

Department of Planning and Environment

Conflict Management Toolkit for the Wildlife Rehabilitation Sector in NSW

A package of resources to help wildlife rehabilitation organisations to
avoid and manage internal conflict



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Part A – Conflict management guidelines

A1 About these guidelines

Conflict is a normal part of life and of working with others. Conflict can be uncomfortable and stressful, and if allowed to escalate, it can damage personal relationships as well as an organisation's work and reputation. However, if it is dealt with constructively at an early stage, conflict can help to expose problems, improve self-awareness, fix misunderstandings and improve an organisation's effectiveness.

1.1 What are these guidelines?

These guidelines are a framework to help organisations in the NSW wildlife rehabilitation sector handle conflicts and disputes in a fair, timely and consistent way. They give some guidance about preventing conflict and suggestions for how to resolve different kinds of conflict. These guidelines aren't legally binding.

1.2 Who do these guidelines apply to?

These guidelines apply to everyone who works or volunteers in organisations in the NSW wildlife rehabilitation sector, including volunteers, wildlife rehabilitators, coordinators, managers, members, committee members and employees. These guidelines do not apply to people outside those organisations, for example, members of the public, vets or government representatives.

1.3 What don't these guidelines apply to?

These guidelines do not apply to complaints about:

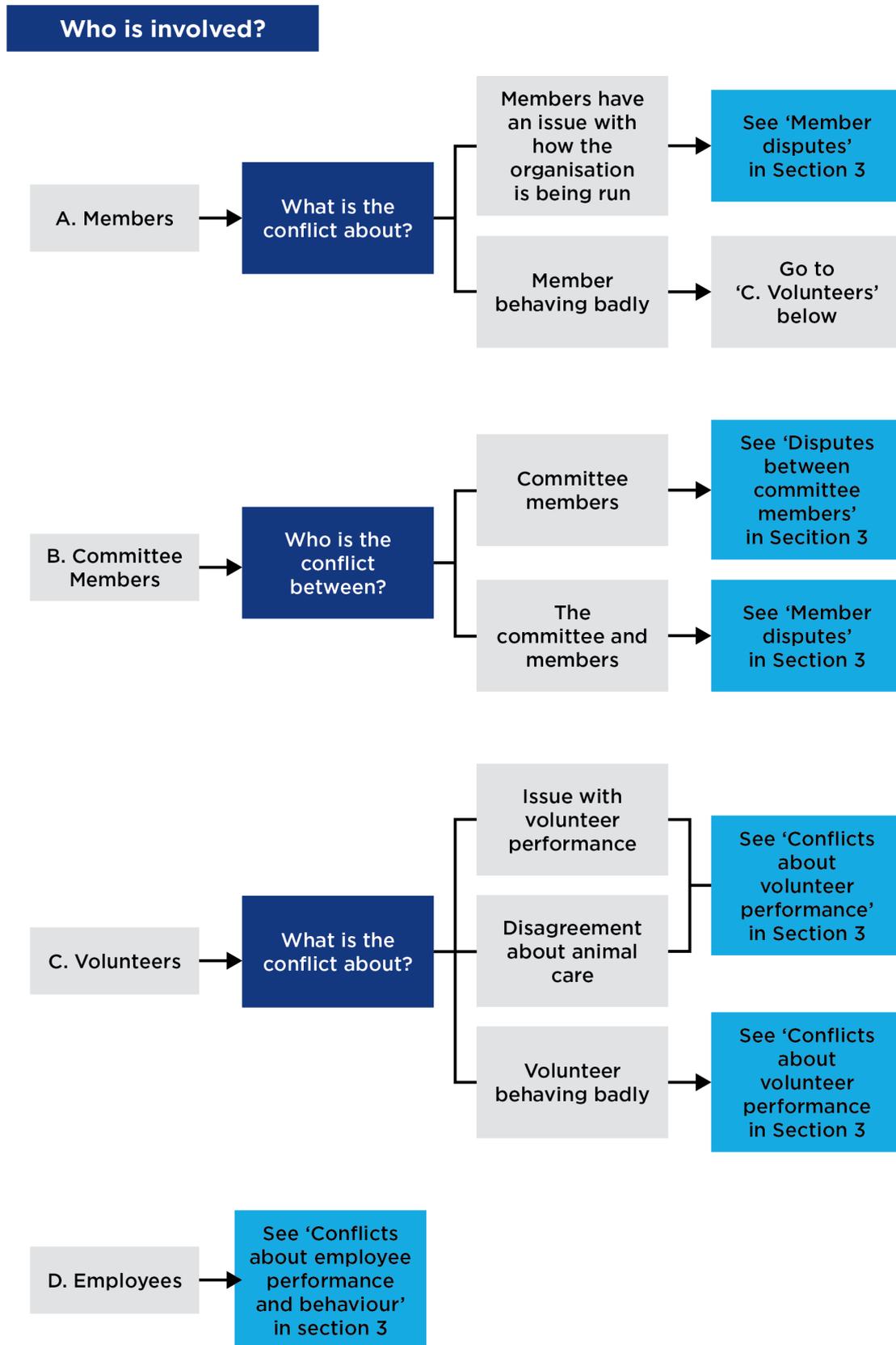
- fraud or criminal conduct (e.g. embezzlement, corruption, assault, blackmail, stalking, animal cruelty); these incidents should be reported to the committee and to the police
- employment entitlements (e.g. complaints about pay or leave entitlements); refer to employment contracts and policies for guidance
- bullying, sexual harassment or discrimination – people who experience or witness these behaviours should, in the first instance, refer to the guidance in Part B of this toolkit: 'Bullying, sexual harassment and discrimination policy'
- disputes with other organisations (e.g. other wildlife rehabilitation groups) or other external individuals or businesses (e.g. vets or other service providers). However, you may find that some of the general conflict management strategies described in these guidelines can help you. (See Sections 4.3 'Have a conversation' and 4.6 'Mediation'.)

1.4 How to follow these guidelines

To help prevent and minimise conflict in your organisation, familiarise yourself with Section 2 of these guidelines.

If you are involved in or responding to a conflict, refer to Section 3 to establish what type of conflict you are dealing with and review the options for resolving it. In Section 4, you will find detailed information about each of those methods to step you through what to do.

1.5 Conflict management flow chart



A2 Preventing conflict

2.1 Common causes of conflict

There are many common causes of conflict. Understanding them can help you prevent conflict and recognise why a specific conflict may have come about.

Frequent causes of conflict include people:

- having different ideas about how things should be done
- being unclear about their roles or responsibilities
- not following internal or external rules
- being confused by inconsistent or unclear management practices
- having different communication styles
- misusing their authority
- behaving inappropriately or unethically
- having clashing personalities or unresolved problems from the past
- feeling stressed, overwhelmed or undervalued.

2.2 Preventing conflict

There are various things that individuals and organisations can do to prevent conflict.

How individuals can prevent conflict

- Follow the code of conduct in this toolkit.
- Don't ignore conflict when it arises. Many people wish conflict would go away, but it's important to address it straight away. New and bigger conflicts can snowball out of one original misunderstanding.
- Make sure you understand your organisation's expectations of you, the rules and policies that apply to your work, and the organisation's constitution if you are a member.
- When you disagree with other people, try to solve problems rather than win arguments.
- Reflect on your communication skills, including how well you send messages and how you receive them. Recognise and listen to other people's concerns.
- Give praise and compliments generously and recognise when people are trying hard.
- Notice when you are feeling stressed, upset or overwhelmed, and seek support.
- Understand that people are under similar pressures even if they have different roles.
- Remember the reason why you are all working together – to provide a crucial community service by rescuing, rehabilitating and releasing native animals.

How the management committee can prevent conflict

- Follow the committee code of conduct in this toolkit.
- Make sure the constitution, policies, procedures and other governance documents are up to date and freely available to all members.
- Keep clear minutes of committee meetings that record the decisions made and the broad reasons for reaching those decisions, and make these available to all members

as appropriate, taking into account confidentiality and the process set out in your constitution.

- Give members and volunteers opportunities to raise valid concerns without fear of repercussions.
- Ensure that volunteers have clearly defined roles, responsibilities and expectations – consider using volunteer agreements, role descriptions and induction checklists.
- Develop appropriate policies and procedures about performance and conduct, in consultation with members and volunteers.
- Administer rules and policies fairly and consistently. When rules are being broken, your organisation should address the problem promptly and not hope it goes away.
- Encourage a supportive, safe and respectful culture and lead by example.
- Recognise people's contributions and hard work. Ensure people have adequate training and support to do their work.
- Document your organisation's strategies and priorities, and be transparent and accountable in decision-making.

A3 Understanding the conflict

The first step in dealing with conflict is to work out what kind of conflict you are dealing with. How you manage a conflict will depend on who is involved, what their role is, and what has caused the disagreement.

3.1 Who is involved?

People in your organisation are likely to have a number of different roles and responsibilities. For example, a person may be:

- a member of the incorporated association as well as a volunteer wildlife rehabilitator
- a member of the incorporated association and a member of the management committee.

You will often need-to-know what role someone has in relation to the conflict to work out how to resolve it.

3.2 What kind of conflict is it?

Section 3 of these guidelines outlines some common types of conflicts that can arise between people and suggests appropriate strategies for resolving them. Each strategy is described in full in Section 4. You may need to flip back and forth between Parts 3 and 4 to fully understand the strategies and develop a plan for managing your conflict.

Tips for identifying your conflict

To identify what kind of conflict you are dealing with and what you should do:

1. refer to the conflict flow chart (Figure 1) as a quick reference
2. check your options by reading about the six types of conflict defined below
3. consider strategies you can use, as set out in Section 4.

3.3 Member disputes

What are member disputes?

A member of your organisation is someone who has satisfied the requirements of formal membership in your organisation's constitution.

A person can be a member and also wear other 'hats' in your organisation. For example, a member can also be a committee member or a wildlife rehabilitation volunteer. When a person is wearing their 'member hat' they might attend annual general meetings and vote to elect new committee members. When wearing their 'committee hat' a person might attend committee meetings and make governance and strategic decisions. When wearing their 'volunteer hat', a person carries out their duties as a wildlife rehabilitator, such as caring for animals and attending training.

'Member disputes' are about things that relate to a person's rights or obligations as a member of the organisation. Member disputes can arise between different members of your organisation (including committee members), or between a member (including a committee member) and the organisation.

Examples of member disputes

Member disputes can be about things like:

- **meeting procedures**, e.g. insufficient notice is given of a general meeting, annual general meetings are not being held, the members' properly made requests for a general meeting are being ignored, or there are concerns about the validity of a voting process at a general meeting
- **members' rights**, e.g. the organisation is not allowing a member to inspect the register of members
- **the committee's compliance** with the constitution or the *NSW Associations Incorporation Act 2009* ('the Act'), e.g. the committee is not accepting properly made applications for membership, or the committee is not complying with rules for managing conflicts of interest.

When a member disagrees with a committee decision, this will not always fit the definition of a 'member dispute'. This is because members do not have the right to participate in management or governance decisions unless they have been elected or appointed to serve on the committee. However, it could be a member dispute if the member believes the committee has not complied with the Act or with the constitution in reaching its decision – e.g. the committee has:

- not properly managed a conflict of interest
- made a decision that is contrary to the organisation's legal purpose

- made a decision to trade while the organisation is insolvent.

