



**An Interactive Guide for  
Leaders:** Resolving conflict  
and promoting a respectful and  
collaborative workplace

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# INTRO- DUCTION

**Your role as a Leader is integral to achieving a respectful and collaborative workplace that is characterised by strong communication and effective relationships. Conflict is an inevitable part of working life. It can and should be positive.**

**You don't want communication within your team to be sterile and your team to lose the freedom and desire to challenge processes and thinking.**

To develop a community of respect and trust within your team, your role as a Leader is to empower your team members to challenge one another, conflict in a healthy way and resolve the conflict should it start to move to an unhealthy state.

Developing a facilitative culture within your team will prevent sterile communication that stifles innovation or worse, causes dissatisfaction and frustration that eventually erupts. Leaders are required to identify concerns and conflict within their team early and support and manage its resolution.

Good management of workplace concerns and conflict can prevent minor workplace issues escalating into more serious matters, thereby reducing the impacts on employees and their teams.

**Empower healthy conflict**

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# WHAT TO DO

## **Good Leadership is about empowering your team members to resolve concerns and conflicts themselves.**

This guideline promotes a risk management approach to resolving workplace concerns or conflict. It promotes the resolution of workplace concerns and conflict through consultation, cooperation and collaborative discussion as close to its source as possible. It promotes the early resolution of concerns through healthy workplace behaviours which contributes to the achievement of a positive workplace culture.

When managing the resolution of workplace concerns or conflict you should consider the workplace environment and the employee's concern or conflict in a broader context. This will assist you in understanding what environmental or systemic factors may have contributed to the concern or conflict. Identifying these factors assists you to identify risks for future concerns or conflicts and address those underlying causes through implementing control measures now in order to prevent further situations.

## **A Leader's role in a workplace concern or conflict in their team**

All workplace concerns and conflicts must be treated sensitively and seriously and should be acted on promptly.

As a Leader you have the responsibility to not only respond to an employee who raises a workplace concern or conflict but also to monitor the team to identify if a concern or conflict is sparked before it is raised with you and respond accordingly. Identifying workplace concerns or conflict early and managing them in a timely and effective manner, best places you and your team to achieve a respectful and collaborative workplace which is built on strong communication and relationships.

All employees involved in a workplace concern or conflict have rights and responsibilities as part of the process. As a Leader, you should ensure the employee raising the concern or conflict understands their rights and responsibilities. The employee may not be aware of the organisational procedure for resolving workplace concerns or conflicts available to them.

## **Your role is to discuss the procedure and pathways with the employee in order to assist them in identifying the most appropriate way forward to resolving their concern or the conflict and to identify the next steps.**

The concern or conflict may be in its early stages and your role is then to assist the employee to manage the resolution in the most informal and simple manner.

Often managing workplace concerns can be time consuming and there is a tendency to hope that if nothing is done they will simply go away. This is inevitably not the case. Often if a matter is left untended it can lead to a bigger problem that becomes even more difficult to resolve. The most effective resolution of a workplace concern or conflict occurs when it is caught early, prior to the conflict or concern escalating.

Workplace concerns or conflicts that you can assist in managing may come from various sources. You might identify it without any employee raising it with you. It may be raised with you by an affected employee or a witness. It may be raised with you verbally or in writing.


When an employee comes to you to raise a concern you should listen, regardless of how trivial the matter may first appear. Allow them the space discuss their workplace concern or conflict with you in a supportive manner without making any indication as to who may be right or wrong in the circumstance. Ensure you remain neutral and objective.

You should discuss the employee's concern or conflict and assist them in identifying a resolution pathway.

Your responsibilities as a Leader is to:

- Act promptly
- Treat all matters sensitively and seriously
- Be neutral
- Support all parties
- Communicate the procedure.

**Listen carefully, let them know the resolution pathways, explain the employee's rights and responsibilities, and help them identify the next steps**



## Hearing it for the first time

### When you are talking with the affected employee about their concern, you should:

- Set aside enough time for a meeting and find a private place where you won't be interrupted
- Let the employee know they can have a support person present
- Do not pre-judge the employee
- Get full information about the employee's concern or conflict. In so doing attempt to unpack their story to hear their perceptions and assumptions in relation to the circumstance together with their expectations. Gain information on the behaviour that is of concern. Attempt to identify the employee's interest, needs and concerns in relation to the workplace situation. Search to discover the issues and underlying cause of the conflict or concern. Attempt to understand how they perceive the concern or conflict has impacted or affected their values or belief system. This will help you understand why the concern or conflict is so important to them. Also seek to understand how the situation has impacted their ability to conduct their work
- Discuss with the employee the impact that the concern or conflict is having on them and their work
- Ask the employee to consider what the other person might say about the concern or conflict
- Ask the employee how they see the concern or conflict being resolved
- Ask a series of questions to see if the employee is prepared to take responsibility for the resolution of the matter, rather than you just fix it for them. For example:
  - » What would you like done in the process to resolve this concern or conflict?
  - » What would you think is the best way to resolving this?
  - » If you were the person who the matter was being raised about, how would you like it handled?
  - » Do you feel you can make a change to this situation by altering your approach? Is there any benefit in you talking directly with 'x'?

