

Developing Conflict Resilient Workplaces

A how-to guide for creating more positive workplaces in the Victorian not-for-profit sector



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The Office for the Community Sector

The Victorian Government established the Office for the Community Sector (OCS) within the Department of Planning and Community Development, in order to support the long term sustainability of the not-for-profit (NFP) community sector.

The OCS works with the NFP community sector and with other government agencies to drive cross-government activity that reduces unnecessary burden related to government accountability and compliance requirements; and to support the sector to build capacity to continue to be responsive to the needs of Victorians.

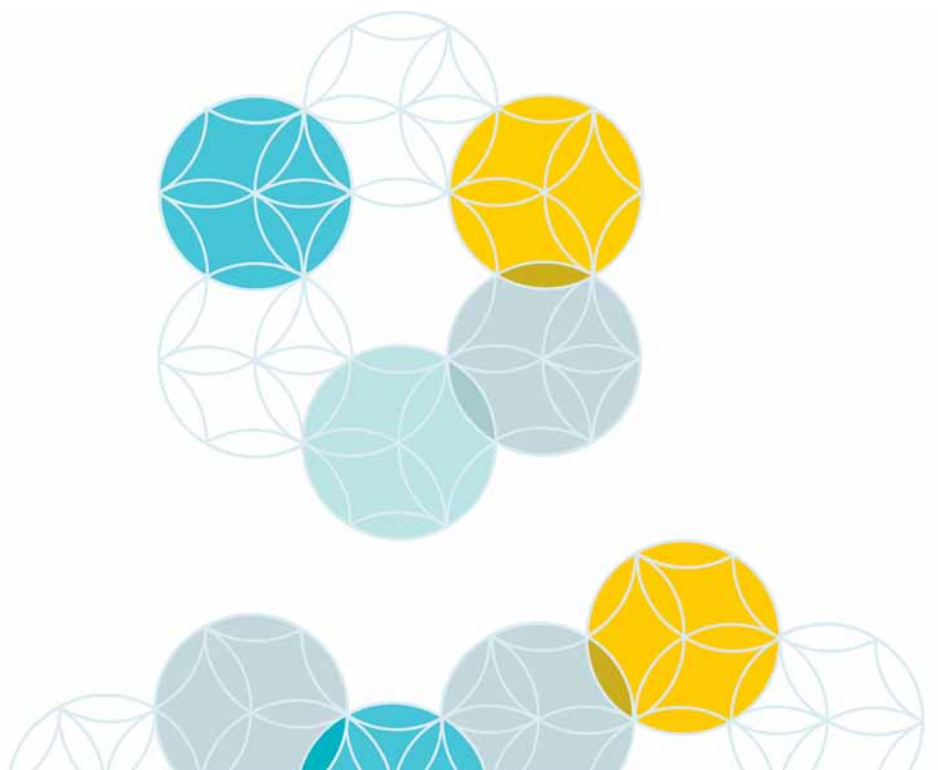
Initiatives such as the development of the *Community Sector Workforce Capability Framework*, the *Best Practice Recruitment and Selection Tool Kit* and this guide are key ways in which the OCS works to build the capacity of NFP community organisations.

The State Services Authority

The Victorian Government established the State Services Authority (SSA) to improve services, standards, governance, and workforce development of the Victorian public sector.

In 2010 the SSA developed the publications: *Developing Conflict Resilient Workplaces: A report for Victorian public sector leaders* and *Developing Conflict Resilient Workplaces: An implementation guide for Victorian public sector managers and teams*.

That report and guide were formulated following a project commenced by the SSA in 2008, titled '*Taking the heat out of workplace issues*', to collaboratively bring about positive change in the conflict resolution space in the Victorian public sector.



1. Background

Strong conflict management is an important capability of effective NFP community organisations and individuals. In the *Community Sector Workforce Capability Framework*, developed by the OCS in consultation with the NFP community sector, conflict management was identified as a separate core competency for community sector workers.

This guide is based on the previous publication developed by the SSA, *Developing Conflict Resilient Workplaces: An implementation guide for Victorian public sector managers and teams*.

Working in collaboration, the OCS and the SSA have adapted the original publication to suit the needs of the NFP community sector in Victoria. Representatives from the sector were consulted at each stage of the development of this publication.

This guide has been designed for medium-sized NFP community organisations; however it can be adapted for use by both small and large organisations.

The OCS would like to thank the individuals and organisations that provided information and feedback on this guide.

Purpose of this guide

The purpose of this guide is to act as a handbook or reference manual for individuals and groups in NFP community organisations who want to undertake work in the area of conflict resilience. This guide applies to all NFP community sector staff, including casual staff and volunteers.

Using this guide

This guide describes the features of a conflict resilient workplace – one where conflict is managed well, and not allowed to escalate.

It supports you to **create a more positive workplace** by suggesting how to build commitment to change, review current practice, identify areas for improvement, present options for change and evaluate success.

Much of the guide is diagnostic: it encourages you to ask questions about your organisation's systems, values and behaviours to identify the most important issues to work on. It also gives practical tips for writing business cases and presenting options to Boards and senior management to help improve the conflict resilience of the organisation.

This guide uses terms such as grievance, conflict and dispute. These terms are evolving in conflict management literature (and in law), and therefore different organisations might use the terms in different ways.

Rather than prescribe definitions here, we urge you to interpret the language and terms used in this publication in a way that is meaningful to your organisation.

1.1 The costs of conflict

The costs of unresolved conflict are many, ranging from individual distress, to broken relationships and strained organisational resources.

Individual distress

Mental and physical wellbeing, absenteeism, counter culture activities and ongoing dissatisfaction.

Broken relationships

Lost productivity, lost opportunities, declining trust and morale and increased disputation.

Strained organisational resources

Time spent on case management, difficulties with recruitment and retention.

Work-related stress in the community sector

Workplace stress associated with unresolved conflict can result in significant costs.

- In a report commissioned by the International Labour Organization (ILO), Geneva, it was estimated that workplace stress accounts for between 1-3.5% of a nation's Gross Domestic Product (GDP), through measures such as loss of productivity, compensation payments, early retirement and welfare related costs¹.
- Research conducted by the Victorian Council of Social Service has shown that the incidence of occupational violence, bullying and stress is unacceptably high in Victorian community organisations².

1 ILO, The Cost of Violence/Stress at Work and the Benefits of a Violence/Stress-Free Working Environment 2001

2 Victorian Council of Social Service, Occupational Health and Safety Education in the Victorian Community Sector 2008

2. What does a conflict resilient workplace look like?

A conflict resilient workplace is underpinned by strong communications and relationships, which is supported and demonstrated from the Board level down.

A conflict resilient workplace does not rely solely on formal dispute processes, but emphasises positive relationships and strong communication so that conflict is managed early, at the lowest possible level, and with the most appropriate response.

