

# Resolution of disputes

## KNOW YOUR RIGHTS

The Know Your Rights series of fact sheets assist CSIRO union members better understand and enforce our rights at work. The source of these rights is the CSIRO Enterprise Agreement 2017-2020 (EA), specifically Clause 84.

### 1) When should dispute resolution be used as opposed to other processes?

Dispute resolution is used to resolve alleged breaches of the EA. Other processes in CSIRO such as grievance procedures are used to resolve other workplace matters, including decisions and actions connected to employment.

### 2) When can a dispute be notified?

If a dispute relates to:

- a matter arising under the agreement or
- The National Employment Standards (clause 84.1)

it can be dealt with under the dispute procedures.

Although it is possible for individuals to notify disputes the great majority of notifications in CSIRO are from the Staff Association who are representing members.

The Staff Association can represent members at any and all stages of this process.

### 3) What are the steps in the process?

Essentially it is a two-step process.

In the first instance, the parties must try to resolve the dispute at the workplace level, by discussions between the officer or officers and relevant supervisors and/or management (84.3). If the officer/officers are union members, they are normally represented by their union in these discussions.

If this is unsuccessful, a party to the dispute (individual or union) may refer the matter to the Fair Work Commission (FWC) (84.4).

### 4) If the dispute goes to the FWC how will they deal with it?

The Fair Work Commission may first attempt to resolve the dispute through such measures as mediation, conciliation, expressing an opinion or making a recommendation; and if unable to resolve the dispute may then:

- arbitrate the dispute; and
- make a determination that is binding on the parties.

### 5) Am I entitled to representation?

Yes. An officer who is a party to the dispute may appoint a representative (84.2).

### 6) Are the parties bound to accept the FWC's decision?

Yes (84.7).

### Important points

- As opposed to grievance procedures and other policies used to resolve workplace issues; the resolution of disputes clause is used to resolve alleged breaches of the enterprise agreement or National Employment Standards.
- In the first instance, parties must try and resolve the issue through discussion at the workplace level.
- If talks are unsuccessful, a party of the dispute may refer the matter to the Fair Work Commission (FWC).
- The FWC may attempt to resolve the dispute through mediation, conciliation, opinions or recommendations before arbitration and determination.

This resource was produced by the CSIRO Staff Association and paid for by union members. Every member contributes to the resources, strength and capacity of the Staff Association. Non-members seeking advice and support at work need to join today.

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