

# 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 Volunteer Involvement in Not for Profit Organisations developed by Volunteering Australia.

## Be prepared

Prevention is obviously the best medicine. However, 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.

## You should then consider

- who will deal with the dispute 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 assistance – particularly in a small organisation;
- timelines for each stage of the conflict management process; and
- how you will maintain confidentiality, privilege 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. If the details of the conflict become public, it could impact 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 issues at a team meeting before they escalate.

## Volunteer with rights

Volunteering practice is not regulated by law in the same way as paid employment, however, the standards set out below are accepted as best practice in Australia.

A volunteer has the right to:

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

- be made aware of the organisation's grievance procedure;
- a right to privacy;
- an opportunity to provide feedback; and
- access to relevant information, 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 *Victorian 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 developed.

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 or articles of association before you act.

### No legal structure

There is no legislated requirement for managing disputes if you are unincorporated. However, 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 limited liability 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 can result in dismissal;
- processes that will precede the decision to dismiss, e.g. warnings, counselling, further training or reassignment;
- who will be involved in the process, e.g. senior staff, board members;
- options to appeal the decision; and
- 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 a dispute to an external body generally have three options.

#### 1. Mediation

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

#### 2. The Regulator

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

#### 3. Court

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

**More information:**

<http://www.disputes.vic.gov.au/>

<https://www.volunteeringaustralia.org/policy-advocacy/best-practise/>

[http://www.nfplaw.org.au/results?search\\_api\\_views\\_fulltext=volunteer%20disputes](http://www.nfplaw.org.au/results?search_api_views_fulltext=volunteer%20disputes)

*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.*

Ph: 03 8327 8500

Email: [info@volunteeringvictoria.org.au](mailto:info@volunteeringvictoria.org.au)

2/491 King Street, West Melbourne VIC 3003 [www.volunteeringvictoria.org.au](http://www.volunteeringvictoria.org.au)

ABN 79 378 017 212

*Volunteering Victoria is endorsed as a Deductible Gift Recipient (DGR)*

© Volunteering Victoria 2018.

Published March 2018.

*Volunteering Victoria is unable to provide legal advice and this information should not be relied upon as a substitute for legal advice. For guidance on obtaining legal advice visit <https://www.nfplaw.org.au/>*