It is one that integrates strong diagnosis ('what is the cause of the problem?') with appropriate decision making about the best response ('is this best managed through adjudication by a third party, or can we resolve this better through non-confrontational approaches such as mediation, a courageous conversation or facilitation?').

Conflict resilient workplaces share four features

Promote

They are proactive in building a culture of communication.

Prevent

They stop things going wrong.

Respond

They respond quickly and appropriately when things do go wrong.

Comply

They comply with relevant guidelines, rules, regulations and address principles of natural justice and procedural fairness.

NFP community organisations with a strong conflict management system will respond well to conflict by taking the heat out of workplace issues early.

Once an organisation begins to identify root causes of conflict in individual cases, it is possible to look for patterns across multiple cases.

Ask

- What sort of early interventions could resolve the greatest number of problems?
- What could have prevented a situation from becoming problematic in the first place?
- What would it take for people in this organisation to have more constructive interactions, working relationships, and group dynamics?
- What initiatives would promote an organisational culture characterised by positive communication and working relations?

When conflict management is truly integrated in organisations, the result can be described as a system to improve communication and workplace relations. This will include dispute and conflict handling components, but the main focus will be on building and strengthening relationships.

Figure 1. The conflict resilient workplace pyramid (below) depicts a conflict resilient workplace.



The pyramid's foundation level shows that the dominant focus of conflict resilient workplaces is on building and strengthening relationships to help things go right.

The next stage shows activity in formal and appropriate dispute resolution practices, characterised by an acknowledgment that responsibility for solving conflict is shared between people involved (collaborative problem solving). Methods used for resolving interpersonal conflicts are usually: feedback, conversation, mediation and facilitation. Typically the focus is on preventing things from going wrong.

This diagram reflects an environment that is no longer dominated by a heavy reliance on grievance procedures. At the top of the pyramid (grievance procedures) formal processes are used only when there have been allegations of criminal or serious misbehaviour; where there is a lack of good faith; situations where procedural or legal issues arise, or where the welfare of individuals is threatened.

2.1 Attributes of a conflict resilient workplace

The following three tables draw out the attributes of the levels in the conflict resilient workplace pyramid.

The foundation level – promoting a culture of communication to help things go right

| Attribute | Demonstrated By |
|---|--|
| Collaborative problem solving is integrated into organisational culture | Decisions are made by the people directly involved |
| | Management does not mandate answers or solutions without consultation |
| | People are actively encouraged and supported to resolve their own issues |
| Constructive communications are promoted | People listen and seek to understand before they seek to be understood |
| | Constructive feedback is welcomed |
| | Staff are skilled in communications and conflict resolution |
| | Organisation seeks to learn from its mistakes |
| Different styles are accepted and tolerated | Relationships across the organisation are supportive and cooperative |
| Leaders ‘walk the talk’ | They practise open and honest communication |
| | They separate the problem from the person |
| | They seek early resolution of conflict |
| | They champion effective conflict management (and are sincere) |
| Organisational mission, vision and values are consistent with a conflict management philosophy | Organisation has taken steps to ensure its systems and structures will minimise conflict |

The middle level – preventing things from going wrong

| Attribute | Demonstrated By |
|---|---|
| We do things to address conflict before it escalates | Staff, volunteers and managers know how to respond appropriately at first instance to complaints and issues |
| | Feedback about issues is collected |
| | Interaction is expected between managers, volunteers and staff (not waiting until performance review time before giving or getting feedback) |
| An effective process identifies the best way to resolve disputes: conflict coaching, mediation, investigation, adjudication or some other approach | There is a good understanding of which appropriate dispute resolution approaches suit particular issues (see page 16) |
| | Cases are referred to a dispute resolution process only once information is analysed and the best process agreed |
| Organisational culture supports the airing of grievances | Conflict can be safely raised; privacy is respected |
| | Staff and volunteers are encouraged to voice concerns and constructive dissent early |
| | People feel confident that they will be heard, respected and their concerns acted upon |
| | Staff and volunteers are encouraged to resolve their own issues and are talked through various options |
| | Staff and volunteers are given reasons for decisions about disputes |
| | Conflict management is noted as a separate core competency, as shown in the <i>Community Sector Workforce Capability Framework</i> (See Appendix B) |
| The right data is collected, analysed and used | A representative working group or nominated person conducts root cause analysis and makes recommendations to stop issues from recurring |
| | This information is shared broadly and used to make decisions – for example, about training needs |
| Leaders take an interest in grievances | They read reports on conflict, bullying, stress, grievances |
| | They discuss grievances at meetings, preferably as standing agenda items |

The top level – reacting well when things do go wrong

| Attribute | Demonstrated By |
|---|---|
| There is a defined and documented process for responding to workplace grievances | There are informal process options to resolve conflict at a local level (these emphasise listening and understanding) |
| | There are formal process options for resolving disputes |
| | Formal processes are generally not accessed until informal processes have been used |
| | There is a process to manage complaints and disputes in place |
| | The dispute resolution procedures are based on a risk assessment process |
| Staff and volunteers know how to use the process | Staff and volunteers know how and where to communicate their grievance |
| | Options for ascertaining legal rights and addressing underlying interests are available |
| | Appeal rights to other organisations are made clear |
| | The outcomes of decisions are made clear to those involved, particularly including reasons for the decision |
| Clear roles and responsibilities are allocated and communicated | A nominated person exists for conflict management and reports to the leadership team |
| | A senior person in the organisation has overarching responsibility for conflict management (and has direct access to the CEO/the leadership team) |
| Conflict management systems, policies and procedures are consistent with wider organisational practice | They are consistent with: <ul style="list-style-type: none"> – each other – policy and legislation – industrial provisions and agreements – key terms are used consistently |

3. The conflict management model

Each organisation has its own culture, processes and traditions. This means that conflict management systems will inevitably look different in every organisation.

A conflict management model should, however, link rights-based formal procedures with appropriate dispute resolution models through strong interactive problem solving.

The people directly involved in the dispute should be actively encouraged and supported to take responsibility for managing their own issues.

As Figure 2 (on the following page) shows, the conflict management model is underpinned by a strong process for managing complaints and disputes when they are raised. It encourages appropriate dispute resolution which has a strong focus on the interests and needs of the parties concerned.

There is a place for formal grievance processes – but they are used for specific disputes suited to formal complaints, or as a safety net.

Where does this leave formal grievance processes?

A conflict resilient workplace uses formal grievance processes when they are necessary but prevents conflict escalating into formal grievances when early resolution is possible.

