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**Policy Type: Constitutional Principles**

**Policy Number: CP02**

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**POLICY Title: DISPUTE AND GRIEVANCE POLICY**

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## Contents

1	Introduction.....	2
2	Purpose.....	2
3	Scope.....	2
4	Definitions.....	2
5	Policy .....	3
5.1	Parties to the Disputes and Grievances Process.....	3
5.2	Exclusions.....	3
5.3	Guiding Principles .....	3
5.4	Overview of the Approach .....	4
5.5	Role of the CEO .....	4
5.6	Dispute and Grievance Process.....	5
5.6.1	How to Initiate a Dispute or Grievance Process .....	5
5.6.2	Discussions between Parties.....	5
5.6.3	Appointment of a Mediator .....	5
5.7	Mediation Process .....	5
5.7.1	Role of the Mediator .....	5
5.7.2	Mediation Outcome .....	6
5.8	Escalation and Final Resolution .....	6
6	Dispute Resolution Resources.....	6
7	Relevant Documents.....	6
8	Approval.....	7
9	Contacts .....	7

# 1 Introduction

This policy outlines the framework for resolving disputes and grievances in accordance with Rule 6 of the Association's Rules of Association. It aims to promote a fair, transparent and consistent approach to addressing issues between Members or between a Member and the Management Committee.

# 2 Purpose

To ensure the effective resolution of disputes and grievances in a manner that maintains the integrity, relationships and functionality of the Association.

# 3 Scope

This policy applies to all FCAQ Management Committee members and to all Members of FCAQ.

# 4 Definitions

**Association or FCAQ** means Financial Counsellors' Association of Queensland Inc.

**Chief Executive Officer or CEO** means a person appointed by the Management Committee to that position, or an employee of the Association acting in that position on a temporary basis.

**Conflict of Interest** is as defined in the FCAQ Conflict of Interest policy. It occurs when a person has an interest that could improperly influence, or be seen to influence, their decisions or actions in the performance of their duties. Conflicts may be actual, potential or perceived.

**Disciplinary Procedures** means Financial Counselling Australia's Financial Counsellor Disciplinary Process: Policy and Procedures agreed to by State and Territory Financial Counselling Associations, as amended from time to time.

**Management Committee** refers to the management committee of the Association.

**Mediator** refers to a neutral third party appointed to facilitate discussions and resolution.

**Member** means a Member of the Association.

**Rule** refers to a rule included in the Rules of Association

**Support person** is someone whom a party to a dispute or grievance can nominate to attend a meeting with them to provide emotional support and reassurance. A support person is not entitled to act as an advocate.

**Written** means communication sent or received in accordance with Rule 23.

## 5 Policy

### 5.1 Parties to the Disputes and Grievances Process

The disputes and grievance resolution process applies to disputes between:

- (a) a Member and another Member; or
- (b) a Member and the Management Committee, or a member of the Management Committee.

### 5.2 Exclusions

A Member may not commence a dispute or grievance procedure in relation to:

- (a) a matter that is subject to, or is in any way connected with, a Disciplinary Procedure investigation that is under way at that time; or
- (b) a matter that is subject to, or in any way connected with, an investigation in accordance with the Membership Related Appeals Policy that is under way at that time; or
- (c) a dispute that is between an employee and an employer which is more appropriately dealt with through industrial procedures; or
- (d) when allegations of criminal activity or matters under police or judicial investigation are involved.

### 5.3 Guiding Principles

The Management Committee's and CEO's actions regarding disputes and grievances are informed by the following principles:

- (a) It is preferable that any dispute or grievance be resolved through direct or assisted discussions between the parties.
- (b) Conflicts of Interest will be carefully considered and variations to the procedural steps set out in this Policy will be made where appropriate. For example:
  - i. In the event the CEO has a Conflict of Interest, the Management Committee will nominate an appropriate person who is free of conflict to act in that role for the purpose of this policy.
  - ii. In the event the dispute or grievance is between a Member and the Management Committee, and the matter cannot be resolved through discussions between the parties, the CEO will contact the Dispute Resolution Branch of Queensland to initiate a mediation process to run independently of the Association.
  - iii. In the event the dispute or grievance is between a Member and a Management Committee member, the CEO and Chair (or Vice Chair where the Chair is a party in the dispute or grievance) will

discuss whether the matter can be handled through an internal process, or whether potential conflicts of interest require a referral of the matter to the Dispute Resolution Branch of Queensland.

- (c) The CEO will ensure that procedural fairness applies to the individuals in dispute throughout the process:
  - (i) No Member or Management Committee Member will be victimised or unfairly treated in any respect if they utilise this policy to resolve an issue.
  - (ii) Throughout the resolution process, Members or Management Committee members may be accompanied by a nominated third party as a Support Person who is not otherwise involved in the issue.
  - (iii) All possible processes for handling the dispute or grievances will be fully explored and documented.

