



TRAINING NEED

If your job requires you to deal with workplace complaints and poor behaviours, then you really care about one thing: how to resolve conflict at the lowest possible level. That initial judgment call and small window to resolve can be the difference between quickly putting out 'spot fires' or an ongoing 'major inferno'.

Unresolved performance or behavioural issues often escalate into complaints and claims involving lawyers. Too often Managers don't know how to resolve conflict and don't act until it is too late and then apply processes that are legalistic and ineffective.

For Managers and HR who want to be more self-reliant in dealing with poor behaviours and getting the right outcomes, this training focuses on a practical 3 step approach.

In doing so, Managers can resolve workplace complaints and misconduct with less time and expense. This means dealing with the real issues without investigations and fear of legal claims.

ACTIONABLE OUTCOMES

Training utilises recent case law, case studies, & activities so participants can:

1. Reframe complaints and misconduct to avoid the pitfalls of formal investigations
2. 'Triage' issues to identify likely causes of complaints and misconduct and address the real issues through a performance, disciplinary or fitness for work framework (or combination)
Use the performance framework to manage
3. most issues and understand why this is more effective
4. Use meetings and emails to effectively 'build your case' and avoid legal claims without separate legal or complex processes
5. Implement the right reasonable response action options for better outcomes

MANAGING COMPLAINTS AND MISCONDUCT

OVERVIEW OF TRAINING

Understanding how we label workplace conflict and the relevant legal framework

- ⌚ What bullying is and isn't and distinguishing other unlawful behaviours including discrimination, adverse action, sexual harassment and victimisation
- ⌚ What is inappropriate behaviour versus appropriate behaviour
- ⌚ What is and isn't reasonable management action
- ⌚ Commonly arising legal claims such as unfair dismissal, adverse action, discrimination, bullying and stress claims
- ⌚ Individual legal liability for Managers and HR

How to identify common causes of conflict & problems with the common approach to resolution

- ⌚ 4 common Managerial styles and typical conflict
- ⌚ Change resistance, expectation gaps and perceptions of performance
- ⌚ What is and isn't a complaint and the need for early intervention

3 Step approach to dealing with workplace conflict and complaints: Assess Risk, Determine Facts and Decide Outcomes

- ⌚ WH&S Approach to resolving conflict and complaints by assessing relevant risk
- ⌚ Classifying behaviours and issues into a legal framework of Performance, Conduct (Disciplinary) and Capacity (Fitness for Work) or a combination and the differences

Using a Response Action Plan to implement the 3 Step approach

- ⌚ **Performance** – how to frame performance issues with low intensity (e.g. different types of feedback) through to high intensity (e.g. 'show cause' letters) response action
- ⌚ **Conduct** – how to conduct a disciplinary process with procedural fairness and how to draft effective warning letters as response action
- ⌚ **Capacity (Fitness for Work)** – how to conduct a fitness for work process and maintain inherent requirements and provide reasonable adjustments as response action

Examples of scenarios

- ⌚ Practice by applying the 3 steps to actual previous issues dealt with and considering different outcomes