

## DISPUTE RESOLUTION POLICY (Board and Committees)

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### Purpose

This policy sets out the rules for resolving disputes related to the Manufacturing Jobs and Skills Council (Manufacturing Alliance).

### Scope

This policy applies to all areas of the Manufacturing JSC's governance, including the Board, Board Committees and Advisory Committees.

### Definitions

<b>Advisory Committee</b>	Any Committee established by the Board to provide advice to the Board, including the Strategic Industry Taskforce, Standing Committees, and Time-limited committees (technical or non-technical). Referred to as Strategic taskforces, sub-committees and technical committees in JSC documentation.
<b>Board</b>	The Manufacturing Industry Skills Alliance Board of Directors
<b>Board Committees</b>	A committee comprised of Board Directors that may have delegated powers of the Board.
<b>Dispute</b>	A disagreement or argument.
<b>Mediation</b>	Intervention in a dispute in which an independent person facilitates the process of identifying, assessing, and considering options to assist the parties in the purpose of resolution.
<b>Member</b>	For the purposes of this Policy, refers to a member of the Board, Board Committee or Advisory Committee.
<b>Natural Justice</b>	To act fairly and without bias.
<b>Serious Nature</b>	Disputes of a serious nature are those that pose a significant risk to the effective operation of the Manufacturing Alliance
<b>TPPDEPP</b>	Training Package Product Development and Endorsement Process Policy

### Policy Statement

The Manufacturing Alliance will ensure effective processes are in place to avert and manage disputes across its full range of work. The approach focusses on prevention, awareness raising and timely management and resolution of disputes as quickly as possible after they are identified.

Should significant disputes arise requiring formal mediation, processes will be flexible to respond appropriately to the issue at hand and may require strategies including formal mediated interventions. Principles for managing and resolving disputes are provided at [Attachment A](#).

### Prevention of disputes

While disagreements and disputes could occur across the breadth of the Manufacturing Alliance's work, they are more likely to occur in the context of Advisory Committees, particularly in relation to the development of training products where various elements of industry may have differing viewpoints on proposed directions or decisions.

Some examples of types of disputes that may arise in the context of Advisory Committees include:

- Industry disagreements as to the proposed directions on an issue
- Industry proposes training package changes which are contrary to government policies
- Industry does not support training package changes which are being put in place
- Inappropriate behaviour of individuals which result in conflict or disputes between interested parties
- Insufficient attention to declaration, management and transparency of interests decision makers and committee members may have in relation to their personal or professional lives.

Effective conflict avoidance and prevention strategies and processes play a critical role in reducing the overall occurrences of disputes, and therefore can minimise the need for formal dispute resolution, i.e. proactive prevention is favorable to a reactive cure. Strategies to be considered include:

- openness and transparency including robust processes for declaring interests and associations
- provision of detailed information on issues and proposed changes
- accurate recording issues raised and meeting outcomes
- early discussion with relevant stakeholders on areas of disagreement and possible solutions.

### **Disputes in Relation to Training Package Matters**

Disputes that occur between stakeholders in relation to training package matters will be managed under the Model Dispute Resolution Policy contained within the [TPPDEPP](#).

The Model Dispute Resolution Policy recognises that in exceptional cases where training package disputes are significant or impactful, Jobs and Skills Council may utilise Alternative Dispute Resolution (ADR) approaches to resolve areas of significant disagreement between stakeholders.

Following consultation with the Strategic Industry Taskforce and others as appropriate, the Board is responsible for determining a dispute has become appropriately significant to warrant commencing an ADR process, in accordance with the Model Dispute Resolution Policy.

### **Disputes in relation to Non-Training Package Matters**

While most disputes arise in relation to the content of a training product, disputes may also arise out of processes, decisions or conduct relating to other work of the Manufacturing Alliance. If stakeholders have concerns in these areas, they should first raise them with the CEO of the Manufacturing Alliance, to provide an opportunity for Management to address the issue.

Where these initial efforts at resolution do not work and a significant dispute arises, the Board may determine that it wishes to put in place an ADR process to assist in resolving the matter. In doing so, any processes will be undertaken with the processes outlined in [Attachment B - Alternative Dispute Resolution Processes – Non-Training Package Matters](#).

