



2WET Macleay Valley

Conflict resolution

The complaint

Six members of the Macleay Valley Community FM Radio Association Inc (2WET) made a complaint concerning a number of issues relating to 2WET. The issues included a number of matters that appeared to be related to the internal management processes and are not matters covered by the *Broadcasting Services Act 1992* (the Act) or by the Community Broadcasting Code of Practice (the code). The complainants contended that a number of issues were in dispute with the then president.

The complainants contended that issues in dispute have included 2WET incorrectly processing a grievance complaint at a general meeting rather than at a committee meeting in accordance with the constitution, a motion being put to a committee meeting by the president to expel a committee member, and motions being put to a special general meeting to terminate the memberships of two committee members.

Relevant code of practice

Code no. 6 of the code states:

Conflict is the situation where the goals, values, interests or opinions of one group or individual are incompatible with or perceived to be incompatible with, those of another individual or group.

6.1 Community Broadcasting licensees will have mechanisms which will facilitate conflict resolution within their organisation.

6.2 Community Broadcasting licensees will make every reasonable effort to resolve disputes within their organisation conscientiously and as soon as practicable.

6.3 Community Broadcasting licensees will negotiate for dispute resolution by managing discussion between disputants which is aimed to bring about agreement or a settlement of opposing demands or attitudes.

6.4 In the event of an unresolved dispute, Community Broadcasting licensees will seek appropriate alternative dispute resolution mechanisms (for example, mediation, conciliation or arbitration).

The decision

The grievance procedure, provided by 2WET in paragraphs 1, 2 and 3, includes provisions to handle disputes arising between members. However, it then, in paragraphs 4, 5, 6, 7 and 8, prescribed action by the management committee in the event of an alleged serious grievance that enabled action to be taken without first seeking input or comments from all parties to the grievance.

The mechanisms prescribed in the grievance procedure do not appear to adequately provide for the management of disputes including negotiating for resolution, managing discussion between disputants and, when appropriate,

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I n v e s t i g a t i o n s

seeking alternative dispute resolution mechanisms.

The ABA found that the association's grievance procedures did not meet the requirements of code 6.1. It would appear that the attempt to process a grievance complaint between a presenter and a committee member at a general meeting rather than at a committee meeting was the immediate catalyst that gave rise to the further disputes between the complainants and the president.

The grievance was processed in a manner contrary to the station's grievance procedure and in so doing, caused the issues to be aired in front of all members present at a general meeting. The steps taken by 2WET, that is to escalate the disputes through a series of general and committee meetings, appear to have aggravated the disputes rather than achieving positive moves towards a settlement. This process was in part being managed by the then president, one of the parties to the dispute.

The ABA found that the steps taken did not meet the requirements of code 6.3 to negotiate for dispute resolution by managing discussion between the disputants.

Action taken

In response to the preliminary investigation report, 2WET advised that it would review its grievance procedure. Paragraph 3 of the procedure, requiring the management

committee to try and resolve grievances and to give an opportunity for all parties to be heard or explain their view before a decision is made, will be emphasised and apply to all steps in the grievance process. 2WET will also make other changes to the grievance procedure to ensure compliance with the code, including taking steps to elect a grievance committee which, when necessary, will be independent to the management committee and which, when considering grievances, will not include as members any of the parties to a dispute.

In view of the action taken by the licensee to ensure that the requirements of the code are met in relation to conflict resolution, the ABA intends to take no further action in this matter, but it may take this matter into consideration if it finds similar future breaches of the code.

