

BP05 Internal Conflict Resolution Policy -

Dispute resolution procedures and guidelines

Introduction

- Amnesty International Australia (Amnesty) is committed to building a diverse, inclusive, anti-racist, inclusive, culturally safe and mentally healthy movement that is free from discrimination. We do not tolerate any behaviour that is not in alignment with our [values and behaviours & Code of Conduct](#) and our [diversity, inclusion and wellbeing goals](#).
- We understand that because of the diversity of our identities, backgrounds and experiences, we will sometimes disagree and other times come into conflict with others in our work.
- Creating a diverse, inclusive, anti-racist, inclusive, culturally safe and mentally healthy movements is everyone's responsibility. We should all take responsibility for our behaviours and engagement with other members of the movement.

Definitions

Diversity - Diversity is the mix of all the people in our movement. Diversity is all the differences between people in relation to their Aboriginal and Torres Strait Islander identity, age, caring responsibilities, cultural background, disability, ethnicity, gender identity, religion, sex characteristics, sexual orientation, and socio-economic background. Diversity also recognises the ways that people are different in other respects, such as family composition, educational level, geographical location, professional and work experiences, and organisational role.

Inclusion - Inclusion is getting this mix to work. It's about creating an environment where diversity is respected, and where people are valued, connected, progressing and contributing to our movement's success. Inclusion occurs when everyone:

- feels valued and respected for who they are in the movement,
- feels connected to, and accepted by, their colleagues,
- has opportunities to develop and progress, and
- contributes their perspectives and talents to the movement.

Mental health - Mental health is an integral and essential component of overall health. It is a state of wellbeing in which every individual in our movement

- realises their own abilities,
- can cope with the normal stresses of life,
- can work productively and fruitfully, and
- is able to make a contribution to their community

Wellbeing - Wellbeing relates to all aspects of life and work within Amnesty. It includes:

- the quality and safety of the physical environment,
- the mental health of individuals in our movement,
- how individuals feel, perceive and experience their work,
- their working environment and the organisation's culture, and
- the organisation of our work, teams, campaigns and activities.

Cultural Safety - Cultural safety means being able to practise your culture free of ridicule or condemnation. It occurs when a workplace acknowledges, respects and accommodates difference. Unsafe cultural practice is any action which diminishes, demeans or disempowers the cultural identity and wellbeing of an individual.

Discrimination - Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, which include:

- race
- colour
- gender identity
- sexual orientation
- age
- physical or mental disability
- marital status
- family or carer's responsibilities
- pregnancy or breastfeeding
- physical appearance
- religion
- political opinion
- national origin
- employment/industrial activity

Bullying - Bullying is repeated and unreasonable behaviour directed towards someone that creates a risk to their health and safety. Bullying can take different forms including psychological, physical or even indirect (e.g. deliberately excluding someone from work-related activities). Some examples of workplace bullying, if repeated or occurring as part of a pattern of behaviour, include:

- abusive or offensive language or comments
- aggressive and intimidating behaviour
- belittling or humiliating comments
- deliberately and unreasonably withholding vital information
- unjustified criticism or complaints
- exclusion from work activities and events
- teasing and practical jokes

A single incident can also constitute a bullying incident.

Racism - Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalised practices resulting in racial inequality. Race discrimination includes distinction, exclusion, restriction, preference based on

- race,
- colour,
- descent,
- national origin, and
- ethnic origin.

Microaggression - Microaggressions are everyday slights that are rooted in bias. They can send a subtle message that a person does not belong or that they are less valued

- Subtle, automatic, often unconscious non-verbal
- Telling someone their English is good or they are articulate
- Non-verbal (or verbal) responses
- Mixing up people from similar racial groups
- Exclusion from groups/events
- Exclusion from groups/events
- Jokes or derogatory comments

Harassment - Harassment is any uninvited or unwelcome behaviour that is reasonably likely to offend, humiliate or intimidate another person because they have one or more of the personal characteristics protected by law. These include race, sex, pregnancy, marital status, breastfeeding, age, disability, sexual orientation, gender identity or religion.

