



AFP National Guideline on Conflict Resolution

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*****Note that this document requires review. Contact Dave Ellerman or Cath Grassick for more information. *****

For this subject area, check out these corporate tools as well: Disputes Resolution Procedures (CA Attachment 3)

[Disclosure and compliance](#)

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

Policy Statement

AFP managers and personnel, in co-operation with the AFPA, are committed to the continuous improvement of our organisation, including the establishment and maintenance of a considerate and harmonious workplace. As part of this process, the establishment of a workplace culture which allows the development of amicable and productive working relationships is encouraged.

This includes a commitment to recognising and valuing individual differences and cultural diversity, including differences in knowledge and skill as well as differences in race, sex, ethnic background, social origins, economic and family status, religious beliefs, political opinions and mental and physical abilities.

The objectives of this policy are to establish and maintain a culture within the AFP where conflict is treated seriously, sensitively and confidentially; where conflict is resolved within the immediate workplace (ie. line management level) as far as possible and where all reasonable efforts are made and appropriate action taken to resolve the conflict matter informally in the first instance. Consistent with this approach, a conflict matter should only become a "formal grievance" if it still cannot be resolved after genuine attempts have been made to do so informally or it is inappropriate, due to the serious or sensitive nature of the matter, to review the conflict situation informally.

Workplace harassment is one form of workplace conflict which is unlawful. Separate guidelines are available on this.

This policy should be read in conjunction with relevant legislation, including the AFP Act and AFP Regulations, as well as relevant orders, instructions or any other guidelines which may be appropriate to the circumstances of a particular conflict.

The following key principles and associated guidelines have been developed, in conjunction with the AFPA, to assist AFP managers and personnel with how best to deal with conflict situations.

Conflict Management: Information for AFP Managers

(including team leaders and team co-ordinators)

Key Principles

Your Responsibilities as a Manager

- foster an harmonious working environment where positive working relationships are encouraged and individual and cultural differences are recognised and valued.
- set the example for workplace relationships by your own behaviour.
- actively prevent situations leading to conflict or grievances, including harassment and sexual harassment, rather than wait until someone complains.
- deal swiftly and appropriately with instances of inappropriate workplace behaviour, conflict or harassment.
- ensure that AFP personnel understand what harassment is, including sexual harassment, and that they are unacceptable forms of behaviour.
- demonstrate sound conflict management and harassment prevention skills as well as adherence to the AFP's stated values.
- ensure that, wherever possible, conflict situations are resolved informally.
- ensure that situations not resolved informally are quickly and carefully dealt with in the most appropriate manner and not left to become inflamed.
- be aware of your obligations under General Orders 5 and 6 which require complaints or allegations concerning the conduct, misconduct and behaviour of AFP personnel to be referred to Internal Investigations or Internal Security and Audit.
- if necessary, seek advice from Professional Development.

Informal Conflict Management

This should be the first approach because it

- can prevent escalation, loss of productivity and other costs to the AFP.
- can resolve a situation without the need for formal grievances or other avenues.
- can re-establish respect and good working relationships and thereby make your workplace easier to manage.

Techniques of Informal Conflict Management may include

- making it clear, through for instance counselling a person on certain behaviour or taking a public stand on that behaviour, that some forms of behaviour are unacceptable.
- facilitating the parties to resolve their own differences through mediation, assistance from the Australian Federal Police Association or assistance through the Employee Assistance Program service provided by EASACT Davidson Trahaire.
- establishing what is the real concern - it may arise from personal factors, embarrassment, cultural differences or general misunderstandings.

Formal Grievance

This should be the last approach if

- the matter still cannot be resolved after genuine attempts have been made to resolve the conflict situation informally; or
- it is inappropriate, due to the serious or sensitive nature of the matter, to review the conflict situation informally.

Conflict Resolution: Information for AFP Personnel

Key Principles

Your Responsibilities as AFP Personnel

- contribute to the maintenance of an harmonious working environment where positive working relationships are encouraged and individual and cultural differences are recognised and valued.
- take responsibility for your own conduct and personal behaviour and ensure that it is of an acceptable standard within the AFP.
- act in accordance with the AFP's stated Values.
- respect other viewpoints.
- raise matters of concern as soon as possible.
- as a first approach, genuinely attempt to resolve the conflict situation on an informal basis.
- where appropriate, seek assistance from the Australian Federal Police Association or seek assistance or counselling from EASACT Davidson Trahaire to help resolve a conflict situation.
- if you are being harassed in your working environment - explore your options or rights by speaking to a Sexual Harassment Contact Officer, by speaking to someone else you believe can help or by referring to the AFP Equity and Diversity Program.
- if necessary, seek advice from Professional Development.

Your rights as AFP Personnel

- to express your concerns; to have your concerns listened to and to expect that appropriate action will be taken.
- wherever possible, to be involved in the conflict resolution process.
- to work in an environment which is free from intimidation, threat, humiliation and harassment, including sexual harassment.
- to lodge a formal grievance if a matter still cannot be resolved after genuine attempts have been made to resolve the conflict situation informally, or it is inappropriate, due to the serious or sensitive nature of the matter, to review the conflict situation informally.

AFP Formal Grievance Procedures - Guidelines

1. Introduction

These guidelines provide AFP personnel with details on how to have a matter **formally** reviewed.

