

**Men’s Shed Dispute Resolution Guidelines**

Disputes may arise from time to time, including:

* Disputes between members of the committee of management
* Disputes between shed members and the committee
* Disputes between members
* Disputes between the Men’s Shed and a third party

These guidelines are aimed at providing the committee of a Men’s Shed with some strategies for resolving or managing the issues.

**General Guidelines**

The WA Department of Commerce offers the following advice at <http://www.commerce.wa.gov.au/consumer-protection/associations-resolving-issues-and-handling>

*There are a number of options that are available to you if you think that there is something going wrong with an incorporated association. First, however, some useful tips when dealing with concerns about an incorporated association:*

* *In dealing with any concern or dispute it is useful to remember that there is usually some “common ground” between the parties. Generally everyone who joins an association does so because they have a commitment to the purposes of the association, whatever those might be. If everyone focuses on this common ground, what is in the best interests of the association, it might be easier to resolve the dispute.*
* *Remember to take into consideration the amount of time that members, and in particular committee members, put into their associations, often on a purely voluntary basis. Don’t be unrealistic about the time frames in which your concerns or issues can be dealt with.*
* *It is generally in the interests of any association, and even more importantly, those purposes that the association was set up to pursue, if any concerns or disputes can be dealt with without creating ill feeling between members. Often people will still need to have contact and dealings with each other in the future.*
* *If you intend to raise concerns or allegations about individuals, you should always make sure that you have some proof; not only because you might potentially be subject to legal action if you make unsubstantiated allegations, but also because it can be very difficult to undo the damage which may be caused by an unfounded accusation.*

The Australian Charities and Not-for-profit Commission offers the following tips regarding internal disputes at <http://www.acnc.gov.au/ACNC/Edu/Tools/QT_001.aspx>

*What to do*

* *Develop a culture of open and respectful communication.*
* *Check your charity’s rules and any legislation that applies to your charity. There may be a process you have to follow to resolve disputes, especially if it is a dispute between members of your charity.*
* *Make time for those in dispute to meet face-to-face to discuss their dispute openly. Meeting in person can be a good way to build trust, develop a commitment to resolving issues and avoid miscommunication. Often a trusted other person can assist in the meeting.*
* *Maintain a respectful and non-judgemental attitude. It is important that each person involved in a dispute respects the position of others and is committed to reaching a resolution.*
* *Listen, listen, listen. Acknowledge what is said and ask questions without expressing an opinion. One of the greatest barriers to effective communication is a failure to listen.*
* *If an agreement or compromise cannot be reached, consider using an independent mediator. An independent mediator may be needed when other attempts to resolve a dispute have failed. Discuss who will pay for the cost (if any) of mediation before engaging the mediator.*

*What not to do*

* *Don’t ignore or avoid an issue. Disputes can drive down morale, affect the reputation of an organisation and distract you from undertaking the important work of your charity. Reduce the impact of potential disputes by raising and dealing with issues quickly.*
* *Don’t interrupt others while they are speaking, or dismiss different perspectives. It’s important that everyone feels that they are heard as part of the resolution process.*
* *Don’t forget to review the progress of agreed actions. Once a strategy has been implemented, review how it is working including talking to those involved. Dispute resolution can sometimes be an ongoing process.*

The first step in any dispute should be to attempt to resolve any issue through informal discussion between the parties. As outlined above, goodwill on the part of both parties is necessary for this to be successful.

The constitution should contain a mechanism for resolving disputes. These are contained in Section 24 of the generic Men’s Shed constitution that is available from WAMSA and are based on the model rules.

A number of not for profit agencies provide inexpensive mediation services, including:

* Citizens Advice Bureau <http://www.cabwa.com.au/>
* Relationships Australia [http://www.relationshipswa.org.au](http://www.relationshipswa.org.au/?gclid=CKbI4vHOm8cCFZclvQodr8ANTg)

In cases involving criminal matters such as fraud, the most obvious step is to go to the police.

