

Local Resolution Policy

1 Resolving workplace conflict at the earliest opportunity

The Parliamentary Workplace Support Service (PWSS) recognises that earlier intervention in workplace conflict can often result in better outcomes for all parties. Engaging in local resolution can assist in de-escalation and resolution of a complaint at the earliest opportunity by resolving, explaining, clearing up, mediating or negotiating the matter between the parties, and helping the parties move forward.

The PWSS can help resolve workplace issues and provide support for any person who works or volunteers now, or did in the past, in a Commonwealth Parliamentary workplace (CPW).

Where appropriate, the PWSS will encourage the parties to the workplace conflict to reach an agreed outcome. This could include:

- acknowledging behaviour
- undertaking to do things differently or to stop behaviour
- apologising, or
- changing arrangements in the workplace.

The PWSS adopts a trauma-informed approach to local resolution that centres on the needs of the person, both complainant and respondent, empowers them to make decisions and acknowledges the diverse and significant impacts trauma can have on individuals.

2 Local resolution pathways are voluntary and adaptable to the circumstances

Local resolution is a voluntary process of working with the parties to:

- explore the issues and sources of workplace conflict
- identify options to resolve the workplace conflict, and
- where practicable, reach an agreed outcome.

All parties can bring a support person to any meetings with the PWSS. This could be a friend, family member, partner, an advocate, counsellor or a union representative.

While the local resolution process is voluntary, choosing not to participate will not necessarily result in a workplace review occurring.

2.1 Resolving workplace conflict through providing support



The PWSS will provide immediate and ongoing support and work with the person to understand their wishes and options going forward, so they can make an informed choice on how to proceed. This may include providing the person with:

- support to resolve the issue on their own, if they feel comfortable to do so
- support to manage the impacts of what has happened in the workplace (for example, supporting the person to have a conversation with a manager or another person in the workplace)
- information about options available to the person, such as the available resolution pathways provided by the person’s employer, supporting the person throughout the resolution process
- support to engage with a HR function that covers the person, including a PWSS case coordinator providing support to a person during a HR process (for example, as a support person during a disciplinary process)
- support to connect with other services, such as specialised health services
- support to make a report to police, if the matter is potentially criminal and the person wants to make a report.

A person can use a pseudonym or remain anonymous and access support from the PWSS. However, if the PWSS is unable to identify a person, it may limit the ability for the PWSS to offer or provide some local resolution options.

2.2 Resolving workplace conflict through engaging with the parties



The PWSS may facilitate resolution of workplace conflict by engaging with the parties to explore the issues and options to resolve the workplace conflict.

Where one or more of the parties to a workplace conflict requests that the PWSS facilitate local resolution, the PWSS can do so with the consent of all parties.

Before engaging with another party, the PWSS will inform each relevant party’s employer (for example, a manager in the employer’s HR function) of the matter and the local resolution process. Informing the employer is important to enable them to meet their WHS obligations and support the party to engage in the process.

The pathways for a facilitating local resolution are informal, flexible, voluntary and undertaken with the consent of the parties. This is to ensure the process is trauma-informed and adapted to the circumstances of the workplace conflict.

Options may include:

- having a conversation with a party or another person in the workplace
- facilitating a discussion between the parties (for example, facilitating a discussion between a person and their manager, or between a team)
- engaging with a HR function that covers the party.

At the conclusion of a local resolution process, the PWSS will advise each party's employer, of the outcome.

It is necessary for the identity of all participants to the workplace matter to be known so that each person has an opportunity to engage in the process.

The PWSS will offer immediate and ongoing support to each party in the workplace matter.

2.3 Resolving workplace conflict through mediation



Mediation is a voluntary process in which the parties to a workplace conflict, with the assistance of a neutral person (mediator), explore the issues, identify and test the consequences of potential options, and where possible, reach agreement on a way forward. If an agreement is reached, the details of that agreement are recorded and signed by the parties.

The purpose of a mediation is to empower the parties to resolve the workplace conflict together. Not every workplace conflict is suitable for mediation. The PWSS will determine whether mediation is appropriate, having regard to the purpose of a mediation and whether it can be achieved in a particular case.

Before engaging with another party and undertaking a mediation, the PWSS will inform each party's employer (for example, a manager in the employer's HR function) of the matter and provide information about the mediation process. Informing the employer is important to enable them to meet their WHS obligations and support each party to participate in the mediation.

PWSS mediations are conducted by an accredited mediator.

At the conclusion of a mediation, the PWSS will inform each party's employer that mediation was conducted and an agreement was or was not reached and, if so, what the parties agreed as it affects the workplace. The PWSS will not disclose other information about the matters discussed unless required by law, or where all the parties to the mediation agree.

It is necessary for the identity of all parties to the workplace conflict to be known so that each person has an opportunity to engage in the mediation.

The PWSS will offer immediate and ongoing support to each party in the workplace conflict.

3 There are other options to address workplace issues

If workplace conflict can be resolved between the parties, this will be encouraged. However, not every matter is suitable for local resolution through the PWSS.

The PWSS will consider whether to commission a workplace review where local resolution between MOP(S) Act employees and/or parliamentarians is inappropriate or unsuccessful.

A local resolution through the PWSS does not stop a person from pursuing external options such as making an application through the Courts, the Australian Human Rights Commission or the Fair Work Commission.