

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 creating a better world. The Party is also committed to viewing grievances and conflicts and their resolution as learning and development processes 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 relationships, 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 pathways 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 the 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 elected representatives, 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.

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 representatives 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 ACT Greens Member Support Team (MST) is responsible for ensuring that there is a network of Well Being Officers (WBOs). WBOs are available to any member of the ACT Greens to discuss any personal difficulty concerning the Party or any of its members.

A number of the WBOs having professional expertise in mediation, are known as Mediators.

Please visit our web page for details about the WBOs: <https://greens.org.au/act/wellbeing-officers>

The MST 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 have a conflict or grievance, the **first option** for you may be to talk, in confidence*, to a WBO. You choose the WBO you wish to approach.

What WBOs Do

A WBO aims to:

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

WBOs will adhere to the principle that all conflicts and grievances will be handled as requested by the person they are supporting, to the extent possible and subject to this Policy.

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 confidence*;
- be treated with complete respect;
- decide for yourself if you want to take the matter further (subject to exceptions under this Policy);
- 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 mediation 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.

Please refer to the [ACT Greens Arbitration and Conciliation Committee Policy and Procedures](#) for more details.

The Role of the Mediators

The fundamentals of the Mediators' role

The Mediators are WBOs with professional expertise in mediation 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

If grievances have not been resolved through engagement with the Mediators, a party may decide to request investigation and determination by the ACC.

Responsibilities

The Mediators provide 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.

They have 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 Mediators are accountable to the MST and ultimately to the Party membership. Their primary interests are that:

- the resolution of conflicts and grievances is expedited,
- outcomes are fair,
- the confidentiality of all people involved is protected in accordance with this policy, and
- all involved adhere to this policy and the ACT Greens Code of Conduct.

Tasks

- The Mediators facilitate a process to resolve the conflict or grievance by mutual agreement.

Exclusions to the Mediators' Role

The Mediators do NOT:

- act as advocates 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 or 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 Mediators operate

An overview of the way the Mediators operate 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 that all people directly involved and all members and volunteers actively and sensitively:

- encourage the people involved to take steps to effectively resolve the issue, including suggesting or requesting referral to the WBOs;
- 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 a WBO at any time with a query about a grievance or conflict and how they 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 a WBO 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 a Mediator directly or in writing requesting that a Mediator mediate the matter.
4. You may raise a conflict or grievance as an individual or as a group of individuals.
5. The Mediators 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 assistance of the Mediators (or the other directly involved parties) on a resolution process; or
 - are not satisfied with the resolution,you may 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 Mediators 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 Mediators and the Management Committee will maintain confidentiality in accordance with this policy.

PART 3 How the Mediators Respond to a Grievance

Independence

The Mediators have the discretion to accept or reject requests for assistance and the discretion to decide how they will address a grievance or conflict. They may refer the matter to the ACC.

Working as a group

The Mediators will decide how many mediators will work on any one matter which people bring to them; however, if the matter concerns an allegation of sexual harassment or sex discrimination the Mediators will attempt to ensure that the Mediators include a person who identifies as a man and a person who identifies as a woman. Any party may express a preference for which Mediators deal with the grievance, but it is not guaranteed that this request will be met.

Impartiality

The Mediators 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 be discussed fairly.

Conflict of interest

A Mediator will:

- withdraw their involvement in matters where there is an actual or reasonably apprehended conflict of interest; 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 Mediators will assess the appropriateness of their involvement in the issues you bring forward.

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

Confidentiality

The Mediators (and all WBOs) will keep all approaches confidential, subject to this policy. Confidentiality enables full and open disclosure, which provides more knowledge of the details and motives behind issues.

However, the Mediators (and all WBOs) will inform relevant authorities in the situations outlined below.

1. Criminal and serious illegal matters

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

2. Mandatory reporting regarding Children and Young People

Where a WBO forms a belief on reasonable grounds that a child or young person has experienced abuse or neglect, they will inform the ACT Greens Secretary and the ACC so that the Party can discharge its responsibilities for mandatory reporting under the [Children and Young People Act 2008](#).

3. Disclosures required by Courts or Tribunals

The WBOs will comply with any summons to produce documents by a Court of Tribunal. The Party might seek to discharge cancellation of the summons in some circumstances.

