

KNOW your Agreement

FSU Fact Sheet

Dispute Settlement Procedure

The Dispute Settlement Procedure in the new Westpac Group Enterprise Agreement 2010 has been improved with the final stage for resolving disputes being arbitration by an independent umpire.

This means that if there is a dispute that isn't resolved in the workplace or through conciliation, an independent arbitrator will hear both sides of the argument and make a binding decision.

The Union expects that very few disputes would need to go to arbitration and that generally issues will be resolved in the workplace. However this depends on employees and management being aware of the provisions of the Agreement and ensuring that they are applied.

The new Enterprise Agreement was negotiated between the FSU and Westpac. The Bank has agreed to the provisions contained in the Agreement and expects them to be adhered to.

A new Workplace Culture

The inclusion of arbitration in the Agreement is an opportunity to amend a workplace culture where the legal entitlements of staff have sometimes been overlooked.

There is no point in having provisions in the Agreement if they are never enforced. It's important that all members, particularly Reps, are aware of their workplace rights and work with colleagues to ensure that they are respected.

For example, in setting performance objectives a number of factors need to be taken into account. As we know these factors are sometimes ignored. The inclusion of Arbitration in the Agreement can be used to enforce these provisions but a first step is members making it clear in the workplace that such factors can not be ignored.

Fair Performance Objectives are important as they affect an employees Performance Rating and subsequently the pay increase they receive.

Performance Objectives that are unfair and don't take into account factors such as approved absences and staffing levels, not only create a stressful work environment, they impact on an employees take home pay.

Working Together

If you do have a concern about a workplace issue your first step should be to talk with your colleagues. Chances are if the issue affects you they may be affected as well.

It's important that everyone who is concerned about a workplace problem, whether it's targets, overtime payments or bullying, is involved in discussing the best way of having it fixed.

It's much more effective, and positive for workplace harmony, to have an issue which affects a group of employees dealt with collectively involving everyone affected by it.

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The Dispute Resolution Process

If an Employee has a concern about a matter arising under the Agreement or the National Employment Standards, the Employee and their Employer will attempt to resolve the concern via each of the following steps:

- ✓ Step 1
A concern should be discussed between the Employee/s and their immediate manager if appropriate;
- ✓ Step 2
If the concern is not resolved at step 1, the Employee/s or their immediate manager may discuss the issue with the next level manager if appropriate;
- ✓ Step 3
If the concern is not resolved at step 2, the Employee/s, their immediate manager or the next level manager may discuss the issue with the relevant General Manager, Human Resources;
- ✓ Step 4
If the concern is not resolved at step 3, the Employee/s or Employer may refer it to FWA for conciliation;
- ✓ Step 5
If the concern is not resolved at conciliation either party may pursue arbitration by an independent umpire. Arbitration may be conducted by Fair Work Australia (FWA) or the Institute of Arbitrators and Mediators Australia (IAMA).

You're Not Alone in the Union

Even if the issue only affects one employee, Union members are not alone and will be supported by the industrial knowledge and expertise of the Union to make sure you get a fair go.

At anytime during the dispute resolution process Union members have the right to contact the FSU for advice, information and representation.

Need More Information?

For more information on your rights under the new Westpac Group Enterprise Agreement contact your FSU Organiser or the FSU Member Rights Centre on 1300 366 378.

Phone: 1300 366 378 / Email: fsuinfo@fsunion.org.au / www.fsunion.org.au
Authorised by Leon Carter, National Secretary - July 2010

