

# **The ACT Greens** **Grievance Policy and Procedures**

## **CONTENTS**

PART 1	How the ACT Greens deals with grievances .....	3
	Introduction.....	3
	Who can use the ACT Greens Grievance Policy and Procedures?.....	4
	The Role of the Grievance Resolution Group (GRG) .....	5
	Responsibilities of people involved in a resolution process .....	6
PART 2	How you raise a grievance .....	7
PART 3	How the GRG Responds to a Grievance .....	8
PART 4	Grievance Resolution Group Selection Process.....	11
	GRG Membership Criteria.....	11
	Appointment of GRG members .....	11
	Unavailability of GRG members .....	12
	Appointment of GRG Convenor.....	12
PART 5	GRG Internal Processes .....	13
	GRG Decision Making .....	13
	Record Keeping .....	13
PART 6	Review of Grievance policy and procedures.....	14
	Reporting.....	14
	Complaints .....	14
	Conflict of interest within the Coordinating Group.....	14
APPENDIX 1	Principles and Values .....	15
APPENDIX 2	Guide for discussion of grievances .....	17
	Checking Out: Context, Background, Disposition .....	17
	What’s been happening?.....	17
	What’s the effect on whom? .....	17
	What’s needed to make things better? .....	18
	Time to reflect.....	18

## The Policy & Procedures in a Nut Shell



You talk  
We listen  
Together we all work to sort it out

## **PART 1 How the ACT Greens deals with grievances**

### **Introduction**

#### **Context**

The ACT Greens is committed to fostering and enabling good governance and a harmonious and professional working environment within which we are able to contribute to a better world. The ACT Greens is also committed to viewing grievances and conflicts and their resolution as a learning and development process for its people and the organisation. The Party seeks to find a way of dealing with conflict that is constructive, restorative, respectful, wise and robust.

All members and others involved with the ACT Greens have the right to be treated - and have the responsibility to treat others - in good faith, and with courtesy, honesty, respect and sensitivity. The ACT Greens operate with the goal of 'conflict transformation' as a guiding principle. Where situations are marked by a misunderstanding or lack of sensitivity which cause a significant deterioration in the relationship/s, then the ACT Greens will seek to find ways to transform the situation into one of mutual understanding where people can work harmoniously together.

From time to time, grievances or conflicts may arise in the Party. The ACT Greens fully supports the right of those involved to address, or have addressed on their behalf, grievances or conflicts relating to the Party and/or people in the Party. People have a right to be heard and to be assisted to work towards resolution.

#### **Purpose**

The purpose of the policy is to provide a pathway towards resolving grievances or conflicts as quickly and as simply as possible. The focus is on people working together constructively and promptly to:

- create an environment where grievances and conflicts are identified, heard and resolved;
- resolve the issue(s) at hand;
- enable the resolution of grievances and conflicts as close to the source of complaint as possible; and
- restore and maintain good working relationships.

#### **Definitions**

**Conflict** may arise between two or more people at any time when there is disagreement over opinions or behaviour, or when a statement or action by one person is regarded by another person as hurtful or offensive, whether intentional or not. Conflicts can vary in intensity and duration, and in some circumstances can lead to an amicable outcome after discussion between the people involved.

A **grievance** for the purposes of this policy is any matter within the context or control of the ACT Greens causing a situation which you feel is unfair, unjust or upsetting that you do not think can be easily resolved without the assistance of a third party. A grievance may arise from a single act or from ongoing conflict and may relate to:

- your job, working conditions, or volunteer conditions;
- interpersonal/team conflict;
- your relationship with your supervisor, co-workers, or others in the workplace;
- your relationship with Members of Parliament, staff, those in elected positions in the party, or volunteers;
- perceived harassment, discrimination or victimisation in the Party or workplace;  
or
- anything done, or not done, by staff, Party members or volunteers.

### **Expectations**

There is an expectation that any discussion of grievances or conflicts will be confined to those who can assist in their resolution and that all involved will seek speedy and effective solutions under this policy.

Any form of grievance or conflict will, if possible, be resolved quickly at the lowest level to avoid unnecessary escalation or the need to go outside the organisation for assistance.

### **Principles and Values**

The following principles which support the operation of this policy and its procedures apply to all people involved in a grievance or conflict situation and/or resolution process:

- good faith;
- confidentiality;
- impartiality;
- avoidance of conflict of interest;
- independence;
- natural justice; and
- duty of care.

These terms are explained at various points in the document and in Appendix 1.

### **Who can use the ACT Greens Grievance Policy and Procedures?**

The following people can use the ACT Greens Grievance Policy and Procedures:

- All ACT Greens members;
- All ACT Greens staff;
- All ACT Greens volunteers;
- Any contractors or consultants engaged by the ACT Greens; and
- Any person affected by any ACT Greens member, volunteer, staff, contractor or consultant undertaking ACT Greens Party related activities.

Persons employed by elected ACT or Federal Members may also use these procedures where the grievance or conflict is not able to be dealt with under their Parliamentary employment conditions, or it relates to Party matters.

## **The Role of the Grievance Resolution Group (GRG)**

### **The fundamentals of the GRG's role**

The GRG is a small group of Party members who have been selected by the Party to have responsibility for assisting people to work constructively together to:

- resolve the conflict(s) at hand quickly and fairly;
- restore, foster and maintain understanding, harmony and good working relationships.

### **Responsibilities**

The GRG provides an independent, confidential and impartial service for the ACT Greens where people can raise any conflict that arises in the Party or related workplaces that affects them.

It has the authority and responsibility to work with people to assess conflicts and grievances, and where appropriate assist them with, or make suggestions to them on, their resolution.

The GRG is accountable to the ACT Greens Coordinating Group and ultimately to the Greens membership. Its primary interests are that:

- the resolution of conflicts and grievances is expedited;
- outcomes are fair;
- the confidentiality of all people involved is protected to the greatest extent possible under the circumstances; and
- all involved adhere to the Grievance Policy and Procedures.

### **Tasks**

The GRG's involvement may include:

- providing information on conflict resolution processes or other services;
- assessing conflicts and making suggestions for how the conflict could be resolved;
- facilitating a process for finding a resolution to a grievance; or
- assisting people to untangle tough problems.

### **Exclusions to the GRG's Role**

The GRG does NOT:

- act as an advocate for you or any other people involved;
- conduct formal investigations or issue formal findings;
- arbitrate between the people involved or make determinations;
- replace any formal processes that the ACT Greens Coordinating Group have the authority to initiate/determine - eg, staff appointments, promotions, salaries, conditions, occupational health and safety matters, or other industrial matters and related legal procedures;
- replace a manager's responsibility to resolve workplace problems where the people are Green's employees; or

- replace any formal processes in the ACT Greens Constitution; eg expulsion from Party membership.

### **The way the GRG will operate**

An overview of the way the GRG will respond to approaches is described in Part 3.

### **Responsibilities of people involved in a resolution process**

The ACT Greens acknowledges that the Party is a close community and that people additional to those directly involved in a grievance may come to hear about it, may be friends with one or more of the people involved and may have a view on the issues. To enable the effect on other people to be minimised and to enable the grievance to be resolved fairly, justly and quickly, the ACT Greens requests all people directly involved and all members and volunteers to actively and sensitively:

- encourage the people involved to take steps to effectively resolve the issue, including suggesting or requesting referral to the GRG;
- limit all discussion of the grievance to those who can assist in its resolution;
- maintain confidentiality regarding those directly or indirectly involved or affected;
- ensure the principles of natural justice are applied - by careful listening to what all parties have to say in a fair, objective and unbiased manner;
- maintain a professional attitude and remain respectful and non-judgemental towards all involved and affected; and
- explore any mutually desirable outcomes.

## **PART 2 How you raise a grievance**

1. You may approach any member of the GRG at any time with a query about a conflict and how the GRG may be able to help you.
2. You are encouraged to first attempt to resolve the conflict informally yourself by taking up the issue(s) with the other person/people concerned, providing that it is practical and safe to do so. You may wish to consult informally with any member of the GRG as part of this step.
3. If the conflict is not resolved, or you are not able to take the issue up directly with the person/people involved, you may approach any member of the GRG directly or in writing requesting that the GRG treat the conflict as a formal grievance.
4. You may raise a conflict or grievance as an individual or as a group of individuals.
5. The GRG will work with you and the other people involved to find an acceptable process to use for resolving the grievance yourselves. This is described in more detail in *Part 3*. You may however withdraw your grievance at any time.
6. You are welcome to have a support person (eg a friend or a family member) accompany you to meetings regarding the grievance throughout the process.
7. If you, as the person raising or directly involved in the grievance:
  - cannot reach agreement with the GRG (or the other directly involved party(s)) on a resolution process; or
  - are not satisfied with the resolution;the ACT Greens supports your right to take it outside the organisation for resolution. If you choose this avenue the ACT Greens encourages you to first discuss your decision with the GRG.

