



Grievances and Disputes Policy



"Team members respect each others' differences."

O le uega e fili i le po, 'ae tatala i le ao

Take time to settle disputes and to understand what the true cause of the conflict (Samoan proverb).

Intent

We support democracy in the workplace - open communication, information sharing and participation of staff in organisational decision-making and planning. Differences of opinion and conflict are accepted and valued.

If problems arise in the employment relationship or between kaimahi we encourage and support their early and prompt resolution. We support the use of a range of dispute resolution mechanisms.

This policy applies to disputes between kaimahi (paid and unpaid) and to employment relationship problems. It does not apply to:

- a dispute or conflict between our organisation and a contractor
- a complaint about service delivery (the [Feedback and complaints policy](#) applies).



Responsibilities

The board will support the leadership of a positive and open work culture. They will monitor the frequency and nature of disputes raised as part of reviewing and improving organisational performance and culture.

Management will:

- respond in good faith and at the earliest opportunity to issues or grievances
- communicate this policy to staff and volunteers
- treat all kaimahi and volunteers fairly without raising fears of retribution for a grievance or dispute
- keep accurate records of hui and kōrero about conflicts and disputes raised with them.

Kaimahi will adhere to this policy when seeking to raise and resolve disputes.

Requirements

Resolution principles

The following principles will be applied when dealing with conflicts and disputes:

- **Early resolution** - conflict must be addressed in an early and timely way to prevent undue escalation and deterioration of relationships.
- **Respect** - parties rights to privacy, equality and to be treated with dignity must be respected.
- **Good faith**- parties must act in good faith and treat each other fairly.
- **Power dynamics** should be acknowledged and addressed, with staff encouraged to access support throughout the resolution process eg union support, cultural support, personal support.



- **Responsibility** - everyone is encouraged to take responsibility for raising and resolving issues of conflict and engaging the supports they need for this.

Interpersonal conflict

Kaimahi and volunteers are encouraged to deal directly with each other about issues of conflict.

If the conflict is unable to be resolved directly, it should be raised with management. Management may request the parties participate in mediation if it has not already been tried or may decide the issue in dispute.

If the circumstances indicate misconduct by one or both parties (eg bullying, repeated absence), the relevant policy and procedure will be applied (eg [Misconduct](#), [Volunteers](#)).

Employment-relationship disputes

Employment-related concerns should be raised as soon as possible with management or, the next level up (if the complainant is not comfortable dealing directly with management).

The concern may be raised verbally or in writing with management. If it is to go to the next level, it should be put in written form.

The Resolution principles (above) must be applied. In most circumstances, a hui should be arranged to deal with the issue. Kaimahi involved in the complaint, will be entitled to bring support to the hui, for example, union or legal support.

The outcome(s) of the hui will be recorded in writing with each party provided a copy.

Assistance under the Employment Relations Act 2000



If an employment-relation problem cannot be satisfactorily resolved through hui and discussion, assistance may be sought under the Employment Relations Act 2000 from:

- the Labour Inspector (e.g where an issue concerns a minimum entitlement, refusal of domestic violence-related request)
- mediation, or
- a determination from the Employment Relations Authority.

If an issue concerns the interpretation or operation of a collective contract, other parties to the contract must be notified of the dispute.

Grievances

If there are grounds, a kaimahi may pursue a personal grievance under the Employment Relations Act 2000. The grievance must be filed with the Employment Relations Authority within 90 days of when their concern arose (i.e date when management decision or action occurred).

Assistance with resolving a grievance relating to unlawful discrimination, sexual and racial harassment may also be sought from and provided by the Human Rights Commission eg information, advice and mediation.

Compliance

NZS 8134: 2021, Workforce and Structure, Service Management 2.3

Social Sector Accreditation Standards Level 2, Staffing 9.0

Employment Relations Act 2000

Helpful links

[Volunteers](#)



Feedback and complaints

Misconduct

Review

Date: November 2020

Next Review: by October 2022