### Independence, unpack the story, and coach.

- Be sure to write down all the information as this will form part of your file note
- Explain to the employee how the organisational procedure for resolving workplace concerns and conflict works and explore with the employee options and alternatives within the resolution pathways. Where appropriate, encourage and support the employee in using the Self Help Pathway early and as a first step.
- Begin to commence the change paradigm within the employee and identify what can be done by them to craft a change to resolve the workplace concern or conflict. Help them take responsibility and the initiative to accelerate the change.
- Assist the employee in determining which is the most appropriate path to assist in resolving their workplace concern or conflict
- Remind the employee about confidentiality
- Consider the employee's wellbeing and mental health and determine whether further action is required by you in order to assist the employee in this respect. Offer the employee assistance support program if it is available or trigger other steps to support the employee, such as reference to the occupational nurse/physician
- If required, seek advice from your one-up-Manager or Human Resources.



Watch the “meeting with the employee for the first time” video here:

[www.peelhr.com.au/video1](http://www.peelhr.com.au/video1)

## Making an assessment

**In order to determine which is the most appropriate resolution pathway to adopt, some assessment of the issues/concerns raised will need to be made by you. The following questions may assist you:**

- Does the matter involve something really serious, such as fraud, corruption or maladministration, theft, or a serious WHS breach?
- Does it involve an interpretation of the relevant enterprise agreement or Award?
- Is the matter potentially violent/and or criminal in nature?
- Does the workplace concern or conflict relate to a work performance issue?

**If the answer to any of these questions is yes, then the matter should not be managed through the pathways promoted in this guideline.**

Resolving workplace concerns or conflicts should not be confused with performance management or disciplinary processes. You should report criminal matters immediately to the next level manager and/or Human Resources.

Does the concern or conflict relate to a serious circumstance harassment, discrimination or bullying? If yes, it is likely you may need to follow a formal resolution pathway. In making this consideration in relation to a concern of bullying, it will be important to understand the employee's perception. While the matter may seem very serious to the employee, it may not be a circumstance of serious bullying.


In determining which resolution process is most appropriate, you need to make an initial assessment by considering the history, frequency, severity, duration and impact of the workplace concern or conflict. The following questions may assist you:

- How long has the employee had the concern or conflict?
- How many people are involved?
- How is the concern or conflict impacting on those involved?
- What action, if any, has been taken (i.e. have they tried the Self-Help Resolution Pathway)?
- What are the expectations of the employee in relation to the resolution?
- Is there a willingness and capability on the part of the employee to resolve their workplace concern or conflict informally?

Workplace concerns or conflicts that have been held for a long time are more difficult to resolve through informal, simple and independent means. Parties involved in long running conflicts can become embedded in their perceptions making the resolution through compromise difficult to achieve.

As a guide, the Leader should seek to have in place a Resolution Pathway to the workplace concern or conflict within 2 days of the workplace concern or conflict being raised.

**History, frequency, severity, duration and impact.**



# assist the resolution

## Should I be the one assisting the resolution?

Where the employee has approached you for assistance with resolving a workplace concern or conflict and your initial assessment has determined it is not related to a performance, criminal, maladministration matter or breach of WHS, you must determine if you are the appropriate person to handle it.

### **You are not the appropriate person to handle it if:**

- You could be perceived as being biased or having a conflict of interest
- The concern or conflict is about you
- You are not the appropriate level of management or
- You don't feel you have the capability to comfortably manage it.

In these situations you should indicate to the employee that you are going to refer the matter to the most appropriate manager or Human Resources.

## OPTION 1 SELF HELP PATHWAY

↓  
did that work  
↓ yes      ↓ no

SUPPORT, ADVICE, ASSISTANCE

## OPTION 2 INFORMAL RESOLUTION PATHWAY

↓  
did that work  
↓ yes      ↓ no

## OPTION 3 FORMAL RESOLUTION PATHWAY

RESOLVED

### Option 1 - Self help pathway

Independent measures towards resolution or an approach to the person with whom the employee has a concern or conflict and engage in a conversation to discuss and address the concern or conflict

### Support, Advice, Assistance

The Leader provides support, coaching and advice to the employee in determining the most appropriate pathway to resolve their concern or conflict.

### Option 2 - Informal resolution pathway

- Options for Resolution
- Leader to talk to relevant person(s) on behalf of employee
- Facilitation
- Mediation
- Administrative Changes
- Changes to Work Practices
- Provisions of training or information.