Harassment does not have to be intentional to be unlawful and what may be acceptable to one person may not be acceptable to another. Harassment can be verbal, physical, electronic or otherwise and can include behaviour such as:-

- insulting jokes or derogatory comments about a person's disability or race,
- displaying offensive posters or pictures,
- explicit or sexually suggestive phone calls, emails, text messages, letters, electronic messages (including via social media and other electronic channels), and
- racially oriented abuse.

Sexual Harassment - Sexual Harassment is any unwanted or unwelcome sexual behaviour where a reasonable person would have anticipated the possibility that the person harassed would feel offended, humiliated or intimidated. It has nothing to do with mutual attraction or consensual behaviour. Sexual harassment can be physical, verbal or written and can include behaviour such as:-

- unwelcome sexual advances or touching,
- suggestive comments or jokes,
- staring or leering,
- sexually graphic material, e.g. posters, pictures, screensavers,
- unwelcome requests for sexual favours,
- intrusive questions about a person's private life or physical appearance, and
- explicit or sexually suggestive phone calls, emails, text messages, letters, electronic messages (including via social media and other electronic channels).

Victimisation - Victimisation is subjecting or threatening to subject a person to some form of detriment because they have

- lodged a complaint or proposing to lodge a complaint,
- assisted someone else to lodge a complaint by giving evidence or information, and/or
- reasonably asserted their rights, or supported someone else's rights, under federal anti-discrimination laws.

Independent person - The Independent Person is a member of Amnesty's Governance Committee (not including a board member or staff member). The Governance Committee will nominate the independent person annually. The role of the independent person is to mediate conflicts between members of the movement.

Support person - The support person is any person the parties choose to

- accompany them to a mediation meeting with the independent person, and
- assist them to make a complaint.

During mediation, the support person will not speak unless they are invited to or to seek clarification on something.

Complaints officer - Amnesty's complaints officer is the Legal Counsel.

Resolving a dispute

- The parties in dispute should meet with an Independent Person to discuss the problem and to try to resolve it.
- The Independent Person, at this stage, should act as a facilitator. In so far as possible, the parties in dispute should be encouraged to be clear between themselves about what the problem is and each should articulate their preferred outcome. The Independent Person must communicate the process they intend to adopt in writing to the parties. The process to be adopted must conform with the principles set out in section 3.1 of the Internal Conflict Resolution Policy.
- For the avoidance of doubt, the Independent Person in their sole discretion will determine the appropriate process for mediation of the dispute.
- In the event that the parties to the dispute - or either of them - reject the Independent Person, the National Director can determine at their discretion whether to appoint another Independent Person set out in the Dispute Resolution Matrix or appoint an external dispute resolution person or entity. A rejection of the Independent Person must be on reasonable grounds. The external dispute resolution individual or entity will be selected at the sole discretion of the National Director.
- The Independent Person (either internal or external) may at their sole discretion provide a written report, written findings and/or written recommendations to the parties to the dispute. The independent person or entity must advise the parties of the process that they will adopt in handling the dispute.
- Parties should be encouraged to be fair and respectful to the other party and in accordance with AIA's Values and Behaviours Charter, acknowledging that the longer the dispute goes on, the more damaging it is for AIA.
- It is open to the parties to agree that they will accept the view of the Independent Person (to save AIA time and expense and possible reputational damage) and that will conclude the matter.
- The Independent Person should:
 - Identify any common interests or concerns between the parties
 - If possible, talk about general topics before getting into the specifics of the problem
 - Be an active listener
 - Encourage parties to talk openly and with respect and to try to focus on the issue (no personal remarks or irrelevant details)
 - Be clear about what the issue is, why it is important and how it might affect others (including the organisation)