## **PART 3 How the GRG Responds to a Grievance**

### **Independence**

The GRG has the discretion to accept or reject requests for assistance and the discretion to decide how it will address a grievance or conflict.

### **Working as a group**

A minimum of two GRG members will work on any one grievance which people bring to them. The person who raises the grievance may express a preference for which GRG members deal with the grievance, but this cannot be assured.

### **Impartiality**

The GRG will receive and respond to each approach in an objective and fair manner, will be free from bias, and will treat you and all people involved without favour or prejudice. The purpose of impartiality is to:

- assure you that approaches will receive a fair hearing; and
- encourage all people to accept the GRG's involvement and suggestions.

### **Conflict of interest**

Any member of the GRG will:

- withdraw their involvement in grievances where a real, perceived or potential conflict of interest exists; and
- set aside their personal opinions regarding the issues or the parties involved in the cases they manage. If they are unable to do this they will withdraw their involvement in the matter.

### **External Advice/Assistance**

The GRG will assess the appropriateness of its involvement in the issues you bring forward and where necessary it will seek external expert advice.

If the GRG decides external expert assistance is needed to address a grievance, it will seek approval from the Coordinating Group before taking this action. The external person will be requested to abide by the ACT Greens Grievance Policy and Procedures.

The GRG may also refer you to other appropriate internal or external resources or services if the conflict or grievance does not fall within the responsibilities of the GRG.

### **Confidentiality**

The GRG will keep all approaches confidential. Confidentiality enables full and open disclosure, which provides more knowledge of the details and motives behind issues. This leads to longer-lasting and effective solutions.

The GRG will however inform relevant authorities in the situations outlined below.

### **Criminal and serious legal matters**

Where issues are of a criminal or serious legal nature the GRG may, as a duty of care, do all or some of the following:

- inform the ACT Greens Convenor;
- inform the ACT Greens Coordinating Group;
- seek legal or specialist advice;
- refer the issues to the Police; or
- suggest that you take/consider the above actions yourself.

### **Disclosures of self harm**

The GRG, as a duty of care, can confidentially report any disclosures involving self harm to the appropriate organizations which can address such matters, eg:

- the ACT Mental Health Crisis Team; or
- the Police.

### **Disclosures of harm to other people or to property**

The GRG, as a duty of care, can confidentially report any disclosures involving actual or threatened harm to other people or to property to the appropriate persons or organizations which can address such matters, eg:

- the ACT Greens Convenor;
- the ACT Greens Coordinating Group; or
- the Police.

### **Guide for discussion of grievances**

The GRG will follow this guide for discussion of grievances but may use other processes depending on the circumstances. The guide is summarised below and details are in [Appendix 2](#).

*“In A Nutshell”:*

- You talk
- We listen
- Together we all work to sort it out.

The GRG will clarify and discuss with the people who are party to the grievance:

- the background and context of the grievance;
- their understanding of the GRG’s responsibilities and process;
- what’s been happening;
- what’s the effect on whom;
- their readiness to sort the matter(s) out; and
- what is needed to make things better.

Depending on the circumstances, and in consultation with the person bringing the grievance, the GRG may decide to meet:

- only with the person bringing the grievance; or
- separately with all the people involved; or
- with both parties together, with their agreement.

## **PART 4 Grievance Resolution Group Selection Process**

### **GRG Membership Criteria**

The GRG comprises a minimum of three and up to five Party members - including a nominated Convenor – who are not:

- current elected ACT or Federal Members;
- employed in any capacity in any ACT Greens' elected Member's offices, or by the ACT Greens; or
- ACT Greens office bearers as defined in the ACT Greens constitution.

The members of the GRG are expected to be persons of recognised judgment, objectivity, and integrity. They should strive to be: respectful of each person's circumstances and needs; fair; hopeful; compassionate and wise.

Selection criteria for GRG membership will include the following elements:

- further to the above stated qualities, members will demonstrate strong listening and interpersonal skills;
- at least one member shall have training and/or experience pertinent to conflict resolution processes; and
- consideration will be given to a range of demographic characteristics of members, relating to age, gender and ethnicity.

### **Appointment of GRG members**

GRG members are appointed for two year terms, with the option of appointment for consecutive terms. Where possible, a system of overlapping terms of GRG members will be sought to enable skill transfer and retention of "corporate knowledge".

The ACT Greens Coordinating Group will time the selection process for GRG members to allow the appointments to be endorsed at annual general meetings.

GRG members are selected by a panel of four people:

- two current ACT Greens' office bearers – preferably one being the Convenor;
- a current member of the GRG; and
- a former or retiring member of the GRG.

The ACT Greens Coordinating Group determines the membership of the selection panel.

The selection panel will actively seek nominations for the GRG from the ACT Greens' membership.

The selection panel presents their recommendations to an Annual General Meeting for formal appointment of the GRG members.

If any GRG member resigns or becomes ineligible to be a member, the selection panel reconvenes to decide on a replacement until the next annual selection process.

### **Unavailability of GRG members**

When only one or none of the GRG members is available to address a grievance the GRG will refer the situation to the ACT Greens Coordinating Group, which will decide a course of action which may include:

- co-opting a Greens member to assist the one GRG member; or
- engaging an external person(s) to address the grievance when no GRG members are available.

When a Greens' member is co-opted or an external person is engaged, the GRG Membership Criteria section of this policy will guide decisions regarding such appointments and they will be requested to abide by the ACT Greens Grievance Policy and Procedures.

### **Appointment of GRG Convenor**

The GRG will select one of their group to be the convenor for a one year term after each annual appointment process is completed, or when there is a vacancy. The Coordinating Group will confirm the selection.

The Convenor can be appointed for consecutive terms.

## **PART 5 GRG Internal Processes**

### **GRG Decision Making**

Internal GRG decisions will be made using consensus processes. In situations where there is uncertainty or issues seem irresolvable, the final responsibility for decisions will reside with the convenor.

### **Record Keeping**

GRG members may maintain confidential notes to the extent necessary to properly manage any approach, to be stored in a secure manner. When the GRG regards a matter is finalised the GRG members will destroy all notes with expediency.

The GRG will keep the data required for the annual reports to the ACT Greens in a brief and de-identifying format and will destroy that data when the report has been tabled. The GRG will keep this data in a secure manner.

### **Relation to Australian Greens conflict transformation processes**

The GRG will nominate one of its members for appointment by the ACT Greens as the ACT Greens representative on any corresponding national body, e.g. the Australian Greens Conflict Transformation Working Group.

## **PART 6 Review of Grievance policy and procedures**

### **Reporting**

The GRG Convenor will provide a brief, de-identified report to each Annual General Meeting on the number of and general nature of the grievances and their resolution, as well as lessons to be learnt by the Party. The GRG can report more frequently, or in relation to specific grievances, if it determines that it is in the Party's interest to do so.

### **Complaints**

The Coordinating Group will receive and address in confidence any complaints or issues relating to:

- the Grievance Policy and Procedures; or
- the way in which the GRG is handling or has handled a grievance or conflict.

### **Conflict of interest within the Coordinating Group**

Where a grievance involves a member of the ACT Greens Coordinating Group that member will declare their conflict of interest and absent themselves from all discussions and decisions relating to the matter. Their colleagues will assist them in managing this situation.

## APPENDIX 1 Principles and Values

The following principles support the operation of this policy and its procedures.

### Good faith

An act performed on the basis of trust and with no intent to misrepresent or defraud. Acting in good faith involves the following behaviours:

- *Helpful*  
Assuming that most people involved with the ACT Greens are trying to help the Party and each other, not hurt it or each other.
- *Civility*  
Treating others as you would have them treat you - being polite, sensitive, encouraging and open minded helps make people cooperative and calm.
- *Supportive*  
Finding ways to enable, affirm, encourage, and give praise when due, especially in an environment that often requires compromise.
- *No legal threats*  
Using conflict resolution language rather than legal threats.
- *No personal attacks*  
Responding, in the first instance, to critical statements made by others, by first choosing silence and reflection. When naming difficult issues, focusing on actions and behaviours, not the personal attributes of the other people involved.
- *Forgive and forget*  
Being prepared to apologise for things we say in animated discussions that we later wish we hadn't.
- *Self awareness*  
Recognizing your own biases and being prepared to acknowledge them.
- *Awareness of others*  
Reminding yourself that you are dealing with *people* who are individuals with feelings and who have other people in the world who love them – and according them dignity.

