

ACT Greens Grievance Policy and Procedures

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The Policy and Procedures in a nutshell



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 (the Party) 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 Party 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 ways of dealing with conflict that are constructive, restorative, respectful, wise and robust.

All members and others involved with the Party 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 Code of Conduct provides the definitive guide for desirable behaviour. The Party operates 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, then the Party 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 Party fully supports the right of those involved to address, or have addressed on their behalf, grievances or conflicts relating to people in the Party. People have a right to be heard and to be assisted to work towards resolution.

Purpose

The purpose of this 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 issues 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 Party causing a situation which you feel is illegal, 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
- 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 Party members;
- All Party staff;
- All Party volunteers;
- Any contractors or consultants engaged by the Party;
- Any person affected by any Party member, volunteer, staff, contractor or consultant undertaking 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.

Well Being Officers and Their Role

Well Being Officer Network

The Support and Mediation Group (SMG) is responsible for ensuring that there is a network of Well Being Officers (WBO). A WBO is available to any member of the ACT Greens to discuss any personal difficulty concerning the Party or any of its members.

The SMG will ensure that WBOs are:

- effectively trained,
- authentically assessed, and
- in receipt of ongoing support in this role.

When to approach a WBO

If you are a member of the ACT Greens and:

- you feel you have been treated unfairly, or
- you are considering making a complaint about behaviour of a harassing, bullying or discriminatory nature,

then the **first option** for you may be to talk, in complete confidence, to a WBO. You can choose whichever WBO you would prefer to approach.

What Well Being Officers Do

WBOs aim to:

- be a sounding board for your concerns;
- help you to cope with your feelings;
- help you to clarify your issues and decide what you want to do next.

WBOs will adhere to the principle that all complaints, whether formal or informal, are best handled promptly, seriously, sensitively and confidentially.

If you decide to approach a WBO, you can:

- choose which WBO you wish to approach;
- talk about any interpersonal situation pertaining to the Greens which is causing you personal concern;
- be heard in absolute confidence;
- be treated with complete respect;
- decide for yourself if you want to take the matter further;
- use your WBO to help you think through how you might take the matter further, including the option of resolving it to your satisfaction privately;
- ask your WBO to support you in one or more steps that you might choose to take to move the matter forward;
- expect your WBO to clarify what 'support' you want and reach an agreement with you about what they can offer; and
- speak with your WBO as many times as necessary.

What Can Happen After Speaking with a WBO?

You might wish to take the matter to the SMG who are charged with attempting to mediate matters where possible.

You might, on the other hand, take the matter to the Arbitration and Conciliation Committee (ACC). The ACC is a three person investigative tribunal (elected at the ACT Greens Annual General Meeting) which obeys principles of procedural fairness to make determinations about matters based on the balance of evidence.

The Role of the Support and Mediation Group (SMG)

The fundamentals of the SMG's role

The SMG 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:

- restore, foster and maintain understanding, harmony and good working relationships,
- resolve conflicts quickly and fairly.

Grievances which are unable to be resolved through engagement with the SMG should be brought to the ACT Greens Arbitration and Conciliation Committee (ACC) for investigation and determination.

Responsibilities

The SMG provides an independent, confidential and impartial service for the Party where people can raise any grievance or 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 SMG is accountable to the ACC and ultimately to the Party 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 ACT Greens Grievance Policy and Procedures and the ACT Greens Code of Conduct.

Tasks

The SMG'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 SMG's Role

The SMG does NOT:

- act as an advocate for you or any other people involved;
- replace any formal processes that the ACC has the authority to initiate or determine - e.g. investigation and determination of matters of complaint or unresolved grievance or conflict;
- replace any formal processes that the Management Committee has the authority to initiate/determine - e.g. 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 Party employees; or
- replace any other formal processes in the ACT Greens Constitution - e.g. disciplinary action.

The way the SMG will operate

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

Responsibilities of people involved in a resolution process

The Party acknowledges that it 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 SMG;
- 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 SMG at any time with a query about a grievance or conflict and how the SMG may be able to help you.
2. You are encouraged to first attempt to resolve the matter informally yourself by taking up the issues with the other people concerned, providing that it is practical and safe to do so. You may wish to consult informally with any member of the SMG as part of this step.
3. If the matter is not resolved, or you are not able to take the issue up directly with the people involved, you may approach any member of the SMG directly or in writing requesting that the SMG treat the matter as a formal grievance.
4. You may raise a conflict or grievance as an individual or as a group of individuals.
5. The SMG will work with you and the other people involved to find an acceptable process to use for resolving the matter yourselves. This is described in more detail in Part 3. You may however withdraw your matter at any time.
6. You are welcome to have a support person (e.g. a friend or a family member) accompany you to meetings regarding the matter throughout the process.
7. If you:
 - cannot reach agreement with the SMG (or the other directly involved parties) on a resolution process; or
 - are not satisfied with the resolutionyou are encouraged to raise the matter with the ACC to request an investigation and determination.
Please refer to the ACT Greens Arbitration and Conciliation Committee Policy and Procedures for further information.
8. If you make allegations that you are the victim of, or witness to, serious illegal or criminal activity, or if allegations of serious illegal or criminal activity are made against you, the SMG will cease the mediation process and immediately make a confidential Serious Matter report to the ACC. The ACC will then contact you as a party to a Serious Matter and manage the process from then on. Throughout these processes and any consequential actions the ACC, the SMG and the Management Committee will maintain appropriate confidentiality.