- Use the following process:
 - Identify source of conflict (ask questions like 'how did the incident start? When did you feel upset?')
 - Encourage the parties to look beyond the incident to see the real cause (questions could include: what do you think happened here? When do you think the problem between you first arose?)
 - Request solutions (how can you make things better between you?)
 - Identify solutions that both parties can support. Point out the merits of each idea, particularly in terms of the benefits to the organisation
 - Agree on the action to be taken. Recap the agreement so all parties are clear. Try to end on a positive note.
- At the conclusion of the process of dispute resolution the National Director will decide as to the consequences flowing from the dispute, if any.
- In making this decision, the National Director will have regard to the findings of the independent person or external independent person or entity as well as the relevant party's compliance with the AIA Values and Behaviours Charter, Code of Conduct and the New South Wales Ombudsman's Managing Unreasonable Conduct by a Complainant Manual (MUCC). The behaviours identified and defined in the MUCC will inform the National Director's decision.
- The consequences may include (depending on the nature of the relationship of the relevant party) but are not limited to:
 - A non-member may be asked to not engage with the organisation - or any person associated with it including a member, staff member or other activist, volunteer or supporter - for a period of time determined by the National Director
 - A member may be asked to not engage with the organisation - or any person associated with it including a member, staff member, volunteer or other activist, volunteer or supporter - for a period of time determined by the National Director
 - Depending on the seriousness of the behaviour of the member, they may be referred to the National Board for consideration of whether or not the person's membership of AIA will be either suspended or revoked in accordance with the AIA Constitution.
- The National Director will communicate their decision to the relevant party in writing within 28 days of the conclusion of the dispute resolution process.
- The person (member or non-member) may seek to appeal the decision of the National Director under the Appeal Policy within 14 days of receipt of the decision of the National Director. In the case of suspension or revocation of membership of the member the process contained in the AIA Constitution is the only appeal process available.

Examples of dealing with situations prior to resulting in a dispute

There are a number of options available if you have experienced inappropriate behaviour of the kind set out above. Amnesty has an Internal Conflict Resolution Policy however there are things that you can do prior to invoking this policy - if it is the right thing to do in the circumstances. The following procedures are directed to behaviour that is *not* of a nature that would require formally reporting it under other policies.

1. **Hold a conversation with the person one on one:** Try to raise the inappropriate behaviour directly with the person by holding a one-on-one conversation with them. Try to avoid bringing others into this conversation - unless you feel that you need a support person with you, and if so, you will need to offer the other person a support person as well. The support person should not engage in the conversation itself. For tips on holding the conversation, see the section 'Conversation Tips for Parties Involved in Conflict' below.
2. While having this conversation, try to calmly set out the behaviour and why it was inappropriate, or not in accordance with our Values and Behaviours Charter (or other policies). You can also let them know how it made you feel, as the other person may not necessarily be aware of the impact of their behaviour and this is an opportunity for them to learn and to grow.
3. **If you don't know the person well enough to start this conversation, or the inappropriate behaviour has occurred in an online forum perhaps you can get another person to help**, such as the Amnesty organiser of the event at which the behaviour occurred, a supervisor, staff member or the convenor of the group if relevant. They might be able to make initial contact for you.
4. If holding the conversation directly does not resolve the issue, **consider bringing in an independent Amnesty person (see above for who that is)** as an intermediary in the conversation. Sometimes having a trusted third party present can help with holding the conversation and guide it towards a positive outcome. Anything that comes out of a mediated discussion is informal, and everything that happens is by mutual agreement.
5. If none of this has produced a positive outcome, consider raising a formal complaint under the Internal Conflict Resolution Policy.

What happens if the person engages in the same inappropriate behaviour again?

If the person behaves inappropriately again after a conversation about it has been held, have another conversation with them and if necessary, advise the person that you need to now formally make a complaint under the Internal Conflict Resolution Policy.

People can take a while to unlearn certain behaviours - we want to give people a chance to embed their changed behaviours into their daily lives. If someone is genuinely remorseful, then perhaps you can help them on their journey, or Amnesty can offer training to support their journey.

If the behaviours are repeated for a third time, then the above Internal Conflict Resolution Policy should be invoked.

There are some behaviours that are not tolerated and the person must be dealt with under the policies. See the list above under the heading 'What is considered inappropriate Behaviour?' and the links to the relevant policies to deal with that behaviour.

What do you do if you observe inappropriate behaviour, but are not the subject of it?

Creating a diverse, inclusive, anti-racist, inclusive, culturally safe and mentally healthy movements is everyone's responsibility. We should all take responsibility for our behaviours and to ensure that other people feel safe and included.

