

ECKA Standard Operating Procedure – Resolution of workplace disputes

Workplace disputes between colleagues can fall into two broad categories:

- A. Personal interactions, or,
- B. Practices and procedures in the delivery of the program

A. Personal interactions:-

If you are experiencing behaviours that constitute unreasonable behaviour as per the ECKA Code of Conduct, the following steps are to be taken to initiate resolution.

Step 1: As soon as you identify behaviours or practices that are outside the Code of Conduct, review the ECKA Code of Conduct Policy and critically reflect on your own compliance with the Policy to determine if there are behaviours or practices that you have unknowingly engaged in that may be contributing to the issue.

- If you feel this is the case and you are unsure how to address the matter, speak to your Educational Leader if appropriate for assistance, or alternatively to the ECKA Health and Safety Representative (HSR), Operations Manager (OM), or Human Resources Manager (HRM).
- If you are confident that your behaviours and communication is compliant with the Code of Conduct Policy proceed with the following steps. If you are feeling unsure of how to proceed, please do not hesitate to talk to the ECKA HSR, OM or HRM.

Step 2: Let the person know how their behaviour is impacting you. If you feel able to, you should speak to the person/s involved. It may even be more effective if you ask for a formal meeting. If so, you could follow these points:

- Choose a quiet confidential place.
- Give the person some pre-warning about what you want to talk about so they are not taken by surprise at the meeting and become defensive.
- State what you want to achieve from the meeting, for example, “I’d like to discuss how we communicate with each other”.
- Try to stay calm.
- Do not become personally abusive or insulting, remain completely professional. If possible avoid becoming emotive. Talk about what outcome you want rather than allocating blame. Use the pro-forma for Having a Difficult Conversation – **Attachment 1**
- If an agreed outcome is determined during the meeting ensure both parties have in writing what the agreed outcome is and provide a copy to your Educational Leaders to ensure they are aware of any support the team may require
- If the other person becomes aggressive, or if no agreed outcome is achieved, thank them for their time and end the meeting.
- Tell the person you do not like being spoken to or treated in that way, and if you feel you are being bullied, tell the other person that is how you are feeling. Tell them how their

behaviour impacts on you. Remind the person that their behaviour is against ECKA policies and culture, and against the law.

- Tell them that if it does not stop you will take the matter to ECKA management (HSR, OM, HRM)

Step 3: Talk to the ECKA Health and Safety Representative (HSR), Operations Manager (OM) or Human Resources Manager (HRM)

Approach an ECKA manager (HSR, OM, HRM) and explain what is happening. They will assist you with implementing the steps to resolve the issue, or will determine if alternative procedures need to be implemented to address the identified issue.

Step 4: Lodge a formal complaint

If your manager has not been able (or willing) to address the situation, or the inappropriate behavior is from your manager, (HSR, OM, HRM or CEO), report the complaint in writing to the ECKA board, marked attention Chairperson, or in their absence the Vice Chairperson.

The ECKA Board will then deal with the matter in accordance with the Complaints and Grievances Policy or Workplace Awards as applicable.

B. Practices and procedures in the delivery of the program

There are many different approaches and philosophies among educators, and at all time respectful dialogue is expected between educators in discussing any difference of opinion (See Code of Conduct Policy) In most instances differences of opinion offer a good opportunity for professional discussion and critical reflection on practices, which often lead to mechanisms for continuous improvement.

However, if you have a different view of the delivery of the education and care program that is contributing to discord between team members it is imperative that it is addressed promptly to ensure that it does not escalate to a personal dispute. (If it has already escalated to a personal dispute please see A. Personal interactions for procedure to follow)

Step 1. Ask your team member why the current practice/procedure is undertaken to ensure you have correct understanding of the practice/procedure. A clearly communicated reason for the practice / procedure will often clear up the matter immediately without needing further action.

Step 2. If you are still uncomfortable with the practice or procedure use the pro-form for Resolutions of Concerns in the practices or procedures of program delivery. – **Attachment 2**

- Write the issue identified in the first column. Be clear and succinct in writing the issue without being personal. If you need assistance in how to word the issue, please seek assistance from your Educational Leader if appropriate, or from the ECKA HSR, OM or HRM.
- Write your view on the issue in the appropriate column
- Ask your team member/s to consider the issue and complete their view on the issue.
- A team meeting to discuss the views of the issue will be arranged by the Educational Leader of the service as soon as practical to determine a resolution to the issue that meets all team member needs.

- Document the agreed outcome/action to be implemented and ensure all team members are aware of the agreed outcomes.
- If an agreed outcome cannot be determined, the issue is to be referred to the ECKA Operations Manager as soon as possible for further assistance in determining a resolution that will meet all regulatory requirements
- The ECKA Operations Manager, or CEO if appropriate, will conduct further investigation of the issue if necessary and provide written direction to be implemented by the team to address the issue in a way to ensures compliance with all regulatory requirements and in harmony with ECKA values, policies and procedures.

Attachment 1 – Having a Difficult Conversation

Preparing for a difficult conversation will assist you to clearly state what your concerns and feelings are, and assist you explain what outcomes are needed to address your feelings in a way that will result in a positive outcome and resolution of the issue.

Using the following pro forma (based on the work of Semann and Slattery & Shift Consulting Group Pty Ltd) may assist. Before the meeting with the other person take the time to complete any information that you can include, and then have the document ready to add information or view points of the other person , and record the agreed outcome.

Date of meeting and participants	
Introduce the conversation and reassure you are wanting to reach an outcome that is satisfactory to both of you.	
Describe the situation/behavior	
Describe how the situation/behavior is impacting you	
Ask the other person for their view of the situation or behavior	
Describe or suggest how you would prefer to be treated	

Write down agreed changes to behavior/treatment so that both parties know what is expected	
Seek support for implementing of agreed actions from the Educational Leader if appropriate / necessary, or from the ECKA EEA or OM.	
Thank the person for listening and participating in finding a resolution.	