### Option 3 - Formal resolution pathway

This pathway will involve a formal investigation. This process can cease at any time and return to the Assisted Resolution Pathway.

### Resolved

Follow through on commitments. The Leader should monitor and review the implementation of the action in order to ensure a sustainable outcome has been achieved.





# OPTION 1

## SELF HELP PATHWAY

**Wherever possible, workplace concerns or conflicts should be resolved quickly with minimal formality. This means as simply as possible. In such cases, the emphasis is on ensuring that individual's needs and expectations are met without significant deterioration to the relationship.**

**Your main consideration will be to encourage an intervention that will not escalate the concern or conflict. The best opportunity to resolve a conflict without accentuating or escalating it will be to not activate it.**

That is, for the employee to manage the resolution themselves with simple low key action or intervention which may be able to be taken independently to those they have the concern or conflict with. Your role as a Leader will be to empower and coach them to do this.

The Self Help Pathway allows the employee the opportunity to sort things out on a personal basis. There are two options here:

1. Independent action
2. Discussion involving the person(s) the employee has the concern with.

## *Independent Action*

**As a Leader your priority will be to encourage the employee to take the initial step of considering through their own reflection and action, whether their concern can be resolved without involvement of the person/persons causing them concern.**

This option will involve you assisting the employee to reflect on their concern and checking their perspective with you and/or someone else they trust. A good starting place is to get them to write out their concerns and perception of the working relationship when they have some time, for example, at home.

Getting the employee to write how they are feeling, without the intention of providing it to anyone, will help them get the concerns off their chest. It can be cathartic for the employee. It will also assist as a good starting point for you to understand what's been happening for them (if they are willing to share it) and will help you support the employee to identify the best way forward. Writing out their concerns also helps the employee synthesis their own thoughts and experience.

Talking to the employee about what they have been experiencing and offering an alternative perception may adjust their concern. You can act as a sounding board and assist the employee to see the situation from differing angles. You should try to inject some objectivity into the way the employee is considering the situation. Also, through that process, you may be able to provide the employee with some different interaction techniques that will allow them to craft a change to the relationship they have with the person causing them concern, without having to raise the concern directly.

The employee may be able to resolve the concern by making changes to their own interaction approach or communication style. You might assist the employee to consider their interaction approach and reflect on the other person's interaction approach also.

Together you might develop an action plan of steps the employee could take to better align their interaction approach with the other person(s). The actions could include, for example:

- Providing information and notice to the other person before requesting action
- Reframing their requests
- Arranging regular communication meetings
- Taking steps to connect on a broader level, such as working together on a project, regular offsite discussions if appropriate.

You will be able to call on your own methods and techniques honed over time in interacting with different people in the workplace to coach the concerned employee in self managing the conflict.

## **Self manage**



## *Discussion involving the other person(s)*

If the concern cannot be resolved by independent action, then you may consider encouraging the employee to raise their concern directly with the other person(s) causing them concern. This may be necessary in order to achieve a resolution.

This option provides the other employee(s) involved with the opportunity to take corrective action. Sometimes people do not realise that their actions have affected others and perhaps giving the other person the opportunity to apologise or change their behaviour or actions will be a simple and effective resolution to their concern.

In encouraging the employee to take this option, you will need to consider whether the employee has the capacity to address the concern or conflict directly. In making this consideration, you should account for the employee's:

- Communication style and skills
- The communication style and skills of the other employee's involved
- The employees mental health and wellbeing
- The employee's willingness to resolve their concern or conflict directly.

If the decision is made to pursue this option, you should coach the employee in handling this discussion with the other person(s).

The discussion should occur in a way that doesn't trigger defensiveness or a negative response by the other employee(s). The discussion should occur face to face - notes, email correspondence, voicemail and text messages are not a productive way to resolve concerns.

**In coaching the employee the first step will be to help them consider how they will broach the subject with the other person.**

For example, they might talk with the other person face to face or send them an email to say they would like to have a meeting, describe the purpose of the meeting broadly mentioning the concern in a non-judgmental and unemotional manner.

This will allow the discussion to occur at an appropriate time and place with sufficient time to discuss the concern properly. It also provides the other person with notice of the concern so they don't feel trapped.



be specific  
in your  
statements

**In the discussion itself, you could consider the following when you are coaching the employee to have the discussion with the other person(s):**

- Describe the specific behaviour or circumstance that is causing concern E.g. "When you....."
- Describe the affect the behaviour or circumstance is having on them or their work E.g. "I feel....."
- Give the other person the opportunity to ask questions and respond
- State the preferred approach E.g. "What I would prefer is/Please do not do it again.....".

For example this would look like:

*Jim, you regularly come into my work area and take the equipment I am using for the job I am working on which means I get behind in my work when I am looking for where it has gone.*

*I would prefer it if you could just ask me before you take anything so I know where my equipment is.*

**Encourage the employee to be specific in their statements, so that no doubt is left in the other person's mind as to what exactly is being objected to and what is needed in future to avoid concern again.**

**It is also helpful to remind the employee to use neutral language and be open to the response given by the other employee(s).**

They should try to appreciate the other person's point of view, without necessarily agreeing with or excusing their behaviour.

