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	GRIEVANCE AND DISPUTE RESOLUTION POLICY & PROCEDURE	

GRIEVANCE AND DISPUTE RESOLUTION POLICY

PURPOSE

To provide a method of resolution for complaints, grievances and disputes raised by Puffing Billy Preservation Society members that is fair and equitable, in relation to Puffing Billy Preservation Society business, membership and activities or related matters.

1. POLICY STATEMENT

- 1.1 The Puffing Billy Preservation Society Executive Committee is committed to ensuring that all complaints and disputes are handled effectively and fairly and are responded to in a professional and timely manner.
- 1.2 The Puffing Billy Preservation Society Executive Committee undertakes to maintain confidentiality of all parties as far as is possible. Only those members directly involved with any action will be party to the investigation and resolution.
- 1.3 The Puffing Billy Preservation Society Executive Committee will establish and maintain a complaints register to record:
 - 1.3.1 A account of the complaint/dispute, including:
 - the date the complaint was made,
 - the name, address and telephone number of the complainant,
 - the nature of the complaint,
 - the name of the person or persons who were the subject of the complaint,
 - copies of all correspondence and interviews and the steps taken in the resolution and investigation process;
 - 1.3.2 The 'Complaints Register' will be maintained by the Company Secretary.
 - 1.3.3 The 'Complaints Register' will be securely stored at the registered office of the Company, Belgrave.

2. RESPONSIBILITY FOR IMPLEMENTATION, COMPLIANCE MONITORING, MEASURING AND CONTINUAL IMPROVEMENT

It is the responsibility of all members of the Puffing Billy Preservation Society to ensure that all grievances and disputes are handled in a professional, confidential and timely manner and in accordance with Puffing Billy Preservation Society Grievance and Dispute Resolution Procedures.

3. SCOPE OF POLICY

This policy applies to all members and elected officials of the Puffing Billy Preservation Society.

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4. DEFINITIONS

Complaint or Grievance

A complaint or grievance is an expression of dissatisfaction, made to the President of the Puffing Billy Preservation Society, related to the Society's activities, operations, policies, members or the complaint handling and dispute resolution process itself, where a response is expected.

Dispute

A dispute is an unresolved complaint – it is a matter that has been dealt with as a complaint under this Policy, but where the complainant is not satisfied with the outcome.

Complainant

The complainant is the party who makes a complaint or files a formal charge, e.g. Puffing Billy Preservation Society member or a member of the public.

5. SUPPORTING PROCEDURES

Puffing Billy Railway Preservation Society Grievance and Dispute Resolution Procedures.

6. RELATED DOCUMENTS/LINKS

PBPS Code of Conduct (To be developed)

Harassment (Bullying), and Unlawful Discrimination Policy (To be developed)

Policy Manager	President PBPS
Contact	president@pbps.org.au
Approval Authority	Puffing Billy Preservation Society Executive Committee
Review Date	2021

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GRIEVANCE AND DISPUTE RESOLUTION PROCEDURE

PURPOSE

These procedures emphasise an approach to grievance resolution through informal facilitation and mediation and are designed to lead to a prompt resolution.

PRINCIPLES

These procedures are governed by the following principles:

- Grievance and Dispute Resolution Procedures will not be used to challenge decisions of the Puffing Billy Preservation Society (PBPS) or the Emerald Tourist Railway Board (ETRB) or procedures required by Rail Safety legislation or regulations.
- Implementation of these procedures, will not interfere with the work of Puffing Billy Railway except in the case of genuine occupational health and safety issues.
- Where all parties to the dispute agree, the time limits set out in these provisions may be extended.
- Where two or more members believes they have an identical or common problem, they may take action together and the matter will be dealt with as a single grievance.
- A matter raised within these procedures may be withdrawn by the member or their nominated representative, at any stage during these procedures by notice in writing to the President of the PBPS.
- Offers of compromise as well as agreements reached during these procedures will not constitute precedents in regard to similar grievances, and are without prejudice to positions taken in similar circumstances or more general issues.
- The PBPS undertakes to maintain confidentiality with only the relevant parties being involved in the resolution and investigation process.

PROCEDURE

The Grievance and Dispute resolution process operates in three stages (Flowchart - schedule 1):

- Stage 1 - The complainant registers their complaint by verbally advising the President of the grievance. An internal dispute resolution process will then take place under which the President will use their best efforts to resolve a complaint or dispute to the mutual satisfaction of all parties;
- Stage 2- Should the grievance remain unresolved, an investigation of the grievance/complaint will be undertaken by a Committee of Three third party mediators. Members of this Committee will be members of the Executive Committee acceptable to all parties.
- Stage 3 - Should the grievance remain unresolved after Stage 2 the matter is then referred to the President for resolution.

