

# Rhema Central Coast Conflict Resolutions Policy

## 1 Employees

### 1.1 GENERAL BACKGROUNDER ON EMPLOYEES

- a. Generally, an employee will have signed a WorkPlace Agreement or Employment Agreement, which specifically outlines his job description, duties, responsibilities and remuneration together with the employer's duty of care and responsibilities to the employee.
- b. An employee is a person who is in receipt of a remuneration for his or her services at an agreed rate.
- c. Although delineated in the employee's agreement, it is re-iterated in this document that:
  - i. that the intellectual property in an employee's work belongs to **Rhema Central Coast** and cannot be used or sold without the express permission of **Rhema Central Coast**.
  - ii. Employees must disclose any '*conflict of interest*' where they have an interest separate to that of **Rhema Central Coast**, which could influence or reasonably supposed to influence their decision-making or the performance of their duties at **Rhema Central Coast**.

### 1.2 EMPLOYEES PERSONAL GRIEVANCES AND DISPUTES

- a. **Definitions**

"Dispute" means any dispute concerning the interpretation, application, or operation of the Employment Agreement or any matter arising from/out of the agreement.

"Issue" means either a grievance or a dispute.
- b. **Settlement of Issues**

Any issues shall be resolved in accordance with the procedure set out in the Industrial Relations Act 1999. If the Employee believes he/she has an employment relationship problem he/she should follow the procedure as outlined below.
- c. **Invoking Procedure**

Provided the employer or the employee considers that there is an issue or dispute either party may invoke the procedure. Problems are least likely to arise when everyone in an employment relationship acts in "good faith". That means dealing with each other honestly, openly and with mutual respect.
- d. **Informal Discussion**

The parties will use their best endeavours to resolve every issue in an amicable way by direct discussion. The parties undertake to meet to express their respective viewpoints openly and informally, as soon as practicable after the issue has been identified.

*“Let us consider how we may spur one another on towards love and good deeds...let us encourage one another...and all the more as you see the Day approaching.” Hebrews 10: 24-25*

**e. Clear Communication**

Employer and employees have a responsibility to prevent and clear up any confusion and misunderstandings about what has been said and by whom can lead to problems. Written documentation can help reduce the risk of misunderstandings.

**f. Following a Fair Procedure**

The employer should seek an explanation from the employee, about matters of concern. Employees should have allegations of misconduct clearly explained, so they have an opportunity to provide a considered explanation.

- i. Clarify the facts to prevent misunderstanding and making any assumptions
- ii. Seek guidance from Administration and/or the Human Resource Manager
- iii. Treat everyone with respect and consideration. Listen to their versions of events
- iv. Raise problems promptly. Just talking about a perceived problem may be enough to resolve it. However, avoid “heat of the moment” decisions made in anger or frustration. If strong emotions arise, try to look beyond the emotion and identify the underlying reasons for the problem
- v. Always raise the problem with your manager before referring it to Mediation
- vi. Before raising a problem, think about possible solutions for discussion
- vii. The best outcome is one that everyone agrees to.
- viii. Consider having a support person present when the problem is discussed, if this is appropriate
- ix. Consider raising a problem in writing, asking for any agreed solution and having a third party present as a witness.
- x. Record the outcome in writing to prevent any misunderstandings

**g. Investigating Allegations of Serious Misconduct**

- i. The employee should be advised in writing that the allegations have been made, and if they are found to be true what disciplinary action (including dismissal, if relevant) could result
- ii. The employee is entitled to be shown evidence of the allegations including information provided by witnesses. This should be provided in a reasonable time period to consider the information and make a response
- iii. The employee is entitled to be accompanied by a support person at the meeting. It is preferable to record this invitation in writing
- iv. If the employee provides new or additional information, the employer may conduct further inquiries and present the findings to the employee
- v. The Managers should have a witness present at the meetings and record what is said in writing.
- vi. Disciplinary action must not be pre-determined and must be decided upon only after the investigation is complete. i.e. Drafting a dismissal letter or telling other staff that a dismissal will occur before an investigation is complete
- vii. The nature of the action the employer decides to take (dismissal or written warning) must be fair and reasonable due to the circumstances
- viii. When a disciplinary decision is made, the employee should be treated with respect and consideration. This includes communicating and explaining the decision to the employee, having regard for privacy and feelings

## 1.3 RESOLVING AN EMPLOYMENT RELATIONSHIP PROBLEM

### a. Summary

(The information in this document is to assist parties in “*employment relationships*” to resolve their problems. It is not a complete description of the legal processes involved or intended to be legal advice)

