



# Tanglin Gippsland Workplace Dispute Resolution Policy

1	Overview.....	2
2	Definitions.....	2
3	Details.....	3
4	Related Tanglin Gippsland Policies .....	7
5	Policy Review.....	7

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

## 1 Overview

- 1.1 Tanglin Gippsland is committed to:
- sustaining relationships that are characterised by honesty, compassion and trust;
  - ensuring that all members of the Tanglin community are treated with dignity, fairness, courtesy and respect;
  - providing a learning and working environment that is free from discrimination, harassment, bullying, vilification and victimisation; and
- 1.2 It is recognised that disputes will arise within the Tanglin community from time-to-time and that these need to be satisfactorily and promptly resolved. The dispute resolution process should always be characterised by honesty, respect, fairness, justice and goodwill.
- 1.3 Tanglin is committed to resolving any dispute that may arise at the earliest opportunity, and as close to the source as is reasonably possible. It is therefore important that staff members raise their concerns as early as possible.
- 1.4 This policy deals specifically with disputes involving members of staff and outlines different processes for different types of disputes. It is important to note that it may not be possible to resolve every issue to the total satisfaction of the staff members involved. Sometimes a degree of compromise may be required and/or recognition that solutions to some issues bear upon the responsibility of management to make decisions they believe to be in the best interests of Tanglin.

## 2 Definitions

- 2.1 *Dispute*, for the purposes of this policy, refers to a difference of opinion, complaint, concern or grievance, and may relate to a range of workplace issues.
- 2.2 *EO/RW* is an abbreviation for “equal opportunity/respectful workplace” and refers to matters covered by equal opportunity and related legislation and/or by the Equal Opportunity and Respectful Workplace Policy.
- 2.3 *Contact officer* refers to a staff member trained as an Equal Opportunity Contact Officer and appointed by the Head of Campus for the purpose of being a contact person for a staff member who has an issue in the workplace which is covered by equal opportunity and related legislation and/or by Tanglin’s Equal Opportunity and Respectful Workplace Policy.
- 2.4 *VEOHRC* is an abbreviation for the Victorian Equal Opportunity and Human Rights Commission.
- 2.5 *VCAT* is an abbreviation for the Victorian Civil and Administrative Tribunal.
- 2.6 *Conditions of employment* relates to the terms of a contract of employment (preferably but not necessarily written) that affect or pertain to working conditions. Such terms may include duties, responsibilities, hours of work, salary, leave and other privileges or conditions.
- 2.7 *An informal complaint* refers to a complaint that is characterised by informal discussion between the relevant parties in attempting to resolve the dispute and generally relates to allegations that are less serious in nature. However, informal complaints should still be managed effectively, efficiently and with due sensitivity towards all parties involved.
- 2.8 *A formal complaint* refers to a complaint that is characterised by allegations made in writing, written statements submitted, and outcomes or decisions provided in writing that may include disciplinary action or other relevant management intervention. They generally relate to allegations that are more serious in nature and therefore require investigation. They often

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

require approaches such as relationship reconciliation, mediation or conciliation to adequately resolve the matter in dispute.

### 3 Details

#### 3.1 General

- 3.1.1 Tanglin shall take reasonable steps to facilitate the prompt and just resolution of workplace disputes. Any decision and resultant outcomes in a workplace dispute shall consider all facts of the case, and relevant legislation, policies, procedures and established practices.
- 3.1.2 All workplace disputes shall be dealt with as confidentially as is reasonably possible. Where a staff member has a workplace dispute, this should not be discussed with staff members, parents, students or a member of the public (unless they are specifically seeking confidential professional advice or counselling), irrespective of whether the complaint has been communicated to Tanglin in terms of the below processes.
- 3.1.3 Tanglin shall respond appropriately to: (1) accusations that are inaccurate, vexatious, misleading, mischievous or malicious; or (2) victimisation, whereby an individual is threatened with, or subjected to, any detriment because of lodging a complaint.
- 3.1.4 Notwithstanding the various options outlined in this policy document, where one or more staff members have been appointed by Tanglin to have specific responsibilities in the areas of human resources or workplace relations, complainants are encouraged to draw upon the services of such staff member/s during one or more stages of the workplace dispute resolution process.
- 3.1.5 Where a matter is formally brought before the leadership of Tanglin as prescribed in this policy for consideration and/or investigation, and a staff member is not satisfied with the decision and resultant outcomes, the matter may be referred in writing to the Chair of the Tanglin Australia Board. It should be noted, however, that the role of the Board Chair in day-to-day operational matters is to ensure that matters have been handled in accordance with policy and procedure.
- 3.1.6 Confidential records of all formal workplace complaints and dispute resolution processes shall be kept by Tanglin.
- 3.1.7 Where a student is a party to a formal workplace dispute resolution process for any reason, such process shall involve the student’s parents/guardians.
- 3.1.8 Notwithstanding mutual agreement to enter into arbitration of a workplace dispute, nothing in this policy should be construed as prejudicing the right of either party to the provisions available under the Fair Work Act 2009 (Cth), the Educational Services (Teachers) Award 2020 or the Educational Services (Schools) General Staff Award 2020, other government legislation, or actions under common law.
- 3.1.9 In relation to a dispute about a matter under an award specified above, including a matter under the National Employment Standards (NES) of the Fair Work Act 2009 (Cth), this policy is regarding as meeting sub-clause 9.1 (Dispute resolution) in both awards.

