

Albury Wodonga Christian Broadcasters Inc.

Grievance and Dispute Resolution Policy

A grievance exists when a person feels a sense of wrong, hurt, or injustice because of the actions or words of another person.

We recognize that the existence of a state of grievance in a person's life may affect a person's emotions and hinder his/her capacity to work within the staff team, particularly in relation to the person against whom the grievance is borne.

We also recognize that the existence of a problem does not always mean that there is a grievance. In a healthy community radio station, there will be many instances where different parties will work together in seeking the best way forward.

Aim: These policies and procedures are designed to ensure that:

1. Grievances are properly dealt with so that people and the community radio station are released from their effect.
2. Grievances are dealt with according to the Christian perspective articulated by Jesus in His instructions on dealing with offences (Matthew 18). The essence of those instructions is a three-stage process:

Stage 1: The offended person should first go to the person against whom an offence is held, and seek to resolve the issue;

Stage 2: If that approach is unsuccessful, another person should assist with an approach and seek resolution;

Stage 3: Finally, if both approaches are unsuccessful, the matter should be brought before an authoritative body for a decision.

These policies and procedures are designed to direct the process of dealing with grievances between parties associated with Albury Wodonga Christian Broadcasters Inc.

Implementation

It is acknowledged that Stage 1 should only be utilised where it is safe and reasonable in the circumstances. Redress of grievances may be sought orally or in writing in accordance with the following procedure. This procedure will usually be adopted in the interests of fairness but is not contractually binding.

Stage 1 shall not be utilised for grievances that relate to sexual harassment, abuse, assault or any other abuse of power or potentially criminal conduct. These grievances shall be reported directly to the Committee of Management and, if they are of a criminal nature, to the Police.

Stage 1

1. If a person becomes aware that he or she is feeling aggrieved by the actions of another person he or she should first take the time to reflect on the matter to ensure that his or her spirit and emotions are under control and that the issues concerned are clearly enough understood to be articulated simply and graciously.

2. The aggrieved person should make an opportunity to see the person against whom they have a grievance privately with enough time to be able to properly express the grievance. At this meeting, the issues should be discussed factually and without any accusation. The aggrieved person should avoid making an interpretation of the motivation or attitude of the person against whom the grievance is held.

Discussions in Stage 1 can be either Informal or Formal in nature.

Informal Discussions. These may be private attempts at resolution or reconciliation between the parties concerned in an informal manner.

If the matter is resolved, no further action is needed.

Formal Discussions. These may be held when a record of discussions is kept. Others may be involved for support or as informal mediators.

In the event that an issue between parties is not resolved, it is understood that the matter will be referred to the Chairperson for Formal Discussion.

If resolved, no further action.

The Committee of Management is to be kept informed of progress.

The desirable outcome of this stage 1 meeting is that the two parties will resolve the issue and seek mutual forgiveness and reconciliation. If this meeting is successful, the issue should remain private.

Stage Two

If the grievance continues unresolved and the aggrieved person is not satisfied that the matter has been appropriately rectified, the grievance procedure will move to stage two, which will be based on a formal mediation process. Stage two will include the following steps:

1. The aggrieved person should now make a formal complaint to the Committee of Management of Albury Wodonga Christian Broadcasters Inc.

The formal complaint should be documented in writing and presented by the Chairperson at a meeting of the Committee of Management.
2. The Committee of Management will inform the Station Manager of the grievance and give instructions regarding further action that may need to be taken in addition to the instructions in this policy.
3. Appointed representatives of the Committee of Management will meet with the person against whom the complaint has been made, to explain the nature of the complaint and to present him/her with a copy of the written complaint. At this meeting the person against whom the complaint has been made will have the opportunity to discuss his/her responses to the formal complaint and to seek further clarification. The main purpose of this meeting will be to prepare the person against whom the complaint has been made to meet with the aggrieved person (where appropriate) to seek resolution of the grievance.
4. The appointed Committee of Management representatives will arrange a meeting of the two parties. The Chairperson will lead the meeting with a view to:
 - allowing the grievance to be aired
 - for the person against whom the grievance has been aired to respond. (If a person has a "counter grievance" they should be encouraged to make their own formal complaint in accordance with the Policy.)

