



Congregational Policy: Staff Dispute Resolution Procedures

1.1 Dispute or Grievance between two staff members

Unless the dispute or grievance directly involves the staff member's manager the following procedure will apply:

- a) the staff member, Advocate or Representative will inform the manager of the dispute or grievance within 2 working days of being advised of the grievance;
- b) other staff members who are party to the dispute or grievance will be advised by the manager or Chair of Church Council of the allegations in writing;
- c) after a period of not less than 2 and not more than 4 working days from (b) above, the Chair of Church Council or delegate will meet with the parties and will attempt to resolve the dispute ;
- d) the Chair of Church Council will attempt to resolve the dispute or grievance either directly or by delegation;
- e) the Chair of Church Council (or delegate) will make a written record of discussions with staff involved in the grievance or dispute;
- f) the staff members involved in the dispute or grievance will be given the opportunity to sign the discussion record;
- g) the Chair of Church Council (or delegate) will sign the discussion record;
- h) the staff member(s) involved in the dispute or grievance will be given a copy of the signed record.

1.2 Dispute Unresolved

If the dispute or grievance is still unresolved after following the procedure in 1.1 then the following procedure will apply:

- a) the Chair of Church Council will inform the Presbytery of the dispute or grievance within two working days of completion of procedures in 1.1;
- b) within a reasonable time the Presbytery will consult with the parties to the dispute or grievance and attempt to resolve the matter;
- c) the Presbytery will make a written record of the discussion(s) and the parties to the dispute will be given the opportunity to sign the discussion record;
- e) the Presbytery will sign the discussion record;
- f) the staff member(s) involved in the dispute or grievance will be given a copy of the signed record.



1.3 Dispute or grievance with Manager

If the dispute or grievance is between a staff member and their manager/supervisor or Chair of Church Council then the following procedure will apply;

- a) the staff member or Advocate or Representative will inform the Presbytery of the dispute or grievance within 2 working days of being advised of the grievance;
- b) other staff members who are party to the dispute or grievance will be advised by the Presbytery of the allegations in writing;
- c) after a period of not less than 2 and not more than 4 working days from (b) above, the Presbytery or delegate will meet with the parties and will attempt to resolve the dispute ;
- d) the Presbytery will make a written record of the discussion(s) and the parties to the dispute will be given the opportunity to sign the discussion record(s);
- f) the Presbytery will sign the discussion record(s);
- g) the staff member(s) involved in the dispute or grievance will be given a copy of the signed record.

1.4 Dispute or grievance with Presbytery staff member

If the dispute or grievance directly involves the Presbytery staff member then the following procedure will apply:

- a) the staff member or Advocate or Representative will inform the Synod of the dispute or grievance within 2 working days of being advised of the grievance;
- b) other staff members who are party to the dispute or grievance will be advised by the Synod of the allegations in writing;
- c) after a period of not less than 2 and not more than 4 working days from (b) above the Synod will consult with the parties to the dispute or grievance and attempt to resolve the matter;
- d) the Synod will make a written record of the discussion(s) and the parties to the dispute will be given the opportunity to sign the discussion record;
- e) the staff member(s) involved in the dispute or grievance will be given a copy of the signed record.

1.5 Referral to Independent Body

If the dispute or grievance is still unresolved, the employee, Chair of Church Council, or Presbytery may request the Synod to refer the matter to a body independent of management and agreed to by both parties for final determination within the Church.

1.6 Referral to Fair Work Australia

If a dispute about a matter or matters arising under this Agreement is unable to be resolved at the workplace level, and all the agreed steps in this clause **Error! Reference source not found.** for resolving it have been taken, the matter(s) in dispute may be referred to the Fair Work Australia (FWA), or a nominated member of FWA, for private mediation and, if that is unsuccessful, for formal determination.



1.6.1. Step 1 – Private Mediation

Before the private mediation, the parties will confer informally with FWA about matters of procedure, such as:

- The presentation of each side's position (whether oral or in writing);
- Confidentiality requirements;
- Representation at the conciliation;
- Timing, location and duration of the conciliation; and
- Any further particulars about FWA's role in relation to establishing procedures.

Subject to the preceding clause, it is agreed that the employee and the employer will observe confidentiality about all aspects of the matters in dispute.

The purpose of referring the matter to FWA is so that FWA may facilitate resolution of the dispute. FWA will therefore be requested to:

- Help the parties identify and define the matter(s) in dispute;
- Help the parties to develop a procedure which is aimed at achieving resolution of the dispute quickly, fairly and cost-effectively;
- Where appropriate, suggest particular dispute resolution techniques for individual issues aimed at narrowing the matter(s) in dispute quickly, fairly and cost-effectively; and
- Act as the facilitator of direct negotiations between the parties.

During the mediation process either of the parties may request that FWA discuss the matter individually with the parties and / or their representatives, the content of such discussions to be private and confidential. Either party may request / authorize FWA to convey all or part of the discussion to the other party.

1.6.2. Step 2 – Formal Determination

If the matter(s) in dispute remain unresolved FWA may take formal determination and the parties agree to abide by the determination.

Before making its determination FWA will give the parties an opportunity to be heard formally on the matter(s) in dispute. In making its determination FWA will only have regard to the materials, including witness evidence, and submissions put before it at the hearing and will disregard any admissions, concessions, offers or claims made in mediation.

FWA can make and issue directions in relation to the process leading to its determination and the parties will abide by those directions.

FWA will provide the determination in writing to the parties as quickly as practicable after hearing the parties. A determination of the disputed matter or matters will not constitute an order by FWA under the *Fair Work Act 2009*.





1.7 Normal work procedures

Until a dispute or grievance is resolved work shall continue normally in accordance with the custom or practise existing before the dispute or grievance while discussions take place. No party will be prejudiced as to the final settlement by the continuation of work in accordance with this procedure. Health and safety matters are exempt from the requirements of this paragraph.

1.8 Cooperation

The parties must co-operate to ensure that all procedures referred to in this clause 1 are carried out expeditiously.