

Name of Policy	Dispute Management Guidelines
Description of Policy	Guidelines for Nominated Supervisors and Managers for resolving a dispute concerning matters covered by the ACU Staff Enterprise Agreement.
<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Revision	
Description of Revision	<i>Delete</i> Please type brief description of the deletion and specify information to be deleted
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Human Resources Directorate

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1. Introduction

The following guidelines are intended to assist nominated supervisors and managers in the process of managing disputes. They should be read in conjunction with the Australian Catholic University Staff Enterprise Agreement. Human Resources Consultants in each State are available to provide further advice on these processes and on the application of the University's enterprise agreement and policies.

2. Application

The dispute resolution process in the Australian Catholic University Staff Enterprise Agreement is available only for resolving a dispute concerning matters covered by the Agreement. The dispute resolution process is not available where other University processes are available for resolving an appeal or grievance, or for reviewing a decision made by the University.

3. Procedures

Throughout a dispute management process, a staff member may be assisted by a person of their choice, providing that person is not currently a practising solicitor or barrister.

3.1 Determining what Constitutes a Dispute in Cases of Disagreement

If there is disagreement between the parties to a dispute as to whether a matter constitutes a dispute under the terms of the Enterprise Agreement, the matter can be referred by either party to the Australian Industrial Relations Commission prior to the formal instigation of these dispute resolution procedures.

3.2 Conditions Applying during the course of Dispute Resolution Management outlined in Section 3.3.1 to 3.3.4

Except where an occupational hazard exists, until the dispute management procedures have been carried out, the following shall apply:

- work shall continue in the normal manner;
- no industrial action shall be taken by the University or the staff;
- the University shall not change the work, staffing or the organisation of work if such is the subject of the dispute, nor take any other action likely to exacerbate the dispute;
- the subject matter of the dispute shall not be taken to the Australian Industrial Relations Commission by the staff member(s) or their representative or by University management.

3.3 Stages in Dispute Resolution Management

3.3.1 Stage 1 – Initial Steps to Resolve Dispute

It is expected that most matters can be dealt with by having them raised directly with the relevant nominated supervisor, thus not requiring utilisation of the dispute resolution process.

In addition, a staff member(s) will need to consider whether the matter can be resolved by the dispute resolution process or whether another more appropriate University process applies. Staff can obtain assistance on clarifying the most appropriate process for resolving a concern or dispute by seeking advice from their local Human Resources Consultant.

If no other University procedures are available, and provided that the subject of a dispute is in relation to a matter covered by the agreement, the staff member(s) may raise the dispute, in writing, with the nominated supervisor as soon as possible after it has arisen. This will give the nominated supervisor the opportunity to try to remedy the cause of the dispute. The staff member(s) should provide the nominated supervisor with details regarding the nature of the dispute, how it relates to the matters covered by the enterprise agreement, and the outcome which is being sought.

Once the nominated supervisor has received the details of the dispute, in writing, she/he may seek advice from staff of the Human Resources in relation to the appropriate steps to address the dispute. Having determined a course of action to resolve the dispute, the nominated supervisor then writes to the staff member(s) involved, normally within five working days, advising the staff member(s) of the action to be taken with regard to the matter. In the event that this action resolves the dispute the matter is considered finalised.

3.3.2 Stage 2 - Referral to Senior Manager

If the determined course of action to be taken by the nominated supervisor does not resolve the dispute, or if the dispute is of such a nature that direct discussion with the nominated supervisor would be inappropriate, the staff member(s) or representative may take the matter up, in writing, with the next most senior University manager. The staff member(s) should provide this person with details of the nature of the dispute, the steps taken to try to resolve the matter, and the outcome being sought.

The next most senior University manager may discuss the dispute with the local Human Resources Consultant prior to consulting with the staff member(s) concerned and the nominated supervisor (if applicable) in order to seek resolution of the dispute. Normally the next most senior University manager will complete this step in the process within ten days of it having been raised by the staff member(s) and advise the affected staff member(s) of her/his decision in writing.

3.3.3 Stage 3 - Referral to Executive Planning Group Member

If a dispute has not been resolved under the two preliminary steps in the process, or if the dispute extends beyond one organisational unit, the affected staff member(s) or their representative may refer the matter, in writing, to the relevant Executive Planning Group member(s) who will consult the Director, Human Resources or delegate, to address the matter. The staff member(s) should provide the Executive Planning Group member(s) with details of the nature of the dispute, the steps taken to try to resolve the matter, and the outcome being sought.

The relevant EPG member(s) and the Director, Human Resources, or delegate, will meet the staff member(s) concerned within ten working days in order to seek resolution of the dispute. Any resolution of the dispute will be in the form of a written agreement, to be ratified by the University and the staff member(s) concerned if this is required.

3.3.4 Stage 4 - Referral to Australian Industrial Relations Commission

If the matter is not resolved by the steps outlined above, the matter may be referred by either party to the Australian Industrial Relations Commission for conciliation and arbitration, or settlement by the Commission. In such circumstances, the parties to the dispute shall be bound by any decision made by the Commission concerning the referred matter.

4. Policy Review

The University may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this Policy may forward their suggestions to the Director, Human Resources.

5. Further Assistance

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be needed, they should contact the Human Resources Consultant responsible for their campus.