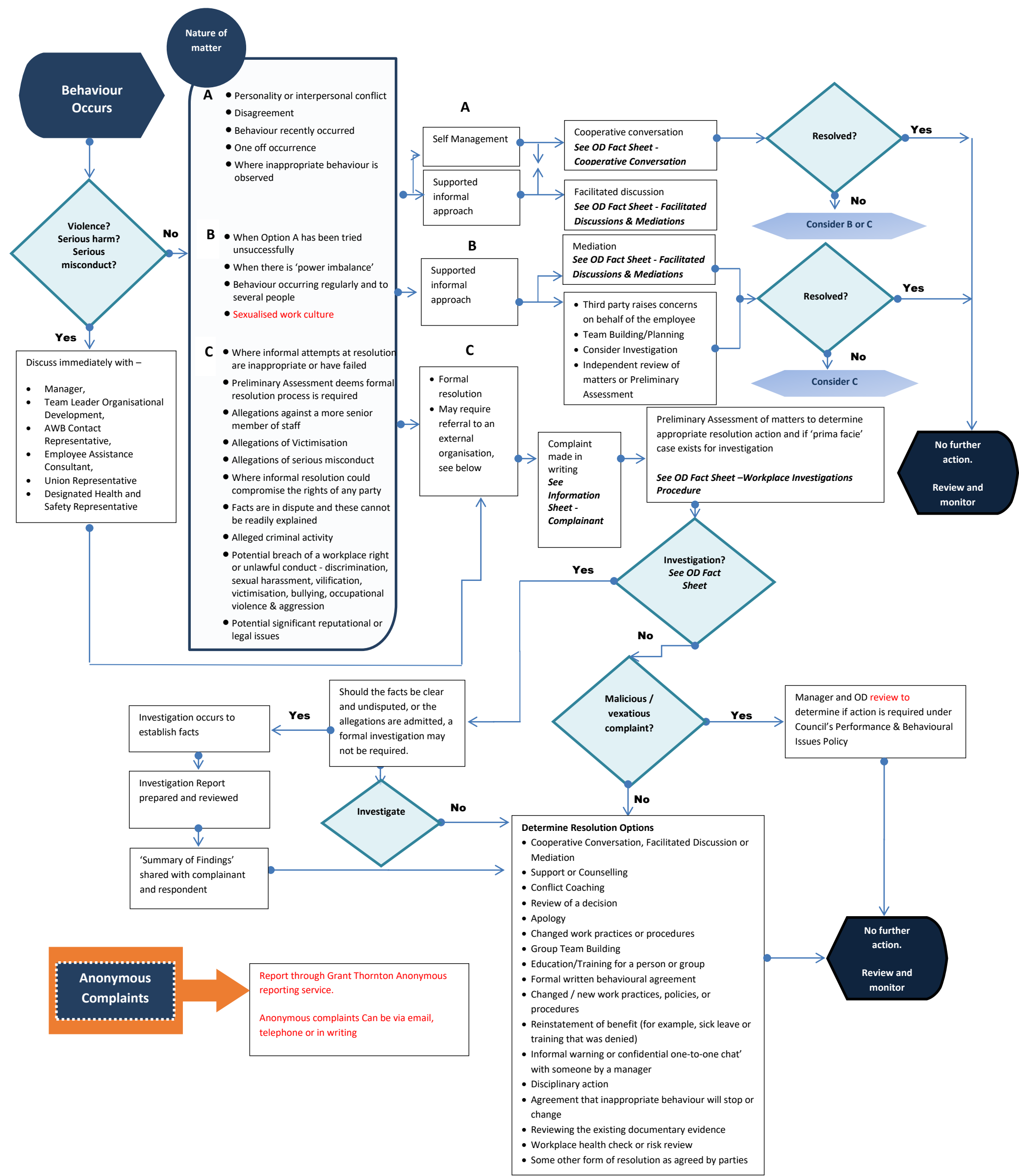




At any time, you may seek advice from, or lodge a complaint with an external body including –

- the Victorian Equal Opportunity & Human Rights Commission; Independent Broad-based Anti-Corruption Commission; Victoria Police; Fair Work Commission; Australian Human Rights Commission; Victorian Civil & Administrative Tribunal; WorkSafe Victoria

Council encourages you to first use the internal resolution processes offered as in most cases the bodies listed above will seek to understand what steps you have taken to try and resolve the issues.

BEHAVIOURAL CONCERNS RESOLUTION PATHWAYS

✓ Use this as a guide if you are concerned by the behaviour of another employee including behaviours inconsistent with those in Council's Appropriate Workplace Behaviours policy.

✗ This guide does not cover which of these may relate to safety breaches (*Occupational Health & Safety Policy*), poor work performance or other behavioural matters not covered above (*Policy and Procedure for Performance and Behavioural Issues*), workplace processes, management decisions, matters covered by Council's Enterprise Bargaining Agreement (*Staff Grievance Resolution Policy*) or complaints that fall within the Protected Disclosures Act.