PART 3 How the SMG Responds to a Grievance

Independence

The SMG has the discretion to accept or reject requests for assistance and the discretion to decide how it will address a grievance or conflict. It may refer the matter to the ACC.

Working as a group

A minimum of two SMG members will work on any one matter which people bring to them. The person who raises the grievance may express a preference for which SMG members deal with the grievance, but it is not guaranteed that this request will be met.

Impartiality

The SMG 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 SMG's involvement and suggestions.

Conflict of interest

Any member of the SMG will:

- withdraw their involvement in matters 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 SMG will assess the appropriateness of its involvement in the issues you bring forward and where necessary it will seek external expert advice.

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

The SMG 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 SMG.

Confidentiality

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

Criminal and serious illegal matters

Where issues are of a criminal or serious illegal nature the SMG will inform the ACC.

Disclosures of self harm

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

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

Disclosures of harm to other people or to property

The SMG, as a duty of care, can confidentially report any disclosures involving actual or threatened harm to other people or to property to the ACC who will investigate the matter and may then recommend that the Management Committee take appropriate action including informing the police.

Guide for discussion of grievances

The SMG 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.

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

- the background and context of the grievance,
- their understanding of the SMG's responsibilities and process,
- what's been happening,
- what's the effect on whom,
- their readiness to sort the matters out, and
- what is needed to make things better.

Depending on the circumstances, and in consultation with the person bringing the grievance, the SMG 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 SMG Selection Process

SMG Membership Criteria

The SMG 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 for any ACT Greens' elected Members, or by the Party; or
- ACT Greens office bearers as defined in the ACT Greens constitution and bylaws.

The members of the SMG 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.

The members of the SMG are required to abide by the ACT Greens Grievance Policy and Procedures and the ACT Greens Code of Conduct.

Selection criteria for SMG 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 SMG members

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

The ACC will oversee the selection process for SMG members.

SMG members are selected by a panel of four people:

- two current ACT Greens' office bearers – preferably one of the Convenor, Deputy Convenor, or one of the Co-Convenors;
- a current member of the SMG (or Grievance Resolution Group); and
- a former or retiring member of the SMG (or Grievance Resolution Group).

The ACC determines the membership of the selection panel.

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

The selection panel presents their recommendations to an ACC Meeting for formal appointment of the SMG members.

If any SMG 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 SMG members

When only one or none of the SMG members is available to address a grievance, the SMG will refer the situation to the ACC, which will decide a course of action which may include:

- co-opting a Greens member to assist the one SMG member, or
- engaging external people to address the grievance when no SMG members are available.

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

Appointment of SMG Convenor

The SMG 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 ACC will confirm the selection.

The Convenor can be appointed for consecutive terms.

PART 5 SMG Internal Processes

SMG Decision Making

Internal SMG 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 SMG Convenor.

Record Keeping

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

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

Relation to Australian Greens conflict transformation processes

The SMG 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 SMG Convenor will provide a brief, de-identified annual report to the ACC on the number of and general nature of the grievances and their resolution, as well as lessons to be learnt by the Party. The SMG 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 ACC will receive and address in confidence any complaints or issues relating to:

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

Conflict of interest within the ACC

Where a grievance involves a member of the ACC, 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 and being prepared to forgive those things said that were regretted.
- *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 (Col) occurs when a person's personal, financial or other interests compromise, unduly influence or affect the performance of their role. A Col can be real, perceived, or potential.

- A *real* Col occurs when personal, financial or other interests actually compromise, unduly influence or affect the performance of the role.
- A *perceived* Col occurs when personal, financial or other interests appear to compromise, unduly influence or affect the performance of the role irrespective of whether a Col actually exists.
- A *potential* Col 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 SMG 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.

ACT Greens Code of Conduct

None of these principles and values shall override the values and aspirations expressed in the ACT Greens Code of Conduct.

APPENDIX 2 Guide for discussion of grievances

The SMG 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 SMG members. It involves:

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

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

- they understand what the SMG does;
- they are making an informed choice to participate;
- they have all the resources they need to make the decision to participate in the SMG 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 SMG 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?
(i.e. 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 SMG 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 SMG process and 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 SMG 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 SMG 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 SMG 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?
- do any of these reflections indicate a need for amendment of these policies and procedures?