A matter can only be formally reviewed if:

1. it still cannot be resolved after genuine attempts have been made to resolve the conflict situation informally; or
2. it is inappropriate, due to the serious or sensitive nature of the matter, to review the matter informally.

2. Matters excluded from a formal review under these procedures

The scope of matters which are excluded from a formal review under these procedures include:

- complaint or allegation of conduct, misconduct or behaviour of AFP personnel (where there is doubt as to whether a matter should be formally referred to Internal Investigation or Internal Security and Audit, advice should be sought from those areas).
- an issue where there is a separate internal or external right of review.
- a matter which has previously been considered by the AFP Review Panel.
- an issue which falls outside the AFP's jurisdiction.
- a new appointment, a reappointment or a non-reappointment.
- a transfer matter.
- where the application to decline a transfer under AFP Regulation 17 is refused or where a promotion under AFP Regulation 22 is cancelled.
- determination of conditions of service by the Australian Industrial Relations Commission or the Commissioner of Police under section 30 of the AFP Act (this does not include the application of the conditions of service).
- annulment of appointment while on probation.
- dispensing of an AFP temporary employee's services.
- terms and conditions of a consultancy agreement made with the AFP.
- a matter where legal or similar proceedings have been or are proposed to be instituted.
- a promotion.

3. Lodging a formal grievance

A written formal grievance can be submitted to either:

1. the person who is responsible for causing the person to be aggrieved; or
2. another person who the aggrieved person considers is able to assist in resolving the grievance.

A written formal grievance should include:

- a statement to the effect that the documentation is a formal grievance.
- details of what has happened and why the person is aggrieved.
- details of informal action taken or why such action was not considered appropriate.
- the expected outcome sought to resolve the grievance.

4. Responsibilities of a person receiving the formal grievance

- where the person receiving the formal grievance is not able to assist in the resolution of the grievance, the grievance should be referred to a person who can assist, subject to the aggrieved person's consent.
- respond promptly.
- ensure all reasonable efforts have been made and appropriate action taken to resolve the conflict informally.
- wherever possible, assist the parties involved to resolve the grievance.
- provide regular feedback to the aggrieved AFP person on the matter.
- ensure that the aggrieved person is not victimised or disadvantaged as a result of the grievance.

- ensure that any action taken is lawful and consistent with natural justice principles and fairness and equity principles.
- provide the aggrieved person with copies of documentation used in the grievance process, except for documents which concern security matters, invade the privacy of any other person or medical reports which may be harmful to the aggrieved person.
- where the matter is resolved to the aggrieved person's satisfaction, formally noting the solution and filing the matter separately from the aggrieved person's personnel file.
- where the matter is not resolved to the aggrieved person's satisfaction, providing advice that the matter can be reviewed by a final decision maker.

5. Final decision maker

The final decision maker shall be:

- where it is alleged that a Deputy Commissioner is the cause of the grievance - the Commissioner of Police or nominee;
- where it is alleged that the General Manager of an Operational Area/Area is the cause of the grievance - the appropriate Deputy Commissioner or nominee;
- in all other cases - the General Manager of an Operational Area/Area or nominee.

6. Responsibilities of a final decision maker

- where the final decision maker is satisfied that a grievance has been addressed appropriately at the informal and formal stages, review the grievance and make a decision to finalise the matter.
- where a final decision maker is unable to review the grievance, he/she can nominate a grievance review officer who is impartial, unbiased and who has previously not been involved in the case, to review the matter and provide a grievance report with recommendations on appropriate action to be taken.
- where a grievance review officer is nominated to review the grievance, the final decision maker is not bound by his/her recommendations.
- provide the aggrieved person with grievance documentation and give him/her an opportunity to make comments on the documentation prior to making a final decision on the matter.
- ensure that all parties involved in the grievance process are advised of the outcome of the grievance and that any follow-up action is carried out.
- ensure that any action taken is consistent with natural justice principles and fairness and equity principles.

7. AFP personnel with a common grievance

Where aggrieved AFP personnel have a common concern, a joint formal grievance can be submitted. Where this occurs:

- a representative will be nominated to represent the group during the grievance process and all dealings will be conducted through that representative.
- the joint formal grievance will specify the names of all the aggrieved AFP personnel and be signed by each aggrieved person.
- the decision made in respect of the joint formal grievance will be binding on all aggrieved AFP personnel within the group.

- where an aggrieved person is part of a joint formal grievance, he/she forfeits the right to submit an individual grievance on that matter.

8. Grievances To Be Resolved Prior To Termination Of Employment

Wherever possible, formal grievances will be resolved prior to the termination of employment of the aggrieved person. However, where the aggrieved person terminates employment with the AFP prior to the resolution of a grievance, the grievance matter shall lapse.

It is the responsibility of the aggrieved person to advise he/she will be terminating employment on a given date and that he/she would like the grievance resolved prior to that date.

9. Assistance/representation during grievance process

At any time during the formal grievance process assistance can be sought from the Australian Federal Police Association, including:

- seeking advice from the AFPA.
- requesting that an AFPA representative accompany or represent the aggrieved person, in his/her presence, during discussions on the matter.

At any time during the formal grievance process the aggrieved person may be accompanied to discussions on the matter by a companion, including a work colleague, friend, relative, interpreter or any other person provided the companion is not a legal representative.

The aggrieved person may however seek legal advice on the matter if he/she thinks such advice is necessary.