

MEMBER DISPUTE RESOLUTION POLICY

Policy number	POL036	Version	001
Drafted by	PM	Approved by Branch Executive on	27 August 2013
Responsible person	Business Manager	Scheduled review date	May 2015

INTRODUCTION

Open communication and feedback are regarded as essential elements for the operation of the Union.

Members are encouraged to raise any issues or concerns that they may have about the operation of the Union at the earliest opportunity through the processes detailed in this policy.

PURPOSE

The purpose of this document is to provide an appropriate and timely avenue through which members can resolve any disputes about the operation of the Union.

POLICY

The Union will establish procedures that meet the requirements of the Branch rules, to promote fast and efficient resolution of disputes raised by members.

All formal avenues for handling of grievances will be fully documented and the member's wishes will be taken into account in determining the appropriate steps and actions.

No member will be intimidated or unfairly treated in any respect if they utilise this policy to resolve an issue.

A copy of this policy and procedures will be placed on the Union website.

AUTHORISATION

Secretary
AEUACT Branch

MEMBER DISPUTE RESOLUTION PROCEDURES

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RESPONSIBILITIES

It is the responsibility of Secretary to ensure that:

- All actions taken to resolve the dispute are done with due consideration given to the ramifications for the individual, as well as the Union in general;
- The relevant rules of the Union are adhered to;
- Any dispute is handled in the most appropriate manner at the earliest opportunity;
- Any member who raises a dispute is treated fairly and with no threat of intimidation;
- All members are made aware of the processes for resolving disputes by placing this policy and procedures on the Union website.

It is the responsibility of the member to ensure that:

- They attempt to resolve any dispute in good faith through, as far as possible, internal processes at the earliest opportunity.

PROCEDURES

Dispute Resolution

Disputes about the operation of the Union may fall into one of the following categories:

1. Dispute about Union policy or decision
2. Dispute about treatment of a member by Union officer/employee
3. Dispute about Union election
4. Dispute about a member breaching the ACT Federal Branch Rules or acting against a decision of Branch Council or Executive

The following procedures will be followed for each category of dispute:

Dispute about Union Policy or Decision

Any member who wishes to dispute a policy or decision endorsed by either Branch Executive or Branch Council may do so, in accordance with Rule 41 - Referral of Decisions to General Meetings, by:

- Gaining the signatures of at least 5% of the members on a petition requesting a general meeting of all members
- Having this petition signed and received by the Secretary within 30 days of the decision being made.

Once received the Secretary must call the general meeting within 30 days.

The general meeting may refer the decision of Branch Council or Branch Executive to a secret ballot of all financial members, with the outcome being binding on all members.

Dispute about treatment of a member by Union officer/employee

A member who has a dispute about the treatment they have received by a Union officer or employee should raise the matter directly with that person as a first step towards resolution. The two parties should discuss the matter openly and work together to achieve a desired outcome.

If this is not appropriate or is unsuccessful the member may raise the dispute with the Secretary. If the dispute is with the Secretary, then it may be raised with the President.

The Secretary or President should then take the following action:

- clarify the issue to ensure they fully understand the concerns of the parties and diagnose the problem.
- offer to convene a meeting between the parties with a view to resolving the dispute.
- offer all parties the opportunity to have an independent witness at any meeting.
- inform the parties that they are to maintain confidentiality at all times.
- ensure that the meeting is conducted in a fair, objective manner.
- if deemed necessary, provide the parties with a written summary of the meeting and clarification of the next steps to be taken.

If the matter is not resolved and the member wishes to pursue it, the Secretary or President will determine the appropriate process to be followed (e.g. elimination of bullying procedure, office dispute avoidance/settlement procedure, elimination of sexual harassment procedure, referral to police)

Dispute about Union Election

Any member who has a dispute about the conduct of an election for a position within the Union should raise the matter with the relevant Returning Officer for the election.

Subject to the provisions of the *Fair Work (Registered Organisations) Act 2009*, and ACT Federal Branch Rule 6 B (d), the decision of the Returning Officer shall be final.

Dispute about a member breaching the ACT Federal Branch Rules or acting against a decision of Branch Council or Executive

Any member who wishes to raise an allegation that another member has knowingly committed a breach of the ACT Federal Branch Rules or willingly acted in a manner contrary to a decision of Council or Executive must do so in accordance with ACT Federal Branch Rule 13 - Rules Committee and Rule 14 - Dismissal from Office.

In accordance with those rules:

- A financial member can only instigate the allegation by putting it in writing to the Rules Committee.
- The Rules Committee consists of four people appointed by Branch Council. These people are not permitted to be members of Executive.
- The Rules Committee shall collect evidence following the principles of natural justice and provide Branch Executive with a confidential report
- Any decision of Branch Executive may be appealed to Branch Council.
- A member of Branch Council or Branch Executive cannot be dismissed from their office unless that member has been found guilty of misappropriation of funds, substantial breach of the ACT Federal Branch Rules, gross misbehaviour, gross neglect of duty or has ceased to be eligible to hold office.

Related Documents

- ACT Federal Branch Rules
- Affirmative Action Policy (POL005)
- Anti-Discrimination Policy (POL006)
- Elimination of Bullying Policy (POL022)
- Elimination of Sexual Harassment Policy (POL023)

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