Always Filenote the discussion you have with the employee and the actions which have been agreed.

You should ask the employee for feedback after they have undertaken the Self Help Pathway to allow you to understand whether further action is required. Try to get a commitment to a timeframe for the employee to take action and come back to let you know how they progressed.

At this point, it is important to ensure there is momentum in the resolution process and it is not left as being too hard for the employee. There is now a responsibility on your part to ensure resolution is. If it eventuates that the employee decides not to pursue the discussion, you should encourage them to consider another pathway.



**Watch the “coaching to use the self help pathway” video here:**  
[www.peelhr.com.au/video2](http://www.peelhr.com.au/video2)

**Getting the right words**

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**OPTION 2**

# INFORMAL RESOLUTION PATHWAY

**As a Leader you may take either of the following approaches from this point forward.**

That is, you may:

- Be actively involved in managing the Informal Resolution Pathway with the employee, for example, conducting the Facilitation
- You may refer the employee's concern or conflict to a member of the Human Resource team or appropriate one-up manager to triage the concern or conflict. That person will then manage the resolution of the workplace concern or conflict with the employee.

**It is important to remember that should you not manage the resolution pathway, you should still be actively involved in supporting the employee in the team and workplace and keep apprised of the pathway to resolution which has been adopted.**

If you have identified the Informal Resolution Pathway as the best option, consider whether further steps are necessary before these options can be progressed. For example:

- Any additional information that may be required, such as the underpinning organisational documents
- Any additional support which may need to be provided to an employee in order to ensure their capacity to participate in resolution pathways. This action may determine that a medical assessment is necessary in order to ensure the employee's ability to safely participate in further processes or identify support/ accommodation that could be considered to assist the employee to participate in further processes. The employee may benefit from seeking counselling support through the organisational employee support program if available to them, prior to embarking on further steps towards resolution.
- Additional meetings may be necessary to assist the employee in preparing for further action.

**When you commence talking with the employee(s) who the concern or conflict relates to, ensure you provide support to them also.**

This requires a focus on confidentiality (in relation to the information provided to you by the person raising the concern) and sensitivity.

It is important that you treat all employees involved with respect and professionalism. In the discussions, you must demonstrate your ability to be impartial.

There are numerous Informal Pathway options and most of them are designed to resolve concerns or conflicts through dialogue that is informal and involves the direct parties to the concern or conflict. The Informal Pathways are no-blame approaches to resolving the concern or conflict.

One or many of the Informal Pathway options can be used to attempt to resolve the concern or conflict. That is, if you encourage the employee to try one and a resolution is not achieved, then try another option. Don't immediately progress to the Formal Pathway.



Let's  
resolve this  
conflict

## *Conflict and communication coaching*

**In circumstances where the employee may wish to pursue an Informal Resolution Pathway but requires some support in their communication skills or gaining insight into the conflict prior to doing so, benefit may be achieved from conflict or communication coaching. Conflict and communication coaching may also assist the employee in responding to future workplace concerns or conflicts.**

It is possible that the Conflict Coaching will resolve the concern or conflict for the employee by giving them techniques to respond to, or manage, the situation differently. Just like the Independent action outlined in the Self Help Pathway, using Conflict Coaching may result in the other person(s) not needing to know about the concern or conflict.

It may be necessary to complete a program with a conflict coach prior to embarking on one of the Informal Pathway options, for example, a mediation process. It may assist the employee in better understanding their concern or conflict, diffuse any negative emotion and identify potential solutions they could seek in a mediation.

Your organisation may be able to assist you with identifying an accredited conflict coach who can support the employee.



## Team initiatives

**You may consider that rather than be active in the particular concern or conflict, a resolution may be better achieved by a broader spectrum approach such as implementing other development initiatives or training.**

Alternatively, you may have assessed that the workplace concern or conflict may impact the whole team, or, while an individual is experiencing the concern or conflict others in the team have experienced them at different times as well. In these circumstances it may be more effective to work with the whole team rather than working on the individual concern or conflict in a focused way.

