

**Workplace Case Study: Utilising a Redress  
Conference approach to address harm /conflict.**

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Thriving People

# KEY ELEMENTS OF THE CASE

**Source of referral:** Employer direct

**People affected:** Senior employee, CEO and 2 Executive Directors, Union

**Nature of incident / issue:**

- § Trauma from work exposures leading to mental ill health, PTSD and incapacity – following diagnosed ADHD
- § Employer attempts to resolve employee concerns met with emotionality, accusations and threats
- § Employees behaviour at work adversely impacted other employees
- § Relationship and communication breakdown between org and employee.
- § Employee and Union threat of legal and Industrial action

# GOALS OF THE INTERVENTION

## 1. Employer

- a) Support employee recovery, health and wellbeing – defuse and manage emotionality so communication can resume
- b) Understand workplace and relationship issues and concerns
- c) Facilitate / mediate conversation(s) to discuss concerns, agree resolution and facilitate -
- d) Return to work undertaking suitable employment
- e) Protect and support other employees from impacts of employee's behaviour

# GOALS OF THE INTERVENTION Cont.

## 2. Employee:

- a) For senior leaders to listen to and understand the 'harm' experienced 'in the field' and how this had been compounded by workplace decisions and experiences that followed
- b) For senior leaders not to dismiss broad occupational concerns on the basis of her individual mental health
- c) For senior leaders of org to *hear* and *understand* gravity of the concerns being raised
- d) For senior leaders of org to accept the personal and professional risks and impacts of the work undertaken – particularly related to emergency response circumstances
- e) For senior leaders of org to engage in direct discussion to improve management of identified risks and org emergency responses including trauma responses
- f) To separate from the org with financial support and professional reputation and relationships intact

# GOALS OF THE INTERVENTION Cont.

## 3. Union

- a) Concern for this members ongoing employment then for terms of employment separation
- b) Concern for this members health and wellbeing – of 'injury' having occurred (although not subject of a workers compensation claim)
- c) Concerns for broader health, safety and wellbeing of org wide employees based on issues being raised by employee
- d) Concerns that org was not taking the employees key issues and concerns seriously – based on issues being raised by employee

## 4. The group as a whole:

- a) Open discussion of presenting issues.
- b) Safety, health and wellbeing of all
- c) Ongoing professional relationships

# CASE-SPECIFIC CHALLENGES

- a) Employee self-reported 'severe' mental ill health and total incapacity for work – unwilling to provide medical information (including diagnosis) or authority for GP contact.
- b) Employee high emotional lability and heightened negativity toward org and several senior leaders. Fixed views. High self-importance and feelings of 'self-sacrifice'.
- c) Employee distrust of consultant neutrality and therefore support being offered due to being 'paid by org' and 'having worked for the employer previously' – all liaison and contact included husband and 2 union representatives.
- d) Employee threatening i.e. 'checking up on you professionally', 'unions are watching you', 'my lawyer is in background'
- e) Employee's husband a valued senior employee of org – vested interests
- f) Unions about to enter EBA negotiations with employer and industrial action already 'on the table'
- g) Employee and union wanting to direct actions to be taken
- h) Employer 'usure' how to proceed

# PREPARATION MEETING(S)

## Format and participants:

- Several individual meetings (in person and online) and telephone liaison with employee (husband and union reps) to understand and distil / articulate issues and concerns, identify employee preferences (RTW/separation of employment) and understand employee capacity to participate (based on mental health presentation and emotionality), and determine appropriate pathway/plan for next steps.
- Meeting with senior employer rep to communicate (with employee authority) employee decision to separate from the org (and not to RTW). Agreed. Recommended negotiations to be supported by Union (not consultant).
- Proposed that conversation with senior reps to discuss issues/concerns be part of exit strategy and follow negotiation of 'Deed of release'. Agreed. Recommended 'restorative approach'. Agreed.
- Agreed my role to change to Facilitator of the restorative conversation with all parties (offered change).
- Liaison, education and preparation with senior org reps regarding recommendation to use a restorative approach (not mediation) as exit conversation – to include all parties. All were open to approach and engaged with preparation.
- Preparatory meetings x 2 with employee, husband as support person (and union), and separate framing conversations with unions.
- Agenda and process for restorative approach developed and agreed in advance.

# PREPARATION MEETING(S)

## Useful techniques:

1. Taking time – at employee pace
2. Understanding of each persons, interests, motivations and capacity.
3. Separation of personal issues (health) from industrial issues (i.e. exit employment) from occupational issues (safety and health in the field) and relationship. Focus and strategy for each in recommended plan.
4. Coaching to prepare employee and senior managers
5. Agreeing and documenting an agenda to frame process and conversation (and manage emotion) and manage participant roles, expectations and contributions.



# THE GROUP CONFERENCE

## Stages and focus

- Welcome and restatement of agreed meeting process, participant roles i.e. employee, org reps, support person (husband) and union (observers).
- Employee shared experience, issues and concerns (without interruption)
- CEO response on behalf of the org – acknowledgement, acceptance of experience and ensuing personal impacts, demonstrated accountability for safety, health and wellbeing, demonstrated and engaged with understanding employee's issues and concerns.
- General discussion of issues and concerns with focus on improvement to procedures, practices and managing risks – inviting employee contribution.
- General discussion of mutual ongoing industry commitment and the value and importance of future professional relationships
- Shared commitment to continue specific health, safety and wellbeing discussions with Union

# THE GROUP CONFERENCE

## Key shifts

- Employer open to hearing and understanding the employee's experience – rather than apportioning contribution, justifying decisions or defending actions
- Employer's focus moved from believing and taking actions based on the worker's mental ill health and behaviour as the 'problem' to a focus on understanding the employee's core issues and concerns – and responding accordingly
- Separation of industrial matter (agreed exit from employer with a package of support including financial assistance) allowed focus on occupational matters that were of mutual interest.
- Employment relationship disconnection became one of shared commitment to a future industry connection and collaboration
- Unions remained focused on occupational matters and commitment to future discussions with employer

# OUTCOMES

- Agenda and process managed emotionality and provided focused contributions
- Employee felt issues and concerns were 'heard' and understood by employer (for the first time) and was visibly relieved and calm
- Meeting progressed professionally and respectfully
- Industrial matters completed separately (before / after the group meeting)
- Occupational concerns were discussed collaboratively
- Commitment to continue discussions regarding occupational matters with unions separately
- All parties satisfied with restorative conversation
- Outcomes sustained – no threatened union, legal or other employee action ensued

# LESSONS

## About facilitating the *process*:

1. Intake is vital in determining the appropriate support and intervention
2. Be flexible to the needs of the participants
3. Assert the process
4. Transparency of role and actions supports trust
5. Education, coaching and preparation tailored to participant needs – at their pace
6. Importance of understanding interests, motivations and capacity.
7. Trust the process and your skills – identify and manage your triggers (sit with discomfort)