
RESOLVING DISPUTES PROCEDURE

Purpose

Disputes can arise at any workplace. A dispute exists when one or more people disagree about something and matters remain unresolved. A fair and balanced dispute resolution process is important for the effective operation of any business.

strives for an effective dispute resolution process to help them maintain good relationships with their employees by dealing with workplace issues at an early stage. Employees will likely be more cooperative and productive if they know that their grievances will be taken seriously by the employer and there is the opportunity for an independent party to assist in resolving the dispute if it cannot be resolved at the workplace

The Fair Work Act 2009 (FW Act) requires that all modern awards include a term which sets out a procedure for resolving disputes between employers and employees about any matter arising under the modern award and the National Employment Standards (NES).

Scope

This procedure applies to all employees.

DISPUTE RESOLUTION PRINCIPLES & PROCEDURES

What is dispute resolution?	Dispute resolution refers to the processes by which disputes are brought to an end. This can occur through: a negotiated outcome, where the parties concerned sort out things themselves a mediated outcome, where the parties use the services of an independent mediator to help them arrive at their own agreement, or an arbitrated or adjudicated outcome, where an independent arbitrator or court determines how the dispute is to be resolved and makes a binding decision or order to this effect.
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General Principles

A best practice dispute resolution process should:

- be simple
- allow appropriate stages so that matters can, wherever possible, be resolved at the workplace
- encourage parties to agree on a process that suits them

Best practice dispute resolution outcomes should be:

- quick – the issues should be resolved quickly rather than allowing them to escalate through inaction, which can potentially lead to further difficult issues and behaviours.
- fair – all relevant parties should be consulted so that all sides of the story are taken into account
- handled sensitively – disputes should, where possible and appropriate, be resolved in a confidential context in order to minimise impact on employees not affected by the dispute
- transparent – the procedure should be made known to every employee.

Dispute resolution procedures should not interfere with the continued operation of the business where possible. Therefore work should continue normally during the dispute resolution process subject to any reasonable concerns about health and safety.

Procedure

Step 1. Communicate

Employee(s) and/or any employee representative meet(s) with the employee's relevant manager to discuss a problem.

The manager listens carefully to the employee(s) (and/or their representative) and together they try to resolve the dispute. If the manager and employee are unable to resolve the dispute or it is not appropriate that the supervisor deal with it, the matter should be referred to senior management.

Step 2. As below or Resolution

Refer to Senior management listens to the employee's concerns and either resolves the dispute or refers the matter to more senior management.

Step 3. As below or Resolution

More senior/HR listen to the employee (and/or their representative) and attempt to resolve the dispute. It is either resolved or referred to an independent body.

Step 4. Independent /external Support or Resolution

An independent conciliator or mediator (for example the Fair Work Commission or external Consultant) assists to resolve the dispute

Resolution:

Problems are solved and healthy working relationships are maintained.

DOCUMENTATION

File Note	FOR13
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