Suggested strategies

	<p>Refer to relevant documents</p> <p>Because member disputes are about rights and obligations of members, you should start by checking the rules in your organisation’s constitution. For example, if you have a concern about whether the correct notice period has been given for a special general meeting (SGM), you should check the rules for calling an SGM.</p>
	<p>Have a conversation</p> <p>If you have concerns about the conduct of a member or committee member, you can try approaching the person to discuss the issue.</p>
	<p>Escalate internally</p> <p>If you have not been able to resolve the dispute through conversation, or you have concerns about the conduct of the organisation or the committee as a whole, you can raise your concerns with your organisation’s disputes officer or disputes subcommittee (if you have either of these) or, alternatively, the President of the committee.</p>
	<p>Constitutional processes</p> <p>Every incorporated association in New South Wales is required by law to have a procedure in their constitution for dealing with disputes or grievances (a dispute resolution process). This procedure will often require you to participate in a negotiation or mediation with others involved in the dispute.</p> <p>Some constitutions also set out a procedure for disciplining members (a disciplinary process). You should use this process only if your dispute involves some inappropriate behaviour by another member (see Section 3.4 ‘Disputes about inappropriate member behaviour’).</p> <p>Often, constitutional dispute resolution and disciplinary processes can be formal and time-consuming. Before you start a constitutional process, consider whether any of the above-mentioned strategies could be used first to resolve the conflict. However, remember that a dispute can only be formally resolved by the organisation by following the process in its constitution.</p> <p>See Section 4.7 ‘Constitutional processes’ for more information about constitutional dispute resolution and constitutional disciplinary procedures.</p>

Scenario

John is a member of a NSW wildlife rehabilitation organisation called WILD Inc, and has been a volunteer wildlife rehabilitator for many years. John has chatted to many people in his community who are interested in getting involved in WILD Inc. A number of people have mentioned to John that they submitted a membership application a few months ago but haven’t heard back.

John looks at the WILD Inc constitution and checks the process for becoming a member. The constitution says that applications must be accepted or rejected ‘as soon as practicable’. John decides to contact the Secretary, who says the committee ‘will get to the applications soon but we’ve been very busy’.

John becomes concerned the organisation is missing out on the help of new members who want to contribute. He also wonders if the committee is deliberately not accepting new members before the upcoming annual general meeting (AGM) next month.

John decides to submit a formal complaint under the WILD Inc dispute resolution procedure. The parties follow the process and discover the Secretary has been struggling with the demands of the role and has not been bringing membership applications to the attention of the committee. The committee resolves to accept the applications at the next committee meeting.

3.4 Disputes about inappropriate member behaviour

What are disputes about inappropriate member behaviour?

Conflict can sometimes be caused by the inappropriate conduct or behaviour of a person in their capacity as a member or committee member, which is harmful to the organisation's interests.

Examples of inappropriate member behaviour

Examples include where members are:

- deliberately breaching the constitution
- unreasonably disrupting general meetings or not allowing voting to take place
- making disparaging or defamatory statements about the organisation to the public
- behaving in any other way that is prejudicial (harmful) to the organisation or its reputation.

Suggested strategies

	<p>Refer to relevant documents</p> <p>In some cases, inappropriate behaviour by members may also amount to breach of organisational policy, for example:</p> <ul style="list-style-type: none"> • bullying, sexual harassment and discrimination policy • code of conduct • social media policy. <p>If the organisation is considering disciplining the member, you will need to refer to the process set out in your constitution (if any).</p>
	<p>Have a conversation</p> <p>If you feel safe and comfortable to do so, consider having a conversation with the member about their behaviour. Sometimes, a discussion will be all that is required to get a member to change their behaviour.</p>
	<p>Escalate internally</p> <p>Approach the Secretary or President with any concerns about another member's behaviour. See Section 4.4 'Escalate internally' for more information.</p>



Constitutional processes

Many incorporated associations have a procedure in their constitution for disciplining member (a disciplinary process), but they do not have to. If there is a procedure in the constitution, it should be followed.

Depending on the terms of your constitution, disciplinary action can include a sanction, a fine, or suspension or cancellation of membership.

Disciplinary action against a member is different from disciplinary action against a volunteer. For example, a person can be removed from their volunteer position and still retain their membership of the organisation.

It is important that whenever your organisation proposes to remove a member, that it does so strictly in accordance with its constitution.

You should avoid starting a disciplinary process while you are already using a dispute resolution process about the same matter. An association should also not use a disciplinary process to retaliate against a member that has started a dispute resolution process in good faith.

See Section 4.7 'Constitutional processes' for more information about constitutional disciplinary procedures.

Scenario

Lucia is a member of WILD Inc. There are a number of changes she wishes to see to the organisation and the way it is run, and this is why she nominated for election to the management committee. Lucia was not elected at the annual general meeting. Lucia is angry and frustrated and decides the only way left to create change is to take matters into her own hands.

Lucia writes an open letter to the NSW National Parks and Wildlife Service (NPWS), which she posts on her Facebook page and emails to her contact at the department and her local Member of Parliament. In the letter, she states that the organisation is a corrupt dictatorship that teaches people how to abuse animals and then cover it up. She begins calling other members of the organisation at all hours of the day and night, urging them to sign the open letter.

The President calls Lucia to try and talk to her about her behaviour and to see if there is a more constructive way of addressing her concerns. Lucia refuses to respond and then sends the President a number of offensive text messages.

The committee consults the constitution and decides to commence a disciplinary process against Lucia.

3.5 Disputes between committee members

What are disputes between committee members?

Committee members are people who have been elected or appointed under an organisation's constitution to govern and oversee the affairs of the organisation. They may also be members of the organisation – and this may be required by the organisation's constitution.

A healthy level of disagreement on the committee is normal. Committee members should be able to have robust conversations and share different views, so long as they do so in a respectful way. A committee member dispute is a dispute particular to the carrying out of committee member roles and responsibilities, as opposed to a dispute about more general rights and obligations arising from membership under the constitution. (See Section 3.3 'Member disputes'.)

Examples of committee member disputes

Common types of conflict on the committee include:

- disagreements about proposals or decisions
- disagreements about a person’s compliance with legal obligations, e.g. failure to disclose a potential conflict of interest, not respecting the confidentiality of committee discussions
- disagreements about a committee member’s performance of their role, e.g. committee members not coming to committee meetings or contributing to discussions, committee members dominating discussions, or committee members refusing to support majority decisions.

Suggested strategies

	<p>Refer to relevant documents</p> <p>For clarity about standards of expected behaviour, refer to the committee conflict of interest policy, committee code of conduct, committee role description and any induction materials for new committee members.</p>
	<p>Have a conversation</p> <p>Talk with the committee member about your concerns and try to reach an agreement about how these can be addressed. Asking questions to find out what lies behind the dispute can help you find common ground.</p>
	<p>Escalate internally</p> <p>The role of the President is crucial in resolving disputes on the committee. Often early intervention can help to prevent issues from becoming worse.</p> <p>If there is growing tension between two or more committee members, the President may arrange a private meeting between them to talk through the issues. If there is an issue with the behaviour of a single committee member, the President may have a private chat with them to try to understand the reasons for the behaviour and to work out a resolution.</p> <p>If the President is involved in the conflict, approach another committee member who isn’t involved.</p> <p>Outcomes can include:</p> <ul style="list-style-type: none"> • providing education about the committee member’s role and the organisation’s expectations • organising governance training on the role of committee members and their legal duties • referring the committee member to relevant documents (or developing them if they do not exist).
	<p>Mediation</p> <p>If informal attempts to resolve the matter are unsuccessful, mediation may be appropriate, particularly where poor relationships between committee members are affecting the effective functioning of the committee.</p>



Constitutional processes

If other strategies have failed, the committee may be able to wait for the committee member's term to come to an end.

If the situation requires a more urgent solution, the organisation can take steps to remove the committee member. It is crucial this is done in accordance with the constitution.

Scenario

Sally is a committee member of WILD Inc. In the past 6 months, Sally's attendance at committee meetings has been irregular. Sometimes she only sends an apology a few hours before the meeting and when she does show up, she hasn't always caught up on past minutes.

Sally attends the next committee meeting, where the committee votes on a resolution to use a recent bequest to provide additional equipment to volunteer wildlife rehabilitators. Sally opposes the resolution as she argues that the bequest should be used to provide mental health support to wildlife rehabilitators. The resolution is passed without her support. Sally makes a snide comment under her breath, and when the meeting ends, she leaves without saying goodbye to anyone. Her behaviour is starting to stir up discontent and frustration on the committee.

The President organises a phone call with Sally. He asks her how she is feeling about her role on the committee. Sally says she is currently feeling quite frustrated. The agenda and board papers are sometimes only released a few days before the meeting, and she can't read the materials in time. She finds meetings difficult because everyone else seems to agree with each other, and she doesn't feel her suggestions are listened to.

The President agrees to ensure the agenda and board papers are provided to committee members at least a week before the meeting. He also undertakes to take a more active role in facilitating committee discussions, encouraging critical analysis and ensuring everyone's contributions are sought and welcomed. He also informs Sally that she has a responsibility to the committee too, and reminds her the role takes time and commitment. He sends Sally a copy of the WILD Inc Committee Code of Conduct. At the next committee meeting, the President asks the Secretary to investigate some refresher governance training for all of the committee members.

3.6 Conflicts about volunteer performance

What are disputes about volunteer performance?

A volunteer is someone who does work to benefit an organisation and its purposes, where:

- neither the person nor the organisation intends to create a legally binding employment relationship
- the person is under no legal obligation to perform the work
- the person doesn't expect to be paid for their work.

A volunteer may also be a member and a committee member of the organisation.

Disagreements about a volunteer's performance are a common cause of conflict.

'Performance' generally refers to the quality of a volunteer's work, and differs from 'conduct' or 'behaviour' which generally refer to the deliberate breaking of internal rules or policies, or laws.

There can be a number of reasons why a person doesn't meet the standards that are expected of them. For example, a volunteer may:

- be unaware of a particular requirement or standard
- think they are already complying
- lack the resources they need to comply
- need additional training to develop relevant skills
- have received confusing or contradictory instructions
- be affected by stress or burnout.

Sometimes people will disagree about each other's way of doing things, e.g. they may have different approaches to caring for a particular species. Different wildlife rehabilitation organisations can also decide to adopt their own practices and processes as a means of meeting the Department of Planning and Environment codes of practice, licence conditions and other legislative standards. They may also have policies in place for managing the performance of wildlife rehabilitators and other volunteers.

Volunteers in the sector make a generous commitment of time, energy and skill. Your organisation should consider how to promote best practice and compliance with relevant codes of practice and licence conditions while still respecting the judgement and independence of volunteer wildlife rehabilitators and recognising their contribution.

Examples of disputes about volunteer performance

Conflicts about performance can arise where a person is:

- not performing to the required standard, e.g. not complying with relevant departmental codes of practice for injured, sick and orphaned native animals
- acting against instructions from the species coordinator, or outside the boundaries of their role
- not performing certain aspects of their role, e.g. not keeping adequate records or reporting on animal care and welfare
- not complying with the organisation's internal processes, e.g. not escalating safety risks under the organisation's work health and safety policy.

Suggested strategies



Refer to relevant documents

The organisation should handle performance issues in line with any relevant policies, practices and procedures it has in place for managing the performance of its volunteers. It will also be useful to refer to a volunteer agreement or role description to compare the volunteer's performance with the requirements of the role as explained to them.

	<p>Hold a volunteer performance meeting</p> <p>One way of responding to performance issues is to hold a performance meeting with the volunteer. This should be held in accordance with the relevant policy, if you have one.</p> <p>If the organisation does not have a performance management policy for volunteers, you can still hold a meeting with the volunteer to discuss their performance.</p> <p>There are many good reasons to address performance issues when they arise. One of those reasons is that a volunteer could be personally responsible for any harm or damage they cause by acting against instructions or outside the boundaries of their volunteer role.</p> <p>If attempts to manage performance issues are unsuccessful, or if a volunteer is deliberately not complying with relevant rules or policies, it may be necessary to end the volunteering relationship. This should generally be a last resort after other attempts have failed.</p>
	<p>Constitutional processes</p> <p>Remember that a person may be both a volunteer and a member of your organisation. If the organisation wants to end a person's membership as well as their volunteering role, it is crucial this is done in accordance with the constitution.</p>

Scenario

Two WILD Inc volunteers, Arianne and Amir, work together on a complicated rescue and take an injured kangaroo back to Arianne's house. Amir is surprised to see a couple of juvenile kangaroos inside the house, playing and being affectionate with Arianne's children. Amir asks Arianne if she thinks this amount of human contact will make it hard for the animals to be released. Arianne says she's been doing it this way for 15 years and has seen plenty of kangaroos successfully released.

Amir raises his concerns with the group's macropod species coordinator, Cath. Cath calls Arianne for a chat. She asks how Arianne is going preparing her animals for release and reminds her of the code of practice's emphasis on encouraging natural behaviours. She also mentions that the code requires all wildlife rehabilitators to attend refresher training every 3 years, but the records suggest that Arianne hasn't been for 6 years. She asks Arianne to attend a refresher training course next month.