STAGE 1 – Registering a Grievance/Complaint

When a complainant wishes to raise a grievance, both parties are encouraged to resolve their differences by direct negotiation amongst themselves. The complainant should also, at this stage,

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verbally advise the President of the situation. The President will nominate a Committee of three independent, impartial members of the Executive agreeable to all parties to mediate.

- 1.1** Both parties (including the nominated members of the Executive if requested), should meet each other on a face-to-face basis. This meeting should allow both parties to explain details, express points of view, confine issues and resolve differences in an atmosphere conducive to conciliation.
- 1.2** The person, or persons, with whom the grievance is raised should make a full verbal response to the complainant, and the nominated members of the Executive Committee, no later than five (5) working days from the date the matter is raised.
- 1.3** As far as is reasonable, both parties are to seek a mutually acceptable solution and avoid the need for a formal dispute resolution procedure to be initiated.

STAGE 2 – Investigation of the Complaint & Mediation

Where consultations undertaken in 1.1 have failed to resolve the dispute, the complainant should formally notify the dispute by submitting the complaint in writing to the nominated members of the Executive Committee, and advise them of the unresolved grievance.

- 2.1** The nominated Executive members advise the Secretary who records the grievance into the Complaints/Dispute Register, and arrange a pre-mediation meeting between all parties.
- 2.2** The pre-mediation meeting provides an opportunity to:
 - Explain the dispute resolution process
 - Clarify the issues that are the subject of the dispute
 - Determine whether any additional information needs to be provided to the parties prior to mediation
 - Identify the persons who will attend the mediation
- 2.3** Documents relating to the dispute are to be made available, and the date, time and venue for the mediation meeting notified to all parties. This mediation meeting is to be held as soon as practicable, and should be held within 5 working days of the notice going out.
- 2.4** Prior to mediation, each party should sign a written Agreement to Mediate (Schedule 2) to abide by the mediation guidelines set out below.
 - 2.4.1** The mediation is to be conducted by the appointed members of the Executive Committee.
 - 2.4.2** Mediation is to be conducted until one of the following occurs:
 - The parties execute a settlement
 - The mediator makes a written or oral declaration to the effect that further efforts at mediation are unlikely to be fruitful
 - One or more of the parties makes a written declaration to end the proceedings.
 - A 14 day time limit applies for the conclusion of mediation procedures. This period may be extended by the mediator if this is satisfactory to all parties.
 - In the event that mediation procedures remain incomplete or unworkable at the end of the time limit, and no extension of time is agreed upon, the matter is to proceed to Stage 3 – referral to the PBPS President.

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STAGE 3 – REFERRAL TO THE PBPS PRESIDENT

If resolution is not achieved at mediation, the issue may be referred to the PBPS President who will conduct such investigation as is deemed appropriate and meet with the parties involved in a sincere effort to discuss, analyse and resolve the matter.

If a mutual resolution is not reached, the President may issue a determination on the grievance which shall be final and binding upon both parties.

Final decision of the President will be forwarded to all parties within 14 days.

MEDIATION GUIDELINES:

Mediation is to be conducted in accordance with the following guidelines:

Service Agreement

Before entering into mediation each party is to sign a service agreement in which it acknowledges and agrees to abide by the mediation guidelines outline in the clause.

Mediators

Each mediation session is to be conducted by one or more mediators, mutually agreed to by other parties to the grievance. Mediators are to be neutral in all respects.

Confidentiality

To ensure that mediation is held in a non-prejudicial manner, all information disclosed in the course of mediation is to remain confidential.

The disputing parties, and the mediator, must not divulge records, reports or other documents received in the course of mediation. They shall not rely upon or introduce as evidence –

- Views expressed or suggestions made by another party with respect to a possible settlement of the dispute
- Admissions made by another party in the course of mediation
- Proposals made or views expressed by the mediator(s)
- Statements or notes made by the mediator
- The fact that another party had or had not indicated a willingness to accept a proposal for settlement made by the mediator(s)
- Documents presented at a mediation session
- Briefing notes and other documents distributed to the parties immediately prior to mediation.

Formality

Mediation sessions are to be conducted with as little formality and technicality as possible.

Representation & Attendance

If a party to a dispute is an individual, that individual must attend the mediation.

If a party consists of a large number of individuals with common interests, but is not a formally constituted group, the party must appoint one or several representatives to attend the mediation.

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Other members of the party may attend as observers, but may not participate in the formal proceedings except with the consent of the mediator and the other parties.

Mediation sessions are to be conducted in the absence of the public. However, support persons may attend to assist parties with advice and support.

Technical Guidance

Subject to agreement by the parties, officers with relevant technical expertise may attend mediation sessions for the purpose of providing technical guidance to the mediator. Such persons:

- Must only respond to questions initiated by the mediator
- Must vacate the mediation session on completion of responses on technical matters
- Must not become involved in general discussion or negotiation proceedings

Mediation Agreements

Written agreements reached at mediation must be signed by all involved parties. Where there is no consensus among the parties in relation to an agreement, a partial agreement may be considered at the discretion of the parties concerned.

