

Policy and Procedures Conflict Resolution and Grievance Dispute Resolution

Conflict Resolution

BACKGROUND

People who choose to become involved in community broadcasting share a vision of providing programs designed to meet the diverse needs of our community. Challenges in achieving this united vision are complex and ongoing. And yet, the dedication and commitment necessary to attain their goals can sow seeds for possible discontent and conflict. Demands for versatility, professionalism and co-operation, with limited resources of people and funding, call for proactive as well as reactive conflict resolution skills and procedures.

While the 'good will' of all concerned in finding fair solutions is never doubted, sadly, experience shows that good will is not enough— we also need 'good skill'. The aim of this handbook is to offer some alternatives when our normal conflict resolving skills or problem-solving strategies are not working.

What is conflict?

Conflict is the very stuff of life. It arises when the different ideas, values, interests, hopes, desires or opinions of individuals are questioned. Questioning can have positive or negative results. It's how we handle these questions that makes the difference. Handled positively, questions can be seen as challenging opportunities for creative solutions to new and existing areas of difficulty. Handled negatively, conflict arises which presents obstacles, reminds us of existing history between the players and causes us to focus on personalities rather than the issue at hand.

What is conflict resolution?

Conflict resolution is the mechanism we use to consider ways of understanding differences and using that understanding to build better professional and personal relationships. The Conflict Resolution Network has put together a set of skills applicable to all kinds of conflict. These skills are seen as 'tools' not 'rules'. The skill comes in recognising that the tool I am currently using is not doing the job and to select a more appropriate tool. To apply these skills we need to use the four keys that open communication between conflicting parties:

- * responding not reacting to situations,
- * identifying conflict clues for early intervention,
- * turning opponents into conflict resolving partners, and
- * asking appropriate questions to help people shift their fixed positions.

PURPOSE

This document sets out Fraser Coast Community Radio Inc policy on internal conflict and grievance dispute resolution and is to be used by all members in the event of internal conflicts

STRATEGIES AND SKILLS

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Fraser Coast Community Radio Inc advocates the following strategies and skills for building better professional and personal relations between Members looking for fair solutions to internal conflict

Keys to Open Communication

React or Respond

Most of our interactions, decision-making and problem-solving discussions are conducted rationally and reasonably. We state our needs clearly, listen to others' needs, make willing concessions, enter into agreements and commit to making the process work. At other times these attitudes seem to be totally disregarded. What causes the different approach?

Have we become deeply involved with the situation, expended enormous personal energy and drive into making the project work, or have we convinced ourselves that our solution is the only practical one? Do we fear failure, do we see input to our preferred solutions as personal rejection or criticism of our work? Any of these may lead to a fixed position.

When this occurs our interactions are no longer based on logic but emotional reactions. Reacting this way is normal. These reactions are called 'fight' (aggressive words and actions) and 'flight' (withdraw and refuse to participate further). Both behaviours exacerbate conflict, cause further tension which can extend to other workers.

The challenge is to accept that conflict situations will occur and to develop strategies that allow us to respond appropriately. We need to use our emotions and reason congruently. **A change in breathing to release tension is the key to bring about better communication. Breathe slowly and deeply.** When we are more relaxed we can choose whether to continue the discussion now or take time out.

Identifying Conflict Clues

In any conflict situation that arises there are some early indicators of problems. We need to develop and trust our people-reading skills that inform us things are not going smoothly. The aim is to enhance our awareness so that we can intercede before conflicts become, or appear intractable. Some conflict clues are:

- * Discomfort: you feel uncomfortable without knowing why
- * Incidents: short, sharp exchanges that leave you upset
- * Misunderstanding: assumptions are made about motives
- * Tension: negative attitudes & fixed positions impede dialogue
- * Crisis: extreme actions are contemplated or executed

Opponents or Partners

The first step is to change our attitude that there must be winners and losers and to disengage from power struggles. Instead, we want to consistently adopt a joint problem-solving approach where wins are built in for all parties. This means researching tangible and intangible needs. Tangible needs include things like a clear statement of duty or program requirements, while intangible needs cover such things such as respect or having our input valued.

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Needs-based solutions necessitate all parties being heard. Once we have been heard, we are willing to hear others. We all own the agreed solutions and are committed to making them work. Follow through on agreements will help establish trust. We no longer view others as opponents but can see them as our conflict resolving partners.

Asking Appropriate Questions

Asking good questions at the appropriate time helps to change fixed positions. A “position” is based on the belief that the present solution a person holds will give them what they want. The skill of good questioning is to find the underlying need behind the position. Needs include interests, hopes, desires, values, beliefs and wants. Once we have identified the real need, then a variety of ways to satisfy that need can be considered. Real needs are non-negotiable, positions are negotiable.