	Self Management	Seek Support	Facilitated Discussion	Mediation	Preliminary Assessment	Investigation	External organisation
	Most Influence ← Your level of influence over the outcome → Least Influence						
	Informal (less structured) ← Formality of the Process → Formal (structured)						
What is it?	- This is when you take steps to resolve the matter yourself. - You may approach the person behaving in a manner causing you concern by engaging in a respectful conversation – “Cooperative Conversation” - to discuss and resolve your concern(s). - In simple terms, the message you are trying to give the other person is - “Stop, I don’t like it” - This is a less structured, but no less important avenue for resolution of concerns. - Self management could also mean you take other action without raising the matter with the other person (i.e., making changes to the way you communicate, interact, or react to the person’s behaviour).	- Obtaining assistance and advice (and possibly coaching) from a person you trust including - - your Manager or Team Leader, - Team Leader Organisational Development - AWB Contact Representative - Union Representative - Employee Assistance Counsellor - relative or friend - someone in Council you respect and trust - Employee Assistance Counsellor.	- A voluntary process where an expert or somebody with knowledge of the issues. - Self-management attempts to resolve the concerns have not been successful. - The facilitator may give expert advice or information and make suggestions about possible solutions and agreements. - Usually, the parties will meet jointly with the facilitator. Sometimes, the facilitator may choose to talk separately with each party, before bringing the parties together to jointly discuss resolution options.	- A voluntary process where an experienced mediator assists the parties identify and clarify the matters of conflict with a view to the parties coming up with solutions. - The outcome is a written mediation agreement or action plan - The mediator will not take sides, make judgements, or suggest the topics for discussion, nor impose decisions or suggest solutions. - The manager or team leader is usually responsible for supporting and monitoring achievement of the actions in the mediation agreement.	- Considers the information available at the point at which your concern is raised or identified. Determines if at first review the information available warrants further investigation or what steps would be appropriate to manage or resolve the issue. - This analysis may be carried out by an independent person at Council (eg. a Director, Manager, OD) or an independent external person. - After assessment, Council will decide if matters proceed to: - investigation - alternate resolution path, - referral to an external agency - This process does <u>not</u> determine the outcome of any subsequent investigation.	- A formal process to investigate all allegations with a view to establishing the facts. - End result is that findings are made in relation to each allegation ‘on the balance of probability’ - Outcomes will generally be found to be - - <i>substantiated</i> - <i>part substantiated</i> - <i>unsubstantiated / not substantiated</i> - Undertaken by a person suitably qualified / experienced in carrying out investigations - Council will decide whether or not a complaint will be formally investigated	- You have the right to refer your complaint directly to an external organisation such as- - Fair Work Commission (FWC) - Victorian Equal Opportunity and Human Rights Commission (VHREOC) - WorkSafe Victoria - Victoria Police - IBAC - VCAT - Australian Human Rights Commission
May be appropriate when....	- A conflict or miscommunication has occurred - The behaviour towards you isn’t occurring regularly or is a once off - Someone takes offence at what someone has said or how they have behaved towards them - An argument or heated disagreement has occurred - The health and safety of either party is not at risk	- You would like to attempt a Courageous Conversation but would like some assistance prior to doing so or unsure if that would be appropriate. - You would like to brief an appropriate level manager who can assist in monitoring the situation - You would like your manager, team leader or OD’s support to approach the person on your behalf	- Both/all parties are willing to participate - The other person/s acknowledge there is an issue - There is little or no dispute about what has occurred - Where the dispute may be an interpersonal conflict, a breakdown in relations or a miscommunication	- All parties are willing to participate - There is little or no dispute about what has occurred. - Where the dispute may be a conflict or a breakdown in relations or miscommunication. - There are no concerns regarding the safety of either party.	- Where a formal complaint has been lodged - Where there has been no formal complaint or allegations made but suspicions have been raised about internal issues requiring attention	- The allegations are of a significant nature - The preliminary assessment indicates a breach of a workplace duty or legislation. - Where there is a ‘power imbalance’ between the parties (eg. allegations are against someone more senior) - There may be a requirement under law (or based on the circumstances of the matter) which determine whether it needs to be investigated	- You may contact an external organisation for information at any stage of the complaint resolution process. - There may be a requirement under law (or based on the circumstances of the matter) which determine whether it needs to go external - Council encourages you to consider and use available internal procedures and resources to try to resolve the matters prior to lodging a complaint with an external organisation.
Who is Involved?	- You - The person with whom you have the concern - Support person/s is not normally involved in these discussions	- You - The person with whom you have the concern - The support person(s) of your choice - Your manager, team leader (or OD) may also be involved.	- You - The person(s) with whom you have the concern - Facilitator - The coordinator of the process (usually OD or the manager) - Support person(s) if requested	- You - The person(s) with whom you have the concern - Mediator - The coordinator of the process (usually OD or the manager) - Others the mediator may need to contact to obtain background information from - Support person(s) if requested	- May involve interviews with relevant people - Does not always take place in the knowledge of the complainant / respondent or other relevant parties - Could also take place by reviewing available documentation without interview	- You - The person(s) with whom you have the complaint - Witnesses - Other parties with a view or influence (e.g., manager) - OD - Investigator - Support person if requested	Refer to relevant body for specific details but can include legal representatives and a Commissioner.

