

9. Dispute Procedures



CSIRO Staff Association



This is the ninth in a series of fact sheets to assist CSIRO union members and workplace delegates to better understand and enforce our rights at work. The source of these rights is clause 87 of the new CSIRO Enterprise Agreement 2011-2014 (EA). Members are encouraged to read this clause in its entirety.

What can a dispute be about?

A dispute can be notified about any matter arising under the EA or from the application of the National Employment Standards of the *Fair Work Act 2009*. Notification of a dispute by a CSIRO officer (or group of officers) will mandate that dispute procedures be enacted.

Normally a dispute relates to a breach of a clause or a matter contained within the EA. The Staff Association can represent members at any and all stages of the process.

What are the steps in the process?

It is a two step process. In the first step, the parties to the dispute must try to resolve the dispute at the workplace level, by discussions between the officer (or officers) and relevant supervisors and/or management. If an officer is a Staff Association member, they are normally represented by their delegate or organiser in these discussions.

If this step is unsuccessful, a party to the dispute may directly refer the matter to Fair Work Australia (FWA). This streamlined process has removed a number of bureaucratic steps from the previous procedures (under the 2008-2011 EA) and as a result, places increased onus on CSIRO to resolve the matter at the workplace level.

If the dispute goes to FWA, how is it dealt with?

FWA may first attempt to resolve the dispute through measures such as mediation, conciliation, expressing an opinion or making a recommendation. If FWA is unable to resolve the dispute through these measures, it can then arbitrate the dispute and make a determination that is binding on all parties.

Is an officer required to keep working through a dispute?

Yes, unless in continuing to perform their normal work, an officer has a reasonable concern about an imminent risk to their health and safety.