### **Learning from Disputes**

The Manufacturing Alliance will work to learn from the disputes and their handling to improve the way the organisation manages its work and work processes. This may result in changes to policies and procedures including those which seek to prevent disputes from arising.

All updates to the Manufacturing Alliance's policies and procedures will be reported to DEWR in line with requirements of the *Department of Employment and Workplace Relations Grant Agreement*.

### **Responsibilities**

#### *Role of the Board*

When a dispute (training package or non-training package related) becomes one of a serious nature, the matter will be escalated to the Board to enable it to decide what action may be required. The Board has overarching responsibility for resolving disputes.

Where the Board determines the dispute should be addressed through an ADR process, the Board will also oversee the transition to the ADR process, ensuring the process aligns with Manufacturing Alliance's policies and values. All parties to the dispute are expected to actively work in good faith with the appointed mediator to resolve the dispute. Throughout the ADR process, the Board will monitor progress and remain informed of key

developments. The Board will ensure that stakeholders are informed of progress where required.

#### *Role of the Strategic Industry Taskforce (the Taskforce)*

The Taskforce has responsibility for managing disputes that arise out of the operation of Advisory Committees. The Chair of the Strategic Industry Taskforce will liaise with the CEO of the Manufacturing Alliance to support development of appropriate responses and to keep the Board informed of matters where disputes have arisen requiring intervention.

#### *Role of Advisory Committee Chairs*

Advisory Committee Chairs are responsible for the early identification of disputes within their committee and to lead the dispute resolution process in consultation with the Chair of the Strategic Industry Taskforce and the CEO and relevant Executive Manager of the Manufacturing Alliance. When a dispute arises, the Chair is responsible for ensuring that the details of the dispute are:

- documented in writing (e.g. meeting minutes)
- distributed to all committee members and their agreement on the details and nature of the dispute is obtained (where appropriate); and
- forwarded to the Board to ensure they are aware of the dispute.

All documents relating to the dispute resolution process should be stored securely and in line with the *Privacy Policy* and *Information Management Policy*.

#### *Role of Advisory Committee members*

Advisory Committee members are responsible for complying with the *JSC Code of Conduct*, proactively preventing disputes, and adhering to this Policy.

#### *Role of the CEO*

The CEO of the Manufacturing Alliance is responsible for implementing this Policy, supported by the Executive Manager, Stakeholder Engagement, the Executive Manager, Manufacturing Workforce Intelligence, the Executive Manager Finance & Operations and other staff as appropriate. The CEO is also responsible for reporting to the Department of Employment and Workplace Relations on dispute handling in accordance with the organisation's contractual obligations.

#### *Role of Executive Managers*

Executive Managers (Stakeholder Engagement, Manufacturing Workforce Intelligence, Finance & Operations as appropriate) of the Manufacturing Alliance are responsible for overseeing the dispute resolution process. Executive Managers must coordinate with the Taskforce, the Board, and Advisory Committee Chairs to ensure that the resolution process is consistent with the policies of the Manufacturing Alliance.

### **Review of Policy**

This policy will be reviewed annually to ensure it complies with relevant laws and remains relevant and effective. This policy may only be changed at the discretion of the Board.

This policy should be read in conjunction with other key documents including:

- The Board Charter
- Internal policies
- The Training Package Operating Framework
- The Jobs and Skills Councils Code of Conduct and Program Guidance

## **Principles for Resolution of Disputes**

The Manufacturing Alliance will use its best endeavours to ensure:

- Contributors to the work of the Manufacturing Alliance work ethically, fairly, responsibly, and collaboratively.
- Contributors to the work of the Manufacturing Alliance act in good faith to promote the proper operation, management and best interests of the organisation.
- Early identification and intervention on issues where a dispute is developing to enable resolution before the matter becomes significant.
- Disputes are managed fairly, transparently and responsively, enhancing understanding of and confidence in the work done by the Manufacturing Alliance.
- In resolving disputes, reaching sustainable and long-lasting agreements is critical.
- Sensitivity and discretion in handling all information is maintained, ensuring that details related to disputes are managed confidentially.
- Comprehensive induction processes and training on roles, responsibilities, and behavioural expectations are implemented.
- Clear and transparent processes are in place to prevent and manage potential disagreements and disputes including the identification and management of real, potential, or perceived conflicts of interest, and dispute resolution processes with appropriate escalation and decision-making points.