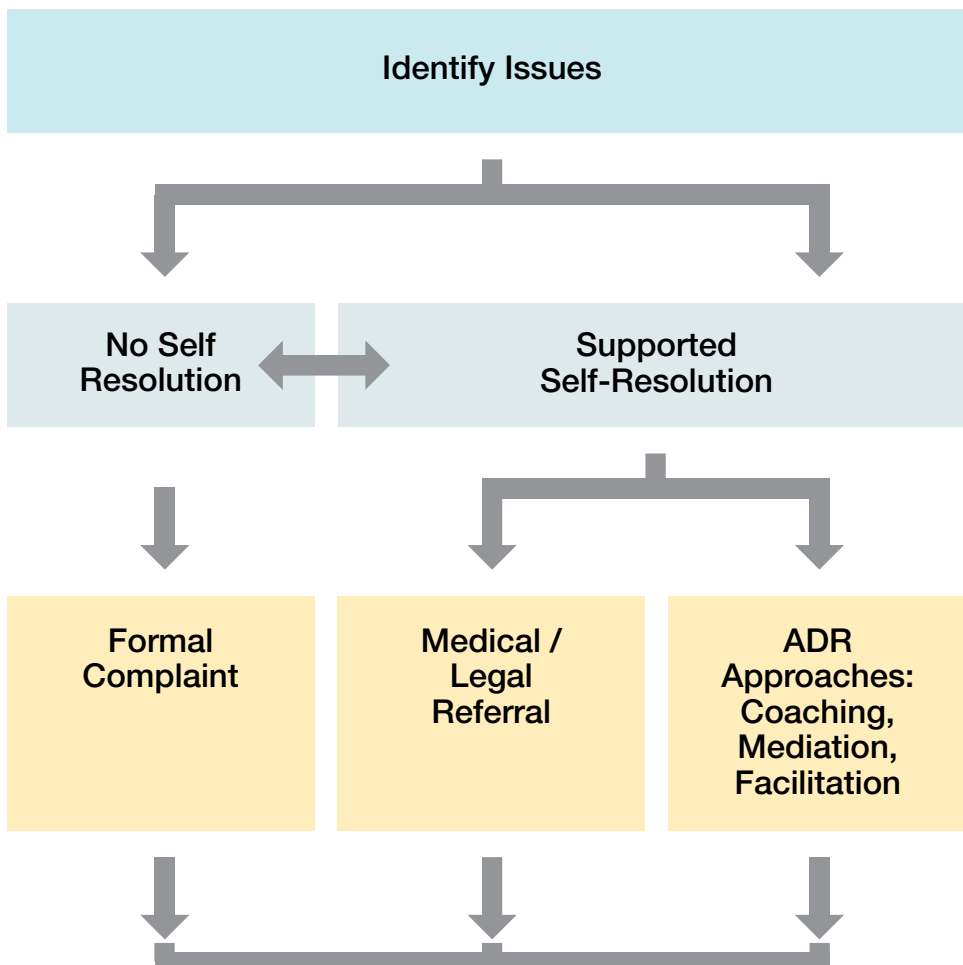
There is widespread acceptance, and a legal requirement, that organisations must have fair and effective systems for handling grievances. If someone claims that a law or guideline has been breached, there must be an effective and fair system to test that claim. **If a grievance handling system is not perceived as procedurally fair, it will itself generate grievances and become part of the problem.**

Putting resources into appropriate dispute resolution models does not do away with the need for formal grievance structures. For example, certain situations demand formal processes be used: allegations of criminal or serious misbehaviour; situations where there is a lack of good faith and people won't cooperate; situations where procedural or legal issues arise, or where the welfare of individuals is threatened.

Characteristics of the conflict management model

- Provides early intervention through a process for managing complaints and disputes when they are raised
- Identifies root causes of problems in addition to symptoms, and shares this information to create change
- Uses appropriate dispute resolution (ADR) methods (feedback, conversation, mediation, facilitation) that preserve workplace relationships by:
 - addressing the needs and interests of the people involved; and
 - encouraging self resolution (with support), rather than emphasising a formal arm's length process
- Incorporates preventative actions such as training and raising awareness.

Figure 2. Conflict Management Model



3.1 Identifying the issue

Organisations must have an effective issue identification process in place to manage complaints and disputes. This is sometimes called 'triage' or collaborative intake assessment. This involves a designated staff member who is skilful in asking the right questions – ones that will elicit relevant answers, and promote self-reflection – that will assist the parties concerned to make an informed choice about the best resolution option.

The importance of impartiality

In order for staff and volunteers to feel comfortable speaking about the situation or conflict they are facing, it is important that the designated staff member is impartial to the conflict, and preferably not a manager. In all cases, the privacy and confidentiality of the staff member or volunteer should be guaranteed in the first instance an issue is raised. These conditions must exist for there to be confidence in the process.

Through this process it will, for example, become apparent that if someone is accused of doing something that by policy and law must formally be dealt with, and if the other person clearly disputes that accusation, the appropriate process will be a rights-based process of adjudication. Here, a formal complaint is usually most appropriate.

Alternatively, if a dispute seems to have arisen through lack of clarity about issues, and if the dispute seems only to affect a small number of parties, then mediation may be appropriate.

This issue identification process provides a legitimate opportunity for people to describe their particular issue, where options for resolving the issue, including the objective the person is seeking, as well as the likely outcomes, can be discussed. This collaborative approach results in people being better informed about their options, and provides people with a high level of ownership and responsibility for managing their own issues.



This process helps people to:

- define the problem and separate the problem from the person
- identify the roles and relationships that they have with each other and with the workplace
- identify the issues – personal, workplace, organisational, other
- identify interests, needs and concerns (not just rights)
- unpack perceptions, assumptions, interpretations and expectations
- consider the impact of emotions on the process
- consider their own and others' skills and communication styles
- identify the information needed
- explore options and alternatives
- communicate choices
- use objective criteria
- commit to change.

Staff and volunteer access to complaints and disputes process

Ideally, the process for raising complaints and disputes will be accessible to staff and volunteers in a number of ways. This encourages staff and volunteers to act early and at an appropriate level when they have a concern. For example, they could:

- self manage a concern by approaching a colleague directly
- seek internal advice from a supervisor or manager, or human resources or elected Occupational Health and Safety representative (if your organisation has them)
- seek informal resolution with assistance from a supervisor, manager or human resources representative
- seek formal resolution through a designated process (e.g. internal grievance)
- seek external advice (e.g. from the Victorian Equal Opportunity and Human Rights Commission, WorkSafe, or from your union).

3.2 Appropriate dispute resolution (ADR)

Appropriate dispute resolution (ADR) processes, also known as alternative dispute resolution, are an essential part of the conflict management model.

They include approaches such as feedback, mediation, facilitation and conflict coaching – processes that can be used as an alternative to, or alongside, more formal, rights-based models. Figure 3 (below) provides a list of some of the more commonly used approaches. These are described in more detail in Appendix A.

ADR approaches are useful in managing a range of situations from individual performance to emotionally complex issues that can arise in working relationships. Recognising the best approach to use for a given situation is critical and should be addressed as early as possible, ideally when the issues are being identified. Figure 4 (on the following page) provides information on what approach might best fit a situation.

ADR approaches are informal, voluntary and don't include litigation. While they are usually structured, they can take place without a third party making a formal judgement.