- i. Personal Grievance  
The employee must bring any grievance/dispute to the employer’s attention within 90 days.
- ii. Employer should acknowledge submission of personal grievance/ dispute.
- iii. Employer and employee should discuss and attempt to solve the problem. If the employer and employee cannot resolve the matter themselves, either party may request assistance from the Employment Relations Authority in the form of mediation
- iv. If the matter is not resolved then the Employee may apply to:
  - The Employment Relations Authority for a decision.
  - Authority makes a decision.
  - Any Appeals from the Authority to Labour Court must be made within 28 days.
- v. Examples of Employment Relationship Problems
  - Personal grievance (unjustifiably dismissed, discrimination against, sexually harassed, racially harassed);
  - Breach of employment agreement;
  - Dispute over the interpretation, application, or operation of an employment agreement;
  - Unfair bargaining for an individual employment agreement;
  - A question about whether a person is an employee;
  - Arrears of wages or holiday pay etc;
  - An employee not being permitted to attend union meetings;

### b. Resolving a Relationship Dispute or Grievance

The following notes are a further explanation of the summary in **section 1.3 a**:

#### i. Personal Grievance

The employee must bring any grievance to the employer’s attention within 90 days of the grievance occurring. The employee must also say what relief they want.

#### ii. Employers Obligations

- Acknowledge submission of personal grievance or dispute. Clarify the nature of the problem and the outcome sought by the employee, if necessary.
- The Employer and employee should discuss and attempt to solve the problem.

*Note:*

When an employee is dismissed, he/she can request the employer provides a statement in writing of the reasons for dismissal. The employer must do this where the employee requests it.

**iii. Mediation**

If the employer and employee cannot resolve the matter themselves, either the employer or the employee, or both, may request assistance from the Employment Relations Authority.

**iv. If the matter is not resolved:**

The employee may apply to:

- The Employment Relations Authority; or
- The Labour Court, if the matter relates to a strike or lockout:
- The Authority (or Court) may direct parties to attend mediation if they have not attempted, or have made inadequate attempts, to resolve the matter using mediation services.
- Authority (or Court) makes decision.
- Any Appeals from the Authority to Employment Court must be made within 28 days.

## 2 Volunteers

### 2.1 GENERAL BACKGROUNDER ON VOLUNTEERS

- a. Volunteers have been involved in almost every area of **Rhema Central Coast's** ministry and operations since its inception in 2002.
- b. The contribution of volunteers remains vital to **Rhema Central Coast's** operations.
- c. Volunteering benefits the radio station, the community and the volunteer.
- d. Volunteering is always a matter of choice.
- e. Volunteering is an activity that is unpaid and not undertaken for receipt of a salary, pension, superannuation or some other financial or in-like-kind.
- f. Volunteers do not replace paid workers nor constitute a threat to the job security of paid workers.
- g. As with employees, the intellectual property in a volunteer's work belongs to **Rhema Central Coast** and cannot be used or sold without the express permission of **Rhema Central Coast**.
- h. Volunteers must disclose any 'conflict of interest' where they have an interest separate to that of **Rhema Central Coast**, which could influence or reasonably supposed to influence their decision-making or the performance of their duties at **Rhema Central Coast**.

### 2.2 VOLUNTEERS PERSONAL GRIEVANCES AND DISPUTES

- a. **Definitions**  
"Dispute" means any dispute concerning the interpretation, application, or operation of the Volunteer's Application Agreement Form or any matter arising from/out of the application or agreement.  
"Issue" means either a grievance or a dispute.
- b. **Settlement of Issues**  
Any issues shall seek to be resolved by following the procedure as outlined below.
- c. **Invoking Procedure**  
Provided the employer or the volunteer considers that there is an issue or dispute either party may invoke the procedure. Problems are least likely to arise when everyone in a workplace relationship acts in "good faith". That means dealing with each other honestly, openly and with mutual respect.
- d. **Informal Discussion**  
The parties will use their best endeavours to resolve every issue in an amicable way by direct discussion. The parties undertake to meet to express their respective viewpoints openly and informally, as soon as practicable after the issue has been identified.

*“Let us consider how we may spur one another on towards love and good deeds...let us encourage one another...and all the more as you see the Day approaching.” Hebrews 10: 24-25*

**e. Clear Communication**

Employer and volunteers have a responsibility to prevent and clear up any confusion and misunderstandings about what has been said and by whom can lead to problems. Written documentation can help reduce the risk of misunderstandings.

**f. Following a Fair Procedure**

The employer should seek an explanation from the volunteer, about matters of concern. Employees should have allegations of misconduct clearly explained, so they have an opportunity to provide a considered explanation.

