HumanAbility Ltd
Dispute Resolution Policy

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1 Introduction

1.1. The Dispute Resolution Policy (this Policy) outlines the preferred process for resolution in circumstances when disputes arise.

1.2. HumanAbility encourages individuals to seek to resolve any issues or concerns that they may have at the earliest opportunity. In instances where a resolution could not be sought, this Policy can be used as guidance to resolve disputes:

- Between HumanAbility Board members

and

- Between industry stakeholders and/or representatives of HumanAbility.

1.3. As a Jobs and Skills Council, HumanAbility will be responsible for resolving disputes between industry stakeholders on behalf of the Department of Employment and Workplace Relations (the Department). Under HumanAbility's Grant Agreement with the Department, HumanAbility is required, in fulfilling its obligations as a Jobs and Skills Council, to maintain a Dispute Resolution Policy as part of it's internal governance policies.

2 Purpose

2.1. This Policy provides guidance for the fair, transparent, and timely resolution of disputes arising in the course of HumanAbility's work.

3 What is Dispute Resolution?

3.1. Dispute resolution is how disputes are brought to an end. This can occur through negotiated outcomes, mediated outcomes or an arbitrated or abdicated outcome.

3.2. Dispute can occur for many reasons, for example:

- Competing interests and priorities
- Unresolved past problems
- Different personalities and personality clashes
- Poor communication
- Unclear responsibilities and roles; and
- Allegations of bullying, harassment and other unlawful and inappropriate behaviour.

4 Effective Approaches to Dispute Resolution

4.1. Open communication

- Encouraging impacted individuals to communicate their problems clearly, openly, honestly and respectfully.

4.2. Change management

- Establishing a strategy to communicate change with impacted individuals to minimise impact and potential conflict.

4.3. Training

- Ensuring that individuals tasked with resolving disputes are adequately trained on key areas such as:
  - Establishing the key facts and issues
  - Listening
  - Encouraging open dialogue
  - Focusing on the individual's specific needs; and
  - Guiding a discussion to find ways to resolve the dispute.

4.4. Complaints Management:

- Understanding the issues that have upset impacted individuals can provide an opportunity to fix problems before they escalate and potentially avoid future disputes.
- Please see *HumanAbility Feedback and Complaints Management Policy* for further guidance.

4.5. Seeking Third Party Assistance

- In the instances where HumanAbility is unable to resolve disputes, they could seek third party assistance:
  - *For industry stakeholders:* HumanAbility could seek assistance from the Department.
  - *For HumanAbility Board members:* HumanAbility could seek assistance from an independent third-party mediator, the Community Justice Centre or alternative dispute resolution service (ADR) provider.

5 Dispute Resolution Principles

5.1. HumanAbility understands that best practice dispute resolution involves more than just understanding and complying with the law. Relevant individuals will seek guidance from the following principles to ensure best practice:

- *Fairness* - All parties are heard and treated impartially. No party is disadvantaged by raising a dispute.
- *Transparency* – make sure individuals know about the dispute resolution process and how to use it. The process, grounds for decisions, and avenues for escalation are clearly communicated to all parties.
- *Communicate* – talk with relevant individuals. Regular communication is important as it helps to build trust and good working relationships.
- *Listen to concerns* – take all concerns seriously. Listen to individuals and show them that you take their concerns seriously. Although some issues might seem minor at first, they could be an indication of a larger problem.

- *Confidentiality* - Information relating to a dispute is to be shared only with those who need it to resolve the matter.
- *Regular meetings* – hold regular meetings. These allow you to communicate current issues, rules and changes in industry and in the workplace.
- *Be proactive* – proactively deal with any issues. Many conflicts happen because of misunderstandings and can be resolved more easily if discusses at an early stage. Acknowledge disputes promptly and work to resolve them as quickly as the matter allows.

6 How will this Operate?

6.1. The parties should first attempt to resolve the matter directly and informally through open discussion.

6.2. HumanAbility will provide assistance to individuals seeking to resolve disputes within the bounds of this Policy through advice, and where relevant, assistance through mediation.

6.3. HumanAbility will, in disputes with stakeholders, seek to resolve the dispute at the earliest and most informal stage of dispute resolution.

6.4. Resolution of disputes with stakeholders must not involve infringing on the rights and feedback of other stakeholders.

6.5. Where it is not possible to resolve a dispute through informal or formal negotiations or mediation, HumanAbility will access the services of an appropriate service to formally conciliate and make recommendations for resolution.

6.6. In appropriate cases, if the matter remains unresolved following the procedures outlined above, the parties may agree to engage an independent arbitrator. However, consent from all parties would be required ahead of this step to ensure that they were willing to accept the outcomes from that process before it is initiated.