Importantly, they are based on four key tenets:

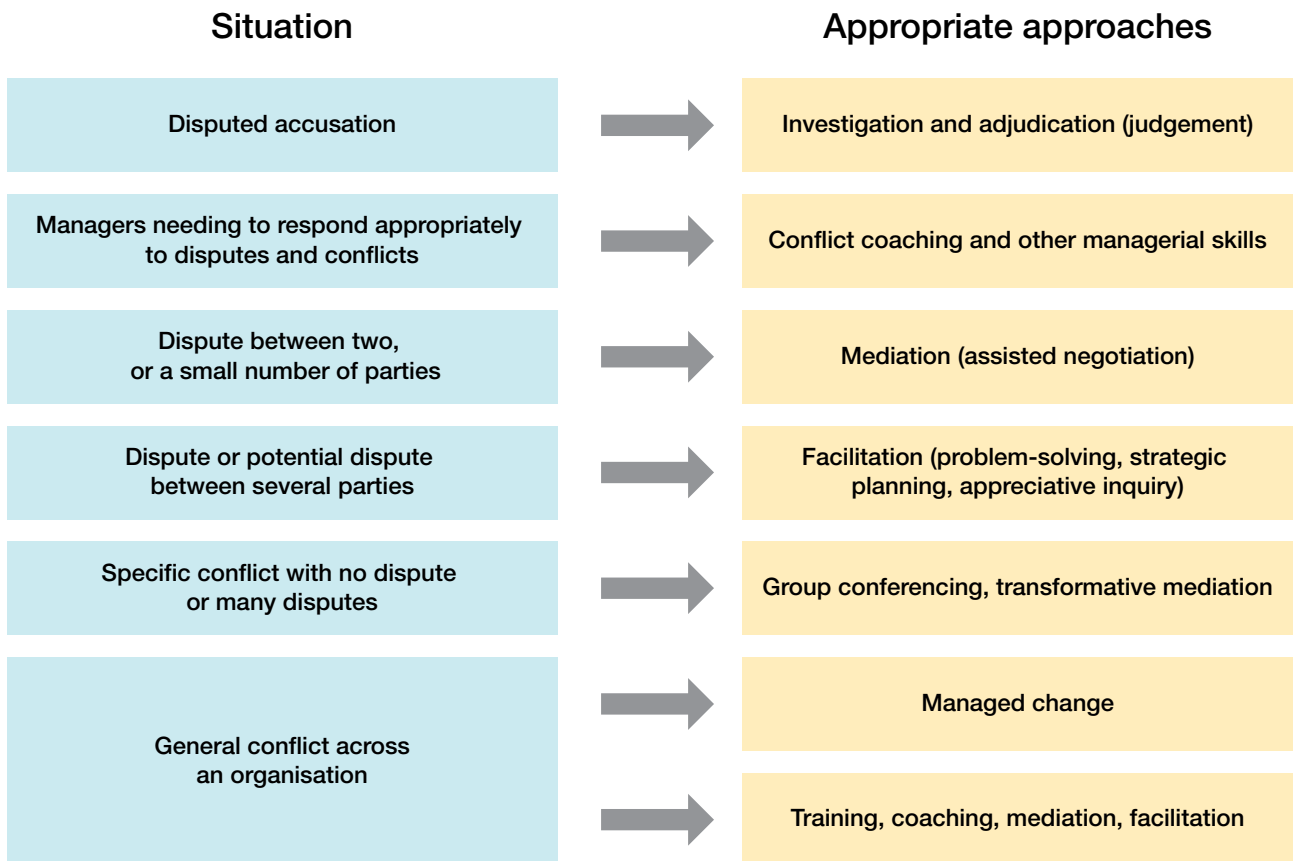
- The best decision makers in a dispute are usually the people directly involved.
- To effectively resolve a dispute, people need to hear and understand each other.
- Disputes are best resolved on the basis of the people's interests and needs.
- Disputes are best resolved at the earliest possible time and at the lowest possible level.

Figure 3: Commonly used ADR approaches to promote constructive relationships



Figure 4 (below) lists a range of different situations, and presents suitable options for responding constructively.

Figure 4: Using the best approach for the situation



Why use appropriate dispute resolution?

In most workplaces, conflict develops through everyday misunderstandings. Conflict, resentment and interpersonal disputes occur when someone believes their values, needs or identity have been undermined or challenged. The most strongly negative feelings associated with interpersonal conflict are anger, fear and contempt, which lead people to disengage, or to engage destructively.

Once they are in a state of conflict, people tend to identify others as the problem, cling to their own fixed positions, feel that they can only win if the others lose and insist on their own subjective criteria.

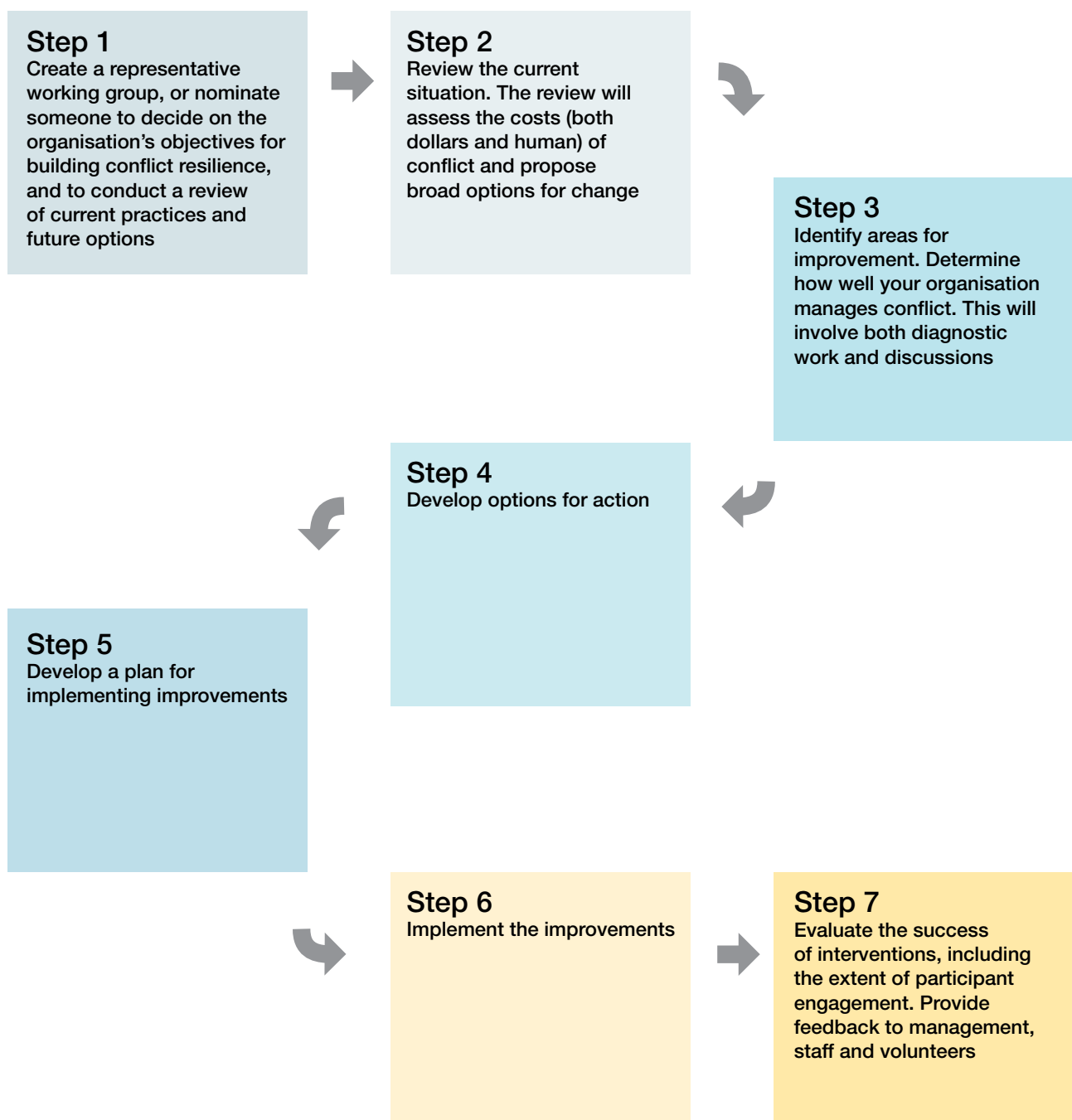
People in conflict often find it hard to engage constructively until they have acknowledged the sources of the conflict, and have begun to transform conflict into cooperation. Appropriate dispute resolution (ADR) approaches facilitate this kind of change in thinking and behaviour.

