

Barriers to participation in dispute resolution

**Themes from
the 2018 Symposium**



Workplace dispute resolution barriers

- ❊ Many disputes: general, industry & workplace information, including high level of turnover
 - ❑ But actual numbers of ERPs are unknown
- ❊ Surveys of employers: ~ 20% have ERPs
 - ❑ 50-50 distribution: in-house & external help
 - Lawyers dominate external help; employer associations?
 - Normal result of ERPs: exit of employee
- ❊ Many small employers find ERPs difficult
 - ❑ SME support: advice & knowledge provision
 - ❑ Further solutions will probably be discussed today



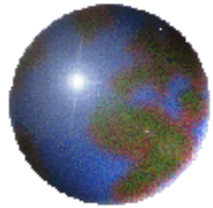
WP dispute resolution barriers 2

- ⊕ Employees: no comprehensive info on ERPs
 - ⊞ Info on discrimination, bullying & harassment
- ⊕ ERP resolution: often negative for employees?
 - ⊞ 3 indicators: advice numbers, turnover, 'silence'
 - ⊞ Avoidance behaviour is problematic
- ⊕ What seems to work?: norms & structures
 - ⊞ Norms: what is acceptable behaviour & how is unfair treatment dealt with in WP?
 - ⊞ Structures: are there independent fora for discussing alleged unfairness & misbehaviour?



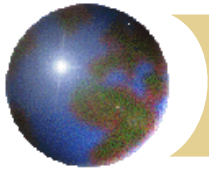
WP dispute resolution barriers 3

- ❖ Community advice & knowledge support
 - ❖ Very large numbers across several organisations
- ❖ Consistency in advice & knowledge support?
- ❖ ERPs maybe one of several disadvantages
- ❖ Can research & collaboration improved consistency in advice & knowledge support?
 - ❖ Enhance & fund roles of community organisations, unions & employer associations
 - ❖ Outreach from the legal community

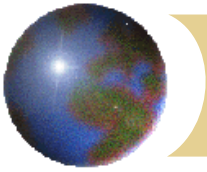


***Barriers to
participation
in the dispute resolution
system***

**Themes from the 2018
Symposium**



- ⊕ **Knowledge and personal resources**
- ⊕ **Public resources**
- ⊕ **Fear or reality of consequences**



- ✦ **Fear or reality of consequences:** *two examples (and thinking about whether change would really make a difference)*
 - *Publication of party names in Authority determinations*
 - *Costs award (if case not successful)*

- ✦ **What does change require?**