

Grievance/Conflict Resolution Policy

PURPOSE

This policy covers the operations of Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC), Dja Dja Wurrung Enterprises Pty Ltd, and Dja Dja Wurrung Clans Charitable Corporation Pty Ltd (together “the DDW Group”).

The DDW Group aspires to operate efficiently and fairly for all members and to provide appropriate ways of resolving conflict and complaints which are raised by members.

This policy provides a framework to respond to conflict, and to deal with conflict as it arises in a way which is fair, lawful and effective.

This policy and the relevant procedure clearly distinguish between matters which are:

- *employment-related matters* to be dealt with by DDWCAC’s CEO, in accordance with DDWCAC policy and procedure and current employment law; and
- *member-related business, policy, cultural or spiritual matters* which are the responsibility of the Chairperson to manage in accordance with the DDWCAC Rules and the Governance Charter and consistent with Dja Dja Wurrung law and culture.

At all times the CEO and Chairperson are to be sensitive to the need to provide cultural safety for all parties, to avoid lateral violence, to be sensitive to gender issues, and to ensure the process they manage accommodates that sensitivity. Where the CEO or Chairperson has a perceived or real conflict of interest they will delegate their responsibilities to an appropriate party, as set out in the Procedure.

In some cases, both procedures may apply: for example, if a director who is also employed by DDWCAC has a complaint made about the way they have dealt with another staff member - the matter may be dealt through both processes. The matter will be dealt with as an employment-related matter by the CEO who will then refer the matter to the Chairperson to deal with the conduct of the director.

RESPONSIBILITY

Responsibility for action under this policy rests with the members (who may raise complaints), and the CEO (to manage employment-related matters) or the Chairperson (to manage member-related matters).

BACKGROUND

Conflict can arise in any organisation from time to time.

In this policy and the associated procedure and guides “conflict” is sometimes described as “grievance”, “dispute”, “complaint”, and “conflict”.

Misunderstandings occur, people may have different

views about the right way to do things, and from time to time competing rights and interests will arise. DDWCAC needs a clear process for dealing with conflict in a way which is fair to all, is lawful, and is efficient.

Under the DDW Group Corporate Governance Charter (the Governance Charter) DDWCAC is the employer of all staff within the group, and DDWCAC’s CEO is responsible for the managing the operations of the group, for the appointment and removal of staff, providing leadership for the development of professional excellence and standards, advising the Board, and ensuring appropriate linkages between the Board and staff, amongst other things.



The CEO must delegate responsibility for managing the complaint if:

- the CEO has a perceived or real conflict of interest;
- gender sensitivity makes it inappropriate for that CEO to deal with the matter;
- other reasons make it appropriate for a DDWCAC manager or an independent party to manage the matter.

If a complaint is made against the CEO, the CEO must refer that complaint to the Chairperson who will manage it in accordance with the procedure that applies to employment-related complaints.

This policy notes a three-step procedure for resolving conflict. The first two steps are only to be encouraged if the parties are confident of participating in that part of the process. For example, the CEO and Chairperson will not encourage parties to face to face discussion or mediation where sexual harassment has been alleged, or where one-party fears violence.

Three Steps

1. The policy treats the opportunity for members to resolve disputes between themselves, or with the assistance of the CEO or the Chairperson, as empowering under appropriate circumstances.
2. The policy also recognises that facilitated discussion or mediation, through the Bendigo Dispute Resolution Centre, may help members resolve matters themselves under appropriate circumstances.
3. The policy also provides a mechanism for resolving matters which aren't resolved through steps 1 or 2 through a formal process consistent with current employment law and DDWCAC policy and procedures in the case of employment-related matters, and consistent with DDWCAC's rules and the Corporations (Aboriginal and Torres Strait Islander) Act 2006 in the case of business, policy, cultural or spiritual matters.

TYPES OF GRIEVANCES/CONFLICT COVERED BY THIS POLICY

This policy and the related procedure describes how complaints by members about how DDWCAC staff and contractors do their job will be managed, and how complaints by a member against another member (including a director) for non-work matters are to be managed.

Work-related complaints are dealt with by the CEO according to current employment law and DDWCAC policy and procedure.

The other focus of this policy and procedure is how conflict between members is managed and questions of how the Group deals with matters of culture, spirituality and policy or how it goes about its business. This policy covers the way members deal with each other and with DDWCAC staff.

ASSUMPTIONS

This policy assumes that all DDWCAC members want DDWCAC to operate efficiently and effectively, and that they wish conflict which arises from time to time to be resolved quickly and fairly. DDWCAC encourages members and others to raise concerns in an appropriate way so they can be resolved, and so that emerging issues can be considered.

DDWCAC's resources are limited and so there is an expectation that they are to be used effectively. This policy does not replace the procedures for dealing with poor performance or misconduct by staff which may occur from time to time. Poor performance or misconduct ought to be dealt with by supervisors as a matter of course and ultimately the CEO in accordance with DDWCAC's rules.

The policy and the associated procedure will be made known to staff and members and available for members' guidance on the DDWCAC website.