4. Steps towards creating change in your organisation

This section identifies issues and some useful tools for organisations and individuals seeking to develop a more conflict resilient workplace. It explains these against the background of the steps commonly used in any change management exercise (Figure 5, below).

In some organisations, work towards better conflict handling may already be underway – in which case this section may assist in reviewing progress to date and identifying next steps.

Figure 5: Action Steps



Action steps: Step 1

Create a representative working group

Cultural change can only be achieved with the commitment of Boards and senior management, through a 'whole of organisation' approach aimed at identifying issues and implementing change.

One way of doing this is to create a working group to conduct a review of conflict management systems. The group should bring together knowledge from across the organisation. This representative approach will bring the right mix of skills and organisational understanding to the review.

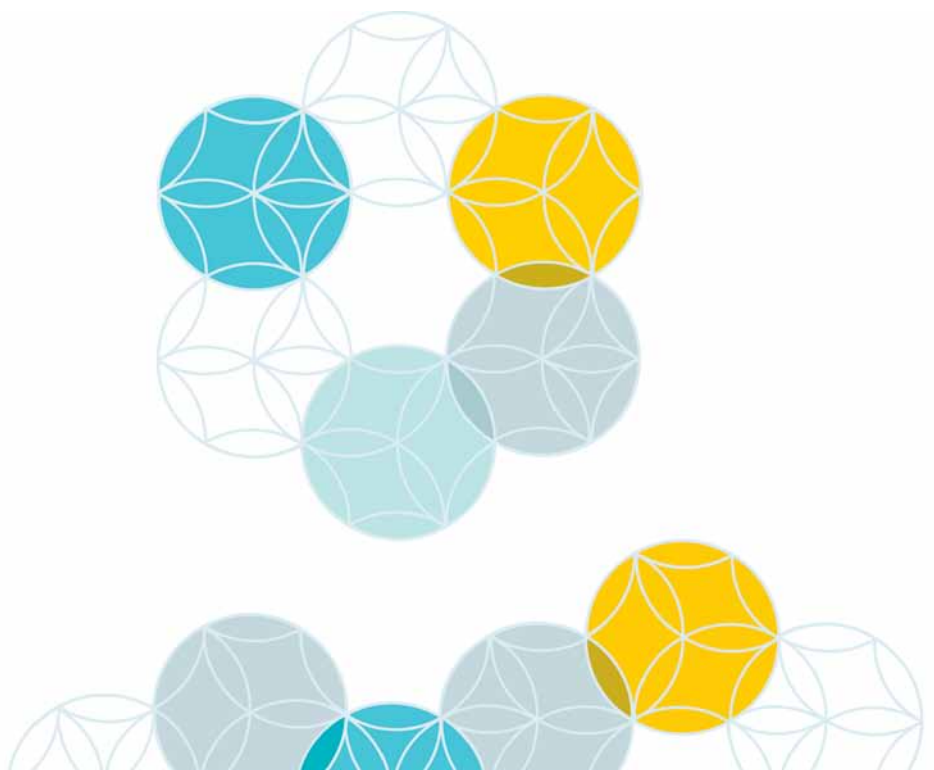
It will also bring a 'whole of organisation' response to identifying issues and implementing change. This builds a sense of collective commitment to the project.

Some suggestions for forming a working group

- Seek commitment from Board members and/or senior management to be part of the working group.
- Invite a range of staff and volunteers with good organisational knowledge.
- Invite influential people to join the group including those who you think may need to be convinced of the merits of possible change.
- Include people who have used the existing complaints system (if any).
- Consider inviting people external to the organisation to join the group, who can add experience and knowledge to the process.

Alternatively, if your organisation only has a small number of people, you may want to nominate one person to be responsible for carrying out these actions.

Finally, before you start work it is crucial that clear reporting lines are established, and that a mandate is clearly set by senior management or the CEO.



Action steps: Step 2

Review the current situation

It is important to gain broad consensus about the need for change, as well as the direction in which you intend to head.

Information about current processes and their effectiveness against agreed objectives needs to be considered. This will stimulate discussion about objectives and assumptions that may need to be further explored. It should also form the business case for change.

Ideas for writing a business case (possibly one or two pages only) are below. This document should demonstrate that the organisation's culture and wellbeing of staff and volunteers will be improved, and that the organisation will reduce risk if it invests appropriately in better conflict management systems.

What to include in a business case

Goals

- These should be aligned to the organisational goals – for example, to improve workplace relations, to reduce the cost of workplace conflict and to promote a safe and positive environment for staff and volunteers.
- They should be specific and able to be measured, by setting targets.

The problem

- Summarise the problems and issues as the review group currently see them.
- Identify the tangible and intangible costs to the organisation of internal conflict.
- Identify the types of disputes that pose a high risk to the organisation and how you will prevent or resolve them.

Solutions

- Seek out projects or case studies from similar organisations that have led to positive change.
- Outline the pros and cons of a list of prioritised proposed options.
- Outline next steps (methodology), including suggested timelines and completion date.

Communication

- How will the strategy be communicated to colleagues?
- Explain how progress will be recorded.

Recommendations

- These must be clear, and must take into account additional resources or processes that may need to be put in place.