Arianne fails to turn up to the course. When asked why, she says she couldn't leave her animals behind to attend the training.

Cath refers to the organisation's volunteer performance management policy. She contacts Arianne to arrange a performance meeting and lets her know what they will be discussing. At the meeting, Arianne explains she has been under a lot of pressure. She feels like she is being personally targeted and is scared of losing her animals. Cath explains that it's not personal, and that all wildlife rehabilitators must comply with the same standards. Together they work out a plan to support Arianne to get up to speed with the code, attend training, and update some of her practices.

3.7 Conflicts about inappropriate volunteer behaviour

What are disputes about inappropriate volunteer behaviour?

People may experience conflict due to inappropriate conduct or behaviour of another volunteer.

Examples of inappropriate volunteer behaviour

Examples of inappropriate volunteer behaviour include:

- bullying, sexual harassment or discrimination
- rude or disrespectful conduct towards another person
- inappropriate behaviour on social media
- discussing confidential matters with others outside the organisation
- conduct that negatively affects the organisation's reputation.

Suggested strategies

	<p>Refer to relevant documents</p> <p>You should check to see whether there are any relevant policies that set out the process you should follow for reporting inappropriate behaviour. In many cases, inappropriate behaviour will amount to a breach of organisational policy and should be dealt with under that policy. Relevant policies include the:</p> <ul style="list-style-type: none"> • bullying, sexual harassment and discrimination policy • code of conduct • volunteer performance management policy • volunteer disciplinary policy • volunteer confidentiality agreement • social media policy.
	<p>Have a conversation</p> <p>If you feel safe and comfortable to do so, consider having a conversation with the relevant person about their behaviour.</p>
	<p>Escalate internally</p> <p>You may choose to escalate the matter internally, particularly if:</p> <ul style="list-style-type: none"> • you have already tried to resolve the conflict directly with the other person • you have not talked directly with the other person because you do not feel safe to do so • the issues in dispute are too serious or complex to manage by yourself.
	<p>Constitutional processes</p> <p>If the volunteer is also a member of the organisation, consider whether the behaviour could be addressed through the disciplinary processes in the organisation's constitution.</p>

Scenario

WILD Inc arranges a refresher training course for volunteer wildlife rehabilitators.

One of the people at the session is Helen, a relatively new volunteer wildlife rehabilitator who recently graduated with a Bachelor of Wildlife Science. Helen is known for sharing her detailed knowledge about animal care and conservation with others. Some of the other volunteers find her a bit irritating. The following day, Helen goes online and sees a photo of other volunteers having dinner at a restaurant down the road from where the training session was held. The caption is 'celebrating another great training session'. Helen sees that everyone else who was at the training session is in the photo and concludes that she was the only one who wasn't invited.

Helen calls the volunteer coordinator. She says she doesn't want to confront anyone, but she is very upset about being excluded. The volunteer coordinator consults the WILD Inc Bullying, Sexual Harassment and Discrimination Policy and decides if this kind of behaviour is repeated again, it could constitute bullying. He decides to send an email to all volunteers reminding them of the policy and the importance of creating a culture where everyone feels included and valued.

3.8 Conflicts about employee performance and behaviour

What are disputes about employee performance and behaviour?

Some wildlife rehabilitation organisations have paid employees. Issues with an employee's performance or behaviour can cause conflict, which will need to be dealt with by the employer.

Examples of employee performance and behaviour issues

Examples of employee performance issues include where an employee is:

- not performing their duties, or not performing them to the required standard
- not complying with the organisation's internal processes.

Examples of employee behaviour issues include where an employee:

- causes serious risk to the health and safety of another person
- refuses to carry out a lawful and reasonable instruction that is part of their job
- engages in bullying, sexual harassment or discrimination
- is rude, disrespectful, abusive or violent towards another person
- behaves inappropriately on social media or otherwise damages the organisation's reputation
- discusses confidential matters with others outside the organisation
- otherwise deliberately behaves in a way that is inconsistent with their employment.

Suggested strategies

	<p>Refer to relevant documents</p> <p>The legal status of an employee is very different to that of a volunteer. Employees have different obligations and rights in the workplace, and this will directly affect how conflicts with employees will need to be managed.</p> <p>Organisations should be guided by relevant workplace laws (including the Commonwealth <i>Fair Work Act 2009</i> and any relevant award or enterprise agreement) as well as internal documents such as employment contracts, position descriptions, policies and procedures.</p>
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Scenario

Bevan is employed as the WILD Inc volunteer coordinator and has been in the role for a year. The committee has recently been receiving a steady trickle of complaints from volunteers who say they are not receiving adequate direction or support from Bevan. He is often uncontactable on his working days, and when volunteers do contact him for assistance he seems to lack basic knowledge about the organisation's volunteer policies and procedures.

The committee refers to Bevan's employment contract and workplace policies for guidance about how to manage his performance.

Troubleshooting: tips for identifying types of conflict

1. Sometimes a conflict will not fall neatly into one of the 6 types set out above.
 - Check to see whether it is a type of conflict that is deliberately excluded from these guidelines. (See Section 1.3 'What don't these guidelines apply to?'.)
 - If your conflict isn't excluded from these guidelines, choose the conflict type that most closely matches your situation, having regard to the people who are involved and their roles in your organisation. Use your judgement to decide which of the suggested strategies may be effective in managing the conflict.
2. A conflict situation may involve more than one type of conflict.
 - This can often happen when conflict has been unresolved for some time. If this is the case, consider whether there is an aspect of the conflict that is more urgent and should be addressed first (e.g. because it involves serious risk to a person's health or to your association).
 - For example, a disagreement between a species coordinator and a wildlife rehabilitator about animal care will likely start as a 'conflict about volunteer performance'. If the species coordinator then starts bullying the wildlife rehabilitator, the conflict will also be a 'conflict about inappropriate volunteer behaviour'. In this situation, it is likely the bullying will need to be managed first before any steps are put in place to manage the wildlife rehabilitator's performance.

3. In identifying the type of conflict, the cause of the conflict is just as important as the roles of the people involved.
 - For example, when identifying the type of conflict involving a person who is both a member and volunteer wildlife rehabilitator, consider whether the conflict is about their performance or behaviour as a volunteer, or their rights and responsibilities as a member of the group, as set out in the constitution.

A4 Strategies for managing conflict

4.1 Overarching principles

No matter what kind of conflict you are dealing with, who is involved and what strategies you choose to use, there are some overarching principles to remember when managing conflict:

- Conflict should not be ignored and should be dealt with quickly and at the earliest possible stage.
- Conflict should be managed sensitively. Information should be kept confidential where possible, and shared only on a need-to-know basis. Gossip should be avoided at all costs.
- Processes for resolving conflict should be fair and transparent.
- There should be a focus on problem-solving rather than finding out who is right and wrong.
- Where a person behaves inappropriately, they should be held accountable.
- Overall, the focus should be on mending relationships and respect between people.

4.2 Refer to relevant documents



In many instances, the answer to a conflict may be contained in an existing organisational document.

It is a good idea to check the following types of documents at an early stage to see if they contain guidance about how the conflict may be resolved:

- the constitution
- a volunteer agreement or employment contract
- workplace laws, including the Fair Work Act and any relevant industrial award or enterprise agreement
- a role description
- a code of conduct
- a performance management policy
- social media policy
- a disciplinary policy
- a bullying, sexual harassment and discrimination policy.

4.3 Have a conversation



When you experience conflict with another person, often the first step is to try and talk directly to them. You should try and resolve a conflict directly with a person only if you feel safe to do so.

Consider these 10 tips for resolving conflict directly with the other person:¹

1. **Face to face is best:** Text messages, emails and notes in the letterbox can be misinterpreted and make things worse. As long as you feel safe, try to talk face to face. That way you can make your meaning clear and fix any misunderstandings before they get worse.
2. **Pick the right time:** Don't start a conversation when the other person is on their way to work, or you are in a hurry. Make time and space to be able to talk without distraction.
3. **Prepare:** Read these tips and think about the issues you want to discuss before you talk to the other person. Sometimes rehearsing with a friend is helpful.
4. **Ask questions first:** Now that you have started the conversation, first check you really understand the situation. Perhaps there are some misunderstandings or assumptions that have affected your approach to the problem.
5. **Be careful with your language:** Try to stick to the facts and avoid language that contains blame, assumptions, judgements, threats or exaggeration. If the other person becomes hurt, defensive or angry, it will be harder to solve the problem. They will respond better if you stick to explaining how you are feeling and why.
6. **Listen:** Give the other person a chance to tell their side of the story as well. You may not agree with them, but let them know you hear what they're saying and that you are glad to be talking to them about it.
7. **Create a problem-solving atmosphere:** Try to make the discussion about the problem, not the people. Show you are open and prepared to listen to ideas for solutions. Two or more people working on a problem together are more likely to succeed than one person telling the other they have to change.
8. **Work together on an agreement that will work:** Make sure your agreement deals with everyone's issues – one-sided agreements are likely to fail. When you are making an agreement, be specific and try to agree on who is doing what and when. This can help avoid future misunderstandings and disappointments.
9. **Don't leave anything out:** Once you are communicating positively, don't leave out the issue that seems 'less important' or is the hardest to talk about. Those things are likely to come up later and may ruin the solution you came up with.
10. **Follow up:** Agree to check with each other at a specific time in the future to see how things are going.

¹ Sourced from the NSW Community Justice Centre's factsheet "Better ways to handle conflict" at https://www.cjc.justice.nsw.gov.au/Pages/com_justice_publications/com_justice_factsheets.aspx

4.4 Escalate internally



Who to approach?

This strategy involves approaching another person within the organisation for assistance in resolving the dispute. Often this will be a manager, species coordinator or committee member. However, your organisation might also appoint a disputes officer or a disputes subcommittee to act as the contact person for internal conflicts and to help individuals work out the best strategies for dealing with the conflict.

Before making a complaint about a conflict, think carefully about what outcome you would like from the process and whether this is realistic in the circumstances. Try to be flexible and open to different ideas about how the conflict could be resolved.

Consider using the complaint form in Section 7 to help you set things out clearly.

If you are approached for help

Whether it is a manager, species coordinator, committee member or disputes officer that is approached, once a person is approached to help manage a dispute, they should:

- acknowledge the request promptly
- be discreet and maintain the confidentiality of parties involved in the conflict
- if they suspect that they cannot act in a neutral or impartial manner, suggest another person for the request to be referred to
- ensure they have enough information to properly understand the conflict, the key people involved, and the main issues in dispute
- ensure the other parties involved know they have been notified of the conflict
- keep clear and accurate records of complaints and the procedures, actions and outcomes of each complaint process
- refer to the management committee any conflicts that raise serious risks to health and safety, involve serious breaches of policy, pose a serious risk to the organisation's reputation, or are otherwise of a nature and seriousness warranting the committee's attention.

Avoiding bias: tips for people handling complaints

Don't be your own judge

You should never manage, investigate or make a decision about:

- – a complaint that's been made about you
- – a dispute you're directly involved in
- – a complaint or dispute that involves a close friend or relative of yours.

Manage conflicts of interest

If you are a committee member, follow the process in your group's conflict of interest policy, if you have one. Usually this will involve:

- declaring your conflict of interest
- leaving the room when the complaint or dispute is being discussed
- not voting on resolutions about the complaint or dispute
- not trying to influence the committee's decisions in any other way.

If you are a manager, species coordinator or disputes officer:

- as soon as you realise you have a conflict of interest, you should immediately stop handling the complaint and find another independent person to handle it
- read the conflict of interest policy (if there is one) for guidance about what a conflict of interest is.

How to help someone experiencing conflict

Once a conflict has been escalated internally, there are a few ways it can be handled, including the following examples:

Support

The person assisting can provide support to the parties to help them to deal with the conflict themselves. The specific support will depend on the conflict but could include:

- speaking separately to each party and helping them to narrow the issues before they talk to each other
- helping the parties to prepare an agenda for their discussion
- acting as a sounding board to help each party to prepare for the conversation and anticipate possible responses
- providing the parties with information or guidance about how to have difficult conversations.

Advice

The person assisting can check to see whether the conflict can or should be resolved by reference to the organisation's constitution, its policies and procedures, and any other codes or standards that may apply.

