

# Workplace disputes

## Young Workers Legal Service

46 Greenhill Rd, Wayville, SA 5034  
Phone: (08) 8279 2233  
Fax: (08) 8279 2223  
ywls@saunions.org.au  
www.ywls.org.au

This fact sheet presents some ideas for dealing with disputes at work.

### Check and follow your workplace's Dispute Resolution Policy

Some workplaces have policies surrounding dispute management. If you don't know if your workplace has such a policy, you can look for one online or on your workplace's intranet, or ask your Manager, Supervisor, Human Resources Officer, or Health and Safety Representative.

In addition to workplace policies, every modern award contains a dispute resolution clause. Generally, the clause will provide for a process with the following stages:

- Employee/s meet with their direct supervisor to discuss the grievance
- Failing resolution, the matter is discussed further with more senior management
- Failing resolution of the matter, the employer refers the dispute to a more senior level of management or more senior national officer within the organisation
- Where the dispute remains unresolved, the parties may jointly or individually refer the matter to Fair Work Australia, and
- The employer or employee may appoint another person, organisation or association to represent them during this process

Some further tips are set out below.

### Talk to a Manager

If you can, a good first step is usually to arrange a time to talk to your Manager about your problem.

If your Manager is the person you disagree with, or you don't feel comfortable approaching him or her, you could approach someone more senior than your Manager or someone in your Human Resources area.

### Contact your union

Unions exist to help workers with workplace disputes. Being a union member means that you have help available to you when a conflict at work arises. If you are a member, contact your union as soon as you find yourself having trouble resolving a conflict at work.

### Complain to an external authority

If you feel uncomfortable approaching anyone about your dispute in your workplace, there is no one you can speak to, or your workplace fails to deal with your dispute in a

way that is satisfactory to you, you may wish to complain about your problem to an external authority.

An example of an external authority which deals with workplace disputes is Fair Work Australia. You can contact us for more information regarding which authority might be relevant to you in your circumstances on (08) 8279 2233.

## Workplace meetings and your rights

Often, a workplace dispute will lead to a meeting. Everyone has particular rights when it comes to workplace meetings. These rights are sometimes referred to as 'procedural fairness' or 'natural justice'.

You have a right before a meeting to know what the meeting will be about and to be given the opportunity to bring a support person with you. Your support person can be anyone – a friend, co-worker, family member, or union representative. You should be given adequate notice of a planned meeting, to allow you time to prepare and arrange for your support person to come along.

At a workplace meeting, you should be given a proper opportunity to respond to any information put to you. This might mean that you be provided with the source of the information, or allowed time to consider any new information that comes to light.

If someone takes notes or minutes at the meeting, you should ask to be provided with a copy.

## Your safety at work

Your employer has an obligation to ensure that you have a safe workplace. Workplace disputes can often create stress. Stressed people might experience headaches, trouble sleeping, stomach upsets, and anxiety. If you are stressed, it is important that you discuss your feelings with a doctor.

Sometimes workplace disputes become heated or may involve dangerous behaviour. If this is the case, you have the right to leave your workplace immediately if your safety is threatened.

*This material has been funded by the Australian Government through a Fair Work Ombudsman initiative to produce educative materials on the Fair Work Act 2009.*

*The Fair Work Ombudsman (FWO) is committed to providing useful, reliable information to help you understand your rights and obligations under workplace laws.*

*The information contained in this publication within the FWO's jurisdiction as set out in the Fair Work Act 2009 is:*

- *general in nature and may not deal with all aspects of the law that are relevant to your specific situation; and*
- *not legal advice.*

*Therefore, you may wish to seek independent professional advice to ensure all the factors relevant to your circumstances have been properly considered.*

*This information was published on 9 June 2011. The FWO does not accept legal liability arising from or connected to the accuracy, reliability, currency or completeness of this information.*