

Apprenticeships
Are Us



BOARD DISPUTE RESOLUTION POLICY

INTRODUCTION

The Board of Apprenticeships Are Us Limited (ARU) is unwavering in its commitment to upholding the highest standards of corporate governance. It is dedicated to promptly and fairly resolving any disputes or grievances that may arise. We firmly believe that a harmonious and effective functioning of the ARU Board is paramount to achieving our objectives.

PURPOSE

This policy has been crafted to establish a structured and equitable process for the resolution of disputes or grievances among ARU Board members, which cannot be amicably resolved through respectful discussion during ARU Board meetings. In adherence to legal and governance standards, including the Corporations Act, the Australian Institute of Company Directors (AICD) guidelines, and the Australian Charities and Not-for-profits Commission (ACNC) Governance standards, this policy aims to ensure fairness and transparency in the resolution process.

POLICY

Disputes and grievances shall be resolved through a mediation process in accordance with legal and governance standards.

RESPONSIBILITIES

The Chair: The Chair holds the primary responsibility, including:

- Ensuring that all ARU Board members are well-informed and fully aware of the provisions within this dispute resolution policy.
- Overseeing the handling of disputes with the utmost respect for the principles of natural justice and maintaining strict confidentiality as mandated by the applicable standards.

All Employees: All employees within the organisation are responsible for ensuring that their use of electronic media aligns with the provisions outlined in this policy, thereby adhering to legal and governance standards.

PROCESSES

1. Initiation of Dispute Resolution

- Parties involved in a dispute must initiate the resolution process by formally notifying the Chair and subsequently convening a meeting to discuss the matter in dispute. The objective is to reach an amicable resolution within 14 days after the issue comes to the attention of all parties, in compliance with relevant standards and legal requirements.

2. Mediation Process

- If parties cannot reach a resolution through direct discussions or if a party fails to attend the initial meeting, they must proceed to a mediation stage within 10 days, as required by legal and governance standards.
- The mediator may be: a) A person mutually agreed upon by the parties, as recommended by legal standards, or b) In the absence of an agreement, a person appointed by the ARU Board or a suitably qualified independent mediator, in compliance with the applicable governance guidelines.
- The mediator must ensure the process is impartial and free from any perception of bias, as mandated by the Corporations Act.

- The mediator must not have a personal interest in the dispute, as per relevant governance standards.

3. **Good Faith Mediation**

- Parties must engage in the mediation process with a sincere commitment to reaching a fair and equitable resolution, in accordance with governance guidelines.

4. **Mediator's Role**

- The mediator, in their role, must: a) Provide every opportunity for all parties involved in the mediation process to be heard, as required by legal principles. b) Consider any written statements submitted by the parties, ensuring adherence to the principles of natural justice. c) Ensure that natural justice is maintained throughout the mediation process, in line with relevant governance standards.

5. **Mediator's Authority**

- The mediator's role is to facilitate communication and negotiation between the parties, as specified by governance standards, without determining the dispute.

6. **Confidentiality**

- The mediation process is conducted with the utmost confidentiality and without prejudice, in line with legal and governance requirements.

7. **Alternative Resolution**

- In the event that mediation does not result in dispute resolution, parties may seek alternative means for resolution within the ARU Board or through legal channels, complying with the applicable laws and regulations.

This Dispute Resolution Policy underscores our commitment to professional corporate governance practices and ensures disputes are addressed with the highest standards of integrity and professionalism. It adheres to relevant privacy, corporate, and governance standards, safeguarding fairness, and transparency in the resolution of disputes.

AUTHORISATION

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Apprenticeships Are Us Limited

DOCUMENT CONTROL

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