

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2011-2012**

Outcome 5 - Workplace Relations

DEEWR Question No. EW0152_12

Senator Fisher provided in writing.

Question

Dispute Settlement

1. Can the department please conduct a qualitative and quantitative analysis of issues dealt with in each of the following clauses (numbered below) in the attached agreement, with any agreement approved by the Fair Work Australia (FWA) in comparable sectors or industries?

2.1.1 The matters to be dealt with in this procedure include all grievances or disputes between and Employee(s) and the Employer, or the Union and the Employer on respect to any permitted matters. This also includes any disputes relating to contested position appointments or issues relating to the composition of the workforce. This procedure applies to a single Employee or to any number of Employees.

Answer

Under the *Fair Work Act 2009* (FW Act), all agreements approved by Fair Work Australia must contain a dispute settlement term which meets the requirements set out in s186(6) of the FW Act.

It is not feasible to provide a quantitative analysis of issues dealt with in these clauses as the Department's Workplace Agreements Database (WAD) does not contain information about the scope (as opposed to the incidence) of dispute settlement provisions.

Enterprise agreements are made at an enterprise level between employers and employees to address the needs and contexts of individual workplaces. Undertaking a meaningful qualitative analysis comparing particular clauses in individual agreements is not feasible in the absence of an understanding of the particular circumstances and contexts facing the parties entering into those agreements. It would be extremely resource intensive to obtain sufficient information to support a meaningful analysis.