

GUIDE TO DISPUTE RESOLUTION FOR EMPLOYEES AND VOLUNTEERS POLICY TEMPLATE

ABOUT THIS POLICY AREA

This policy guides how the organisation manages and resolves disputes involving employees or volunteers. Throughout this policy and associated procedures, delete reference to volunteers (or employees) if your service operates with only employees (or only volunteers).

A written dispute resolution for employees and volunteers policy is required as part of meeting Standard 9 (Employee and volunteer support).

Standard 9 – employee and volunteer support

The organisation develops, implements and reviews procedures for how disputes involving employees and volunteers are managed and resolved.

Policy checklist

The following checklist will help you check that an existing policy covers this area adequately.

The policy should:

- explain how employees and volunteers are provided with information about internal and external complaints mechanisms
- describe how complaints are raised and recorded, considered, decided upon, and appropriately actioned in a timely manner
- require the outcome of the complaint to be in writing
- provide options to appeal decisions and ways to make sure the complainant is not disadvantaged by making a complaint
- explain how complaints may be taken to agencies beyond the organisation
- explain how people may be supported by a representative of another organisation or an advocate
- explain how processes for making complaints are culturally appropriate
- describe how the outcomes of complaints are taken into account in improving employee and volunteer management within the organisation
- contain clear procedures and actions
- indicate the timing of any actions
- show when it was approved
- show when it was last reviewed.

COMPLETING YOUR DISPUTE RESOLUTION FOR EMPLOYEES AND VOLUNTEERS POLICY

Using the policy template

The template provides some example statements. You can adapt these statements and include them in your policy or write your own statements to better suit the operations and services of your organisation.

To customise the policy template, click on the shaded sections <<Insert text>> and insert the information that is specific to your organisation.

When you have completed the policy template, delete the shaded instruction sections such as: [Refer to the dispute resolution for employees and volunteers policy template guide for questions and/or examples to consider when customising this section.](#)

For further information on using the policy guides, refer to the information in *Using the policy templates and guides*.

Guidelines for each section of your policy

1. Purpose

When identifying the purpose of the policy, consider how it might apply to your employees, volunteers and their managers. What are the benefits of effective ways of dealing with disputes, complaints and conflict involving employees and volunteers for those employees and volunteers, clients and others in the organisation? Do you need to make specific statements to ensure you are inclusive of particular groups, such as Aboriginal and Torres Strait Islander peoples, Australian South Sea Islanders, people from culturally and linguistically diverse backgrounds and people with a disability?

2. Scope

To determine the scope of the policy, consider the following questions:

- Does this policy apply to all your organisation's services and to all employees and volunteers?
- How do you define a dispute or complaint? Does your policy cover both complaints made by employees or volunteers and allegations about employees or volunteers? Do you distinguish between complaints raised by employees or volunteers and those raised by their colleagues or managers or other parties?
- Is there a different dispute resolution procedure for employees who have a legal contract with the organisation and are covered by employment legislation, and volunteers who may or may not have a legally binding agreement?
- How do you minimise the risk of a simple question or concern being escalated to a formal complaint or grievance when it can be resolved through normal management practice?

3. Policy statement

If you are adopting the policy statement in the template, consider whether there any additional commitments your organisation wants to make.

In identifying the actions your organisation will take to implement this policy, you should include the following:

- following the principles of procedural fairness in the structure and operation of the dispute resolution process for employees and volunteers
- notifying the employee or volunteer of the outcome of their complaint

- taking the outcomes of complaints by those working in the service into account in planning improvements to the future management and support of employees and volunteers.

4. Procedures

The procedures describe how your organisation achieves the aims and goals you have outlined in your purpose, scope and policy statement. Note that you may wish to separate the procedures for employees from those of volunteers, and that all procedures involving paid employees need to be designed taking any legislated industrial or contractual requirements into account.

4.1 Dispute resolution for employees and volunteers

This section should give precise directions to staff, volunteers and management about the steps to be taken in resolving disputes. The complaint may be initiated by the employee, the volunteer or management. The steps followed should include:

- registering the complaint
- investigating the complaint
- review at a higher level of authority
- formal external procedure (where relevant)
- using dispute resolution to inform employee and volunteer training and development and management processes.

Your organisation's procedures should set out the following:

- **record keeping:** It is important to keep detailed records of disputes. These will include recording the complaint in an individual employee's file or volunteer's record. The records should include the nature of the complaint, copies of correspondence, notes of meetings and consideration of issues, a record of the outcome (and if relevant any further review or external process) and the reasons for decisions.
- **timeframes:** The procedures should specify how long each stage of the process will take and when employees or volunteers will be told of outcomes. The timeframes should be kept as short as possible (for example, four weeks from a complaint being formally received to an outcome being given).
- **responsibility:** Identify who will coordinate and manage the process and who else will be involved. The person responsible for managing the process and/or conducting an investigation should be as independent of the complaint as possible.
- **support:** Consider how the employee or volunteer will be best supported during the process, either from within the organisation or by a referral to an outside agency.
- **outcomes:** Describe how an employee or volunteer might be notified of the outcome of their complaint or the complaint against them. This may include that the complaint is:
 - upheld (and if so what will be done to resolve it)
 - resolved (and how this has been achieved)
 - or if no further action can be taken, the reasons for this.
- **options for resolving a complaint:** The cause and seriousness of a complaint will determine the best way of resolving it. Consider including the following three options:
 - internal resolution through the complaints procedure for most complaints
 - mediation by a neutral outsider, if this is the best way to manage the issue
 - arbitration by an external body for allegation of serious misconduct or where suspension or dismissal is proposed.

Step 1: Registering a complaint

In describing what will be done to register the complaint, be very precise about exactly what and when certain actions will be done, and whom by. Acknowledgment of a complaint by an employee or volunteer should ideally be in writing within seven days. Employees or volunteers should also be advised in writing within seven days of an allegation or concern about their performance or conduct being registered by their manager. In each case, the letter should provide the employee or volunteer with advice about their legal rights and options for seeking support from their union, family or friends and other agencies. Employees or volunteers may want formal representation by their union, to involve an independent observer in the process, to have informal support, or to be professionally advised about their rights.

Step 2: Investigating the complaint

Each registered complaint should be investigated and assessed in a standard way. Be precise about exactly what will be done, when and whom by. Ideally, the employee or volunteer should be advised in writing of the outcome within 28 days, and told exactly what will happen next and what options there are to take the matter further if they disagree with the outcome. Where a paid staff member is involved, you may wish to involve an employer organisation as adviser and support for management. Some matters may be able to be resolved through normal performance appraisal or support structures in place for employees or volunteers, or by an informal process, if appropriate.

Proposed resolutions to complaints by employees or volunteers can include:

- no further action
- a negotiated resolution
- an apology
- an explanation
- an assurance about the future
- changes to how things are done.

These matters are considered finalised if the employee or volunteer is satisfied with the response, and the final outcome is recorded in the individual's file record or summary records that are kept.

Allegations of serious misconduct or unsatisfactory performance leading to the employer commencing the dispute resolution process could result in:

- no further action
- an assurance about the future
- the requirement to undertake further training or additional support
- extending a probationary period or rescinding a promotion
- disciplinary procedures
- dismissal.

Step 3: Review at a higher level of authority

When the employee or volunteer is not satisfied with the investigation and proposed resolution of a complaint they have made, or if they believe the proposed action by their employer in response to allegations of misconduct or poor performance to be unfair, they can seek a further review of the matter at a higher level within the organisation. As with other steps in the process, records must be kept and outcomes put in writing. There must be clear guidelines about who is responsible for dealing with the matter, and how quickly they should act and reach a decision.

Step 4: Formal external procedure

A formal external complaints procedure may follow Step 3 if the employee or volunteer is still not satisfied. The opportunities may include arbitration or mediation.

Step 5. Using dispute resolution to inform employee and volunteer training and development and management processes

Information about employee and volunteer complaints or disputes should be kept in individual files to assist in future support and training and also de-identified and summarised for use in improving management and other policies, procedures and systems. Individual files should be destroyed after a certain period of time. The lessons learnt from complaints and disputes can help improve overall management of employees and volunteers in goal setting, supervision, performance appraisal, feedback, complaints handling, dispute resolution, volunteer coordination etc. The outcomes may also inform reviews of client service, administration and governance.

5. Other related policies and documents

List the other policies related to the dispute resolution for employees and volunteers policy. The policy should be linked to:

- employee recruitment
- volunteer selection
- employee and volunteer induction policy
- employee and volunteer training and development
- employee performance and support policy
- volunteer support policy
- complaints by clients policy.

In regard to allegations made by a client about an employee or volunteer, it would be appropriate to keep the two complaints processes separate and ensure that complaints by clients about an employee or volunteer that are found by their manager to have some validity are then initiated by the manager, so that the client is not directly involved in any disciplinary procedure.

6. Review processes

Consider how often the policy should be reviewed and the process for doing this:

- **frequency of review:** Most policies benefit from an annual review. The experience of implementing the policy is used to decide which changes are necessary. Consider reviewing your dispute resolution for employees and volunteers policy as part of an annual review of your organisation's policies or, if your organisation is small, perhaps over a three-year period. Critical incidents may prompt you to review the policy ahead of schedule.
- **responsibility for the review:** In most organisations, the person accountable for human resource management would be responsible for reviewing this policy. In small organisations, this may be the coordinator or manager. In larger organisations, this may be a human resource or personnel manager.
- **process for the review:** Decide which particular staff, volunteers, external people and organisations will provide input to the policy review. It would not be appropriate to involve clients.
- **decision-making process:** Who will review draft changes to the policy and approve changes? What will be the timeframe for the review process?

- **documentation and communication:** What records of the policy review process are needed? How will changes to the policy be communicated to staff implementing the policy? In a small organisation, this may be as simple as noting the changes at a staff meeting. In a larger organisation, an email memo may be needed.
- **key questions for the review:** Is the policy being implemented? Are procedures being followed? Is the policy clear? What has changed that may prompt a change to the policy (for example, the availability of new alternative dispute resolution mechanisms, enhanced training in conflict resolution, or an organisational restructure)? Have particular stakeholders had difficulty with any aspect of the policy? Can their concerns be resolved? How does the policy compare with that of similar organisations?