#### 3.2 Disputes related to conditions of employment

- 3.2.1 In accordance with clause 9.1 of the Educational Services (Teachers) Award 2020 and clause 9.1 of the Educational Services (Schools) General Staff Award 2020, where a staff member has a complaint in relation to conditions of employment relevant to their contract of employment,

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

National Employment Standards (NES) or their applicable Award, they are first encouraged to informally discuss the matter with their in-line manager in order to seek an appropriate resolution. If the matter in dispute is not resolved, the staff member may raise the matter in dispute with the Head of Campus to seek an appropriate resolution.

3.2.2 Where the dispute remains unresolved, staff members also have the right to lodge a formal complaint. Formal complaints in relation to conditions of employment must be made in writing and addressed to the Head of Campus.

3.2.3 The Head of Campus will attempt to resolve the dispute as soon as practicable. A variety of approaches may be considered by the Head of Campus in attempting to resolve a dispute. These may include:

- consultation and discussions with the relevant Heads;
- an acceptance by both parties that the matter has been resolved through discussion;
- negotiation, whereby discussions between both parties result in a compromise and agreement;
- mediation, whereby a neutral, objective third party assists both parties to reach an agreement; and
- conciliation, whereby an appropriate external third party hears both sides of the dispute and attempts to help both parties reach an agreement.

### 3.3 Disputes related to equal opportunity/respectful workplace (EO/RW)

3.3.1 Where a staff member has a complaint in relation to EO or RW matters, they are first encouraged, if they feel comfortable to do so, to discuss the matter with the person(s) they are in dispute with.

3.3.2 Where a staff member does not feel comfortable discussing the matter with the person(s) they are in dispute with, they can informally discuss the matter with a member of the Leadership Team, or the Head of Campus to seek an appropriate resolution.

3.3.3 If a staff member has a dispute with the Head of Campus or does not feel comfortable discussing the matter with the Head of Campus, the matter should be referred, in writing, to the Chair of the Tanglin Australia Board.

3.3.4 An informal EO/RW dispute resolution process will not seek to prove or disprove whether a complaint is founded and shall not include disciplinary action unless it becomes apparent that a party has repeatedly offended or failed to follow previous relevant counselling. Such process shall seek to reach agreement in relation to avoiding future problems, possibly with the assistance of an impartial third party, and shall generally be used where allegations are not serious in nature and where the parties involved are likely to have an ongoing working relationship.

3.3.5 An informal EO/RW dispute resolution process may involve a wide range of strategies for Tanglin which may include:

- holding discussions between the parties involved (whether with or without contact officers, supervisors or support persons);
- negotiating individually between the parties;
- organising equal opportunity training for staff members;

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

- holding a staff discussion in relation to equal opportunity and respectful workplace practices;
  - having a private discussion with the respondent to hear his/her perspective;
  - counselling a respondent about the possible effects of his/her behaviour on others; and
  - observing inappropriate behaviour as it occurs, discussing this with the respondent and, if necessary, warning the respondent not to repeat the behaviour.
- 3.3.6 All EO/RW disputes shall be treated seriously and dealt with in a timely manner. Tanglin has a legal and ethical obligation to deal appropriately with any allegation of discrimination, harassment, bullying, victimisation or vilification, and to ensure that all reasonable precautions are taken to prevent such behaviour. Any EO/RW dispute resolution process shall be based upon an assumption of innocence unless and until evidence determines otherwise.
- 3.3.7 A range of internal and external EO/RW dispute resolution options based on principles of natural justice shall be available to members of the Tanglin community. Internal options include both informal and formal means. While Tanglin prefers EO/RW disputes to be resolved internally wherever possible, they may determine that the involvement of external experts may be necessary and appoint such experts to assist.
- 3.3.8 A staff member shall be entitled, at any stage of an EO/RW dispute resolution process, to bring along to discussions a supportive colleague or other person, or to seek advice and/or support from other persons or professional organisations. Such parties shall not act in the capacity of representatives or advocates.
- 3.3.9 Parties to an EO/RW dispute may agree to refer the matter to a mutually acceptable independent mediator who shall attempt to resolve the dispute by conciliation or mediation. Note, where the services of a conciliator/mediator are sought, Tanglin’s preference is that every effort be made to engage a mutually acceptable to ensure shared worldview approaches and understandings to resolving EO/RW disputes.
- 3.3.10 A formal EO/RW dispute resolution process may be appropriate when:
- informal attempts have failed to resolve the issue or are not appropriate;
  - the complaint involves serious allegations of misconduct, and an informal process could compromise the rights of those involved;
  - the complaint is against a senior member of staff; or
  - the complainant chooses a formal dispute resolution process over an informal process.
- 3.3.11 Where a formal EO/RW dispute resolution process is initiated internally, such process shall include the provision of a written statement by the complainant, setting out basic details of the dispute and formally seeking a resolution. Such written statement should be provided to the Head of Campus who will initiate an investigation into the complaint in accordance this policy.
- 3.3.12 Where a formal EO/RW dispute resolution process is initiated externally, the complainant shall provide written notification of such process to the Head of Campus.
- 3.3.13 A formal EO/RW dispute resolution process shall consider in detail an allegation or complaint made by a staff member. To ensure consistency and fairness, all parties to the dispute should be clearly informed from the outset of the various steps to be followed. Such process shall generally include:
- the complainant being interviewed and allegations documented;