Facilitation

The person assisting can meet with the parties face to face and facilitate discussions between them. This could involve:

- speaking with each person before the discussion to help them:
 - identify the issues in dispute and their underlying fears and needs
 - prepare to have a conversation with the other person
- during the discussion, assisting the parties to:

- communicate their concerns in a respectful way, avoiding language that is accusatory or judgemental
- understand each other's perspectives, concerns and underlying needs
- brainstorm solutions that meet people's needs, and encourage parties to compromise
- documenting the discussion, including important issues raised and any agreed solutions for managing the conflict. It may be helpful for each party to sign a copy of the agreement and keep a copy for their records.

Investigation and resolution

Some conflicts may raise issues that should be investigated by the organisation. It's up to your organisation to decide when to investigate a matter, but generally, complaints about conflict should be investigated if they involve serious inappropriate behaviour, repeated misconduct or behaviour that poses a legal or reputational risk for the organisation.

If you decide to conduct an investigation, here are some tips:

- Sometimes it may be necessary to investigate a complaint that has been made via a disciplinary process or dispute resolution process in the constitution. Make sure the investigation is conducted in a way that is consistent with the steps and timelines in the constitution.
- Consult the bullying, sexual harassment and discrimination policy or any other relevant policy to see if it applies. If it does, follow the investigation process set out in the policy.
- Appoint an impartial person without any personal involvement in the conflict to investigate.
- Make sure you clearly understand what the conflict is about, and if necessary, get more information from the person who has escalated the conflict.
- Impartially collect information about the conflict, including interviewing relevant witnesses and collecting relevant documents.
- People have a right to know if their conduct is under review. Follow a fair process that tells people about complaints that have been made about them and gives them an opportunity to give their side of the story.
- Weigh up the information you've gathered and decide whether it's 'more likely than not' that the relevant conduct occurred.
- Decide on a reasonable and proportionate outcome to resolve the conflict.

Streamlining your processes

Consider whether your organisation would benefit from having a more streamlined process for handling disputes. Here are 2 suggestions.

1. Appoint a disputes officer or a disputes subcommittee

A disputes officer is a person who is responsible for receiving complaints about conflict, and who helps people to resolve disputes using the strategies in the organisation's guidelines. Alternatively, your organisation could appoint a disputes subcommittee, consisting of a small number of committee members, to perform similar functions. The advantages of doing this are:

- it can take some pressure off the management committee
- details of conflicts do not need to be shared with the whole committee, and so can be handled more discreetly

- it can encourage more consistent approaches to conflict resolution
- it can make it easier to monitor trends and identify systemic causes of conflict.

The organisation needs to ensure the people appointed have the skills to do the role and have a good working knowledge of the organisation's policies.

2. Require complaints to be made in writing

Another option is to require all formal complaints about conflict to be submitted in writing. The organisation can adopt a template form that requires a person to set out the key issues in dispute, describe the other people involved, provide a brief background, and describe any attempts they have made to resolve the issue themselves. You may wish to use the complaint form included in Section 7.

4.5 Hold a volunteer performance meeting



If your organisation does not have a policy for managing the performance of volunteers, consider the following approach:

- Notify the volunteer of the issue and arrange a meeting, preferably in person, but if that isn't possible, over video chat or by phone. It's good practice to ask the volunteer if they would like to have a support person present at the meeting.
- During the meeting, you should:
 - clearly outline the relevant performance issues
 - give the volunteer an opportunity to respond to the issues raised
 - clearly and specifically outline why the current performance level is not acceptable and how the performance needs to improve
 - if appropriate, discuss any reasonable support to be provided to help the volunteer improve (for example, further instructions or specific training)
 - advise the volunteer of the consequences should the performance level not improve within the specified timeframe
 - seek the volunteer's agreement to improve performance.
- You should keep written notes of both the performance issues and of the meeting itself.
- Following the meeting, you should consider the volunteer's responses to the issues raised and whether there is a need for continued objective monitoring of the volunteer's performance.

4.6 Mediation



Mediation is a voluntary, confidential process used to resolve disputes. In mediation, the people in dispute meet in the presence of an unbiased, independent person (the mediator) to try to resolve their problems in a confidential and safe atmosphere. The mediator controls the process, but the people in dispute control the outcomes (if any) that are agreed on.

Mediation is cheaper and simpler than going to court, and it is much more likely to quickly get everyone an outcome they can live with.

You can suggest mediation as a way of resolving many types of disputes. For certain kinds of disputes, such as member disputes (see Section 3.3 'Member disputes'), the organisation's constitution may **require** the parties to use mediation. Some constitutions will require the parties to use the NSW Community Justice Centres to resolve member disputes. Read the section below on 'Constitutional processes' for more information about using the dispute resolution procedure in your constitution. NSW Community Justice Centres provide free mediation to help people resolve disputes. The mediation is run by impartial, trained mediators who do not have a history of a relationship with the people in dispute or the organisation.

If you don't have to use a Community Justice Centre, you may be able to hire a private mediator. Again, check your constitution to see if there is a set process for choosing a mediator. If the constitution does not include guidance about choosing a mediator, consider speaking to some potential mediators and asking them questions, such as:

- Are you accredited under the National Mediator Accreditation System, and do you comply with the Practice Standards and Approval Standards of the Australian National Mediator Standards?
- What is your background and experience, and what are your areas of expertise?
- What are your fees?

Before attending mediation, the organisation should consider:

- Who should attend on behalf of the organisation:
 - Who is responsible for handling the dispute?
 - Who needs to be part of the agreement?
 - Who has authority to make a final decision?
- Are there risk factors such as a power imbalance between those in dispute or a risk to a person's safety?
- What other issues need to be considered, such as whether attendance is mandatory, whether the time is right, and whether the parties have all the information they need?

Before attending mediation, individuals should consider:

- What is the conflict really about?
- What are the most important issues to you, and why are they important?
- What are the most important issues to the other person, and why do you think they are important to them?
- What is your preferred outcome? What are the impacts of your preferred outcome on the other person? Are they reasonable?
- What could you compromise on, if it meant that the dispute would be over at the end of the mediation?
- What are the best and worst possible outcomes if you can't reach an agreement? How likely is each of these outcomes?

4.7 Constitutional processes



All NSW incorporated associations must have procedures in their constitution to resolve disputes between members. These processes will vary from group to group, and you'll need to check your own organisation's constitution to work out the correct process for your group.

Generally speaking, a dispute resolution process is used when there is a dispute between members in their capacity as members. See Section 3.3 for more information about member disputes.

On the other hand, a disciplinary process can generally be used when a member is deliberately breaching the constitution or harming the interests of the organisation.

You should follow your organisation's constitution (and procedures) very closely – otherwise the outcome reached might not be legal or your organisation could be taken to court.

Constitutional dispute resolution process

First, check your constitution. If your constitution **does not have** a procedure for dealing with disputes, then the following default procedure in the NSW Fair Trading Model Constitution will apply:

10 Resolution of disputes

(1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.

(2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.

(3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

Refer to the 'Mediation' section above for more information about mediation.

Arbitration is another form of dispute resolution where the decision of the arbitrator is final. Arbitration processes are often formal and may require the rules of evidence to be applied. The rules of arbitration are set out in the NSW *Commercial Arbitration Act 2010* and include:

- a requirement to have an arbitration agreement
- rules about how to appoint an arbitrator
- how to determine procedures for arbitration (or an arbitrator will do this if there is no agreement).

You should seek legal advice if your organisation finds itself in this situation.

Constitutional disciplinary process

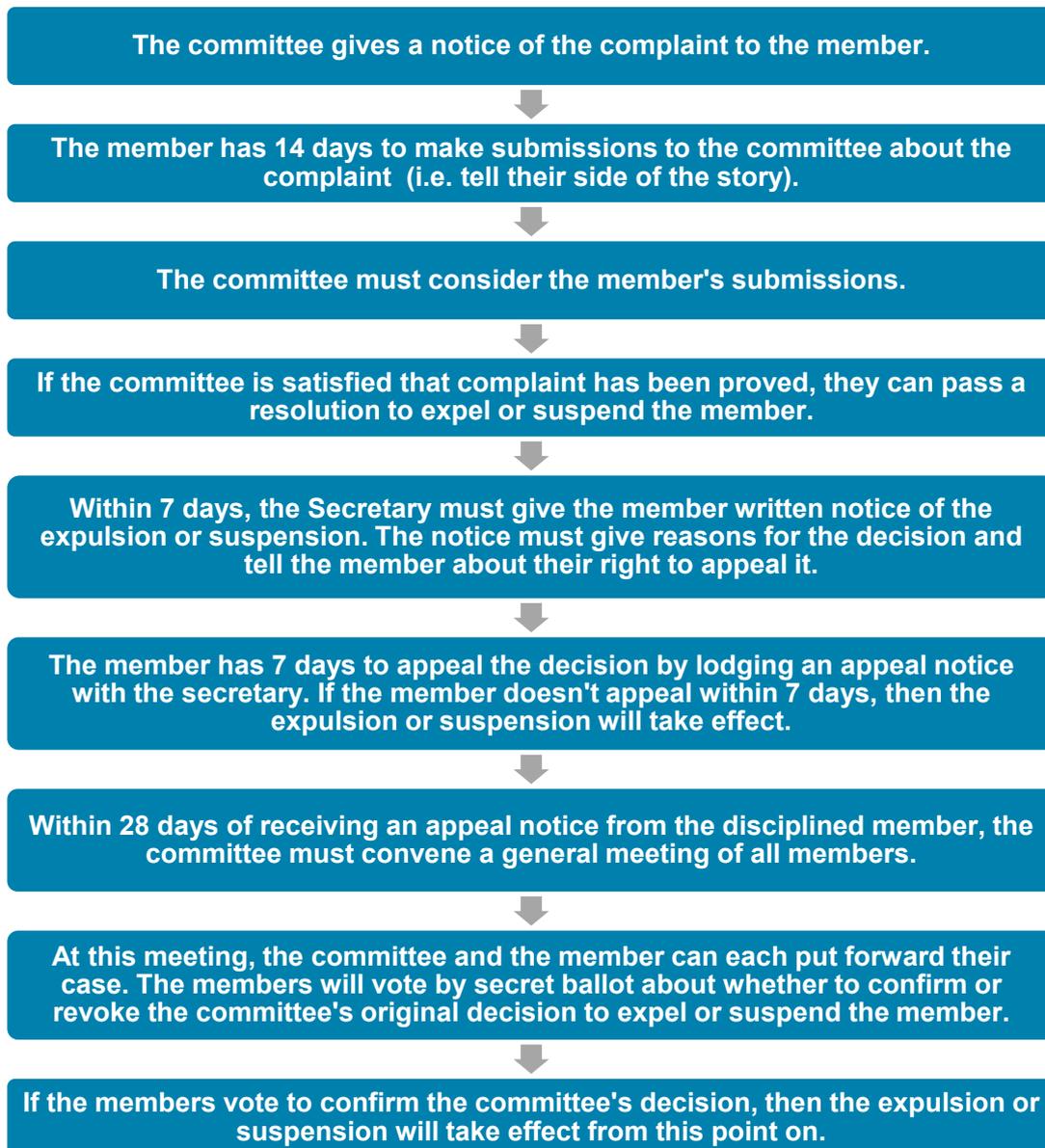
Many organisations have a disciplinary process in their constitution, but they do not have to. If there is a procedure in the constitution, it must be followed.

A disciplinary process must provide 'natural justice', which is sometimes called 'procedural fairness'. It means the process used by a decision-maker must be fair and proper (for example, following appropriate timeframes, giving appropriate notice, allowing allegations to be responded to and avoiding bias in the process).

If your group uses the Fair Trading Model Constitution, Rules 11–12 contain the disciplinary procedure. Under the Model Constitution, disciplinary action can be taken where a member has:

- refused or neglected to comply with a provision or provisions of the constitution
- wilfully acted in a matter prejudicial to the interests of the organisation.

This is what the disciplinary process looks like under the Model Constitution:



A disciplinary process can be taken against any member of your organisation – regardless of whether they are on the committee or not. If a committee member is also a member of your incorporated association, the disciplinary procedure can be used to remove them from the whole organisation. If being a member of the organisation is a requirement to hold a position on the committee, removing the committee member from the organisation will also mean they no longer hold a position on the committee.