What to do

Your working group or nominated person can use the following checklists as a conversation starter for the review. The first checklist asks if you have evidence that things need to change. The second asks you to assess how well complaints are being managed.

Checklist 1: Do you have evidence of a need for change?

| | | Yes | No |
|---|--|-----------------------|-----------------------|
| Is there evidence of staff and volunteer disengagement? | High levels of absenteeism or sick leave | <input type="radio"/> | <input type="radio"/> |
| | High levels of disengagement | <input type="radio"/> | <input type="radio"/> |
| | High levels of staff attrition | <input type="radio"/> | <input type="radio"/> |
| | High numbers of external complaints about staff and/or volunteers | <input type="radio"/> | <input type="radio"/> |
| | Senior management don't understand why people are leaving and/or the implications of high staff and volunteer turnover | <input type="radio"/> | <input type="radio"/> |
| | Staff, volunteers and/or senior management display inappropriate behaviour | <input type="radio"/> | <input type="radio"/> |
| | People external to the organisation are engaged to resolve issues | <input type="radio"/> | <input type="radio"/> |
| | Some grievance systems are underused: people perceive the system to be unfair, cumbersome or likely to bring negative consequences | <input type="radio"/> | <input type="radio"/> |
| High number of formal grievances (including bullying and harassment cases) | Some grievance systems are overused leading to higher levels of registered workplace grievances | <input type="radio"/> | <input type="radio"/> |
| | Unresolved grievances are blocking the system | <input type="radio"/> | <input type="radio"/> |
| Poor organisational response to conflict | Processes don't follow principles of natural justice and procedural fairness | <input type="radio"/> | <input type="radio"/> |
| | Those who handle workplace complaints don't report to those with the authority to do something about it | <input type="radio"/> | <input type="radio"/> |
| | Data on grievances is collected | <input type="radio"/> | <input type="radio"/> |
| | Data on grievances is collected – but little or nothing is done with the information | <input type="radio"/> | <input type="radio"/> |
| | No quantifying of the risk of unresolved conflict | <input type="radio"/> | <input type="radio"/> |
| No strategic thinking | No analysis of the return on investment from better grievance handling | <input type="radio"/> | <input type="radio"/> |

Checklist 2: How well are complaints being managed?

| | | Yes | No |
|---|---|-----------------------|-----------------------|
| Conflicts get too big, too early | Conflict is not always identified early enough | <input type="radio"/> | <input type="radio"/> |
| | Informal discussions don't work (for whatever reason) and formal grievances are quickly lodged | <input type="radio"/> | <input type="radio"/> |
| | People approach problems from the point of view that it's their right to complain rather than articulating their concerns in terms of their interests and needs | <input type="radio"/> | <input type="radio"/> |
| | A focus on entitlements (a rights-based approach) is stronger than a focus on the needs and interests of the parties (an interests-based approach) | <input type="radio"/> | <input type="radio"/> |
| | People don't talk with each other to find out what their real concerns are | <input type="radio"/> | <input type="radio"/> |
| | People take sides immediately and don't stop to think about what the issues are and the impact of those issues on the people involved | <input type="radio"/> | <input type="radio"/> |
| | Issues are being escalated unnecessarily | <input type="radio"/> | <input type="radio"/> |
| Those involved aren't satisfied | The underlying issues in individual complaints are not being adequately addressed | <input type="radio"/> | <input type="radio"/> |
| | People who use the system are not satisfied with the process for handling disputes | <input type="radio"/> | <input type="radio"/> |
| Those involved aren't engaged | The people involved are not engaged in the process | <input type="radio"/> | <input type="radio"/> |
| | People want to 'hand over' their issues for someone else to manage | <input type="radio"/> | <input type="radio"/> |

Points to consider

- Is there evidence of a need to improve conflict management?
- If you had to choose the main areas for improvement (your biggest problems), what would they be?
- Are they related to promoting, preventing or responding to conflict?

Action steps: Step 3

Identify areas for improvement

Is your organisation operating at its optimal level? What does it do to **promote** strong communication? How does it **prevent** conflict? How well is your workplace managing conflict? How does it **respond** when things go wrong?

What to do

Your representative working group or nominated person should:

- Use the checklist at the end of Step 2 (Checklist 2) as a conversation starter for this step. The checklist asks you to assess how well complaints are being managed. Answering ‘yes’ to a majority of the points, may indicate high levels of workplace conflict and a conflict resolution system that is under strain.
- Use Checklist 3 at the end of Step 7 to do a further ‘big picture’ evaluation.
- Look at other relevant data that your organisation may have, such as organisational climate surveys and the results of other self assessment tools (if any).
- Find out if processes are already in place to assess how well your organisation is functioning. Checklist 3 (at the end of Step 7) is a detailed list of the attributes of a conflict resilient workplace. The list is broken into three parts:
 - Promoting a culture of communication so that things go right (Checklist 4).
 - Preventing things from going wrong (Checklist 5).
 - Responding well when things do go wrong (Checklist 6).

Your working group or nominated person might want to use this checklist to conduct a ‘big picture’ check to find out if your workplace is performing at its optimal level.

Alternatively, your working group or nominated person might want to complete the Checklists 1 and 2 and then consider which attributes of the Checklist 3 are most needed: promoting, preventing or responding. This can then guide your decisions about where to focus action.

Planning the work resulting from the review

Revisit the goals outlined in your business case

- Once agreed, these goals should be revisited regularly. It is common for goals to change over the course of the review, so this should be anticipated.

Decide on options for action

- Allow time for discussions. For example, the working group or nominated person might need a few hours of uninterrupted time to discuss whether the organisation is functioning at its optimal best, to discuss their individual conclusions, and to debate different views.
- Distribute this guide as appropriate, to support discussions.

Allocate roles

- Decide on the roles required as part of the review. These might include organising meetings, chairing meetings, or doing research.
- Have someone facilitate working group meetings. This needn’t be an expert, but they must be prepared. They should start each meeting with a discussion to get agreement on the meeting objectives. They should also set ground rules for the meeting and be given a mandate to enforce them.

Action steps: Step 4

Develop options for action

Having identified your main areas for improvement, your representative working group or nominated person needs to develop some options for action.

The objective here is to move towards a best practice conflict management model – described earlier as the conflict resilient workplace, which promotes a positive culture of communication, prevents things from going wrong, and responds well when things do go wrong.

What to do

Your representative working group or nominated person should:

- Identify a range of options for dealing with your main areas of concern:
 - read through the various attributes of a conflict resilient workplace listed in Checklist 3 for ideas.
 - use the resources listed at Appendix B of this guide.
- List the advantages and disadvantages of each option. Think about budget constraints, time constraints, other relevant projects, and the culture of your particular organisation.

- Decide on those options you think will make a reasonably significant difference, and are feasible.
- Find out what you need to do to get support for your ideas. Will you need some informal conversations with other staff or management before presenting a formal written proposal?
- Develop a paper for your CEO or senior management that outlines your preferred options, and seeks approval (if applicable).