A copy of the agreement is to be retained by each of the parties and the mediator.

DEFINITIONS

Pre-Mediation Meeting:

This is a component of mediation. It is a meeting held separately with each party to a dispute. Its purpose is to provide each party with sufficient information to enable them to effectively participate in mediation. The meeting provides an opportunity to:

- Provide a full explanation of relevant matters
- Ask questions about technical details
- Clarify issues of concern
- Make arrangements for the mediation

Mediation:

This is a voluntary process in which the parties to a dispute, with the assistance of three neutral third party members of the Executive Committee (the mediators), identify the disputed issue, develop options, consider alternatives and endeavour to reach an agreement.

The role of the mediator is to assist the parties to identify their interests, understand alternative views and arrive at a mutually acceptable solution. The mediator generally meets separately with each party, taking information in confidence. Mediation may involve more than one mediator.

Mediation Agreement:

This is a written agreement setting out the terms of settlement reached between the parties to mediation. The agreement:

- Is confidential, except where the terms of the agreement expressly permit part or all of its contents to be divulged to other persons
- Is made in good faith

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- Must be signed by all of the parties to the mediation

Party:

A person, group of corporation engaged in a dispute with other persons, groups or corporations. Each party represents a separately identifiable set of interests. There are at least two parties to every dispute.

Pre-mediation:

Pre-mediation is the preparation and familiarisation process undertaken prior to conducting mediation. It usually involves:

- Undertaking explanatory meetings
- Identifying and meeting special needs, such as access, interpreting services and support persons
- Arranging the date, time and venue for the mediation
- Arranging the mediator(s)
- Arranging for the parties to sign a service agreement

Service Agreement:

This is a signed statement in which a party:

- Agrees to enter into mediation
- Acknowledges and agrees to abide by the mediation guidelines outlined in this Policy

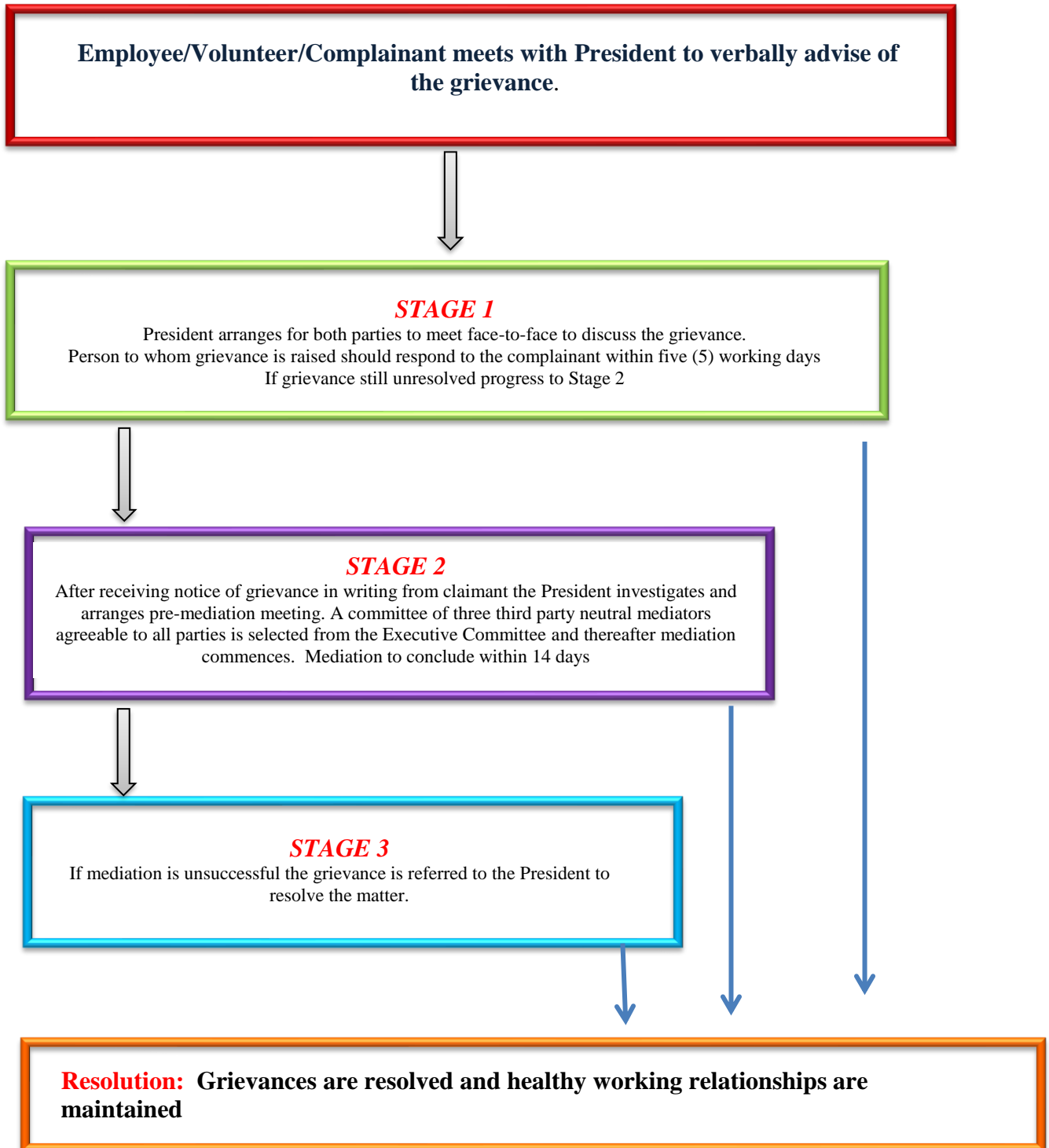
Statement of Unresolved Issues:

