved party remains dissatisfied with the outcome; and
- any requested review(s) have been completed, the relevant person(s) have been advised of the outcome and all recording requirements have been completed.

All dispute documentation must be recorded on the local recording system. Keeping this documentation is important to ensure accountability and transparency.

**Review Date:** October 2015                      **Responsibility:** RDA-NR Board

**Previous Versions:** Adopted 14 October 2011