Points to consider

Any options you develop should take into account:

- Processes prescribed in industrial awards and agreements for resolving grievances and disputes.
- Your organisation's internal policies and procedures.

Action steps: Step 5

Develop a plan

Once you have the go-ahead to introduce specific change, a plan for implementing this change is needed. In deciding who will develop this plan and how it will be implemented, the following points need to be considered:

Who

- Who will implement the plan?
- Will you need external experts?
- Who will you need to report progress to?

Timing

- When will new interventions be introduced?
- Which interventions are priorities?
- How often will meetings be held to discuss the changes? Who will be involved?
- When will progress/actions be reported?

Cost

- Has a budget been estimated?

Evaluation

- How will progress be measured?
- How will success be measured?
- How will mistakes be learned from?

Consultation

- Who needs to be consulted before you start?

Objectives

- Do these match your original project objectives? If not, why not?

Points to consider

- Are the people being asked to change involved in planning?
- Have people's concerns with change been articulated and addressed?

Action steps: Step 6

Implement the improvements

This step is where all the hard work comes together. Having worked in an open, collaborative and methodical style as suggested in this guide, implementation should not be overwhelming – although, remember something you didn't expect is likely to happen!

Most importantly, commitment from the Board and/or senior management, a representative working group (if possible) and careful analysis of the existing systems will mean that you are working from a solid base.

Points to consider

- Has your communication for the planned changes been rigorous? Does everyone know and understand what's happening, when it's taking place and why improvements are being made?
- Have the concerns of people who will be instrumental in making the changes, and those of others, been comprehensively addressed?



Action steps: Step 7

Evaluate your success

The success of any changes and interventions should be assessed. This is a critical part of the action learning model described earlier in this guide. It sets up the learning for the next stage of reflection, planning and change.

What to do

The person (or persons) carrying out the evaluation should ask:

- What empirical evidence is there that the project goals were met?
- Are there other factors (not just empirical evidence) to suggest success?
- How much did the project cost? Did it exceed budget? Why?
- In hindsight, would you have done anything differently?
- What feedback will you give to the Board, management, staff and volunteers?

How engaged participants were in the project should also be measured by asking:

- What did you learn by being part of this project?
- In hindsight, would you have done anything differently?

The following Checklists (4, 5 and 6) may be of assistance here, as well as the data that was gathered in developing the original business cases for the changes.



Does your organisation promote a culture of communication to help things go right?

Checklist 4: How conflict resilient is your workplace? Evaluate Your Success

| Attribute | Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us' | 1 | 2 | 3 | 4 | 5 |
|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Collaborative problem solving is integrated into organisation's culture | Decisions are made by staff, volunteers and managers | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Management does not mandate answers or solutions without consultation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Constructive communications are promoted | People listen and seek to understand before they seek to be understood | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Constructive feedback is welcomed | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Staff and volunteers are skilled in communications and conflict resolution | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Relationships across the organisation are supportive and cooperative | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Organisation seeks to learn from its mistakes | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Different styles of work behaviour are accepted and tolerated | | | | | | |
| Leaders 'walk the talk' | They practise open and honest communications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | They separate the problem from the person | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | They seek early resolution of conflict | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | They champion effective conflict management (and are sincere) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Organisation's mission, vision and values are consistent with a conflict management philosophy | Organisation has taken steps to ensure its systems and structures will minimise conflict | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Points to consider

- Which activities should your organisation be doing more of to help things go right?
- What else can your organisation do to promote a culture of communication?

Does your organisation prevent things from going wrong?

Checklist 5: How conflict resilient is your workplace?

| Attribute | Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us' | 1 | 2 | 3 | 4 | 5 |
|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| We do things to address conflict before it escalates | Staff, volunteers and managers know how to respond appropriately in first instance to complaints and issues | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Feedback about issues is collected | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Open communication between managers, volunteers and staff is commonplace (performance review time is not the only time feedback is given and received) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| An effective process identifies the best way to resolve disputes: conflict coaching, mediation, investigation, adjudication or some other approach | There is a good understanding of which appropriate dispute resolution approach suits particular issues | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Cases are referred to a dispute resolution process only once. The information is analysed and the best process agreed | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | People are given enough information about options to make an informed choice | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Organisational culture supports the airing of grievances | Conflict can be safely raised; privacy is respected | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Staff and volunteers are encouraged to voice concerns and constructive dissent early | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | People feel confident that they will be heard, respected, and their concerns acted upon | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Staff and volunteers are encouraged to resolve their own issues and are supported in their choice of resolution option | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Staff and volunteers are given reasons for decisions about grievances – in writing and orally | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| Attribute | Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us' | 1 | 2 | 3 | 4 | 5 |
|---|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | Conflict management is a separate core competency, as shown in the <i>Community Sector Workforce Capability Framework</i> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Natural justice and procedural fairness are applied | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The right data is collected, analysed and used | A representative working group conducts root cause analysis and makes recommendations to stop issues recurring | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | This information is shared broadly and used to make decisions – for example, about training needs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Senior management take an interest in grievances | For example, senior management read relevant reports, and discuss resolution options | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Points to consider

- Which activities should your organisation be doing more of?
- What else can your organisation do to prevent things going wrong?

Does your organisation respond well when things go wrong?

Checklist 6: How conflict resilient is your workplace?

| Attribute | Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us' | 1 | 2 | 3 | 4 | 5 |
|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| There is a defined and documented process for responding to workplace grievances | There are informal process options to resolve conflict (these emphasise listening and understanding) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | There are formal process options for resolving disputes | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Formal processes should not generally be accessed until informal processes have been used | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | There is an effective process for managing complaints and disputes in place | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Dispute resolution procedures are organised by cost and based on a risk assessment process | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Staff and volunteers know how to use the process | Staff and volunteers know how and where to communicate their problem/s | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | Options for ascertaining legal rights and addressing underlying interests are available | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | The outcomes of decisions are made clear to those involved, including reasons for the decision – in writing and orally | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Clear roles and responsibilities are allocated and communicated | A nominated coordinator exists for conflict management and this person reports to the CEO or senior management | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | A nominated person in the organisation has overarching responsibility for conflict management with direct access to senior management and/or the CEO | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| Attribute | Mark on a scale of 1 to 5 where '5' is 'just like us' and '1' is 'not at all like us' | 1 | 2 | 3 | 4 | 5 |
|---|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Conflict management systems, policies and procedures are consistent with wider organisational practice | They are consistent with: – each other – policy and legislation – industrial provisions and agreements – key terms are used consistently | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Points to consider

- Which of these activities should your organisation be doing more of?
- What else can your organisation do when things go wrong?



Appendix A: Summary of key appropriate dispute resolution (ADR) methods

Feedback

Offering observations or helping someone to reflect.

