

Dispute Resolution

This circular provides information on Dispute Resolution procedures.

The purpose of this Circular is to reinforce the importance of following the dispute resolution procedures which support your industrial arrangements.

Disputes should be resolved at the lowest level possible within an agency in the earliest possible time. Should it not be possible to achieve a resolution of the dispute through discussions with the relevant union(s), then the matter should be referred to the appropriate industrial tribunal. The resolution of disputes by agencies should be in accordance with any dispute resolution procedures contained within the relevant industrial instrument as prescribed by sections 14 and 39 of the *Industrial Relations Act 1996* or as per *The Fair Work Act 2009*. Where there are sector-wide implications the dispute should be brought to the attention of Public Sector Industrial Relations.

The assistance of the industrial tribunal may involve the seeking of a recommendation or direction on any industrial action in conciliation proceedings under section 134 of the *Industrial Relations Act 1996* or depending on the type of dispute, the relevant section of the *Fair Work Act 2009*.

Agencies should not seek a Dispute Order from an industrial tribunal unless they have consulted and have agreement with Public Sector Industrial Relations on this course of action. Consideration of the need for a Dispute Order will have regard to:

- evidence that all other opportunities to settle the matter have been exhausted;
- how a Dispute Order will assist with the resolution of the dispute; and
- the consequences of the union's non-compliance with the Dispute Order.

All such consultations should be with the Director, Public Sector Industrial Relations on telephone (02) 9020 4620. Any general enquiries may be directed to your Agency Advisor on (02) 9020 4644 or email psir@industrialrelations.nsw.gov.au.

Philip Gaetjens
Secretary

Further Information:

Which agencies does this Circular apply to?

The government sector as defined in the *Government Sector Employment Act 2013*, including Public Service agencies, Departments, Executive agencies, State Owned Corporations including their subsidiaries and independent statutory bodies, including persons identified in Section 5 (1) (b) –(f) of the *Government Sector Employment Act 2013*.

Who needs to know about this Circular?

Secretaries, Senior Executives, Managers, Employees, Payroll, Industrial Relations, Human Resources.

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