### **The types of team initiatives you might consider could include:**

- A team workshop to discuss concerns, team integration, team performance and team interaction. The workshop might identify values and standards of behaviour appropriate to the team. It might use a team profiling exercise, individual communication profiling or a team collaboration exercise to establish a team charter and above and below the line behaviours particular to the team
- Individual, work group or business unit wide training on such matters as communication skills, diversity awareness, conflict resolution, assertiveness and influencing skills, healthy conversations or bullying and harassment awareness

## Facilitation

**Facilitation is a process whereby the Leader is actively involved in attempts to secure a resolution between the employees without the use of more formalised procedures.**

There are two options:

- You may shuttle the discussion between the employee and the employee(s) they have the concern or conflict with, that is, you do not all sit together
  - You may convene a meeting of those directly concerned, that is, a facilitated discussion.
- Dissemination of information to the team to support the resolution of the workplace concern or conflict. For example, initiate a communication program or awareness update relating to relevant policies, procedures or work practices to increase awareness of appropriate workplace behaviours or to reinforce the organisational standards and expectations
  - Developing communication protocols
  - Establishing in your team meetings a standing item on team communication or team well-being
  - Minor variations to administrative or work practices or making appropriate workplace adjustments could provide a solution to the workplace concern or conflict. For example, temporary changes to work hours, job or task rotation; allocation of additional resources; establishment of structured work plans.

These initiatives may assist in operating simultaneously or concurrently with other Informal Resolution Pathway options. In lower level or minor concerns, a selection of these initiatives may be pursued.

## Teamwork



## Shuttle discussions

**You may decide with the concerned employee that the best path forward is for you to relay the concerns or detail of the conflict to the other employee(s) involved and attempt to find a resolution.**

As a Leader you will talk to the parties individually in order to get a clear understanding of their issues and concerns and the responses to those concerns. It will then be necessary for you to move to considering the action items or possible solutions to the concern or conflict and similarly shuttle that discussion between the employees concerned.

You may liaise between the parties for the full discussion leading to resolution or only part of the discussion. For example, it may be helpful for you to relay the information between the employees about the concern and response to the concern only, then bringing everyone together in a meeting to identify actions for resolution.

This process is helpful when the concerned employee does not have the capacity and/or capability to engage in the discussion themselves or with you in attendance. These are the steps you would follow in managing the discussion.

### Step One: Gain Clarity

**As mentioned above in 'Hearing it for the First Time', you should gain a detailed understanding of the employee's conflict or concern and their desired resolution.**

You should go about this with the philosophy of trying to gain an understanding of the employee's perspective, not to prove or disapprove whether the concern or conflict occurred. You should also gain detail of the employee's desired actions for resolution, being both what they are willing to do to achieve a resolution and what they seek from the other party to achieve a resolution.

Gaining the information will allow you to present the information to the other party(s). It is important to be clear that you have the employee's permission to pass the information on to the other party(s) and remind the employee of the importance of confidentiality.

### Step Two: Provide Feedback

**The Leader should arrange to meet with the other party(s) individually and put forward the concerns, conflicts and proposed resolution as presented to them.**

It is vital that the Leader reminds the party(s) that they are only presenting the information put forward by the employee and that they remain objective and impartial to the concerns and conflicts raised. That is, they have no view about who or what is right or wrong but are instead trying to respond to each person's interests and perceptions to find an appropriate, reasonable and sustainable resolution.

The Leader should provide the party(s) with the opportunity to provide feedback or their thoughts on the information presented and should work with them in attempt to reach an agreed resolution that can be taken back to the concerned employee.

### Step Three: Reach a Resolution

**The Leader should arrange to meet with the concerned employee to provide feedback as presented by the other party(s).**

The discussion should be focused on reaching a final resolution that is appropriate, reasonable and sustainable. The agreement may not be the ideal resolution for either party but it must be mutually acceptable to all involved.

An agreement should be confirmed in writing in a simple way setting out the commitments made by the employees. The written agreement ensures the employees understand what they have committed to and they are accountable for acting on the commitments.

You should monitor the agreement at regular intervals in the future to ensure the agreement is sustainable and the employees have implemented the actions.

**Transfer the information, be objective, impartial and confidential**

# don't forget

**In generating the solutions, it is important that you act as a sounding board to the employee to test their proposed solutions.**

You should be looking to test whether they are realistic, likely to be acceptable, are operationally feasible and sustainable. It is important that should an employee not be able to generate solutions by themselves, you assist them by suggesting possible solutions for them to consider.

Remember a file note of the shuttle discussions and outcomes should be taken by you. It is also important for you to remember the following:

- Ensure you only provide the information the employee raising the concern or conflict has authorised you to divulge in the shuttle discussion
- Attempt to work through to a proposed solution to the concern or conflict in the shuttle discussions however it is important to remain impartial and objective. You are presenting information on behalf of the employee but not indicating whether the circumstance is right or wrong
- The proposed solution/outcomes should be taken back to the employee by you.