Most organisations have a different procedure under their rules for removing a committee member from the committee (in other words, a person can be removed from their role on the committee, but still retain their membership of the overall organisation).

4.8 Reporting to NSW Fair Trading

NSW Fair Trading has the power to investigate breaches of the Associations Incorporation Act. It does not have the power to review or investigate every complaint. Generally speaking, it will act on concerns only where there is both:

- a serious risk to public trust and confidence in the sector

- concerns that relate to an association's compliance with the requirements of the Act.

See the NSW Fair Trading factsheet, *Making a complaint about an incorporated association*, for more information about when the regulator will intervene.

4.9 Reporting to NSW National Parks and Wildlife Service

NPWS is responsible for the regulation of wildlife interactions that fall under the *Biodiversity Conservation Act 2016* (BC Act). The NSW Government expects NPWS to take a risk-based approach to its regulation of wildlife interactions. NPWS will focus resources for active intervention on the most serious and highest risk matters. These tend to be serious offences under the BC Act, such as intentional harm to wildlife or taking wildlife from the wild.

NPWS **does not** have the authority under the BC Act to investigate or intervene in any of the following matters related to the operation of an incorporated association or charity:

- disputes relating to a breach of the constitution or charity status of a wildlife rehabilitation provider
- disputes between members or between a member and the committee of a wildlife rehabilitation group
- disputes relating to the internal management, including financial management, of a wildlife rehabilitation group
- disputes involving the conduct of a general meeting, or the process by which members of the committee are elected
- the validity of the appointment or removal of a public officer.

NPWS does not arbitrate on different opinions about the management of protected animals under the control of a wildlife rehabilitation provider. It is the responsibility of the committee of a wildlife rehabilitation group to resolve these issues using the relevant NPWS codes of practice and initial care and treatment guidelines for wildlife in the care of the rehabilitation organisation.

Members who do not abide by their organisation's required directions or NPWS codes and guidelines may have their authority withdrawn, suspended or modified by the organisation. If an authority is withdrawn, animals can no longer be held and must be transferred to another authorised person nominated by the organisation's committee.

NPWS **does** have the **discretion** under the BC Act to investigate and intervene in the following matters:

- suspected offences under the BC Act and Biodiversity Conservation Regulation 2017
- suspected offences under the *National Parks and Wildlife Act 1974* and National Parks and Wildlife Regulation 2019
- suspected breaches of a biodiversity conservation licence.

Overt or intentional acts of violence towards animals, neglect, or failure to provide for the welfare of an animal should be referred to the Royal Society for the Prevention of Cruelty to Animals (RSPCA).

4.10 Legal action

If there is no resolution to the problem after attempting other strategies, the available options become very limited. Taking legal action in court will sometimes be open to you. There are many disadvantages to this option, including:

There is no guarantee that you will get the outcome you are seeking.

Legal action can be very stressful and time-consuming and stretch on for months or years.

Legal action is divisive and is likely to seriously damage your relationship with the organisation and others in it.

Court application fees and legal fees charged by lawyers can be expensive. If you are unsuccessful, you may have to pay a proportion of the other party's legal costs. If you are successful, you are unlikely to recover all the costs you have spent.

It can draw on the resources of the organisation and even lead to the dissolution of the organisation, which is a poor outcome for wildlife.

Legal action is almost always public and carries reputational risks for you and the organisation.

You should seek legal advice before starting any legal action in court.

4.11 Roles and responsibilities

Role	Responsibilities
Everyone (volunteers, members, committee members, employees)	<p>Everyone in the organisation is responsible for:</p> <ul style="list-style-type: none"> • dealing with conflict at an early opportunity • using the tips in these guidelines to try and prevent conflict • complying with organisational policies and procedures, including the code of conduct • complying with all applicable legislation, wildlife rehabilitation licence conditions, standards and codes of practice • using their best efforts to resolve conflict constructively • communicating in a respectful way that aims to strengthen relationships • respecting the confidentiality of others and only sharing information on a need-to-know basis • participating in the processes in these guidelines in good faith • not raising vexatious, malicious or frivolous concerns • not victimising, harassing or behaving inappropriately in any way towards a person involved in a conflict resolution process.
Committee	<p>The management committee is responsible for:</p> <ul style="list-style-type: none"> • leading by example, promoting respectful relationships and complying with organisational rules, policies, and codes of conduct • ensuring that all people, including new members and volunteers, are aware of these guidelines • providing support, and where possible, training opportunities to committee members and other managers and supervisors on receiving complaints and managing disputes • ensuring that it receives regular reports from supervisors and managers on disputes to ensure the committee can monitor the number, nature and complexity of disputes • monitoring trends, risks and opportunities in the conflicts that arise and, where appropriate, implementing changes to policy or management to prevent disputes from arising • providing guidance and support to managers and supervisors in relation to serious disputes that have been unable to be resolved under these guidelines or where disciplinary action may be required.
Managers, supervisors and other people in leadership roles	<p>These people are responsible for:</p> <ul style="list-style-type: none"> • treating all complaints seriously, fairly, impartially and confidentially • maintaining the confidentiality of parties involved in a conflict

Role	Responsibilities
who are approached for assistance in resolving a conflict	<ul style="list-style-type: none"> • where possible and appropriate, encouraging people to use informal processes available to resolve conflict • providing advice about implementing these guidelines, other relevant policies and procedures, and options available for resolving disputes • facilitating discussions between people in conflict, where this is appropriate, to generate options to resolve their dispute • dealing with conflict in a neutral and impartial manner, and referring any complaints that cannot be dealt with impartially to another person, with the consent of the parties • keeping clear and accurate records of complaints and the procedures, actions and outcomes of each complaint process • referring to the management committee any conflicts that raise serious risks to health and safety, involve serious breaches of policy, pose a serious risk to the organisation's reputation or are otherwise of a nature and seriousness warranting the committee's attention • referring any disciplinary recommendations to the management committee.

A5 Governance considerations for committees dealing with conflict

Conflict should never be ignored by committees. In fact, paying attention to conflict can help the committee to manage important risks and prevent further problems. Here are some key governance considerations to keep in mind when dealing with conflict as a committee.

5.1 Conflict of interest

- A committee member should never manage, investigate or make a decision about a conflict that they're involved in, or that involves a relative or close friend.
- Does the committee need to take steps to manage a conflict of interest? Check your organisation's conflict of interest policy, if it has one, to make sure you're not missing anything.

5.2 Confidentiality

- How can the committee deal with the conflict in a way that maintains confidentiality to the greatest extent possible?
- Respect privacy and confidentiality when handling conflict and put measures in place to ensure that others in the organisation also do so.

5.3 Compliance

- Does the conflict involve any non-compliance with the BC Act or NSW *Prevention of Cruelty to Animals Act 1979*, wildlife rehabilitation policies, codes of practice or the organisation's licence? Refer to these documents to decide how the non-compliance must be addressed.

- Is the committee complying with the organisation's constitution, and the Associations Incorporation Act? Pay close attention whenever the committee is disciplining or removing a member from the group, or resolving a dispute between members.
- Are there other laws or organisational policies that might apply, such as discrimination and sexual harassment laws, or employment laws or policies? Refer to these and follow any procedures they require.

5.4 Risk

- What are the legal, financial and reputational risks the conflict raises for the organisation? Does the conflict raise any safety issues that need to be addressed? Are the organisation's funds and donations being managed properly? Evaluate the risks and decide how the committee will manage them.
- Is there a pattern to the conflicts that happen in the organisation? Assess whether there are any systemic issues that need to be addressed by the committee.

5.5 Culture

- In the way it handles conflict, is the committee modelling the behaviours and values it wishes to see in the organisation? Ensure the committee is complying with relevant codes and policies.
- Decide what the committee can do to improve organisation behaviour and culture.

5.6 Legal purpose

- How does the committee's response to the conflict fit in with the 'bigger picture': the organisation's purpose and strategy?
- Ensure the committee is making decisions in the interests of the organisation as a whole, rather than being influenced by the interests of an individual, group or faction.

Part B – Bullying, sexual harassment and discrimination policy

This section of the toolkit could be used as a template to establish a bullying, sexual harassment and discrimination policy for your organisation.

B1 Our commitment

[Our organisation] is committed to providing a safe environment where every volunteer, employee, member and committee member can perform their work without being subjected to bullying, sexual harassment or discrimination.

As part of our commitment, we expect our people to create an environment that supports this aim. Everyone must treat everyone else with respect and must aim to model appropriate and respectful behaviour. We are all responsible for the care and protection of our people and for reporting information about suspected inappropriate workplace behaviour.

B2 The purpose of this policy

The purpose of this document is to provide information about the kind of behaviour that is inappropriate, to outline our position on bullying, sexual harassment and discrimination, and to set out the process for dealing with a complaint of inappropriate behaviour covered by this policy.

This policy includes obligations stemming from the following laws, and aims to meet best practice:

- *Fair Work Act 2009* (Cth)
- *Sex Discrimination Act 1984* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Racial Discrimination Act 1975* (Cth)
- *Anti-Discrimination Act 1977* (NSW).

Under negligence law, the organisation also has a duty of care to protect its volunteers, members and employees from harm, including bullying, sexual harassment and discrimination.

B3 Who this policy covers

This policy applies to all people involved in the organisation, including members, committee members, volunteers, employees and contractors.

It covers all interactions between those involved in the organisation, and interactions between those involved in the organisation and the public while doing work for the organisation. It covers behaviours that are physical, verbal or written and includes electronic and online communication such as via text message, email or social media.

Even when you are not actively performing your role, this policy may still apply if your behaviour has the potential to damage the organisation's interests or negatively impact relationships between people involved in the organisation. This can include behaviour that takes place while:

- doing wildlife rehabilitation-related tasks or activities
- taking a break from wildlife rehabilitation with colleagues
- interacting with colleagues that a person only knows through the organisation
- attending a wildlife rehabilitation-related event such as a meeting (including a committee meeting), training session or social event such as a Christmas party
- travelling for wildlife rehabilitation
- communicating on a social media platform controlled by the organisation (such as the organisation's Facebook page).

B4 Definitions

What is bullying?

Bullying is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety (including mental health). It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine, or threaten.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. This includes behaviour that is victimising, humiliating, intimidating or threatening. A person can behave in an unreasonable way that amounts to bullying even if they don't mean to.

Examples of bullying include:

- deliberate exclusion from meetings or discussions relevant to the person's position
- public reprimand
- unjustified criticism or complaints
- ignoring input or opinion
- isolation or exclusion from social events
- cruel comments, ridicule, insults or sarcasm
- spreading misinformation or rumours
- deliberately changing rosters to inconvenience someone
- setting impossible or impractical work demands or deadlines
- undermining of responsibility or abilities
- victimisation
- shouting
- swearing or offensive gestures (e.g. 'the finger')
- physical violence.

Bullying can also include **harassment**. Harassment is a word that's generally used to describe unwanted behaviour that intimidates, offends or humiliates another person. If the harassment is sexual or based on a person's gender, race or disability, then this may also amount to unlawful sexual harassment or discrimination.

What is *not* bullying?

Not all behaviour that makes a person feel upset or undervalued is bullying.

One-off or occasional instances of rudeness, tactlessness or forgetfulness are not bullying.

Differences of opinion and disagreements are generally not workplace bullying. However, in some cases, conflict that is not managed may escalate to the point where it becomes bullying. Refer to the conflict management guidelines for information about preventing and managing conflict.

Bullying does not include reasonable management action carried out in a lawful and reasonable way.

Reasonable management action

People in the organisation may take reasonable management action to effectively direct and control the way work is carried out. Whether behaviour is reasonable management action depends on an objective assessment of the circumstances of the behaviour and how it was conducted.

Reasonable management action may include:

- providing performance feedback in an honest, fair and constructive way
- following complaint or conflict policies and procedures
- making operational decisions about roles and rosters
- providing instructions on how to carry out roles
- setting realistic and achievable performance goals, standards and deadlines
- informing a worker about unreasonable behaviour in an objective and confidential way
- taking disciplinary action, including suspension or termination where appropriate or justified in the circumstances.