There are instances where you will observe inappropriate or unacceptable behaviour happen to someone else. When this happens, we suggest you follow the following steps:

1. Talk to the person to whom the behaviour was directed to see how they are feeling. Check if they are okay and if it does not come up check whether they understand that the behaviour was inappropriate.
2. Ask them if they want to raise the issue with the person in question and offer to provide support to them if appropriate.
3. If they are unwilling to do so, you should respect their decision and take the following steps:
 - You should then raise the matter with the person privately in any event.
 - When you raise the matter, you should talk only of the behaviour and not the person.
 - You should refer them to our values, our behaviours, our code of conduct and our diversity, inclusion and wellbeing goals.
 - When raising the issue directly with the person in question, you should not mention the other person to respect their decision not to proceed with the issue.
 - You should also not share any information from your conversation with that person.
 - If the issue is not resolved at this stage (for example, the person does not see anything wrong with their behaviour) then you may consider raising it with someone from the Movement Team.
4. If the person wants to proceed with a complaint or raise the issue with the other person, you should take the following steps:
 - Offer to provide them any support, if appropriate.
 - Offer to be a support person for them if they wish to make a complaint, if appropriate.
 - Respect however the other person wants to handle the situation.

Conversation tips for parties involved in conflict:

- Engage in active listening which includes
 - Fully concentrating and paying attention to what the other person is saying.
 - Looking at the speaker directly.

- Stopping other activities while you are listening.
- Avoiding preparing a response or a rebuttal in your mind as you listen.
- Avoiding being distracted by external factors such as noise or side conversations.
- Avoid interrupting the other person when they are speaking.
- Paying attention to the speaker's body language.
- Show the other person that you are listening through
 - Nodding occasionally.
 - Maintaining eye contact with the speaker.
 - Smiling and using other facial expressions.
 - Making sure that your posture is open and interested.
 - Encouraging the speaker to continue with small verbal comments.
- Ask questions and give feedback
 - Ask thoughtful and open-ended questions to clarify your doubts.
 - Try to summarise the speaker's points to confirm if you understood them clearly.
 - Reflect on what the speaker has said by paraphrasing.
- Non verbal communication tips
 - **Smile** - Smiling can communicate acknowledgment of a message, acknowledgement that the person is being listened to or that you agree with what is being said.
 - **Eye Contact** - It is normal and encouraging for the listener to engage in eye contact with the speaker.
 - **Body Language** - Our body language speaks volumes about the parties in conversation. This includes leaning slightly forward, a slight slant of the head or resting the head on one hand.
 - **Mirroring** - Mirroring facial expressions and body language is a sign of attentive listening.
 - **Distraction** - The active listener should not be distracted, this includes that they refrain from fidgeting, looking at a clock or phone, doodling on a notepad, playing with their hair or picking their fingernails.
- Respond appropriately including
 - Reflecting on what you have heard instead of reacting immediately.
 - Paraphrasing what the speaker has said.
 - Be open, honest and candid when you respond.
 - Do not attack the speaker or challenge them rudely.
 - Be respectful yet assertive with your opinions.
- Use the SBI method when speaking
 - **Situation** - describe situation, describe behaviour, describe impact
 - **Behaviour** -
 - **Impact** -
- Barriers to listening that you should be mindful of
 - **Environmental** including physical barriers and external stimuli, e.g noise.
 - **Technology** is a major distraction so try and meet away from computers, phones and your office in a neutral area if possible.
 - **Culture** can present barriers including different values, beliefs, attitudes, gender, age, religion and communication styles.
 - **Stress** can put us in fight or flight mode making it difficult to listen and hear the person speaking.
 - **Our internal dialogue** including our ego, bias and preconceptions about the situation or person.
 - **Our Personal** values, attitudes and beliefs are constantly influencing how we react and engage in situations.

The person is new to Amnesty (and is not a member)

If a person is attending one of our events (either online or in person) and behaves in a way that is inconsistent with the Charter the organiser of the Amnesty event might consider the following option, depending on the seriousness of the behaviour that breached the Charter:

- Refer the person to the Charter and reiterate expectations that everyone will observe it with a view to this person getting a second chance. Putting the person on 'probation' is an option here.
- Advise the person that they will not be able to attend and Amnesty event again if their behaviour meets this response (ie, the behaviour was a clear and unequivocal breach of the Charter and they did not apologise or seek to apologise).