## Facilitated discussions

**When a Leader facilitates a meeting between the employee who raised the concern or conflict and the other employee(s) involved, the steps you should take are as follows.**

### 1. Set the scene

### 2. Gather information

### 3. Agree on the problem

### 4. Brainstorm the solution

### 5. Decide and agree on the solution

## Step One: Set the Scene

Open the facilitation by establishing the ground rules. The ground rules should be appropriate to your organisation and team. Some example ground rules are:

- Everyone is to conduct themselves during the discussion in a respectful manner. This means only one person speaks at a time. Everyone will have an opportunity to speak and will genuinely listen to each other's questions and responses
- Advise each employee they will have an opportunity to talk about their concerns
- Everyone has responsibility to contribute to solving the problem(s). The aim of the meeting is not to prove or disprove whether the concern or conflict occurred but for the employees to agree on a mutually acceptable outcome
- When providing negative feedback the onus will be on that person to raise a proposal for overcoming the negative impact or providing an alternative approach
- The discussion should remain confidential and not be shared with any other person in the workplace or who is associated with the workplace. Of course, employees can talk with their support people in relation to the facilitation provided the support person is not associated with the workplace.

## Step Two: Gather Information

Raise the topic(s) of concern or conflict and ask each employee to comment on the topic in terms of how they feel or perceive the circumstance and its impact on their work. Let them know you respect their opinions and need their cooperation to solve the problem. If there is more than one issue, work through each issue one at a time.

As the meeting facilitator you need to ensure you are:

- Actively listening
- Asking questions to unpack the topics.

Be sure to encourage the employees to:

- Focus on the work topic and leave personalities out of the discussion
- Listen with empathy and see the conflict from each person's point of view
- Identify concerns clearly and concisely
- Use "I" statements to contribute to the dialogue
  - » "What I observed is....."
  - » "I appreciate how you must be feeling, can you see it from my perspective...."
- Remain flexible.

You should work to clarify feelings and concerns being raised by the employees. You should attempt to detoxify the points raised by the employees by changing them to neutral statements and identifying the concern underlying their statements.

You might make comments like, "What I am hearing you tell us is that you feel....", or, "When you say you are overlooked, does that refer to the value you think Robert attaches to team members".

### Step Three: Agree on the Concern

You should get the employees to agree on the concerns they are trying to solve before they can find a mutually acceptable solution.

Sometimes different people will see different but interlocking problems. It is important that you clarify with the employees a common perception of the problem, but if that cannot be achieved then, at the very least, establish an understanding between them about how they each view the concern.

### Step Four: Brainstorm Possible Solutions

Encourage the employees to identify possible solutions. Work through these in the meeting without imposing any solution on the employees or making any indication of who is right or wrong in the circumstance. The pros and cons of each solution should be discussed so the employees fully understand what they are proposing.

### Step Five: Decide and agree Solution

At the end of this stage there should be a number of solutions that seem to be likely ways to effectively move forward in a positive way. These may not be an ideal solution for either party – but they should be mutually acceptable.

Once the employees identify a solution, get into the detail of the solution. What are the employees actually committing to. What does it look like, how will they know when they achieve it, what are the challenges to it being sustainable and does anyone else need to know about the commitment. Importantly, ensure that the commitment is operationally feasible – can it be achieved and is it going to integrate with their working requirements.

Talking about the solutions in this level of detail is aimed at ensuring the employees completely understand what they are committing to and appreciate that, once agreed, they will be accountable for adhering to the commitments.

If the employees are unable to reach agreement or generate solutions, a Leader could assist the employees in discussing the issue and identifying possible solutions.

The agreed solutions should be committed to in writing and signed by all the employees involved.

Remember a file note of the facilitation outcomes should be taken by the Leader.



**Watch the “facilitated discussion” video here:**

[www.peelhr.com.au/video3](http://www.peelhr.com.au/video3)



## *Mediation*

**Mediation is a voluntary and confidential process where an appropriately skilled mediator assists the employees to identify and isolate concerns or conflict between them with the aim of identifying possible options to resolve the workplace concern or conflict that is encapsulated in a Mediation Action Plan.**

Leaders should be aware that it is not always appropriate to mediate. It is not appropriate to mediate particularly in cases of serious matters such as sexual harassment, predatory bullying or where there is not enough goodwill between the employees to wish to arrive at a compromise outcome.

If the employee agrees to participate in mediation, the Leader should refer the workplace concern or conflict to Human Resources if appropriate who will be able to assist in progressing the mediation.

Where a mediation is managed internally it is critical that the mediator is appropriately skilled and impartial to the parties and the topic area. Confidentiality is paramount when mediating.

It is important to remember, you will still have a role in ensuring accountability and sustainability of any outcome of a mediation, if one is secured. Your support to the employees in implementing their Mediation Action Plan, your ongoing monitoring of adherence to the action plan and identification of further risks to a concern or conflict arising, is also critical.

## *What happens when a resolution is achieved in the informal pathway?*

**As a Leader it will be your responsibility to support the employees to implement the agreements achieved through the informal pathway and monitor the ongoing working relationship.**

You should follow up all employees involved a short time after the informal intervention to ensure the commitments they made are being adhered to. It may be necessary for you to do something more formal, such as, arrange a meeting with the employees to formally review their commitments and ongoing working relationship.