Reasonable management action may be bullying if it is carried out in an unreasonable way. The test is whether the management action is reasonable, not whether it could have been carried out in a way that was 'more reasonable' or 'more acceptable'. Management actions do not need to be perfect or ideal to be considered reasonable. However, if the management action represents a significant departure from established policies or procedures, and this is not justified in the circumstances, this will be relevant.

Case study: reasonable management action

What is reasonable management action?

Pat is the koala species coordinator at her local wildlife rehabilitation organisation. She is a retired vet nurse with 30 years' experience caring for koalas. She received feedback that Claire, who has been a wildlife rehabilitator for 4 years, has made some mistakes in caring for koalas recently and isn't complying with the relevant code of practice.

It will be a reasonable management action for Pat to provide feedback to Claire on the way she cares for koalas, and explain to her how to best follow policy and protocols and fix her mistakes.

When has reasonable management action been carried out in an unreasonable way?

When Pat realised that Claire was not complying with the code of practice, she was in her car with 2 new volunteers. She drove immediately to Claire's home, found Claire in her backyard, angrily and loudly told her what she did wrong, and threatened to stop giving her animals to care for. The new volunteers heard everything from the car. Claire was very upset.

While providing feedback to Claire about her performance is a reasonable management action, Pat has delivered the feedback in an unreasonable way, by yelling, threatening, coming to Claire's house without warning, and embarrassing Claire in front of other people. If Pat did this more than once, it might be bullying.

What about reasonable management action carried out in a reasonable way?

When Pat realised that Claire was not complying with the code of practice, she was in the car with 2 new volunteers. Pat waited until she was back at home by herself an hour later and called Claire. She calmly and carefully explained what Claire was doing wrong and gave Claire the opportunity to explain or ask questions. Pat arranged to meet with Claire at a suitable time to show her some things in person.

This is an example of a reasonable management action carried out in a reasonable way, since Pat gave Claire feedback about her performance calmly, privately and constructively, and gave her the opportunity to respond.

What if there is a difference of opinion about animal care?

During their phone call, Claire explained to Pat she did not think she had made any mistakes in care, and she indicated she did not plan to change her processes. Pat explained that, as the species coordinator, it was her role to explain the best way to care for koalas. She also sent Claire the NSW code of practice for caring for koalas and explained how Claire may not be complying with the code. Pat explained there may be disciplinary consequences if Claire deliberately refused to comply with the code.

So long as Pat does so in a reasonable way, it will not be bullying for her to try and ensure volunteers follow the codes of practice, policies or protocols for caring for koalas. This is part of her role as species coordinator.

What is sexual harassment?

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, where a reasonable person, in the circumstances, would have anticipated the other person would be offended, humiliated or intimidated.

Even if there was no intention to sexually harass a person, it could still amount to sexual harassment because the person's motive for engaging in the behaviour is irrelevant (e.g. it is not sufficient to say 'I didn't mean it' or 'It was only a joke'). It is the complainant's perception of whether the behaviour was unwelcome that is relevant.

A single incident can be enough to constitute sexual harassment – it doesn't have to be repeated.

Sexual harassment is driven by gender inequality and is affected by power imbalance. Examples of sexual harassment include:

- staring or leering
- unwelcome physical contact such as touching, hugging, brushing up against a person
- sexual comments or jokes
- sexual insults or taunts
- intrusive or repeated questions or statements about personal life
- displaying sexual posters, objects, magazines or screen savers
- sending sexually explicit emails, text messages or social media messages
- inappropriate messages on social networking sites
- accessing sexually explicit internet sites
- requests for sex or repeated unwanted requests to go out on dates
- behaviour that may also be an offence under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications
- sexual nature conduct after the complainant has told the other person of their discomfort.

It is possible for sexual harassment to occur after the end of a consensual romantic or sexual relationship, for instance, when a relationship has ended, but one person continues to pursue, contact or harass the other person.

Remember that different people will often perceive and react to behaviour in different ways. For example, a person may think their conduct is welcome or inoffensive, when in fact, the recipient finds it unwelcome but goes along with it to avoid a confrontation. This can happen where there is a difference in age, racial or cultural background, seniority, or personal power between those concerned.

What is *not* sexual harassment?

Sexual harassment is not behaviour that is based on mutual agreement, attraction, friendship and respect. If the interaction is consensual, welcomed and reciprocated, it is not sexual harassment.

What is discrimination?

Discrimination is where someone is treated less favourably because of one of the following attributes, or any of the other grounds covered by current anti-discrimination legislation (including association with a person who has, or is believed to have, any of the following attributes):

- sex/gender identity/sexual orientation
- age
- race or nationality
- irrelevant criminal record
- religion
- disability
- pregnancy or breastfeeding
- relationship status

- carer or family responsibilities.

Discrimination can either be direct or indirect.

Direct discrimination

Direct discrimination is when a person is treated unfairly or disadvantaged because they have one or more of the attributes listed above.

Examples of direct discrimination may include:

- making racist or sexist jokes
- harassing someone because of their race or gender identity
- refusing to allow a person with a mental illness to be a volunteer.

Indirect discrimination

Indirect discrimination is when an unreasonable rule or policy has the practical effect of disadvantaging a person or group of people, because they have one or more of the attributes listed above.

For example, holding a compulsory meeting for volunteers every Tuesday night at 6 pm may be indirect discrimination if it impacts a parent with caring responsibilities in the evening, and is unreasonable. It may be reasonable to make this meeting non-compulsory for those volunteers who are unable to attend and schedule another time to update them.

What is *not* unlawful discrimination?

Discrimination will not be unlawful when it is protected by an exception under anti-discrimination laws. For example, where a person is unable to carry out the inherent requirements of the role and where accommodating them would impose unjustifiable hardship on the organisation.

For example, while it may be unlawful discrimination against some people with disabilities to require all committee members to have a driver licence, it would not be unlawful discrimination to require volunteer wildlife rehabilitators to have a driver licence if they must be able to drive at short notice to collect injured wildlife. This is because driving is an inherent requirement of that role of wildlife rehabilitator.

Victimisation

Victimisation is when someone is treated badly, unfairly, or worse than others because they have made a complaint of bullying, sexual harassment or discrimination, have helped out with someone else's complaint, or were a witness in a complaint. It does not matter whether the complaint was made formally or informally.

Complainants and respondents

This policy uses the following terms:

- **Complainant:** person who has made a complaint of unacceptable behaviour
- **Respondent:** person who has been complained about.

B5 Roles and responsibilities

It is the responsibility of everyone involved in the organisation to take steps to prevent bullying, sexual harassment, and discrimination.

Role	Responsibilities
Everyone (volunteers, members, committee members, employees, contractors)	<p>We expect all people to:</p> <ul style="list-style-type: none"> • behave in a responsible and professional manner • treat others in the organisation with courtesy and respect • listen and respond appropriately to the views and concerns of others • be fair and honest in their dealings with others • report unreasonable behaviour.
Committee	<p>The committee is ultimately responsible for health and safety in the organisation, and must:</p> <ul style="list-style-type: none"> • take active steps to understand and address the risks to health and safety of bullying, sexual harassment and discrimination • provide a copy of this policy to all volunteers, employees and contractors and ensure it is read and understood • seek and encourage feedback on this and other policies and procedures, and the workplace environment in general • deal with unreasonable behaviour as soon as they become aware of it, and take reports of unreasonable behaviour seriously • develop productive workplace relationships by encouraging consultation and teamwork • clearly define roles, including by preparing position descriptions • seek feedback about necessary training, workload, working hours, etc. • recognise and investigate patterns of high turnover or absenteeism to determine if unreasonable behaviour is a cause • model appropriate behaviour, including by calling out inappropriate conduct, creating an environment where bystanders are encouraged to safely speak up, and complainants are supported and protected from victimisation.
Managers of volunteers, species coordinators, employees who work with volunteers, other people in leadership roles	<p>People who are in positions of leadership but are not on the committee must:</p> <ul style="list-style-type: none"> • always model appropriate behaviour, including by calling out inappropriate conduct, creating an environment where bystanders are encouraged to safely speak up, and complainants are supported and protected from victimisation • be aware of the content of this policy so they can answer any questions from volunteers • include understanding this policy in the induction and training of all new volunteers, employees and contractors • be available as the first point of contact for people who want to make a complaint of unreasonable behaviour.

B6 Responding to bullying, sexual harassment or discrimination

For complainants: what to do if you have experienced or witnessed bullying, sexual harassment or discrimination

We strongly encourage any person who feels they have been bullied, sexually harassed or discriminated against, or has witnessed this behaviour, to take immediate action. The safety

and wellbeing of a person making a complaint about bullying, sexual harassment or discrimination ('complainant') is our priority. You have three options for taking action. You may choose any or all of these. Please see Section B8 'External complaint' for your options for seeking help outside the organisation.

Option 1: Self-management

If a complainant feels comfortable and safe to do so, they can raise the issue with the person directly to try and resolve the issue by discussion. The complainant should identify the relevant behaviour, explain the behaviour is unwelcome, offensive or unreasonable and ask that the behaviour stops.

Option 2: Informal complaint

A person who has experienced or witnessed inappropriate behaviour may seek support to resolve any issues informally. This could be from a trusted manager or committee member.

Options may include speaking to the respondent to raise concerns about their behaviour, facilitating a discussion, observing matters with a view to stepping in if the behaviour happens again, or putting new practices in place such as changing the roster, reconfiguring the workspace or organising training.

Informal responses are not appropriate:

- for serious behaviour that would warrant discipline if substantiated
- for criminal conduct
- where other workers may be at risk.

Option 3: Formal complaint

A person may choose to make a formal complaint about bullying, sexual harassment, or discrimination to their supervisor or another appropriate person in a position of authority.

The complaint should be made in writing and include as much information as possible, such as the names of respondents, details of the behaviour and any witnesses.

The complaint may be anonymous. However, complainants should be aware their complaint may not remain anonymous when the complaint is put to the respondent, even if their name is not shared. The measures the organisation can take to address inappropriate behaviour will also be more limited if a complaint is made on an anonymous basis.

You may bring a support person to any conversation about the complaint.

For the organisation: investigating and responding

It is important the person receiving the complaint responds immediately. Records should be kept of information collected and decisions made throughout the process.

What if a complainant requests that no action be taken?

A complainant may make a committee member or supervisor aware of unacceptable behaviour, but ask that no action be taken. If it seems the behaviour is not covered by this policy, then it may be appropriate to refer the complainant to the conflict management guidelines.

If the organisation becomes aware of bullying, sexual harassment, or discrimination, it may have to investigate and take action, regardless of the wishes of the complainant. This is

because the organisation has a duty to provide a safe workplace and to protect its employees and volunteers from unacceptable behaviour.

In this case, the organisation should inform the complainant of the need to investigate and respond, and consult with the complainant on the best approach.

Responding to a complaint

Step 1: Acknowledge, listen and record

The person receiving the complaint should first listen to the complainant's story, showing empathy, respect and concern while remaining impartial. Record the details as they are recounted, and retain this record in a secure place even if there is no investigation and the complaint goes further.

Step 2: Decide if immediate action is necessary

Consider whether any urgent action is necessary to ensure the health and safety of the complainant or others in the organisation. Urgent actions might include relocating the respondent, changing working hours or shifts, or talking with the complainant about what measures they would like taken to ensure their physical and psychological safety. In the case of serious allegations, urgent action can include temporarily suspending the respondent.

Remember, it is important to not take action that might victimise the complainant, such as relocating or suspending the complainant. Before taking action, it is a good idea to check with the complainant that the proposed action will not be detrimental for them.

Step 3: Decide whether to investigate

Next, the person receiving the complaint must determine whether the complaint needs to be investigated, or whether it is possible to resolve the complaint informally between the complainant and respondent. To decide this, consider the circumstances of the complaint, including:

- the seriousness of the alleged behaviour
- whether the behaviour complained about occurred many times, or over a long period of time
- the complainant's wishes or views on what to do
- the health, safety and wellbeing of the complainant and other workers
- how many people are involved
- the outcomes sought.

The fact that no-one else witnessed an incident is not a valid reason not to investigate, nor is the timeliness of the complaint.

