Chapter 22. Grievance and Dispute Resolution

22.1 Introduction
This procedure outlines how the CFMG will ensure that grievances and disputes are resolved fairly and equitably.

22.2 Purpose of Procedure
The purpose of this procedure is to ensure that, should they arise, grievances and disputes do not adversely affect ATDP implementation.

22.3 Definitions
The following definitions are applicable in this procedure:

- **Grievance** means a real or imagined cause for complaint, especially unfair treatment; a feeling of resentment over something believed to be wrong or unfair.
- **Dispute** means a disagreement or argument that has arisen between a Member or Members and the broader ATDP Membership.

22.4 Context
Differences of opinion are inevitable in any organisation. That is not suggest, however, that differences of opinion inevitably deteriorate into a grievance or, especially, a dispute. On the other hand, an ignored or badly managed grievance may deteriorate into a dispute. It is therefore in all stakeholders’ interests to ensure that differences are managed skilfully.

Human beings have differences of opinion, and the human beings involved must accept primary responsibility for avoiding relationship failure. The ability to listen, mutual respect, goodwill and determination – in other words, emotional intelligence - are crucial prerequisites. As these qualities are the hallmark of professionalism, any members that are unable to deal frankly and objectively with difference are not true to the ethos of military advocacy.

As discussed in Chapter 20, disrespect, intolerance and a lack of emotional intelligence may lead to discrimination, harassment or bullying. Any member who believes they are being, or have been, subjected to such behaviour has the right to remonstrate. The grievance procedure below is to be followed in such circumstances.

22.5 Principles
Good governance requires that all Members:

- have an equal opportunity to participate in:
  - development of a shared value system
  - identifying and implementing policy, procedures, resourcing and activities
- contribute fully to the development of consensus on matters
see that decisions that affect them are resolved transparently
• engage in meaningful working relationships
• volunteer without pressure to undertake necessary tasks
• are able to exercise initiative when a job needs to be done
• achieve agreed outcomes free to do the job in their own way
• engage in mutually respectful dialogue, especially in discussions of conflicting points of view
• are respected for making judgements, expressing opinions, and debating viewpoints respectfully
• ensure interpersonal challenges do not affect ATDP implementation
• engage actively in resolution of grievances and disputes that affect them
• feel that resolution of grievances or disputes is fair and equitable

22.6 Grievance Resolution
If a Member feels aggrieved, the following actions are to be taken:

• if subjected to discrimination, harassment or bullying:
  o raise the matter formally with the Regional Manager/CFMG Chair or NTM/SGB Chair (as appropriate in the circumstances)
  o the Member receiving the complaint is to immediately:
    ▪ stand down the alleged perpetrator without prejudice
    ▪ investigate the allegation by interviewing witnesses
    ▪ identify the appropriate response should the allegation be substantiated (see Library 3, Chapter 10)
  o if the behaviour is potentially criminal:
    ▪ support the victim in taking the matter to the police
    ▪ advise the perpetrator of the action being taken
• as early as reasonable:
  o if the grievance is interpersonal between peers:
    ▪ the aggrieved member should first seek to discuss the matter with the other member
    ▪ the other member will need to be able to listen respectfully and actively want to find resolution
  o if a grievance cannot be resolved by the members themselves, they should, in writing, is to notify the Regional Manager/CFMG Chair or NTM/SGB Chair (as appropriate in the circumstances):
    ▪ explaining the grievance
    ▪ requesting mediation
• if mediation by the Regional Manager/CFMG Chair or NTM/SGB Chair does not resolve the grievance, where possible, it is to be escalated from:
22.7 Dispute Resolution
A dispute marks a serious deterioration in relationships and, *prima facie*, is probably beyond the ability of ATDP members to resolve internally. Be that as it may:

- in the first instance, the disputants are to be invited to consider mediation by a mutually acceptable independent person
- should one or both disputant not agree to mediation by an independent person, the dispute is to be referred to a community justice centre
- the disputants must agree to the terms promulgated by the mediator

22.8 Procedural Fairness
Procedural fairness must be followed scrupulously before, during and after investigation of a grievance or dispute, and any disciplinary action. For detailed information see: