



TIWI COLLEGE



Dispute Resolution Policy

Rationale

In any organisation conflict of a personal or professional nature may arise. This is particularly true at Tiwi College where staff live and work closely together. The isolation and the stresses of life at Tiwi College will invariably lead to some conflict and the community should not be surprised and should not judge others too hastily when such problems arise.

The leadership of the College recommends that procedures reflects Tiwi values which place a high value on respecting other people's differences and learning to live together peacefully. Staff need to, at all times, seek to resolve conflict and not contribute to it by gossip.

In dealing with conflict with another staff member that is of a personal nature, the following guidelines are recommended:

Definition

This policy covers personal and professional grievances and disputes of an intra-school nature. It can be used in conjunction with the *Grievance Procedure* as a guide to resolving issues.

Aim

The objective of these procedures is to:

- (a) Avoid the escalation of disputes or grievances; and
- (b) Provide prompt resolution of issues of concern.

Procedure – Personal Conflict

- Identify and clarify the issue, possibly discuss with another person.
- Discuss the issue with the person involved, stating the problem and seek a resolution through offering or asking for forgiveness.
- If the problem is not resolved involve a third impartial person, acceptable to both parties, such as the school chaplain.
- If the conflict is unresolved discuss with the Principal, assistant Principal or school chaplain to establish a professional working relationship.



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The following procedures should be followed when staff feel the need to report a matter of concern or discuss an issue with someone in a position of responsible authority

Dispute Resolution Process

A disagreement or dispute will be dealt with as follows:

- The employee concerned shall raise the matter with the appropriate supervisor for resolution.
- The employee and the supervisor shall agree to meet and confer on the matter within seven (7) days of the dispute being raised. Where a party is not able to meet within seven (7) days the reason for the inability to meet must be provided in writing. Unless agreed otherwise, the parties must meet within fourteen (14) days.
- If not resolved at such a meeting, the parties shall arrange for meetings with more senior levels of management (as appropriate).
- If the matter remains unresolved, either the employee or the supervisor shall request a formal meeting with the Principal, or the Principal's representative.
- At any stage of the process the employee who is a party to the dispute may appoint an employee representative for the purposes of the procedures
 - Agree to allow either party to refer the matter to mediation if the matter cannot be resolved at the workplace level.
 - Agree that if either party refers the matter to mediation, the mediator(s) will be selected by mutual agreement and both parties will participate in the mediation process in good faith.
 - Acknowledge the right of either party to appoint, in writing, another person or the Union to act on behalf of the party in relation to the mediation process.
- Once this dispute resolution process has been invoked, both the employee and employer shall attempt in good faith to resolve the issue by utilising the above steps until resolution is achieved. In the event that resolution is not achieved, any party or the employee may refer the matter to Fair Work Australia.
- Fair Work Australia may deal with the dispute in two (2) stages:



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- Fair Work Australia will first attempt to resolve the dispute as it considers appropriate, including by mediation, conciliation, expressing an opinion or making a recommendation; and
- If Fair Work Australia is unable to resolve the dispute at the first stage then with the agreement of both parties the dispute can be referred to Fair Work Australia to arbitrate the dispute with the determination binding on the parties.
- Arbitration for agreement shall not be unreasonably withheld.

Note: If Fair Work Australia arbitrates the dispute, it may also use the powers that are available to it under the Act.

- A decision that Fair Work Australia makes when arbitrating a dispute is a decision for the purpose of Division 3 of Part 5.1 of the Act. Therefore, an appeal may be made against the decision.
- While the parties are trying to resolve the dispute using these procedures;
 - an employee must continue to perform his or her work as he or she would normally unless he or she has a reasonable concern about an imminent risk to his or her health or safety; and
 - an employee must comply with a direction given by the employer to perform other available work at the same workplace, or at another workplace, unless:
 - the work is not safe; or
 - Applicable occupational health and safety legislation would not permit the work to be performed; or
 - The work is not appropriate for the employee to perform; or
 - There are other reasonable grounds for the employee to refuse to comply with the direction.
- The parties must cooperate to ensure that the grievance settlement procedures are carried out as quickly as is reasonably possible; and agree not to commence an action:
 - To obtain a penalty under the Fair Work Act 2009

Nothing contained in this procedure shall prevent the Tiwi Education Board or their nominee or the General Secretary of the relevant respondent Union or his/her nominee from entering into the discussion at any level either at the request of a member or on their initiative in respect of matters in dispute should such action be considered conducive to achieving resolution of the dispute.