**Follow up is critical**

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## What happens if there is no resolution from the informal pathway?

**If the Informal Resolution Pathway has not achieved a successful outcome, you should talk with the employee about trying another Informal Pathway intervention before progressing to the Formal Resolution Pathway. Exhaust as many informal options as the employee is willing to try before escalating the concern or conflict. There is no 'one bite of the cherry' rule.**

If the Informal Resolution Pathway cannot achieve an agreed outcome, as the Leader you may need to explain to the employee the process of a formal investigation, what is involved and the potential outcomes.

If the Informal Resolution Pathway has not achieved a successful outcome and the employee is reluctant to pursue the Formal Resolution Pathway, depending on the individual circumstances, the Leader may still give consideration to responding at their own initiative.

For example, if the situation is not improving or is getting worse this may constitute a significant workplace risk and some action will be necessary. If the employee's agreement and involvement cannot be secured, when the risk is great, the Leader will have the responsibility to take action autonomously. It will not be sufficient to not intervene.

While this situation will need careful consideration. It may be possible to discuss a potential organisational response with the employee in the context of the Leaders responsibility to ensure a safe workplace. Such response may include:

- Reissuing or reinforcing policies
- Providing refresher training on the policy issues arising from the policy specifically
- Making appropriate workplace adjustments.

While not preferred, if the workplace risk is significant enough the Leader may need to take a further response without the employee's agreement.

## Record keeping when informal resolution pathways are taken

**If an Informal Resolution Pathway has been followed, only limited records will need to be collected, as the workplace concern or conflict will have been resolved informally.**

These records will need to identify the person raising the concern or conflict, the nature of the concern or conflict, the other person(s) involved, the action taken to resolve the concern or conflict and how the concern or conflict has been resolved.

**A Record Keeping pro-forma is included - Refer to Attachment 1.**

This document should be used to record an Informal Resolution Pathway.

Records relating to Informal Resolution Pathways must be kept confidential. Once the workplace concern or conflict has been resolved the outcome agreement should be retained in a restricted access file.

No information relating to a workplace concern or conflict resolved through an Informal Resolution Pathway should be placed on an individual's personal file.

**Try and try again**





**OPTION 3**

# FORMAL RESOLUTION PATHWAY

**If the Informal Resolution Pathway has not achieved a successful outcome or it is deemed, due to the nature of the workplace concern or conflict that it is not appropriate for the matter to be resolved informally, the Formal Resolution Pathway can be pursued.**

Remember, if an employee brings the matter to you as a formal complaint, an assessment still needs to be made about the appropriate path forward as it may be prudent to still pursue an Informal Resolution Pathway.



## The initial discussion

### In the initial discussion with the employee, the Leader should:

- Get full information from them about the workplace concern or conflict, including:
  - » Date, time and location of the alleged incident(s)
  - » A detailed account of the circumstances leading up and including the alleged incident(s)
  - » Specifics of any similar incidents that may have occurred before, including to whom the incidents may have been reported
  - » What action if any that has been taken to date
  - » Any supporting documents they may wish to submit, such as emails etc. as part of their concerns
  - » Witnesses to the incident(s) and what the complainant believes witness observed
- Attempt to understand what outcome the employee is seeking – apology, transfer, etc. Explain that the organisation reserves the right to determine the most appropriate outcome
- Provide broad details about the process by which the concern or conflict would be handled, namely that if it is addressed formally, an investigation into the concern will be commenced. Specifically, that an investigation will involve:
  - » Interviews being held with the person against whom they have raised the concern about
  - » Interviews will be held with any witnesses to the incidents
  - » They may be required also to participate in further interviews themselves
  - » That a decision will be made following the investigation and appropriate action taken in accordance with the outcome of the investigation and the organisational policies

- Refer the employee to people who can provide them with support or representation, if they need either of these
- Remind the employee to not discuss the matter with possible witnesses or any other employees other than those who have a legitimate role in the process
- Where available, an employee should be offered support through an employee assistance program
- Document the discussion.

### Tips for Leaders during the formal resolution

- Don't change work arrangements of the employees involved in the investigation unless you are instructed to
- Communicate with your employees regularly to check on their wellbeing
- Ensure your employees have received enough information in regards to the process and the timeframes.



Watch the “talking with the employee when they want to make a formal complaint” video here:

[www.peelhr.com.au/video4](http://www.peelhr.com.au/video4)

### Document the detail

Timing is  
critical

## *Letting the other party know*

**Once it has been confirmed a Formal Resolution Pathway is to be adopted and an investigation is to commence, it will be your job as the Leader to inform the other person(s) of the complaint and the pending formal investigation.**

You should not do this until you have received instructions from your Manager or Human Resources. The timing of this discussion is pertinent and critical to a fair process.

Always allow the employee the opportunity to bring a support person to this meeting.

