



# Dealing with Conflict

Even in informal, small-scale groups conflict can arise.

**A planned approach to handling disputes will lead to better resolutions and reduce the fall out for your organisation.**

## Be on the front foot

In many cases, problems between volunteers and the organisations they work for derive from a lack of planning and communication.

As with any human interaction, the potential for conflict increases when people feel taken for granted or misunderstood. By following 'best practice' in volunteer recruitment, training and performance management, you can avoid many potential pitfalls in your relationship with volunteers.

See the *National Standards for Involving Volunteers in Not for Profit Organisations* developed by Volunteering Australia.

## Be prepared

Prevention is obviously the best medicine. But you will be best placed to deal with disputes that do arise if you take a planned approach to conflict management. This means thinking ahead to how you might deal with a problem and documenting your **policy and procedures**.

You should begin by referring to the rules, constitution or other policies of your organisation to ensure you meet your stated obligations (see over).

You should then consider:

- who will deal with the issue at its initial stages and if the issue escalates
- whether, how and at what point the issue will be formally documented
- what resources you can call on for mediation – particularly in a small organisation
- timelines for each stage of the conflict management process
- how you will maintain confidentiality and limit repercussions for the parties involved.

## Handle with care

Serious disputes can have a broad impact. As well as those directly involved you should anticipate the effect of conflict on others around them: other volunteers, paid staff and even clients.

How you handle a dispute could have long-term repercussions on morale among staff and volunteers and—if the affair becomes public—on your public image and ability to recruit volunteers in future.

Put some thought into appropriate ways to deal with the fallout from conflict: perhaps speaking individually to team members, or raising the issue at a team meeting.

## Volunteer with rights

Volunteering practice is not regulated by law like paid employment. But the standards below are accepted as best practice in Australia.

According to these standards, a volunteer has the right to:

- information about the organisation you are volunteering with
- a clearly written job description
- know to whom you are accountable and to whom you should report
- be recognised for your contribution and as a valuable member of the team you are part of
- be supported and supervised in your role
- a safe and healthy workplace
- be covered by insurance
- say 'no' if you are being exploited
- be reimbursed for any out-of-pocket expenses you incur
- be advised of all relevant organizational policies that affect you in your role as a volunteer
- be informed and consulted on all matters affecting your work
- be made aware of the organisation's grievance procedure
- access to orientation and training.

## What you must do

Depending on the way your organisation is structured, you may be under legal obligation to have a declared policy and procedure for managing grievances. If so, you must follow the processes outlined, or risk penalties imposed by the regulating body.

### Incorporated associations

The new *Associations Incorporation Reform Act 2012* sets out specific requirements for an association's grievance procedures. Previously, this process was governed by a grievance procedure the organisation itself came up with.

An association's grievance procedure must now provide an opportunity for everyone involved in the dispute to be heard, and for there to be an unbiased decision maker appointed to resolve the dispute.

### Companies limited by guarantee

The grievance and dispute management requirements for companies depend on the details of their structure. **Check your constitution** before you act.

### No legal structure

There is no regulatory requirement for managing disputes if you are **unincorporated**. But it is still a good idea to have a plan to give you the best chance of resolving the matter privately.

If this is impossible, the only recourse for members with a grievance is civil action and – without the protection of a legal structure – individuals might be open to being personally sued.

## Dismissing a volunteer

In rare cases an organisation may need to ask a volunteer to leave. You should develop a policy on dismissal to guide your actions in this event, before the need arises.

As well as any regulatory requirements that might apply (see above) the policy and procedures should detail:

- what behaviours or actions result in dismissal
- processes that will precede the decision to dismiss, e.g. warnings, counseling, further training or reassignment
- who will be involved in the process, e.g. senior staff, board members
- options to appeal the decision
- how dismissal will be conducted, e.g. in person, in writing.

### Outside involvement

There is no single body responsible for intervening in volunteering conflicts. Volunteers or organisations who make the decision to take their dispute to an external body have three options.

#### Mediation

The Dispute Settlement Centre Victoria can provide mediation services. Note that participation in mediation is voluntary; the mediator is there to guide negotiations and cannot rule on the matter.

#### The Regulator

Depending on an organisation's legal structure there may be cause to involve the regulator – for example, Consumer Affairs Victoria, which regulates incorporated associations.

#### Court

Civil action through the courts is an option. But it is a stressful, time consuming and expensive one; Volunteering Victoria recommends you think it over and get legal advice before proceeding down this path.

*Volunteering Victoria is the state peak body for volunteering. We provide support to volunteers and not for profit organisations, and represent the interests of volunteering in Victoria.*

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### More information

**Volunteering Australia's Subject Guide:** *Dealing with conflict and grievances when managing volunteers*

**Dispute Settlement Centre of Victoria** – [www.disputes.vic.gov.au](http://www.disputes.vic.gov.au)