### Conflict of Interest

Conflicts of interest should be avoided in the handling of a grievance. A conflict of interest (CoI) occurs when a person's personal, financial or other interests compromise, unduly influence or affect the performance of their role. A CoI can be *real, perceived, or potential*.

- A *real* CoI occurs when personal, financial or other interests actually compromise, unduly influence or affect the performance of the role.
- A *perceived* CoI occurs when personal, financial or other interests appear to compromise, unduly influence or affect the performance of the role irrespective of whether a CoI actually exists.
- A *potential* CoI occurs when personal, financial or other interests could/would in the future compromise, unduly influence or affect the performance of the role or appear to do so.

### **Natural Justice**

General procedural fairness in the handling of a grievance means the following - that you and the people about whom the grievance is made have the right to:

- the opportunity to be heard;
- have a friend or support person accompany you/them, if they choose;
- expect that the GRG will be independent, unbiased and assess situations solely on the relevant information;
- full knowledge of the nature and substance of the grievance;
- involvement in working out the resolution process of the grievance/issue; and
- involvement in working out the outcome of the grievance/issue.

### **Duty of care**

Everyone involved in a grievance has a responsibility to do everything reasonably practicable to protect others from harm.

## **APPENDIX 2 Guide for discussion of grievances**

The GRG members who are dealing with a grievance will work through the following stages with the people directly involved in the grievance.

### **Checking Out: Context, Background, Disposition**

This beginning step is an unstructured, fluid, enquiring and clarifying process facilitated by the GRG members. It involves:

- listening;
- building rapport, and
- possibly offering advice, suggestion, referral.

The GRG members will check with the people directly involved in the grievance whether:

- they understand what the GRG does;
- they are making an informed choice to participate;
- they have all the resources they need to make the decision to participate in the GRG process;
- they are willing to listen and consider alternative solutions; and
- anyone else needs to be included in their decision making.

### **What's been happening?**

The GRG members will seek to clarify:

- can the people identify the grievance as a specific problem?
- the progress of the grievance so far:
  - how long has it been going on?
  - have the people done anything to try to resolve it so far?
  - have the people tried to resolve the grievance directly with each other? (ie.Maybe they could try again with a different approach - communication coaching maybe appropriate)
- the seriousness of the grievance, what was the most recent incident;
- can the people crystallise their most important concerns and what they need to have resolved;
- whether there may be underlying issues, something from the past or behind the grievance that may have a bearing;
- safety aspects with people; and
- if there appears to be no defined/objective problem, maybe counselling or some other form of external assistance may be more appropriate.

### **What's the effect on whom?**

The GRG members will seek to clarify:

- whether the grievance has emotional content or is complex and, if so, what has been the impact of these feelings;
- whether people are fearful of repercussions if they use the GRG process and/or any consequences if the process doesn't go well;
- what, if any, attitudes and assumptions people are making about each other; and

- whether people are considering who else may be affected and how.

### **What's needed to make things better?**

The GRG members will lead the discussion to a decision by the people on what to do to make things better, through clarifying:

- what they are hoping will be the outcome from using the GRG process. How fixed is this outcome? Reality check any hoped-for outcomes;
- what are all possible solutions, or paths to a solution, and which option will work best for them;
- if dealing with both parties, what is the 'common ground' in the description of the problem and the commitment to the preferred solution;
- if people are emotionally stressed do they have/need: support from family/friends, or counselling?
- whether people have all the relevant information they need? They may need assistance in identifying the required information and who/where to get it from.

### **Time to reflect**

At the end of the process the GRG will take time to reflect and review, as far as possible:

- how did it turn out for all concerned?
- what lessons were learnt from the decision and how it was made?
- if you had to do it all over again what would you do differently?