**Disputes between members of the committee of management**

Differences of opinion on how the shed should operate may arise between the men who established the shed and those who become committee members once it is established. However, a range of other circumstances could also lead to problems arising.

Most committees will attempt to make decisions based on arriving at a consensus. However, sometimes formal decision making processes may have to be adopted. These involve moving a motion, following the rules of debate and voting on the motion.

A committee member who does not agree with a decision has three choices:

* Work on getting the numbers to win a vote
* Accept the situation at least for the time being
* Resign from the committee

It is not good for the individual’s wellbeing or for the committee’s ongoing effective operation for a committee member to be continuously at odds with the majority of committee members.

**Disputes between members and the committee**

As mentioned in the general guidelines, the first step should be to attempt to resolve any issue through informal discussion between the parties.

If this fails and there is a grievance process in the constitution or a policy, this should be followed.

Even if the rules don’t provide for mediation or a grievance process, the individual or committee may agree to meet and discuss the problem with the member in the presence of an independent third party agreed between by both parties.

Members have the power to call a special general meeting of members, which can direct the committee to take a particular course of action.

The AGM always presents the members with the opportunity to vote on who should be on the committee.

**Disputes between members**

A Men’s Shed should be accessible to all men and provide a non-threatening, safe and friendly environment where men are able to work on meaningful projects, at their own pace, in their own time, in the company of other men. A major objective is to advance the well-being and health of their members.

Therefore, bullying or discrimination on any grounds has no place in a Men’s Shed.

As outlined in the general guidelines above, communication is the key to firstly avoiding and secondly resolving any disputes between members.

Every effort should be made by the members involved to resolve any issues themselves.

If one member will not cooperate, then the committee will have to intervene.

The rules in the constitution should cover the formal procedures of mediation.

It should be realised that a member’s behaviour may be influenced by a health condition such as Alzheimer’s disease. Such a person may exhibit some anti-social tendencies. These should be managed and not be the grounds for excluding the person from the shed.

Men’s Sheds can play an important role in supporting both the man and his carer. Some guidelines on how to manage a person with Alzheimer’s disease were published in the October 2013 edition of the Warbler <http://www.wamsa.org.au/WARBLER19.pdf>

Advice is available at:

National Dementia Helpline

1800 100 500

Dementia Behaviour Management Advisory Service

1800 699 799

**Suspension or Expulsion of a Member**

Unfortunately, an occasion may arise when the problem cannot be resolved and the committee decides that in the interests of the other members and the organisation as a whole that the only course of action is to suspend or expel the member.

This is a last resort and should only be undertaken when all other processes have been exhausted.

The constitution should contain the procedure to be followed. These are contained in Section 9 of the model rules.

It is important that the procedure is followed so that the member is dealt with fairly and accorded natural justice. This includes a right to appeal the decision.

Failure to do so, could result in the decision being overturned and the possibility that the committee members could be found to have acted improperly.

**Disputes between the Men’s Shed and a third party**

Disputes can arise with someone from a neighbouring property or perhaps a business that objects to the Men’s Shed undertaking some projects that it believes are commercial in nature.

Again, as outlined in the general guidelines above, communication is the key to firstly avoiding and secondly resolving any disputes between the Men’s Shed and third parties.

If there are grounds for the claim, the committee has a responsibility to address the issue.

Even when there are no legitimate grounds, a noisy critic may create some negative publicity for the Men’s Shed.

Men’s Sheds have a very good image in the community. It should be possible to have the local paper publish an article on the benefits that the Men’s Shed provides to not only its members, but also to the general community. This should be sufficient to neutralise the claims of the critic.

If a Shed undertakes some work for another organisation such as the council or a school, and a local business complains that the Shed is taking work away from them, the Shed should advise the complainant to take the matter up with whoever asked for the work to be done. The Shed has only responded to a request. If there is a legitimate cause for concern, it is the organisation that requested the work to be undertaken that has created the problem.

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