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Your rights @ work

Consultation and Dispute Settlement

All workers, irrespective of their type of employment, have access to basic Consultation and Dispute Settlement entitlements. These entitlements are provided through Enterprise Agreements, Awards, the Fair Work Act 2009, the WA Industrial Relations Act 1979 and the WA State Minimum Conditions of Employment Act 1993.

These entitlements provide workers and their Unions with important access to timely information and discussion with respect to major workplace changes. Importantly, they provide a mechanism to resolve disputes with your employer should you have concerns in relation to your employment and/or workplace conditions.

Consultation

When an employer has made a definite decision to introduce a major change which is likely to have significant effects on an employee or employees, then the employer must notify the employee(s) who may be affected. The employee is entitled to be represented by their Union in the consultations.

Enterprise Agreements, Awards and the relevant Acts define what constitutes “major change” and “significant effects”. The Fair Work Act 2009 now includes specific reference and requires consultation with respect to changes to rosters or hours of work.

The consultation provision not only gives employees access to necessary information about the proposed workplace change that is likely to have a significant effect upon them, but the capacity to discuss the matters with their employer, ask questions, raise concerns, have their views genuinely taken into consideration, and the adverse effects mitigated in the decision making process.

Dispute Settlement Procedure (DSP)

This procedure allows employees and their Union to lodge grievances, complaints, claims or disputes with the employer.

The scope of the matters to be resolved may be limited or restricted by the terms of the DSP contained in the relevant Industrial Instrument that applies, eg, an Award or Enterprise Agreement. This is why it is important when negotiating new or replacement Agreements to ensure that you secure a DSP that covers any and all matters in relation to the workplace and the employer / employee relationship.

The DSP sets out a process, usually with timelines, to progress discussion between the parties with the aim of addressing and resolving the grievance. The process usually allows for the escalation through relevant levels of Management if matters remain unresolved. If having followed the process and the dispute remains unresolved, the DSP should provide for the grievance to be referred to the independent Industrial Commission, Tribunal or Court for resolution by conciliation and/or arbitration.

The key to successfully addressing change and resolving disputes in your workplace is being fully informed of your rights and being part of an active Union that ensures your rights are consistently upheld.

If you are not yet a Member of the ASU, then we invite you join. To join online go to www.asuwa.org/joinonline or contact the office directly by phone at 9427 7777.



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