1. Clarify the facts to prevent misunderstanding and making any assumptions
2. Seek guidance from the General Manager
3. Treat everyone with respect and consideration. Listen to their versions of events
4. Raise problems promptly. Just talking about a perceived problem may be enough to resolve it. However, avoid “heat of the moment” decisions made in anger or frustration. If strong emotions arise, try to look beyond the emotion and identify the underlying reasons for the problem
5. Always raise the problem with your manager before referring it to mediation
6. Before raising a problem, think about possible solutions for discussion
7. The best outcome is one that everyone agrees to.
8. Consider having a support person present when the problem is discussed, if this is appropriate
9. Consider raising a problem in writing, asking for any agreed solution and having a third party present as a witness.
10. Record the outcome in writing to prevent any misunderstandings

**g. Investigating Allegations of Serious Misconduct**

1. The employee should be advised in writing that the allegations have been made, and if they are found to be true what disciplinary action (including dismissal, if relevant) could result
2. The volunteer is entitled to be shown evidence of the allegations including information provided by witnesses. This should be provided in a reasonable time period to consider the information and make a response
3. The volunteer is entitled to be accompanied by a support person at the meeting. It is preferable to record this invitation in writing
4. If the volunteer provides new or additional information, the employer may conduct further inquiries and present the findings to the volunteer
5. The Managers should have a witness present at the meetings and record what is said in writing.
6. Disciplinary action must not be pre-determined and must be decided upon only after the investigation is complete. i.e. Drafting a dismissal letter or telling other staff that a dismissal will occur before an investigation is complete
7. The nature of the action the employer decides to take must be fair and reasonable due to the circumstances
8. Discipline may involve an official warning, counselling, or dismissal.

9. When a disciplinary decision is made, the volunteer should be treated with respect and consideration. This includes communicating and explaining the decision to the volunteer, having regard for privacy and feelings

## 2.3 RESOLVING A WORKPLACE RELATIONSHIP PROBLEM

### a. Summary

(The information in this document is to assist parties in “*workplace relationships*” to resolve their problems. It is not a complete description of the legal processes involved or intended to be legal advice)

#### i. Personal Grievance

The volunteer must bring any grievance/dispute to the employer’s attention within 90 days.

ii. Employer should acknowledge submission of personal grievance/ dispute.

iii. Employer and volunteer should discuss and attempt to solve the problem. If the employer and volunteer cannot resolve the matter themselves, either party may request assistance from a recognised and mutually-agreed third party experienced in the capacity of mediation

#### iv. Examples of Workplace Relationship Problems

- Personal grievance (unjustifiably dismissed, discrimination against, sexually harassed, racially harassed);
- Breach of volunteer agreement;
- Dispute over the interpretation, application, or operation of a volunteer agreement;
- Unfair bargaining for an individual volunteer agreement;
- A question about whether a person is a volunteer;

### b. Resolving a Workplace Relationship Dispute or Grievance

The following notes are a further explanation of the summary in **section 2.3 a**:

#### i. Personal Grievance

The volunteer must bring any grievance to the employer’s attention within 90 days of the grievance occurring. The volunteer must also say what relief they want.

#### ii. Employers Obligations

- Acknowledge submission of personal grievance or dispute. Clarify the nature of the problem and the outcome sought by the volunteer, if necessary.
- The Employer and volunteer should discuss and attempt to solve the problem.

*Note:*

When a volunteer is dismissed, he/she can request the employer provides a statement in writing of the reasons for dismissal. The employer must do this where the volunteer requests it.

#### iii. Mediation

If the employer and volunteer cannot resolve the matter themselves, either the employer or the volunteer, or both, may request assistance from a recognised and mutually-agreed third party experienced in the capacity of mediation.

### 3 The Public

#### 3.1 GENERAL BACKGROUNDER ON THE PUBLIC

- a. "The Public" is interpreted for the purposes of this document to be the listening audience of Rhema Central Coast's broadcasts.
- b. The Public comprises of two (2) categories:
  - I. those who are financial members of Rhema Central Coast and who pay an annual membership fee and who have a constitutional interest in the station and its Board of Directors
  - II. those who are not financial members of Rhema Central Coast and who have no constitutional interest or rights in the operation of the station but enjoy the programming or otherwise
- c. Complaints received from The Public, whether by ordinary mail, email, telephone, SMS or on-line questionnaire, shall be dealt with and responded to in accordance with the procedure outlined in this document; and also as required by the *Australian Communication and Media Authority* (known as ACMA) that such reply shall be given within 60 days.

#### 3.2 PERSONAL GRIEVANCES AND DISPUTES BY THE PUBLIC

- a. **Definitions**

"Dispute" means any dispute concerning the content or operation of the Rhema Central Coast broadcast.