Coaching

Coaching approaches to managing conflict, particularly asking ‘what’ and ‘how’ questions (rather than ‘why’ questions) can help a person understand a situation and interact more effectively with colleagues. A coach helps a person to reflect on a situation, to analyse interactions, and then to identify and practise alternative responses. When a similar situation occurs, the person will react with greater insight.

Supervisory/performance coaching

Managers coach staff regularly as a core part of their job. This coaching helps to align the work staff are doing with the work they should be doing. How a manager provides coaching feedback can significantly affect staff motivation – both positively and negatively. Coaching is now a recognised profession, with training standards and accreditation bodies. A coach can help a person to articulate aspirations, then clarify and achieve goals. Key techniques include open questioning, provocation, and assisting with analysis (rather than advising or directing).

Mentoring

Some organisations run formal mentoring programs. This usually involves a more experienced colleague providing advice and serving as an example. Mentors can be internal or external. An effective mentor combines skills of coaching and reflective conversation.

Conversation

People talking, to reach shared understanding and (possibly) to commit to action.

Basic conversational skills can be strengthened with programs that help people to practise mindful listening, questioning, and narration. Strategic negotiation can be widely applied in workplaces and involves negotiating a shared understanding and a plan of action to meet each party's needs.

Mediation

A third party assisting the search for mutual understanding and optimal action.

Mediation has been the appropriate dispute resolution flagship – and there are many different mediation formats, distinguished in terms of guiding principles, process, outcomes and type of program. For example, a distinction between evaluative and facilitative mediation is partly a distinction between programs, partly a distinction between processes, partly a distinction between outcomes, and partly a distinction based on the principle of self-determination.

Evaluative mediation focuses on the parties' legal rights. The mediator assesses what an adjudicator might decide if the case were brought to court, then seeks some resolution consistent with these legal standards.

Facilitative mediation focuses on the parties' interests and options and seeks to resolve disputes by meeting those interests. The facilitative mediator encourages the disputing parties to control much of the process and to make the key decisions.

Transformative mediation focuses more generally on helping the parties to understand each other's values and interests to repair relationships. Accordingly, transformative mediation is often used for disputes involving interpersonal conflicts.

Despite these differences, mediation can be understood as assisted negotiation. It is a generic process in which a third party assists the people directly involved to negotiate a mutually acceptable outcome.

Each variation on a basic format is appropriate for certain situations. Any variations on the process should be determined largely by the nature of the particular case and the specific needs of the participants.

Mediation is understood to increase both:

- *efficiency* (decreases costs and reduces delays in decision making)
- *effectiveness* (increases a sense of procedural fairness, as those affected by agreements have been involved, and parties look beyond the narrow issue of legal rights to consider their broader interests).

Important

For mediation to be effective, it is **crucial** that the mediator is mutually accepted by all parties, and is seen to be impartial to the conflict. If there is suspicion that the mediator has a vested interest in the outcome, or worse – that they are biased towards one party – this process will not be effective and may generate further resentment. As such, if an internal mediator is sought, they should not be involved in the conflict, and ideally should not be a manager. People external to the organisation should also be considered.



Conflict coaching

A 'model' process for helping people resolve their own conflicts through seeing the other person's perspective.

Conflict presents opportunities for people to strengthen their relationships with themselves and others. Resolving the issues is only one of the desired outcomes when people are in dispute. Behaviour change is achieved in part, by increased self awareness and insight. With increased self awareness, we are more likely to discover our choices and shift our behaviour.

One of the elements that underpin conflict coaching is that change in conflict behaviour is more likely to occur when people understand the concept of mutuality. This involves considering various elements of the conflict, from both (or all) sides. Self determination is a crucial component of coaching. Conflict coaching supports effective and productive working relationships. It is an equally useful model for anyone in an organisation offering insights into the dynamics of team and workplace conflicts.

Facilitation

A third party helping a group to achieve a collective goal.

Workplace conferencing

Conferencing is a process that helps a group of individuals to manage their own relationships in the wake of conflict. The conflict may be associated with a single incident or with ongoing patterns of behaviour. The facilitator provides the process so that a group can understand what has happened, how people have been affected, and what might be done to improve the situation.

Appreciative inquiry

Appreciative inquiry is an approach to organisational development. Its guiding principle is that organisations can change adaptively by focusing on what works. Colleagues determine what goals need to be achieved, and focus primarily on ways to achieve these goals, rather than focusing primarily on problems that need solving.

Other modes of facilitation

The practice of effective group decision-making is growing rapidly. Promoters emphasise the public good of involvement, collaborative decision-making, citizen engagement, advocacy, mediation, consensus building and community building.

Appendix B: Other resources and further reading

The Office for the Community Sector (OCS) and the State Services Authority (SSA) have a number of publications available to download from the OCS and SSA websites at: www.dpcd.vic.gov.au/communitysector and www.ssa.vic.gov.au

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|---|---|
| Dispute Settlement Centre of Victoria Phone: 1800 658 528 http://www.disputes.vic.gov.au/dscv/ | Free advice, conflict coaching and mediation services |
| Dispute Settlement Centre of Victoria – Reaching Agreement http://www.disputes.vic.gov.au/reachingagreement | Advice on resolving common disputes |
| Institute of Arbitrators and Mediators Australia (IAMA) Phone: 03 9607 6908 www.iama.org.au | Mediation services |
| LEADR – Association of Dispute Resolvers Phone: 02 9251 3366 or 1800 651 650 www.leadr.com.au | Mediation Services |
| Victorian Bar Phone: 03 9225 7111 www.vicbar.com.au | Mediation Services |
| State Services Authority, Developing Conflict Resilient Workplaces: An implementation guide for Victorian public sector managers and teams (2010) | Guide |
| State Services Authority, Conflict Resilient Workplaces: a report for Victorian public sector leaders (2010) | Report |
| State Services Authority, Fair and reasonable treatment and reasonable avenues of redress (2006) | Guidelines |
| State Services Authority, Managing poor performance in the workplace (2008) | Guidelines |

| | |
|---|---------------------|
| State Services Authority, How positive is your work environment (2008) | Toolkit |
| State Services Authority, Ethics Resource Kit (2008) | Toolkit |
| State Services Authority, People Metrics resource (2010) | Guide & dictionary |
| State Services Authority, Talking Performance (2010) | eLearning resource |
| Office for the Community Sector, Community Sector Workforce Capability Framework Tool Kit (2010) | Toolkit |
| Office for the Community Sector, Community Sector Workforce Capability Framework Capability Cards (2010) | Capability cards |
| Office for the Community Sector and Windermere Child and Family Services, Capability Mapping and Feedback Tool (2010), available to download from http://www.windermere.org.au/capability-mapping/downloads.php | Computer based tool |
| Office for the Community Sector and State Services Authority, Best practice recruitment and selection – a tool kit for the community sector (2010) | Toolkit |
| Office for the Community Sector, Community Sector – Attracting and retaining staff in regional Victoria (2010) | Guide |



