

Fairness and Resolution Fact Sheet

- **Following reforms to Defence's military justice system, complaint handling is now more responsive and efficient and, in many cases, better outcomes are possible.**
 - **Regional Fairness and Resolution centres have been established as well as a central branch to help ensure that advice and early dispute resolution assistance are readily available and accessible for everyone.**
 - **Regular Defence surveys of employee attitudes towards unacceptable behaviour reflect a maturing system that is widely recognised, effective and has the confidence of those who use it.**
-

What has changed for Defence regarding complaints?

Defence has made a number of changes to the way it handles complaints to ensure our processes are responsive and efficient, and better outcomes are possible. A single branch, Fairness and Resolution, now offers a range of services such as advice, conflict coaching, mediation and independent complaint investigation. These services were formerly provided by three separate areas within Defence.

Fairness and Resolution Branch has also established a number of small regional centres around Australia to provide advice and assistance and to be more accessible to our geographically-dispersed people.

Following these changes, feedback being received in unit audits conducted by the Inspector General of the Australian Defence Force indicates growing confidence in our complaint handling processes

What prompted the changes?

Following a joint Defence/Defence Force Ombudsman review of the Redress of Grievance system in 2004, and taking into account the recommendations of the Senate Foreign Affairs, Defence and Trade Reference Committee report 'The Effectiveness of Australia's Military Justice System' released in 2005, the Fairness and Resolution Branch was formed at the end of January 2006.

This led to the streamlining of complaint and redress of grievance procedures. It also consolidated the way Defence handles complaints. Defence deals with complaints at the lowest possible level through normal command or management channels and administrative arrangements. Fairness and Resolution Branch provides advice and support to managers to achieve this policy objective. It also manages the formal complaints system that is accessed when informal or administrative processes fail.

In addition, the Defence/Defence Force Ombudsman review identified the need to clear a backlog of complaints, and this has been achieved.

Why is the new system better?

The redress of grievance process has been streamlined by ensuring that all grievances are forwarded to Fairness and Resolution Branch by commanding officers within five days of receipt. The Branch then provides advice to the commanding officer on how to proceed, including whether alternative dispute resolution may be appropriate.

What do the changes mean to ADF members and civilians?

The new system helps our people find the right advice quickly and makes it easier for them to manage a complaint or conflict in the workplace, or to lodge a complaint themselves. It also means that complaints can be assessed at an early stage to determine the best way to proceed. For example, a complaint might achieve a better outcome if mediation is attempted rather than to proceed immediately to a formal investigation. In these instances, if the mediation doesn't achieve a satisfactory outcome for the complainant, he or she can still pursue a formal complaint.

In many cases, alternative strategies such as conflict coaching or mediation allow the underlying issues to be addressed more effectively, especially when the parties to a conflict need to be able to continue to work with each other in the future.

Are any more changes likely to occur in the future?

A new complaint management and tracking database is being developed and will be substantially in place by the end of this year. Ultimately this will provide access to people who have lodged complaints to online advice on the progress of their complaint. Defence will continue to address unacceptable behaviour with a major survey to be conducted in September this year.

How does Defence deal with unacceptable behaviour?

Unacceptable behaviour is behaviour which a reasonable person, having regard to all the circumstances, would consider to offend, humiliate or intimidate other personnel. It may be the result of some real or perceived attribute or difference.

A recent report by the Defence Force Ombudsman noted that Defence has an effective and readily accessible process for managing complaints of unacceptable behaviour and found that ADF members believe the complaint-handling process has been improved in recent years and have a reasonable level of confidence in the complaints system.

Defence encourages all incidents of unacceptable behaviour to be reported, regardless of how trivial they may appear. Nevertheless, employee attitude surveys reveal that a number of unacceptable behaviour incidents are not reported because people have the confidence, capacity and willingness to resolve what they consider to be less serious issues themselves.

Defence encourages all complaints to be resolved at the lowest appropriate level. In 2006, 60% of complaints were resolved by informal means (eg apology, mediation, and counseling) and only 7% were serious enough to result in disciplinary or administrative action being taken against the respondent.

Where we can benchmark, Defence's figures compare very well. The Australian Bureau of Statistics reports there were 200 sexual assaults per 100,000 persons in 2002. The number of these complaints in Defence for 2006 was 74 or 86 per 100,000 personnel, less than half the rate in the broader community. In the same time period, 27% of Australian women reported that they had experienced sexual harassment. The number of reported sexual harassment incidents in Defence for 2006 was less than 1% of personnel or 112 complaints.

External scrutiny by the Defence Force Ombudsman and the 2006 Learning Culture review into ADF Schools and Training Establishments also supports the view that there is no evidence of an ADF culture that supports bullying or harassment and there is widespread commitment to 'fair go' rules.