"Issue" means either a grievance or a dispute.
- b. **Settlement of Issues**

Any issues shall seek to be resolved by following the procedure as outlined below.
- c. **Invoking Procedure**

Rhema Central Coast must always take a complaint or grievance from The Public seriously and invoke the following procedure. Most difficulties and complaints can be resolved by dealing with The Public honestly, openly and with mutual respect.
- d. **Confidentiality**

The Public has the right to expect that their complaint or grievance will be dealt with expeditiously, seriously and confidentially. The subject of the complaint should never be taken lightly or be a cause for mockery, ridicule or contempt.
- e. **Initial Investigation**

Complaints or grievances from The Public must be validated by a name and signature and an address or contact details. If there are no contact details or validation of an actual person making the complaint, follow through is almost impossible.

The management of Rhema Central Coast will use their best endeavours to confirm the validity of the complaint or grievance, and include establishing the accuracy of information, times, dates and/or programmes involved in the complaint or grievance.



**f. Clear Communication**

Rhema Central Coast management have a responsibility to prevent and clear up any confusion and misunderstandings relating to the substance of the complaint or grievance. Written documentation can help reduce the risk of misunderstandings.

**g. Following a Fair Procedure**

Rhema Central Coast management should seek an explanation from the appropriate announcing staff, employees or volunteers about the matters of concern which are the subject of the complaint or grievance.

1. Clarify the facts to prevent misunderstanding and making any assumptions
2. Seek guidance from the General Manager
3. Treat the Public and Rhema Central Coast announcers, staff and volunteers with respect and consideration. Listen to their versions of events
4. Raise problems promptly. Just talking about a perceived problem may be enough to resolve it. However, avoid "*heat of the moment*" decisions made in anger or frustration. If strong emotions arise, try to look beyond the emotion and identify the underlying reasons for the problem
5. The best outcome is one where there is agreement about the matter of concern being investigated
6. Consider having the explanations of the matter of concern raised by The Public being put into writing by announcers, staff or volunteers purely for the management's further consideration of the circumstances
7. Record the outcome in writing to prevent any misunderstandings

**h. Investigating General Complaints or Grievances**

Where a complaint or grievance from The Public involves matters of concern over a spoken word programme, type or style of music played on-air, sponsorship advertisements, station promos or imaging or religious and doctrinal issues, every endeavour will be made by Rhema Central Coast management to deal with the matter of concern in terms of the above provisions of **a to g**.

**i. Investigating Allegations of Serious Misconduct**

1. The employee or volunteer should be advised confidentially in writing by Rhema Central Coast management that the allegations have been made, and if they are found to be true what disciplinary action (including dismissal, if relevant) could result
2. The employee or volunteer is entitled to be shown evidence of the allegations including information provided by witnesses  
This should be provided in a reasonable time period to consider the information and make a response
3. The employee or volunteer is entitled to be accompanied by a support person at the meeting. It is preferable to record this invitation in writing
4. If the employee or volunteer provides new or additional information, the employer may conduct further inquiries and present the findings to the employee or volunteer
5. Rhema Central Coast Management should have a witness present at the meetings and record what is said in writing.

6. Disciplinary action must not be pre-determined and must be decided upon only after the investigation is complete. i.e. Drafting a dismissal letter or telling other staff that a dismissal will occur before an investigation is complete
7. The nature of the action the employer decides to take must be fair and reasonable due to the circumstances
8. Discipline may involve an official warning, counselling, or dismissal.
9. When a disciplinary decision is made, the employee or volunteer should be treated with respect and consideration. This includes communicating and explaining the decision to the employee or volunteer, having regard for privacy and feelings

**j. Official Response to The Public complainant**

1. Once an investigation has been completed by Rhema Central Coast management, and a decision made as to final action, The Public complainant should be advised in writing either by email or posted letter.
2. This response must be carried out within 14 days from the date of receipt of the original complaint or grievance.
3. If an investigation is incomplete, a response indicating that is to be forwarded to The Public complainant advising so and no later than 14 days from the date of receipt of the original complaint or grievance.
4. If further information, evidence or explanation is required from The Public complainant about complaint or grievance, they must be asked to put this further information in writing to Rhema Central Coast management. This request for further information must be made no later than 14 days from the date of receipt of the original complaint or grievance.

**k. Non-Resolution of the Complaint or Grievance**

1. Every endeavour is to be made by Rhema Central Coast management to placate and resolve any complaints or grievances by The Public.
2. It may well be that some complaints or grievances by The Public cannot be readily resolved to the satisfaction of The Public due to their personal preferences, doctrinal persuasions, likes and/or dislikes of music styles or spoken word programming.
3. Nevertheless, it is the desire of Rhema Central Coast management to accept and recognise those differences and/or preferences of The Public complainant, whilst at the same time endeavouring to find common ground for a reasonable conclusion.
4. Should all else fail, The Public do have the facility to lodge an official complaint with the Australian Communication and Media Authority, who will investigate their complaint further.