As soon as the person receiving the complaint has determined the best process to deal with the complaint, they must provide the complainant and respondent with details of the process, including how long it will take. They should also explain to the complainant the details of the complaint will be provided to the respondent and, if relevant, explain to both the complainant and respondent about the need to speak to witnesses.

If the decision is to deal with the complaint informally, go to Step 4. If the decision is to investigate, go to Step 5.

Step 4: Informal resolution

Discuss the complaint with the respondent and give them an opportunity to respond.

Meet with the complainant and person complained about, either separately or together, depending on the complainant's wishes. Discuss the unacceptable behaviour and agree on a way forward. For example, this could include an apology, a promise to not do the behaviour again, or further education and training.

Both the respondent and the complainant may bring a support person to any conversation about the complaint.

Step 5: Formal investigation

Choose who will investigate the matter. The investigator should be impartial and not have a close or personal relationship with either of the parties. If it is possible, this person should be from another part of the organisation, such as another branch.

Speak with the complainant and any witnesses to get more information about the details of the complaint. The complainant should be given the opportunity to have a support person throughout the process.

Provide full details of the complaint to the respondent in writing, and give them an opportunity to respond. The investigator may also wish to meet with the respondent to discuss the complaint. The respondent should be informed about any potential workplace or disciplinary action that may be taken if the complaint is found to be true.

Consider all information and evidence, including direct evidence of the allegations (such as documentation of the conduct or witness accounts) and surrounding evidence (such as evidence the complainant discussed their concerns with a co-worker or doctor).

The investigator should gather the information into a report.

Step 6: Make findings

The organisation now needs to decide if there is enough evidence to be satisfied the conduct took place. The way to make that decision is by asking 'is it more likely than not the conduct occurred?'

All evidence should be considered with a critical eye, taking into account the credibility and reliability of the people involved. If the investigator decides it is more likely than not the conduct occurred, the complaint will be 'substantiated'. It is possible to determine that a complaint is substantiated without witness evidence. It is also possible to substantiate some but not all of the allegations that form part of the same complaint.

This decision can be made by the investigator, or in more serious matters the investigator can make a recommendation and refer the final decision to the committee.

Once the decision is made, it should be communicated to the complainant and respondent.

Step 7: Take action

If the complaint is substantiated: the organisation needs to decide what next steps should be taken. It may be appropriate to refer this decision to the committee. Possible outcomes are outlined in Section 6.7 'Consequences of breaching this policy'. Action taken should be proportionate to the substantiated behaviour.

The organisation should take care to ensure any disciplinary action, including disciplinary action to remove a member under the constitution, is conducted according to the law. A person's status (whether as a member, committee member, volunteer or employee) will determine the correct process to take. If the respondent is an employee, it will also be necessary to consider employment contracts, other workplace policies, and employment law in general before taking further action.

If the complaint is not substantiated: this does not necessarily mean that inappropriate conduct did not occur. The complainant should be treated sensitively, and the organisation should consider what action could still be taken to prevent similar behaviour from occurring again, including monitoring the situation, reminding the parties of expected behaviour, or conducting further training and awareness raising for workers.

B7 Consequences of breaching this policy

Appropriate disciplinary action may be taken against a person who is found to have breached this policy by engaging in conduct amounting to bullying, sexual harassment, or discrimination.

In addition, it will be a breach of this policy to victimise any person who makes a complaint or helps to resolve it. Complaints made maliciously or in bad faith may also result in disciplinary action.

The action taken will depend on the nature and circumstance of each breach and could include:

- a change to working hours or locations
- a verbal or written apology
- performance counselling or further training
- an agreement on steps to manage the ongoing relationship
- a verbal or written reprimand
- transfer, demotion or removal of the person engaging in the behaviour from the organisation.

B8 External complaint

If you have experienced criminal behaviour, such as physical or sexual assault, you have a right to report that behaviour to the police.

Depending on your circumstances, you may have a right to report the matter to an external body, for example:

- the Anti-Discrimination NSW or the Australian Human Rights Commission (for complaints about discrimination or sexual harassment)
- the Fair Work Commission (to apply for an order to stop bullying).

These organisations can give you information about the process for making a complaint and may be able to refer you to a legal service for advice.

B9 Review

This policy will be reviewed at least every 2 years.

Date reviewed	Result of review/changes made

B10 How do I make a complaint about bullying, sexual harassment or discrimination?

Take care of yourself

- Making a complaint about bullying, sexual harassment, or discrimination can be stressful.
- Remember to allow yourself time and space to take care of yourself by:
 - building a support system of friends and family around you
 - doing the things that make you feel good (self-care)
 - accessing mental health care support if you need to.

Record

- Keep an accurate record of the inappropriate behaviour, including the names of people involved, specific times and places where things happened, and any other people that may have seen it.
- Collect any written communication that supports you, such as emails, text messages, screenshots of social media, rosters or time sheets.

Reflect

- Reread the bullying, sexual harassment, and discrimination policy and think about whether the behaviour you want to complain about is covered by the policy. If you're not sure, talk to a trusted friend or colleague to get a second opinion.
- Think about the outcome you would like and the options that are available to you.
 - Can you safely stop the inappropriate behaviour by talking directly to the other person?
 - Can you resolve the issue informally with support from a person in authority?
 - Would you prefer to make a formal complaint and ask for an investigation?
- If the policy doesn't apply, refer to the conflict management guidelines for some other strategies for resolving conflict.

Report

- If you are concerned for your safety or think a criminal offence has been committed, contact the police.
- Talk to a trusted manager or committee member about what has happened, and explain that you want to make a complaint.
- Ask questions about any aspects of the complaints process you're not sure about.
- If you want to make a formal complaint, put it in writing. Remember to clearly identify the things you are complaining about, put events in chronological order, stick to the facts, and explain why you think the behaviour is inappropriate. Use the complaint form (see Part C) if that is helpful for you.
- If you can't put your complaint in writing, try and get a friend or colleague to help.

Engage

- Engage in the resolution process actively and with an open mind.
- Go back to the policy for more information about the resolution process, including the steps that need to be taken by the organisation, and how long things might take.
- You may need to give the organisation more information or other records to help it to investigate the complaint and make a decision.
- Show respect for others involved in this process, even when you disagree.

B11 What do I do if I get accused of bullying, sexual harassment or discrimination?

Don't panic

- It is normal to feel shocked, upset, confused or angry when someone accuses you of bullying, sexual harassment, or discrimination. Try to stay calm and take time before acting.
- While the complaint is being considered, the organisation may take some precautionary measures, such as changing your shifts, or relocating or suspending you. Remember these measures are only temporary, and they do not mean a decision has already been made about you.

Take care of yourself

- Talk to a trusted friend or family member about how you are feeling.
- Self-care: do things that make you feel good.
- Access mental health care support if you need to.

Listen

- You have the right to bring a support person to any conversation about the complaint.
- Listen to or read the complaint carefully and with an open mind.
- Make sure you have enough information about the complaint to understand what happened and why the complainant considers your behaviour to be inappropriate.
- Ask for more information or clarification about the complaint if you need it.

- If needed, ask for a break or for time to consider your response.
- Ask any questions you have about the complaints process or potential outcomes.

Reflect

- Consider how the person making the complaint may be feeling and thinking.
- Seriously consider whether the complaint reflects what happened. Reread the bullying, discrimination and sexual harassment policy and think about whether you crossed the line. Remember, we all make mistakes.
- Alternatively, you may firmly feel you did the right thing. Is there an explanation for your behaviour the complainant may not have understood (for example, reasonable management action)?
- Think about what you can learn from the complaint (e.g. about yourself, the way you work with the complainant, or how things can be improved in the organisation).

Respond

- As part of the process, you will be given the opportunity to respond to the complaint.
- What you write in your response will be entirely up to you, but depending on the circumstances, it might include:
 - a description of the events from your point of view
 - background information or context that explains your words or actions
 - suggestions for ways forward
 - an acknowledgement of wrongdoing and an apology.

Engage

- Engage in the resolution process actively and with an open mind.
- Show respect for others involved in this process, even when you disagree. Don't treat anybody unfairly because they have made a complaint or been involved in an investigation. Comply with any requests to keep information confidential.

Part C – Complaint form

C1 Your contact details

Name:
Email:
Phone number:
Position in the organisation (e.g. volunteer wildlife rehabilitator, committee member):

C2 What is the complaint about?

Please tick all that apply:

- Member dispute
- Inappropriate member behaviour
- Dispute between committee members
- Inappropriate committee member behaviour
- Volunteer performance
- Inappropriate volunteer behaviour
- Employee performance or behaviour
- Bullying
- Sexual harassment
- Discrimination

Other (please specify):

C3 Complaint details

Who is the complaint about? (insert name or names)

Describe the events or issues you are complaining about.

To make it easier for us to understand what happened, please:

- provide details like where and when things happened, and who else was present
- write in chronological (time) order
- use dot points.

Do you have any documents that support your complaint? e.g. email, social media posts, notes taken by you at the time (Please list)

Describe any steps you have taken to resolve the issue:
e.g. conversation with the person complained about

What would resolve the complaint for you? (See some suggestions below)

Do you have any immediate concerns for your safety?

C4 Example resolutions

Examples of how complaints can be resolved include, but are not limited to:

- an apology from the person the complaint is about
- an informal conversation between you and the person the complaint is about
- new training for volunteers or committee members

- changes to rosters or shifts
- disciplinary action
- the person the complaint is about leaving the organisation.

Before submitting this form, please think carefully about whether you need to make a formal complaint to get the resolution you want.

Note: If your organisation is required to or chooses to comply with the Commonwealth *Privacy Act 1988* or the NSW *Privacy and Personal Information Protection Act 1998*, you should include on this form a privacy statement that explains to the complainant what you will do with their personal information, who else might see it, and covers other matters required by those laws.

C5 Template privacy statement

Bold sections need to be filled completed by the organisation

We collect the information requested in this form for the purpose of considering, investigating and resolving your complaint. If you do not provide all the information requested in this form (e.g. if you do not provide your name, or the name of the person complained about) we may not be able to consider, investigate or resolve the complaint, and the actions we can take will be limited. We may disclose this information to any person you mention in this form (the person complained about, witnesses to behaviour described) for the purpose of investigating the complaint.

We may also disclose this information to **[list all people or positions of people that will be involved in resolving complaints such as people involved in the governance of the organisation including committee members and senior staff or volunteers]**.

Our privacy policy contains information about how you can access the personal information we hold about you, as well as the process for making a complaint if you think we have breached your privacy rights. You can access our privacy policy: **[include information here about how the complainant can access a copy]**.

[Insert the name of the organisation, and contact details for privacy issues]

Part D – Code of conduct

D1 About the code of conduct

What is a code of conduct?

This document sets the standards of behaviour for the people that are members, volunteers or employees in our wildlife rehabilitation organisation.

Why do we have a code of conduct?

We want to encourage practices and behaviours that will help to make sure our organisation is a safe, supportive and rewarding place to volunteer and work.

Who does it apply to?

The code of conduct applies to everyone across the whole organisation, including members, committee members, volunteers, employees, and contractors.

When does it apply?

It covers all interactions between those involved in the organisation, and interactions between those involved in the organisation and the public while doing work for the organisation. It covers behaviours that are physical, verbal or written and includes electronic and online communication such as via text message, email or social media.

Even when you are not actively performing your role, this code of conduct may still apply if your behaviour has the potential to damage the organisation's interests or negatively impact relationships between people involved in the organisation. This can include behaviour that takes place while:

- doing wildlife rehabilitation-related tasks or activities
- taking a break from wildlife rehabilitation with colleagues
- interacting with colleagues that you only know through the organisation
- attending a wildlife rehabilitation-related event such as a meeting (including a committee meeting), training session or social event such as a Christmas party
- travelling for wildlife rehabilitation
- communicating on a social media platform controlled by the organisation (such as the organisation's Facebook page).

D2 Standards of behaviour

I care about others and treat them with respect, dignity and kindness

- I encourage, help, support or mentor other colleagues when needed.
- I give honest feedback to others in a compassionate and respectful manner.
- I listen without interrupting. I participate in meetings but do not dominate discussions.
- I take care when communicating by email, text or on social media where the opportunities for misunderstanding are greater.