In providing recommendations and advice to the Board, Advisory Committees will follow an open and transparent decision-making process that considers the diversity of perspectives on a topic. As much as possible, members should participate in collaborative problem-solving.

## Alternative Dispute Resolution Processes – Non-Training Package Matters

### **The Alternative Dispute Resolution (ADR) process**

It is recognised that from time to time there may be exceptional matters or issues where significant disputes arise which may impact on the work of the Manufacturing Alliance. In these situations, the Board may decide to initiate an Alternative Dispute Resolution (ADR) process to support resolution of the matter.

It is intended that:

- the ADR practitioner would be an independent person skilled in mediation and conciliation and able to bring 'fresh eyes' to an issue
- the ADR practitioner would assist the Manufacturing Alliance to resolve the issues such that the matter can be progressed
- the ADR practitioner would consider the relevant information, may speak with stakeholders and may gather further information to enable them to make a recommendation to the Manufacturing Alliance. The recommendation would not be binding on the Manufacturing Alliance but is expected to be highly persuasive.
- the ADR process would be conducted promptly, taking no longer than 2 months.

#### *Preparing for ADR*

To support clarity (and enable the engagement of an ADR practitioner) the Manufacturing Alliance will prepare a brief including:

- the reason why ADR is required
- the issue or issues in dispute
- the timeframe for the ADR process (up to a maximum of 2 months)
- any considerations of relevant to an ADR practitioner
- contact details of the key stakeholders that may be able to contribute further information
- relevant documents (including outcomes of previous consultations or discussions in relation to the issue in contention)
- the budget for the ADR process.

#### *Engagement of an ADR practitioner*

The Manufacturing Alliance will directly engage the ADR practitioner.

The ADR practitioner should be:

- accredited in mediation and/or conciliation
- independent (not having an actual or perceived conflict of interest in relation to the Manufacturing

Alliance, the training product or the issue in dispute)

- familiar with VET but need not be an industry expert or representative.

The ADR practitioner should be provided with:

- A copy of the brief created by the Manufacturing Alliance
- A report and recommendations template, including any instructions for the ADR practitioner from the Manufacturing Alliance on the expected content and format for reporting findings and outcomes (e.g. the provision of reasons, etc).

#### *Determining the most appropriate ADR method*

The ADR practitioner will determine the most appropriate ADR method in the circumstances, informed by the advice and guidance of the Manufacturing Alliance. This may include one or more of the following:

- review submissions and documents provided and determine a resolution 'on the papers'
- request additional information from stakeholders (where identified) about matters that are missing from the brief but which are critical to the resolution of the issue
- meet with and/or speaking to stakeholders (including members of the Manufacturing Alliance) to gain further insights about the issues and possibilities for resolution
- mediate or conciliate between stakeholders to explore solutions to an issue (where they agree to participate).

The role of the ADR practitioner is not to re-prosecute consultation submissions or to determine if the Manufacturing Alliance sufficiently considered the issues or feedback as a part of its work; rather it is to help identify solutions and provide recommendations to the Manufacturing Alliance about ways to resolve difficult issues.

Reasonable time must be allocated for the ADR practitioner to consider the issue and to explore views and options. The ADR process would generally take between 3-4 weeks with a maximum of 2 months.

#### *Outcomes of ADR process*

ADR practitioners will be expected to complete a short report, which summarises:

- The issues that were referred to them (including any additional issues that were identified)
- The process undertaken by the ADR practitioner (including who was spoken with, what information was provided and considered, what ADR methods were used etc.)
- Their recommendations to the Manufacturing Alliance and accompanying reasoning.

Recommendations may be presented as a single position or offered with options for consideration by the Manufacturing Alliance.

Recommendations are not determinative and will not be binding on the Manufacturing Alliance or on the stakeholders (if any) spoken with as part of the ADR process.

The Manufacturing Alliance is required to consider the recommendations and use them to make an informed decision about how to settle the matter at hand.