4. Disclosures of self harm

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

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

5. Disclosures of harm to other people or to property

The WBOs 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. Urgent matters may be escalated from a Mediator to a Co-Convenor or the Party Director..

WBO debriefing

As part of our support of WBOs, we have debriefing processes. In these processes we attempt to maintain anonymity but cannot guarantee that individuals will not be inadvertently identified.

Record-keeping in relation to significant allegations

WBOs are required to keep the WBO Convenor informed of approaches. In most cases, this will be a simple statement without identifying details. However, if a significant allegation has been made, the WBO Convenor may ask that the alleged perpetrator be identified so that any pattern of incidents can be identified, even if the complainant in the current matter does not wish to take further action.

If the same person is identified as a source of distress to others in multiple matters, the WBO Convenor is to report the matter to the ACC and the ACC will make a decision on whether to intervene.

Email archives

Emails to WBOs at their ACT Greens email address are maintained according to the Party's archiving policy.

Guide for discussion of grievances

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

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

Depending on the circumstances, and in consultation with the person bringing the grievance, the Mediators 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 Well Being Officers and Mediators Internal Processes

Appointment of WBO Convenor

The WBOs will select one of their group to be the Convenor for a one year term shortly after each ACT Greens Annual General Meeting (AGM), or when there is a vacancy. The Convenor will be a member of the Member Support Team Committee.

The WBO Convenor can be appointed for multiple terms.

If no WBO Convenor is elected, the functions allocated to the WBO Convenor will be performed by the MST.

Appointment of WBOs

The Member Support Team appoints members as WBOs if:

- they have completed the WBOs training course and have been assessed to demonstrate appropriate levels of competencies (which might include a requirement to complete further training), and
- they have completed mandatory training about preventing and responding to sexual harassment and abuse, and
- they sign the Code of Conduct, and
- they provide evidence of holding current ACT Government Working with Vulnerable People registration.

Upon completion of these requirements, WBOs are provided with an ACT Greens email address and listed on the ACT Greens website.

Prior to each AGM, the WBO Convenor will ask current WBOs if they are prepared to commit to a further term. The WBO Convenor will encourage diversity of WBOs, including those who undertake Mediation.

Requirements of WBOs to participate in the WBO Network

WBOs will participate in the WBO Network in order to facilitate communication and to build and consolidate competencies.

If no WBO Network exists at any point in time, WBOs will be responsible for their own development and support, e.g. by reaching out to another WBO if assisting in a challenging matter.

Removal of a WBO

The Member Support Team may remove a person as a WBO if:

- the person resigns, or
- the person does not adhere to their responsibilities under this Policy in significant respects.

WBO Network Decision Making

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 WBO Convenor.

Record Keeping

WBOs may maintain confidential notes to the extent necessary to properly manage any approach, to be stored in a secure manner. However, records such as emails might be preserved under standard email archiving arrangements or otherwise required by this Policy.

The WBOs 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 WBOs will keep this data in a secure manner.

Relation to Australian Greens conflict transformation processes

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

PART 5 Review of Grievance policy and procedures

Reporting

The WBO 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 WBO Convenor can report more frequently, or in relation to specific grievances, if they determine that it is in the Party's interest to do so.

Complaints

The ACC will address in confidence any complaints or issues relating to:

- this document, or
- the way in which the WBOs are handling or have 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 people to be 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 real Col occurs when personal, financial or other interests actually compromise, unduly influence or affect the performance of the role.
- A reasonably apprehended Col occurs when a reasonable observer is likely to conclude that a person's personal, financial or other interests appear to compromise, unduly influence or affect the performance of the role.

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;
- expect that the Mediators will be independent, unbiased and assess situations solely on the relevant information;
- sufficient knowledge of the nature and substance of the grievance;
- an opportunity to be heard.

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

These principles support the values and aspirations expressed in the ACT Greens Code of Conduct.

APPENDIX 2 Guide for discussion of grievances

The Mediators 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 Mediators. It involves:

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

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

- they understand what the Mediators do;
- they are making an informed choice to participate;
- they have all the resources they need to make the decision to participate in the mediation processes;
- 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 Mediators 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 Mediators 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 mediation processes and any consequences if the process doesn't go well;
- what, if any, attitudes and assumptions are people making about each other; and
- whether people are considering who else may be affected and how.

What's needed to make things better?

The Mediators 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 mediation processes
 - 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 Mediators 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 was it 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?