

Policy and Procedures

POLICY TITLE:	RESOLUTION OF CONFLICT, GRIEVANCES AND DISPUTES
ADMINISTERED BY:	GENERAL MANAGER, HUMAN RESOURCES
APPLICABILITY:	ALL EMPLOYEES

Policy

John Readings positions itself as an employer of choice and as such has written this policy and procedure to provide employees advice on what to do if they have a conflict, grievance or dispute, and how formal complaints will be dealt with. It also aims to ensure grievances are addressed in-house in a timely and confidential manner.

Definition

A grievance can be about anything done, or not done, by management or another employee or employees, which you feel affects you harshly, unfairly or unjustly. A grievance can also be about discrimination, harassment, or any other employment related decision or behaviour which an employee thinks is unfair, unjust or upsetting.

General

John Readings aims to foster good relations amongst employees and between employees and management. It is acknowledged that the enjoyment employees experience in their job is reflected in how well they work and how well they relate to colleagues and customers.

It is acknowledged that problems can arise at work which may sometimes cause employees to feel aggrieved. These problems can arise from the behaviour or decisions of management or other employees.

Managers, and especially the general manager, human resources shall ensure that grievances are treated with the utmost confidentiality, and that the complainant is not victimised or treated unfairly as a result. The employee should also maintain confidentiality in order to avoid unhelpful gossip and the possibility of defamation proceedings.

Where a formal complaint is made, it shall be taken seriously and investigated in an impartial manner. This may mean that the complainant, the person complained about, and any witnesses will be interviewed. Confidentiality shall be assured. No decision shall be made until the investigation is complete.

If a complaint is made against an employee, the manager/general manager, human resources shall ensure that he/she is not prejudged and is given an opportunity to tell his/her side of the story. The employee shall also be allowed to bring someone with them at the time to give them support.

The manager/general manager, human resources shall ensure that each complaint is dealt with in as short a time as is possible in the circumstances.

Raising an issue

If an employee has a grievance he/she should communicate this in the following manner:

Speak to the person causing the problem. While this may not be appropriate in some cases, it may be the easiest way of resolving the issue if you feel comfortable with speaking to the person. You can tell him/her that his/her behaviour, decision, action, etc, was unfair, offensive, discriminatory, etc., and why you believe this to be so. The person may have been totally unaware of the effect of his/her behaviour or decision on you. By telling him/her, you will give them a chance to redress the situation.

Speak to your manager or the general manager, human resources. If you do not want to speak to the person directly, you can tell your manager or the general manager, human resources about your grievance. They will tell you what your options are. With your agreement, they may approach the person complained about and talk to him/her informally about your grievance. Alternatively, you may decide to make a formal complaint.

Make a formal complaint. If you decide to make a formal complaint this can be done by putting the complaint in writing and reporting it to the human resources manager. You may have a fellow employee attend the meeting with you when you report the complaint. The written complaint should contain a description of the incident(s), decision, behaviour in question, the time and date of the incident(s), etc, the name of any witnesses, your signature, and the date of the complaint.

Investigation

Once a formal complaint is made, the general manager, human resources shall investigate the matter. If the general manager, human resources feels that there is a reason why he/she should not conduct the investigation (eg, he/she may be a friend of the person complained about), then another senior manager shall conduct the investigation.

The general manager, human resources or senior manager shall then interview the complainant, any witnesses, the person against whom the complaint is made, and that person's supervisor. The complainant and the person against whom the

complaint is made may have a support person present when the interview is being conducted.

Outcomes

If the investigation reveals that the complaint is a valid one and is substantiated, a number of actions may be taken, depending on the nature of the complaint. The person against whom the complaint is made may be required to give the complainant an apology; he/she may be given a written warning, counselling, transfer, demotion, or be dismissed.

If the investigation is inconclusive, i.e. the complaint cannot be proven due to lack of evidence; the company may nevertheless take a number of actions. These may include training of all staff and monitoring behaviour of all staff.

If the complaint is found to have been completely fabricated, appropriate action may be taken against the complainant, including counselling, a written apology to the person complained about, an official warning, transfer, demotion, or dismissal, depending on the seriousness of the allegations.

Outside Agencies

If the complainant is not satisfied with the way in which the grievance was handled, he/she may take it to an outside agency, such as the Human Rights and Equal Opportunity Commission or the Anti-Discrimination Board.

Case Study Questions

NOTE: This case study is PART A of the assessment task for the unit Manage Mediation Processes.

To ensure you satisfy all assessment requirements for this unit you must download the document 'Assessment Task' and follow directions within.

1. Re-write this policy and procedures to:

- a. Incorporate a more preventative approach to conflict and disputes in the workplace, and
 - b. Incorporate mediation as a procedure.
2. Develop a comprehensive flowchart of the dispute resolution and conflict management process for John Readings PTY LTD.
 3. Develop the detailed guidelines for mediation at John Readings.
 4. Now that you have revised and updated the policy and procedures as well as developed the guidelines for mediation, you need to let the employees know about the changes. You also need to update and, where necessary, train the supervisors, team leaders and managers in how preventative measures so that workplace conflict doesn't become an issue as well as the changes to this policy and procedures with the new addition of mediation. So, you need to:
 - a. Develop a communications strategy and plan to ensure all managers and staff know about the updated policy and procedures and the new guidelines and also to ensure that staff and managers are adequately trained to respond accordingly,
 - b. Outline what steps you would put in place to monitor and evaluate the effectiveness of the new strategy to manage workplace conflict proactively rather than reactively.

Additional documents available that may support this case study include:

- Company history and overview,
- Organisational chart (senior management and EFT staff nos.),
- Company future directions.