	Self Management	Seek Support	Facilitated Discussion	Mediation	Preliminary Assessment	Investigation	External organisation
Positives	- Quicker resolution. Issues can be resolved before escalating into more serious problems. - Minimal formality. - Effective for preserving, or restoring (or sometimes improving) the relationship - You remain in control - Usually results in a clearer understanding of each other - An opportunity for growth as self-resolution can lead to enhanced self-confidence & resilience skills.	- Gain another perspective - May provide you with clearer direction or clarity about how to proceed - Support you if you become overwhelmed by the process. - Provides guidance on Council's policy and procedures and what might be the most appropriate resolution option for you	- Helps you understand the intent of the other person - May provide you with clearer direction - Allows you to understand Council's policy and procedures and what might be the most appropriate resolution option for you - Support to come up with a range of resolution options that are not punitive - Facilitation can assist with restoring the relationship	- Helps you understand the intent of the other person - May provide you with clearer direction - Allows you to understand Council's policy and procedures and what might be the most appropriate resolution option for you - Support to come up with a range of resolution options that are not punitive - Mediation can assist with restoring the relationship	- The specific matters that need to be addressed are identified. - Discussions can be less formal	- Gain another perspective - May provide you with clearer direction - Allows you to understand Council's policy and procedures and what might be the most appropriate resolution option for you - Allows an independent party to consider all the facts	- Another avenue if you have exhausted all appropriate internal options and you believe the matter is still not resolved. - May offer resolution options which are not available under Council's processes.
Challenges	- Requires a 'difficult' conversation which can be stressful (preparation helps reduce the stress) - Requires preparation - Other person may become defensive or emotional - Requires you to be open to you considering how your behaviours may have contributed and be prepared to take feedback on board - You need to manage your emotions and prepare to acknowledge and assist the other person/s manage their emotions - Other person may not be willing to participate	- Requires preparation - Other person may become defensive or emotional - If you request the manager intervene on your behalf, you will need to give consent to disclose the details of the allegations to the other person (the respondent).	- Not about fact finding, judging, or punishing others - May not provide you with your desired outcome - Because voluntary, there is potential for opting out during the process - Counter claims may be made against you during the mediation - You have a reasonable amount of control over the process	- Not about fact finding, judging, or punishing others - May not provide you with your desired outcome - Because voluntary, there is potential for opting out during the process - Counter claims may be made against you during the mediation - You have a reasonable amount of control over the process	May not provide you with your desired outcome (i.e., it may be decided an informal resolution option is more appropriate)	- Investigation doesn't resolve issues. It only establishes facts. The relationship(s) will still require restoration. - Can result in irreparable damage to working relationships and team relationships and exacerbate the situation - Counter claims may be made against you - You are not in control of the process - Investigation does not guarantee the outcome you seek - Although confidential, the investigation is likely to impact on other team members - Can be a lengthy process - Actions may be determined by Council rather than by agreement between the parties.	- You may be asked what steps you have taken to resolve your complaint using Council's internal procedures. - The parties may seek legal advice in relation to the handling of the matters. - It can be a time-consuming process. - You may be required to provide a lot of information to the external body. - Some outcomes may be reportable on public records. - Can be an emotional and confrontational process between the parties. - May require attendance at the offices of the body in the presence of a Commissioner.
Support Available	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- Your Manager - Equal Opportunity Officer (Team Leader OD) - AWB Contact Representative - Union Representative - EAP	- EAP - External organisations can provide information that can assist you to resolve your matter.
Resources	- OD Fact Sheet – Cooperative Conversation - Workplace Behavioural Concerns Resolution Policy & Guidelines - Appropriate Workplace Behaviours Policy	- Workplace Behavioural Concerns Resolution Policy - Appropriate Workplace Behaviours Policy & Guidelines	- OD Fact Sheet - Mediation and Facilitated Discussion - Workplace Behavioural Concerns Resolution Policy & Guidelines - Appropriate Workplace Behaviours Policy	- OD Fact Sheet – Facilitated Discussions & Mediations - Workplace Behavioural Concerns Resolution Policy & Guidelines - Appropriate Workplace Behaviours Policy	- OD Fact Sheet – Investigations - Workplace Investigations Procedure - Workplace Behavioural Concerns Resolution Policy & Guidelines - Appropriate Workplace Behaviours Policy	- OD Fact Sheet – Investigations - Workplace Investigations Procedure - Workplace Behavioural Concerns Resolution Policy - Appropriate Workplace Behaviours Policy	www.fairwork.gov.au www.humanrightscormission.vic.gov.au www.worksafe.vic.gov.au www.humanrights.gov.au www.ibac.vic.gov.au www.vcat.vic.gov.au