This is a statement that documents all matters remaining unresolved at the conclusion of mediation. It is jointly prepared and signed by each of the parties.

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SCHEDULE 1

GRIEVANCE AND DISPUTE RESOLUTION PROCEDURE FLOWCHART



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SCHEDULE 2

AGREEMENT TO MEDIATE

This is an agreement between _____, and _____, hereinafter referred to as the “parties”, and _____, hereinafter referred to as the “mediator”, to enter into mediation with the intent of resolving issues relating to the dispute (Schedule 3).

The parties and the mediator understand and agree as follows:

Nature of Mediation

The parties hereby appoint the following three members of the Executive Committee _____ as mediators for their negotiations.

The parties understand that mediation is an agreement-reaching process in which the mediators assist parties to reach agreement in a collaborative, consensual and informed manner. It is understood that the mediators have no power to decide disputed issues for the parties. The parties understand that mediation is not a substitute for independent legal advice.

The parties understand that the mediators’ objective is to facilitate the parties themselves reaching their most constructive and fairest agreement. The parties also understand that the mediators have an obligation to work on behalf of each party equally and that the mediators cannot render individual legal advice to any party.

Scope of Mediation

The parties understand that it is for the parties, with the mediators’ concurrence, to determine the scope of the mediation and this will be accomplished early in the mediation process.

Mediation Is Voluntary

All parties here state their good faith intention to complete their mediation by an agreement. It is however understood that any party may withdraw from or suspend the mediation at any time, for any reason, by notice in writing.

The parties also understand that the mediators may suspend or terminate the mediation if they consider that the mediation will lead to an unjust or unreasonable result, if the mediators consider that an impasse has been reached, or if the mediators determine that any of the mediation committee can no longer effectively perform their facilitative role.

Absolute Confidentiality

It is understood between the parties and the mediator that the mediation will be strictly confidential. Mediation discussions, written and oral communications, any draft resolutions, and any unsigned mediated agreements shall not be admissible in any court proceeding. Only a mediated agreement, signed by the parties may be so admissible.

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The parties further agree not to call the mediators to testify concerning the mediation or to provide any materials from the mediation in any court proceeding between the parties. The mediation is considered by the parties and the mediators as settlement negotiations.

The parties understand the mediators have an ethical responsibility to break confidentiality if they suspect another person may be in danger of harm.

Full Disclosure

Each party agrees to fully and honestly disclose all relevant information and writings as requested by the mediators and all information requested by any other party of the mediation if the mediators determines that the disclosure is relevant to the mediation discussions.

Mediator Impartiality

The parties understand that mediators must remain impartial throughout and after the mediation process. Thus, the mediators shall not support the interests of any party over another in the mediation or in any court or other proceeding.

The parties agree that the mediators may discuss the parties’ mediation process with any attorney any party may retain as individual counsel. Such discussions will not include any negotiations, as all mediation negotiations must involve all parties directly. The mediators will provide copies of correspondence, draft agreements, and written documentation to independent legal counsel at a party’s request. The mediators may communicate separately with an individual mediating party, in which case such “caucus” shall be confidential between the mediators and the individual mediating party unless they agree otherwise.

Litigation

The parties agree to refrain from pre-emptive manoeuvres and adversarial legal proceedings (except in the case of an emergency necessitating such action), while actively engaged in the mediation process.

Dated this _____ day of _____ 20

Signed:

On behalf of (party name)

Print Name

On behalf of (party name)

Print Name

On behalf of (mediator name)

Print Name

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SCHEDULE 3

DESCRIPTION OF DISPUTE