- I consider the consequences for others before acting.
- I protect the privacy of others in the organisation and avoid gossip.
- I behave in a way that does not offend, humiliate, harass, undermine, exclude or dismiss others.
- I understand that wildlife rehabilitation can be stressful, exhausting and emotional. I check in on others and I let others know when I need support.

I embrace difference and include others

- I understand that our organisation attracts people from many different backgrounds and life experiences who all share a passion for native wildlife.
- I value and acknowledge other people's ideas, opinions and ways of thinking.
- I am willing to learn from others, and I stay open to fresh perspectives.
- I recognise there are different ways to approach and solve problems, and that even if I can't understand why someone holds a different viewpoint, it doesn't mean they are wrong.
- I make an effort to include others and make them feel welcome.
- I don't engage in unacceptable or unlawful behaviour such as discrimination, sexual harassment, bullying or victimisation.
- I stand up for others and challenge all forms of sexual harassment, discrimination and bullying.

I act ethically and with integrity

- I do the right thing even when no-one is looking.
- I act with honesty and transparency. I do not alter, hide or exaggerate the facts.
- I ask for help when I am unsure.
- I question behaviour or actions that don't seem right, in a respectful way.
- I keep information confidential. I do not share non-public information about the organisation, or make public statements on behalf of the organisation, without permission.
- I ensure my actions and decisions are in the best interests of the organisation.
- I make only proper use of any position, duties, status, power or authority I have.
- I use the organisation's resources and equipment responsibly.
- I obey the law and do not engage in fraudulent or criminal behaviour.
- I am committed to the success of the organisation.
- I act ethically in accordance with my organisation's code of ethics or the NSW Wildlife Council Code of Ethics for Wildlife Rehabilitators.
- I make sure that my personal interests and relationships do not create conflicts of interest in my work with the organisation. I disclose any situation that has the potential for a conflict of interest.

I take responsibility for my own actions and behaviour

- I take responsibility for my work, my performance and my behaviour
- When I make mistakes, I admit to them and I learn from them.
- I listen to feedback with an open mind and try not to be defensive.

- I correct my actions or make a change in my behaviour when needed.
- I am reliable and I follow up on my commitments.
- I make sure my expectations of others are reasonable, clear and understood.
- I accurately record and report the organisation's information.
- I act in way that does not harm the organisation's reputation.

I help keep everyone safe

- I speak up and take action if I see something that could harm myself or others.
- I let my supervisor know if I have been assigned a task that I think is unsafe or that I am not properly trained to do.
- I follow all instructions the organisation gives me about workplace health and safety.
- I don't willingly place myself in a rescue situation where my safety is jeopardised.
- I do not work while under the influence of alcohol or drug-related substances that affect my ability to perform my duties.

For wildlife rehabilitators:

- I comply with the terms of the organisation's wildlife rehabilitation licence, all relevant laws and government codes of practice for the species I care for.
- I keep up to date with the latest information, standards and training for the species I care for.
- I don't handle any animal that I haven't been trained to handle, or any animal that I don't have the experience to handle safely.

For supervisors, managers and others in leadership positions:

- I lead by example by demonstrating ethical behaviour, promoting respectful relationships, and complying with the code of conduct.
- I take steps to address unethical behaviour when I see it.
- I recognise, support and praise ethical behaviour by others.
- I take concerns seriously, treating them promptly and confidentially so far as possible.

D3 Decision-making guidance

This code of conduct cannot describe every possible scenario or replace good judgement. If you are having difficulty with a decision, ask yourself the following questions:

- Is this course of action legal?
- Is it the right thing to do?
- Is it consistent with this code of conduct and other organisational policies?
- Will it benefit the organisation and its purposes as a whole, not just a certain person or group?
- Will my actions put anyone's wellbeing or safety at risk?

If you are still not sure, ask your supervisor, manager or a member of the management committee for advice.

Part E – Committee code of conduct

E1 About the code of conduct

What is it?

This committee code of conduct sets out the standards of behaviour for committee members in your organisation. It applies in addition to the organisation's general code of conduct. Wherever the two documents are inconsistent, this document will apply.

Who does it apply to?

All members of the organisation's committee, including officeholders such as the Secretary.

E2 Legal duties

All committee members have duties under the law, including:

- to act in good faith in the best interests of the organisation and for a proper purpose
- to act with reasonable care, skill and diligence (including to prevent insolvent trading)
- not to improperly use information or position
- to disclose and manage conflicts of interest.

The standards of behaviour set out in this committee code of conduct are designed to help committee members comply with their legal duties.

E3 Standards of behaviour

I am dedicated to my role as a committee member

- I commit the necessary time to my role to enable the committee to function effectively.

I act in the organisation's best interests

- I act honestly and loyally in the best interests of the organisation.
- I am here to advance the interests of the organisation, not my own interests.

I am respectful towards others

- I contribute to all committee activities in a constructive, courteous and positive way.
- I treat all committee members, members, employees, volunteers, contractors, members of the public and all other stakeholders with respect and courtesy.
- I listen without interrupting. I participate actively in meetings but do not dominate discussions.
- I make sure that new committee members feel welcome.
- I support my fellow committee members if they seem stressed or overwhelmed.
- I take responsibility for setting a respectful, inclusive and supportive organisational culture.

I act with integrity

- I behave with honesty and integrity in all my dealings as a committee member.
- I only make promises and commitments that I can honour.
- I don't participate in illegal or unethical activity.
- I don't mislead, make false statements or leave out important information.

I am careful and diligent in my role

- I apply my skills, knowledge and networks to advance the interests of the organisation.
- I carefully analyse proposals and diligently consider all relevant information.
- I contribute to committee discussions and question things I don't understand or agree with.
- I ask the right questions to ensure the organisation is financially viable and compliant with the law.

I support committee decisions

- I support all decisions properly made by the committee.
- I don't contradict or undermine decisions I don't agree with.

I am accountable

- I recognise I am accountable to the organisation's members.
- Within the limits of confidentiality, I provide information to members about the organisation's performance and important changes.
- I respect the rights of members under the constitution.
- I give members opportunities to raise concerns about how the organisation is run.
- I do not retaliate against members who raise legitimate concerns in good faith.

I use my position for proper purposes

- I don't use my position on the committee to gain an advantage for myself or someone close to me.
- I don't accept favours or gifts from other people who have dealings with the organisation.
- I seek reimbursement only for legitimate expenses that I incur in my role on the committee.

I disclose and manage conflicts of interest

- I always place the organisation's best interests before my own.
- I avoid situations where my personal, family or business interests might influence how I make a decision as a committee member.
- I disclose all relevant details of any conflict of interest, including a perceived conflict of interest, to the committee at the earliest opportunity.
- I understand that a conflict of interest can exist even if I feel sure my decision won't be affected by competing interests.
- I make sure that any outside work I do does not harm the organisation's interests.

- I comply with the organisation's conflict of interest policy (if there is one) as well as the rules for disclosing and managing conflicts of interest under the Associations Incorporation Act.

I protect the organisation's reputation

- I behave in a way that upholds the good reputation of the organisation.
- I don't make any unauthorised public statements on behalf of the organisation.

I keep information confidential

- I don't share confidential information, including about the organisation's employees, volunteers or members.
- I respect the privacy of others and don't gossip about people involved in the organisation.

I follow the rules

- I am familiar with and always follow the organisation's constitution and by-laws.
- I comply with the spirit and letter of all relevant laws, regulations and policies that apply to the organisation, including this code.

Part F – Dictionary

Term	Meaning
<i>Associations Incorporation Act 2009</i>	The law passed by NSW Parliament which sets out the framework for incorporated associations and how they must operate.
Associations Incorporation Regulation 2016	A piece of delegated legislation which supplements the Associations Incorporation Act and provides additional requirements incorporated associations must comply with.
Bullying	<p>Repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety (including mental health). It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten.</p> <p>Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.</p> <p>Unreasonable behaviour is behaviour that a reasonable person, having considered the circumstances, would see as unreasonable. This includes behaviour that is victimising, humiliating, intimidating or threatening.</p> <p>See the bullying, sexual harassment and discrimination policy for more information.</p>
Committee/board	A name given to the governing body of a community organisation – the governing body makes key decisions about the strategic direction of the group and oversees the ongoing administration of the group (such as organising the annual general meeting and ensuring relevant financial documents are sent to NSW Fair Trading).
Committee/board member	<p>A person who serves on the committee/board of an organisation, usually for a set period of time ('term') to help govern or make strategic decisions to ensure the organisation is pursuing its purpose.</p> <p>Often an organisation's constitution will require that only members of the organisation can be committee members, but this is not always the case. Committee members can be either elected by the members of the organisation or appointed.</p>
Complainant	A person who has made a complaint, for example about unacceptable behaviour.
Conflict of interest	<p>A situation that arises when a person's personal interests conflict with their responsibilities in relation to the governance or operations of the organisation. A conflict of interest may be actual, potential or perceived and may be financial or non-financial.</p> <p>A conflict of interest is not a type of 'conflict' or dispute in itself but can cause disputes if the conflict of interest is not well-managed or is perceived to be badly managed.</p>
Discrimination	<p>Where someone is treated less favourably because of one of the following attributes, or any of the other grounds covered by current anti-discrimination legislation (including association with a person who has, or is believed to have, any of the following attributes):</p> <ul style="list-style-type: none"> • sex • gender identity • sexual orientation • age • race or nationality

Term	Meaning
	<ul style="list-style-type: none"> • irrelevant criminal record • religion • disability • pregnancy or breastfeeding • relationship status • carer or family responsibilities. <p>Discrimination can either be direct or indirect.</p> <p>See the bullying, sexual harassment and discrimination policy for more information.</p>
Harassment	<p>Harassment is a word that's generally used to describe unwanted behaviour that intimidates, offends or humiliates another person. Harassment can amount to bullying. Additionally, if the harassment is sexual or based on a person's gender, race or disability this may also amount to unlawful sexual harassment or discrimination.</p> <p>See the bullying, sexual harassment and discrimination policy for more information.</p>
Member	<p>A person who, in accordance with the constitution of the organisation, has applied for and been accepted as a person involved in the organisation with voting and other rights and obligations.</p>
Model constitution	<p>An example constitution contained in Schedule 1 of the Associations Incorporation Regulation, which address each of the 17 matters set out in Schedule 1 of the Associations Incorporation Act.</p> <p>Organisations that are NSW incorporated associations can, but do not have to, use the model constitution. Organisations are allowed to modify the model constitution or otherwise develop their own constitution – as long it covers the 17 topics in Schedule 1 of the Act.</p>
NSW Fair Trading	<p>A NSW government agency that is the regulator for all incorporated associations in NSW.</p>
Respondent	<p>A person who has had a complaint made against them.</p>
Sexual harassment	<p>Any unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature, where a reasonable person, in the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.</p> <p>Even if there was no intention to sexually harass a person, it could still amount to sexual harassment because the person's motive for engaging in the behaviour is irrelevant (e.g. it is not sufficient to say 'I didn't mean it' or 'It was only a joke'). It is the complainant's perception of whether the behaviour was unwelcome that is relevant.</p> <p>A single incident can be enough to constitute sexual harassment – it doesn't have to be repeated.</p> <p>Sexual harassment is driven by gender inequality and is affected by power imbalance.</p> <p>See the bullying, sexual harassment and discrimination policy for more information.</p>
Victimisation	<p>When someone is treated badly, unfairly, or worse than others because they have made a complaint of bullying, sexual harassment or discrimination, have helped out with someone else's complaint, or were a witness in a complaint. It does not matter whether the complaint was made formally or informally.</p>

Term	Meaning
Volunteer	Someone who gives their time willingly for the common good and without financial gain. This person may also be a member and/or committee member. A person's status as a member, committee member or volunteer will be determined by what 'hat' they're wearing at a particular point in time. For example, a member will be considered a volunteer when they are attending an animal rescue or providing care to rescued wildlife.

Part G – More information

- [*Biodiversity Conservation Act 2016*](#)
- [Codes of practice for injured, sick and orphaned native animals](#)
- [*Commercial Arbitration Act 2010*](#)
- [*Community Justice Centres Act 1983*](#)
- [NSW Fair Trading Model Constitution](#)
- [NSW Fair Trading factsheet 'Making a complaint about an incorporated association](#)
- [NSW Wildlife Council Code of Ethics for Wildlife Rehabilitators](#)