One important factor in the process is to discover whose need it is. We often express our position in terms of someone else’s needs, e.g. “You need to ring me when you are late” (my need could be able to organise my schedule, or to know you are safe). Intrusive questions need to be avoided. Instead of asking ‘why’ we need to extend that question to “why is that important to you” or “what difference will doing it that way make for you”. These questions encourage the other person to explore possibilities or examine probabilities. They can also identify and address fears and concerns. As this process occurs, other players or their needs may emerge and can be considered as part of the solution.

Twelve skills of Conflict Resolution

1. The Win/Win Approach

In problem-solving we aim to design solutions that work for both parties. The first step is to understand the underlying needs for each party. Frequently this is for security and recognition. Where a Win/Lose approach is the cause of a limited view or options we need a new look at situations. We need to create an environment of co-operation and possibilities for mutual gain. We need to distinguish between approaching negotiation with a compromise mindset and using a needs approach.

- * What is my real need here? What is theirs?
- * Do I want it to work for both of us?

2. The Creative Response

Each situation can be an opportunity for interaction and communication, which might never have occurred before. We are encouraged to move beyond blame and shame, right and wrong and into possibilities which present realities. Where there is a severe negative approach and limited sense of possibility we need a creative response. Problems frequently seen as crises, could be regarded as invitations for change. We can start by seeing problems as opportunities.

What opportunities can this situation bring?

3. Empathy

Seeing and understanding the other person’s point of view can be limited when there is ignorance of, or difficulty is experienced in hearing or accepting, different values, beliefs and perspectives. This can lead to assumptions about the behaviour and motives of others.

In determining the motives behind apparently uncaring behaviour of other people we need to ask:

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- * What is it like to be in their shoes?
- * What are they trying to say?
- * Have I really heard them?
- * Do they know I'm listening?
- * Have we really understood their dilemmas?
- * Do they know we are aware of their difficulties?

4. Appropriate Assertiveness

Where passive, fearful, resentful responses are present, or where aggressive judgements are being presented it is helpful to know your needs and rights and how to state them clearly.

- * What do I need to change?
- * How will I tell them this without blaming or attacking?
- * How will we tell them of our needs without eliciting a defensive response?
- * Is this a statement about how I feel, rather than what is right or wrong?
- * .How can we be soft on the people and hard on the problem?

5. Co-operative Power

Mutual co-operation builds root-level security and trust. The appropriate response in our times is a new dynamic co-operation. This response is applicable to individuals and organisations where disempowerment occurs. The difference is between power over someone else and power with someone else. We can face the problem together when we are soft on the personalities and hard on the problem.

- * Am I using power inappropriately? Are they?
- * Instead of opposing each other, can we look for common areas of co-operation?

6. Managing Emotions

We cannot overestimate the importance of managing emotions when handling one's own anger and frustration, especially where strong emotions are causing a block to appropriate action. Blocks can occur either from exploded or suppressed emotions. Expressions of unbridled emotion, such as hostile rhetoric, are particularly damaging. We need to ask:

- * What am I feeling?
- * Will telling them how I feel help the situation?
- * What do I want to change?
- * Have I removed the desire to punish and blame from my response?
- * What can I do to handle my feelings?
- * How can I help them to manage their emotions?

7. Willingness to Resolve

This fundamental prerequisite needs to be examined. If this willingness can be created, solutions will be found. If it is impossible to create this willingness, chances are there is a secondary gain in not solving this problem.

- * Should the secondary gain be addressed in some more appropriate manner?
- * What can I do to help them and myself be more willing to resolve?
- * Is resentment preventing successful negotiation?

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8. Mapping—Problem Analysis

Drawing up a map of the problem includes looking at the underlying needs, values, objectives and visions of the participants. This is useful when confused, if there is a lot to be considered, or there is difficulty finding common ground. It is an excellent tool as preparation for negotiation. The questions we ask are:

- * What's the issue or problem?
- * How does the issue or problem relate to the Station Charter, Community Radio Broadcasting Codes of Practice, Policies and the constitution (Enlist the advice of Management for help in identifying relevant documents)
- * How many parties or stakeholders are there to this situation?
- * What are the needs, anxieties and concerns of each?

This mapping will reveal areas of common interest and highlight difficulties to be addressed.

9. Designing Options

Options are developed without being judgemental - what may at first seem impossible may seed good ideas creating choices appropriate for both parties. Solution-hunting begins and “bottom lines” are emerging. Don't judge possibilities yet.

- * How can we both get more of what we want?
- * Is trial & error the best way or do we need a more long-term approach?

10. Negotiation Skills

We need to set clear goals considering fair play and justice. The benefits each party can give the other may be explored. Objections should be included in the process, not ignored. Careful attention in preparing clear contracts that accurately reflect agreements is essential. A well written contract defines parameters and minimises disagreements. Mutual satisfaction is the basis of good contracting— creating suitable environments for working together; blending different interests; working towards new balances, agreements and contracts. The secret is getting together to work it out.