The person is an engaged activist, volunteer or a member

If the person breaching the Charter is an engaged activist, volunteer and/or a member consider the following options:

- Draw the person's attention to the Charter and offer training around meeting the behaviours contained in the Charter; and/or
- State that they will be on 'probation' for a set period of time (3 or 6 months) during which time they can access training or mentoring on how to meet the standards of the Charter. Also note that if the behaviours continue once the probation period has concluded, they will be asked to no longer engage with anyone at AIA or join any events.
- If the person is a member, they have been on probation and continued to breach the Charter once probation is completed, then their membership may be suspended or they may be expelled from membership. Direct them to the section of the AIA Constitution (clause 11.5) that deals with this.

Dispute Resolution Matrix

	Board Chair	Board Director	Board Committee Chair	Board committee member	Members, Board or other committees	Regional President	ALC member	National Director	Management team member	Other staff
Board Chair	N/A	Board matter	Board matter	Board matter (in absence of Board Chair)	Board matter	Board matter	Board matter	Board matter	Board matter with advice from National Director	Board matter with advice from National Director
Board Director	Board matter	Board Chair	Board Chair	Board Chair or the relevant committee chair as appropriate, escalation to whole Board	Board matter	Board matter	Chair of the AMC. If no resolution, escalation to Board.	Board matter	Board matter with advice from National Director	Board matter with advice from National Director
Board Committee Chair	Board matter	Board Chair	Board matter	Board Chair	Board matter	Board matter	Chair of the AMC. If no resolution, escalation to Board	Board matter	Board matter with advice from National Director	Board matter with advice from National Director
Board committee member	Board matter (in absence of Board Chair)	Board Chair or the relevant committee chair as appropriate,	Board Chair	If members of the same committee: Relevant committee chair, escalated to the Board. If members of different committees (and respective chairs cannot resolve): Board Chair.		Relevant committee chair. If no resolution, escalate to Board	Chair of the AMC	Board matter	Board matter	Relevant committee chair; escalation to Board Chair

	Board Chair	Board Director	Board Committee Chair	Board committee member	Members, Board or other committees	Regional President	ALC member	National Director	Management team member	Other staff
		escalation to whole Board								
Members, Board or other committees	Board matter	Board matter	Board matter			Board matter	Board matter (for Board member), if other committee member, the chair of that committee. Escalation to Board.	Board matter	Board matter	Board matter
Regional President	Board matter	Board matter	Board matter	Relevant committee chair. Escalation to Board	Relevant committee chair. Escalation to Board	Disputes involving region-specific matters to be raised either with another	Chair of the AMC , escalation to Board	Board matter	Chair of the AMC , escalation to Board with advice from National Director	Chair of the AMC , escalation to Board with advice from National Director

	Board Chair	Board Director	Board Committee Chair	Board committee member	Members, Board or other committees	Regional President	ALC member	National Director	Management team member	Other staff
						Regional President (who is independent) or staff member whom the disputant deals with most frequently. If there is no resolution escalation should be to the Complaints Officer.				

	Board Chair	Board Director	Board Committee Chair	Board committee member	Members, Board or other committees	Regional President	ALC member	National Director	Management team member	Other staff
ALC member	Board matter	Chair of the AMC , escalation to Board	Chair of the AMC , escalation to Board	Chair of the AMC , escalation to Board	Board matter (for Board member), if other committee member, the chair of that committee. Escalation to Board.	Chair of the AMC , escalation to Board	Regional President, escalated to the Chair AMC	Chair of the AMC , escalation to Board Chair	Chair of the AMC	Chair of the AMC
National Director	Board matter	Board matter	Board matter	Board committee chair if appropriate, escalation to Board	Board matter	Chair of the AMC , escalation to Board	Chair of the AMC , escalation to Board Chair	N/A	HR matter	HR matter

	Board Chair	Board Director	Board Committee Chair	Board committee member	Members, Board or other committees	Regional President	ALC member	National Director	Management team member	Other staff
Management team member	Board matter with advice from National Director	Board matter with advice from National Director	Board matter with advice from National Director	Board matter	Board matter	Chair of the AMC , escalation to Board with advice from National Director	Chair of the AMC	HR matter	HR matter	HR matter
other staff	Board matter with advice from National Director	Board matter with advice from National Director	Board matter with advice from National Director	Relevant committee chair; escalation to Board Chair	Board matter	Chair of the AMC , escalation to Board with advice from National Director	Chair of the AMC	HR matter	HR matter	HR matter

Date of last review: August 2023