It is likely you will receive instruction and support from someone within your organisation to conduct the meeting. However, as a reminder, in the meeting it will be important the employee is informed of the following:

- The complaint – who has raised it and an overview of the key areas of concern
- Who will be conducting the investigation and that they will be contacted by the investigator to arrange a suitable time to conduct the investigative interview

- The process that will be followed
- Who the investigation report will be provided to
- Their obligations with respect to confidentiality and they should be cautioned against any action/retaliation against the person who has raised the concern or any other person involved in the process. It is appropriate to advise the employee that failing to observe these requirements could amount to victimization and could result in disciplinary outcomes up to and including dismissal
- Access to support through an employee assistance program if one is available
- Provided with a copy of any relevant policies alleged to have been breached.

**Be empathetic**





Watch the “advising the person subject to the complaint” video here:

[www.peelhr.com.au/video5](http://www.peelhr.com.au/video5)

## Outcomes of the formal resolution pathway

At the conclusion of the Formal Resolution Pathway the Leader should be advised of outcomes which are to be implemented. You will have a role to play in the implementation of any outcomes from the Formal Resolution Pathway and most importantly the ongoing monitoring of the outcome implementation, the health of the working relationship and the monitoring of potential risks of further conflict.

## Post case analysis and de-brief

After a workplace concern or conflict is resolved, whether through the Informal or Formal Resolution Pathway, you should reflect and consider how the matter was handled and the underlying root causes with your appropriate peers and colleagues in your team.

This step will ensure post incident/ experience learning opportunities between Leaders as a measure to consolidate your learnings and identify any systemic change required in the team or more broadly in the organisation.

## Ongoing focus on promoting a respectful and collaborative workplace

As a Leader it is a priority that you ensure your team is equipped for having cooperative and collaborative discussions. This may be achieved by:

- Considering steps to build capability of your team members in this respect through feedback to them in the annual performance review processes
- Including employee and team relationships as standing items on your team meetings and individual meetings where employee issues are dealt with appropriately
- Continually monitoring your team for workplace concerns and conflict and responding at your own initiative early and appropriately

- Upskilling your team in having Healthy Conversations
- Leading your team to challenge thoughts, processes and approaches to allow for more robust decisions and doing so in a healthy manner
- Having clear guidelines in your team on the Values and underpinning behaviours. Clarity about expectations on how employees behave will assist in building collaborative and respectful behaviour.

## Collaborate

# Attachment 1

## *Note/ record-keeping pro-forma for informal resolution pathway*

**Name of Leader:** \_\_\_\_\_

**Name of employee raising workplace concern or conflict:**

\_\_\_\_\_

**Date raised:** \_\_\_\_\_

\_\_\_\_\_

The facts as stated by the employee (who, what, where, when):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Feelings expressed by the employee (complete this as a way of helping to separate the emotional content from the facts):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Options utilised to date to resolve the workplace concern or conflict:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What I advised them:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What action was agreed upon (who, what, when and where):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What were the results of the action taken (has the matter been resolved? How?):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Are there any further actions to be taken (i.e. follow-up with the workplace concern or conflict):

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Any other comments:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Attachment 2

### *Resolving a workplace concern or conflict checklist*

<b>Activity</b>	<b>Yes</b>	<b>No</b>
Speak with the employee raising the concern or conflict to: <ul style="list-style-type: none"><li>• Obtain information to assist you to understand their concern or conflict</li><li>• Identify the interests, needs and concerns of the employee, the underlying causes, desired outcome, others involved</li><li>• Provide information on the procedure for resolving workplace concerns and conflict including the various resolution pathways</li><li>• Enforce confidentiality.</li></ul>		
Give careful consideration to the employee's wellness and mental health and determine whether any support should be provided in this respect.		
Take a file note.		

<b>Activity</b>	<b>Yes</b>	<b>No</b>
Consider how you can assist the employee in resolving their workplace concern or conflict. Take advice from the appropriate manager or Human Resources to assist you in making this consideration.		
Meet with the employee again to assist them in determining the appropriate Resolution Pathway.		
Take any additional steps necessary to assist the employee in pursuing the appropriate Resolution Pathway.		
Assist the employee in pursuing the Self-Help Pathway if this is their desire and it is appropriate given the circumstances.		
File note any actions and outcomes.		
Keep communication with the employee to ensure you are abreast of the pathway to resolution		
Ensure you are aware of any outcomes and actions so you can ensure accountability of your team members to their commitments. You should also obtain advice of any additional steps which may be necessary to support employees in their ongoing relationships and work and re-harmonising your team and workplace following the concern or conflict, if necessary.		

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**Growing strong, collaborative  
and sustainable organisations.**

PO Box 737  
The Junction  
NSW 2291

**T** 02 4963 7373  
**E** [email@peelhr.com.au](mailto:email@peelhr.com.au)  
**W** [peelhr.com.au](http://peelhr.com.au)