## 5.4 Overview of the Approach

- (a) A Member, or member of the Management Committee, initiating a dispute or grievance must notify the CEO in Writing and provide all relevant information. A copy will be sent to the other party/parties.
- (b) Parties to a dispute or grievance must first attempt to resolve their issues in good faith within 10 business days of a dispute being formally notified. This may be by direct discussions or with assistance from the CEO.
- (c) If unresolved after 10 business days, parties may:
  - (i) agree to appoint a Mediator; or
  - (ii) request the Management Committee to appoint a Mediator.
- (d) The appointed Mediator will facilitate a structured process to help parties reach a voluntary agreement. The Mediator has no authority to impose decisions.
- (e) The dispute or grievance should be resolved within 15 business days of its referral to a Mediator, or such longer period as is agreed to by the parties and the Mediator.
- (f) If the mediation process fails to resolve the dispute or grievance within 15 business days, the Management Committee may take other action to resolve the matter at its discretion.

## 5.5 Role of the CEO

Under this policy, the Management Committee delegates responsibility to the CEO for managing disputes and grievances. The CEO will advise and assist the Chair in the appointment of a Mediator as provided for in this policy.

## 5.6 Dispute and Grievance Process

### 5.6.1 How to Initiate a Dispute or Grievance Process

A Member or member of the Management Committee initiating a dispute or grievance must notify the CEO in Writing, detailing in their application:

- (a) the name and contact information of the applicant;
- (b) the parties to the dispute or grievance;
- (c) the nature and details of the issue;
- (d) the supporting evidence to substantiate the dispute or grievance; and
- (e) the desired outcome.

The CEO will acknowledge receipt and will inform the Management Committee within 2 business days. If either party to a dispute or grievance requests confidentiality, this reporting will be on a de-identified basis where possible.

The application should be copied to the other party/parties in the dispute or grievance. If the applicant is not comfortable with this process, the CEO will discuss appropriate steps to notify the other party/parties of the matter and process.

### 5.6.2 Discussions between Parties

The CEO will assess applicability and, where appropriate, facilitate direct or assisted discussions between the parties to resolve the issue within 10 business days.

If the parties to the dispute or grievance resolve the matter within the nominated 10 business days they must communicate this resolution in Writing to the CEO.

### 5.6.3 Appointment of a Mediator

If the matter is unresolved after 10 business days, parties may:

- (a) agree to appoint a Mediator; or
- (b) submit a Written request to the Management Committee to appoint a Mediator.

The Management Committee will pay for the cost of a mediator if, in the view of the CEO and Chair, such a cost is reasonable and necessary. The Association will initially seek to engage a mediation service available through the Dispute Resolution Branch of Queensland.

## 5.7 Mediation Process

### 5.7.1 Role of the Mediator

The appointed Mediator will facilitate a structured process to help parties reach a voluntary agreement. The process allows parties to discuss their differences and find a mutually acceptable solution. The Mediator will establish basic rules to ensure the mediation process is respectful, fair and balanced.

The mediator will:

- create an environment where everyone can speak and be heard;
- guide a structured mediation process; and
- keep the discussion on track.

The Mediator will not take sides or decide who is right or wrong. The Mediator has no authority to impose decisions.

### 5.7.2 Mediation Outcome

The appointed Mediator will liaise directly with the parties to the dispute or grievance. The dispute or grievance should be resolved within 15 business days of referral or as agreed by the parties.

The mediator will provide a report to the CEO summarising:

- that the matter has been resolved to the satisfaction of both parties; or
- that the mediation process has failed to resolve the dispute or grievance.

## 5.8 Escalation and Final Resolution

The CEO will report to the Management Committee on the outcome of the dispute or grievance application.

If discussions between the parties and mediation have both failed to resolve the dispute or grievance, the matter may be referred to the Management Committee for further consideration.

The Management Committee may take steps to:

- (a) propose alternative dispute resolution mechanisms; or
- (b) conclude the Association's involvement in the matter.

# 6 Dispute Resolution Resources

Where the Management Committee seeks to engage external mediation services in the resolution of a dispute or grievance, available options include:

- (a) referral to the Dispute Resolution Branch of Queensland; or
- (b) referral to mediation services accredited by the Queensland Law Society.

# 7 Relevant Documents

FCAQ Rules of Association

FCAQ Conflict of Interest Policy

FCAQ Membership Related Appeals Policy

FCA Disciplinary Process: Policy and Procedures

FCA Code of Ethical Practice

## 8 Approval

Approved by the FCAQ Management Committee: 19 February 2025

## 9 Contacts

For any questions about this policy, contact the CEO.

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<b>Ratified</b>	19 February 2025
<b>Review</b>	Biennial
<b>Monitoring Frequency</b>	Biennial
<b>Monitoring Level</b>	Management Committee

Version History			
Version Number	Issue Date	Nature of Amendment	Approved by
1	20/02/2025	New Policy	Management Committee