The desired outcome of this meeting is that both parties will seek mutual forgiveness for grievances, and that an agreement will be made as to future conduct to avoid the grievance recurring.

A full report of the resolution of the grievance meeting will be made by the Chairperson and attached to all other written complaints and meeting notes. Copies of all documents will be given to both the aggrieved person and the person against whom the complaint was made. The Committee of Management will hold the only other copy in a file only available to the Committee of Management.

5. If this meeting apparently achieves its goal, the Committee of Management representatives will arrange a Review Meeting not less than 3 weeks and not more than 5 weeks after the original meeting.

The review will be led by the Chairperson and will require the parties to each make a report on their progress in terms of the resolution of the issue. A written report of the meeting will be given to both the aggrieved person and the person against whom the complaint has been made and also appended to the Committee of Management's file.

If the review meeting has a satisfactory outcome, then by mutual agreement no further action will need to be taken.

Stage Three

If the stage two meeting fails to produce satisfactory resolution in the opinion of either party or the Committee of Management's representatives, either party or the Chairperson may take one or more of the following actions:

1. If the matter is an employment issue:
 - The Committee of Management may carry out a further review of the situation. Ultimately, one or both parties involved in the grievance may be placed under disciplinary action, or on a performance review. These actions may eventuate in termination proceedings.
 - The matter may be referred to the Industrial Relations Commission for resolution.
2. If the parties agree, the Chairperson may constitute a panel of peers (a Mediation Committee) from within AWCB Inc. and/or an outside mediator or neutral party. The purpose of the Mediation Committee would be to:
 - provide another opportunity for the issue to be aired in a broader setting.
 - provide opportunity for advice to be given regarding the resolution of the issue.

The Mediation Committee will not have power to arbitrate in the matter and will have an advisory capacity only. The matters raised will remain confidential to the parties, the Mediation Committee and the Committee of Management.

3. Either party in the dispute or the Committee of Management may request an arbitration procedure:
 - a) by an impartial expert arbitration panel consisting of:
 - an eminent church leader who is unconnected with any parties involved in the dispute; and
 - one or two people with mediation or legal skills outside the Association; and
 - a Committee of Management member as an observer.

If both parties agree they will be obliged to abide by the decisions and advice of the arbitration panel before the arbitration commences.

A party may refuse the use of an arbitration panel procedure where the grievance is substantially an employment issue.

The arbitration panel will operate in the following manner:

- Panel members will be given copies of all documents relating to the grievance at least one week prior to the Arbitration meeting.
- A date will be set for the arbitration meeting that is no more than four weeks from the request for arbitration.
- The Arbitration Meeting will include:
 - an individual interview of each of the two parties.
 - a discussion of the issues with both parties present.
 - a time of consultation among the panel without the parties present
 - a presentation of the panel's decisions and advice.
 - action as required by the panel's decision

Note: A situation may arise in which the Committee of Management and/or the parties involved are of the opinion that the arbitration panel procedure may take too long and therefore be inappropriate to deal with situations which require a quick resolution. By mutual agreement, an expedited procedure may be necessary, whereby the arbitration panel is constituted by one person only.

The desired outcome of an arbitration process would be to have the disputing parties agree to abide by the outcomes of the arbitration panel.

b) through the Courts.

If an aggrieved party so requires or the Committee of Management so determines, the matter may be perused through the Australian legal system. However, this route should only be taken after all available action outlined above has been considered.

NOTES

1. If the Chairperson is the subject of the grievance by another person, all references in this document to the Chairperson will be replaced by the Deputy Chairperson of Albury Wodonga Christian Broadcasters Inc.
2. Where a child is party to the grievance procedures, any procedures beyond Stage 1 will need to involve the parents/guardians of the child.
3. Privacy considerations – all parties to the grievance and all supervisory people and grievance committee members involved with resolutions are bound to non disclosure of information relating to the parties and procedures outside of the meetings.
4. All documents created and collected during these procedures will be kept in a file that is only available to the Committee of Management and the parties.

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