- * What do I wish to achieve?
- * How can we make this a fair deal?
- * What can they give me? What can I give them?
- * Am I ignoring objections? Can I include them?
- * What points would I want covered in an agreement?
- * Would something help them save face?
- * Is saving face important to me?

11. Mediation

When there is difficulty or hostility in getting parties together, understanding the role of the mediator and the importance of neutrality, is essential.

- * Can we resolve this ourselves or do we need a trusted third-party?
- * Who could take on this role?
- * Is mediator the role for me?
- * How can I explain my role?

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When an individual is offering to mediate, it is necessary to ensure both sides are fairly represented and the right environment exists for understanding each other and creating workable solutions.

12. Broadening Perspectives

It is vital to see the whole picture and not just one point of view. Considering only the impact on ourselves and neglecting long-term consequences on other people or issues of organisational policy constraints, can limit our understanding and optimal decision-making.

Grievances

Fraser Coast Community Radio Inc adopts the following procedures for grievance dispute resolution.

Fraser Coast Community Radio Inc will follow a 4 step process in resolving grievances:

1. Informal negotiation must occur between the disputants.
2. Each party will present verbally, and in writing, their understanding of the dispute and what has led to it. Management will use conflict resolution techniques to achieve an equitable solution.
3. Mutually acceptable external facilitator or mediator will be made available.
4. Where warranted, suspension / termination in accordance with relevant Codes, including Procedures for Disciplinary Action and Dismissal of Volunteers and the Constitution.

RESOLUTION PROCEDURES

Step 1

When disputes or conflict occur within the station between workers, the first step is negotiation between the disputants with the aim of bringing about agreement or settlement of the opposing demands or attitudes.

The idea is to approach the person that you have the grievance with as soon as possible. Don't let it fester until your emotions are running on full throttle as what started off as a misunderstanding may become a crisis. Your aim is to avoid ambushing them! Their responsibility is to acknowledge your concern regardless of whether the issue seems trivial to them, is a difference of opinion, belief, or priority. Acknowledgment doesn't say either party is "right or wrong". It simply recognises that the situation exists.

If now is not a good time to discuss the issue, we must feel free to honestly say that is the case, and to set up a mutually suitable time either later that day, or if not possible, then on the very next day that you will both be at the station. The topic for discussion and approximate time needed will determine the agenda, time and place of the meeting. These steps allow most grievances to be handled between the parties concerned. The process empowers both parties to turn potential opponents into problem-solving partners.

Step 2

When informal negotiations have failed to resolve the conflict, each party is required to present verbally, and in writing, their understanding of the dispute and what has led to it. Management will use conflict resolution techniques to achieve an equitable solution. This will be done by consulting separately with the parties and then in joint discussion to develop a solution that will satisfy all parties.

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Persons involved in the dispute resolution must:

- * deal with issues promptly and fairly,
- * listen to needs objectively & keep an open mind,

- * avoid assumptions about motives and attitudes,
- * develop options everyone owns & agrees will work, and
- * ensure everyone is committed to agreements.

*(*** entrusted delegate should take minutes of the meetings, date, and all participants read, amend if wanted, sign and date. Copies to all parties, original in office "confidential" file)*

Step 3

If agreement cannot be reached, a mutually acceptable external facilitator or mediator may be sought to assist.

*(*** entrusted delegate should take minutes of the meetings, date, and all participants read, amend if wanted, sign and date. Copies to all parties, original in office "confidential" file)*

Step 4

Suspension and Termination of Volunteers

If, having followed the grievance procedure, one party is still not satisfied, the management reserves the right to make a final decision on the matter, keeping in mind the best interests of the station and volunteers.

Suspension

When evaluating "the actions of a station member it is important to distinguish between media law (a condition of the station's licence), station policy (a formal rule that is understood by all) and informal expectations. Many breaches can occur because station workers are not aware of these rules. Station management must take responsibility for the formal communication of what constitutes unacceptable broadcast content and/or behaviour. This is to be documented.

If the behaviour in question is not serious or is considered accidental, a "three warnings" approach may be taken. Refer to Procedures for Disciplinary Action and Dismissal of Volunteers. If a program presenter has seriously breached media law or station policy, immediate suspension from broadcast activities may be pursued. All suspensions should be followed up with a letter stating the seriousness of the breach and the processes for appeal. The appeal should be held as soon as practicable. Further training may be required before a suspension is lifted.

Termination

In the case where, having followed conflict resolution and grievance procedures, the management believes that membership termination be pursued, the station's constitution must inform the process.

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In most constitutions, management must inform the party, in writing, of the grounds of membership termination. The member in question may be offered the right to appeal the termination and address station members at a general meeting. If the member elects to appeal the termination, management may be required to organise and hold a general meeting within a certain time period. Members attending such a meeting may be required to vote on the motion to terminate the member. In such cases, the members' decision is final.

*****This document has been based on The CBAA Guide to Conflict Resolution developed by the Conflict Resolution Network in consultation with the CBAA.**