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

- allegations being conveyed to the respondent in sufficient detail to enable them to provide a reply to the allegations;
  - opportunity being given to the respondent to reply to allegations; and
  - statements from any witnesses being taken and other relevant evidence gathered where there is dispute over facts.
- 3.3.14 A formal EO/RW dispute resolution process shall result in a finding as to whether or not the allegation is substantiated and/or a breach of policy and/or legislation has occurred. Where the allegation is substantiated or a breach is determined, a decision shall be made in relation to appropriate actions to be taken. Such actions may range from an apology and/or counselling through to disciplinary measures (up to and including summary termination of employment), depending upon the particular circumstances.
- 3.3.15 All documentation in relation to a formal EO/RW dispute resolution process shall be taken in a strictly factual and professional manner, kept to a minimum and stored as follows: (1) central, secure and confidential file by the Head of Campus; and (2) accessed, if required, on a strictly 'needs' basis.
- 3.3.16 Reference should also be made to Tanglin’s Equal Opportunity and Respectful Workplace Policy, including for more detail in relation to EO/RW dispute resolution process and consequences.
- 3.4 Disputes related to general operational matters
- 3.4.1 Where a staff member has a complaint in relation to a general operational matter that is not reasonably regarded as being a dispute related to equal opportunity/respectful workplace or conditions of employment matters, they are first encouraged to informally discuss the matter with a member of the Leadership Team, in order to seek an appropriate resolution. Examples might include complaints in relation to the interpretation and application of policies and procedures or day-to-day decisions and instructions.
- 3.4.2 Where the complaint is against a Head, or relates to a matter directly involving a Head, such complaints should be made to the Head of Campus.
- 3.4.3 Where a complaint is made to a Head and such a complaint leads to the reasonable belief that there has been a breach of policy, the complaint should be referred to the Head of Campus.
- 3.4.4 Where a complaint in relation to a general operational matter remains unresolved following discussion, the complainant shall have the right to lodge a formal complaint in writing and addressed to the Head of Campus who will investigate the matter, make a decision and determine appropriate outcomes.
- 3.4.5 Where a complainant is not satisfied with a decision made by the Head of Campus in relation to a general operational matter, or where the complaint is against the Head of Campus, such complainant shall have the right to complain or appeal to the Chair of the Tanglin Australia Board.
- 3.4.6 While Tanglin’s desire is that a mutually acceptable resolution to a complaint in relation to a general operational matter be obtained wherever possible, the authority of the Head of Campus should be respected and his/her decision in relation to the matter shall be regarded as the final determination at an operational level.
- 3.4.7 Where a complainant is not satisfied with a decision made by the Head of Campus in relation to a general operational matter, or where the complaint is against the Head of

Prepared By	Approved By	Reviewed & Revised	Reviewed By	Next Review
Head of Campus	Tanglin Australia Board – September 2024			September 2026

Campus, such complainant shall have the right to complain or appeal to the Chair of the Tanglin Australia Board.

#### **4 Related Tanglin Gippsland Policies**

- Equal Opportunity and Respectful Workplace Policy
- Occupational Health and Safety Policy

#### **5 Policy Review**

- 5.1 This policy is approved by the Board of Tanglin Australia and will be reviewed at least every two years by Tanglin’s Leadership Team. Leadership Team consists of the Tanglin Gippsland Head of Campus, Head of Learning and Head of Pastoral Care.
- 5.2 Any significant changes to this policy must be approved by the Board

<b>Prepared By</b>	<b>Approved By</b>	<b>Reviewed &amp; Revised</b>	<b>Reviewed By</b>	<b>Next Review</b>
Head of Campus	Tanglin Australia Board – September 2024			September 2026