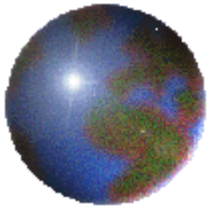

Barriers to participation in dispute resolution

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

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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?

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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

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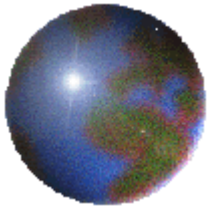
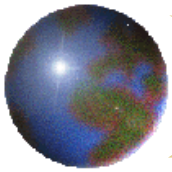


Barriers to participation
in the dispute resolution system

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?**