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Enterprise and/or workplace agreements are rapidly becoming common features of the Australian industrial landscape. A significant and interesting development from the perspective of the ADR practitioner is the way in which these agreements deal with dispute settlement.

Take for example the University of Western Sydney Academic Staff Enterprise Agreement 1997. This agreement was signed in June 1997 after many months of negotiation between the University, the National Tertiary Education Industry Union and the Australian Education Union. The University began operation on 1 January 1989 and consists of a federated network. The University employs over 800 academic staff and serves a student constituency of over 25,000.

Schedule F to the Enterprise Agreement (the Agreement) provides that any disputes shall first (and within two working days of formal notification) be the subject of direct negotiations between the Union and representatives of the University. If that fails the dispute is referred to a Disputes Committee consisting of two union nominees, two university nominees and an EEO observer with speaking rights. If that committee is unable to resolve the dispute within ten working days of the reference, then it may agree to refer the dispute to another person for mediation. It is only if the dispute cannot be resolved by mediation that it can then be referred by the parties to the Australian Industrial Relations Commission.

Schedule F, however, does not apply to certain specific types of disputes — namely disputes in relation to individual workload agreements, and disputes in relation to earned income from additional work. The dispute resolution provisions in relation to these disputes are similar, but not identical. As regards both types of disputes, the academic staff member and his or her supervisor 'must in the first instance attempt,

through discussions approached genuinely and constructively, to resolve any dispute between them'. If that is not successful

'they may agree to involve an academic colleague as a mediator in an attempt to resolve the dispute'. If that fails, the dispute is referred to a dispute resolution panel consisting of a convenor acceptable to both the University and the unions, an academic staff member nominated by the unions, and an academic staff member nominated by the University.

With disputes relating to workload agreements specifically, the dispute resolution panel must have regard to the workload policies determined by the workload committee of the relevant academic unit. If the dispute resolution panel is unable to resolve the dispute, the President of the University must decide.

Within the one enterprise agreement, therefore, there are three similar but not identical dispute resolution protocols prescribed. Within each protocol there are elements of negotiation, mediation and adjudication. Universities — indeed educational institutions generally — have historically been venues for conflicts of diverse nature and intensity. It will be interesting indeed to observe how the culture of dispute resolution on campus is influenced by the dispute resolution provisions in the Agreement.

The writer is conducting research into the nature and causes of conflict in educational institutions and how that conflict can be prevented, managed and resolved. The role of enterprise agreements in this regard is of particular interest. Correspondents who are interested may contact the writer at UWS Macarthur P.O. Box 555, Campbelltown, NSW 2560; Telephone 0246 203 542; Facsimile 0246 281 336 or email t.altobelli@uws.edu.au

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