

Dispute Procedures



When there is a dispute between an employee(s) and the employer about:

- *The application of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA) (the matter in dispute), or*
- *The National Employment Standards*

the VCEMEA sets out procedures that apply in seeking to resolve the dispute.

A summary of the procedures are outlined below. To read the procedures in full, see clause 22 of the VCEMEA.

Procedure Step 1

As a first step in resolving the dispute, every attempt shall be made to resolve the dispute at the local level. This may involve holding discussions between the employee(s) directly involved at the school and the Employer. Neither party is precluded from seeking advice from outside the school.

Procedure Step 2

When a dispute is not resolved by Step 1, the parties may each seek the assistance of a representative in order that further attempts may be made to resolve the matter. The employee representative may include a union official or union delegate.

Procedure Step 3

If there is a failure to resolve the matter by using the steps above, the matter may be referred to the Fair Work Commission (the Commission) for assistance to resolve the matter by conciliation. A matter should not be referred to the Commission until Steps 1 and 2 have been completed.

During a dispute and discussions, work shall continue as normal in accordance with the custom and practice existing before the dispute arose.

No party shall be prejudiced as to the final settlement by the continuance of work. Note that health and safety matters are exempted from this condition that would continue as normal.

If a matter is not resolved by conciliation, either party may request that the Commission arbitrate the matter in dispute. In arbitration, the Commission may only give directions about the process to be followed within the school to resolve the matter in dispute, and/or determine the matter in dispute consistent with the VCEMEA.



References

- *Victorian Catholic Education Multi Enterprise Agreement 2013 (clause 22)*

Legislation

- Fair Work Ombudsman