

CONSULTING IN CONFLICT EMPLOYER VIEWS ON THE EMERGING PROFESSION

PowerPoint Presentation by Associate Professor Bernadine
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Use of mediation by Australian workplaces

- By 2007 over 54 per cent of workplaces claimed they had used mediation to resolve a workplace dispute (n=315)
- In 2002 this figure was 40 per cent (n=126)
- However, most mediation continues to be internally conducted by the HR manager
- Lawyers and employer association representatives are the most frequently used external mediators

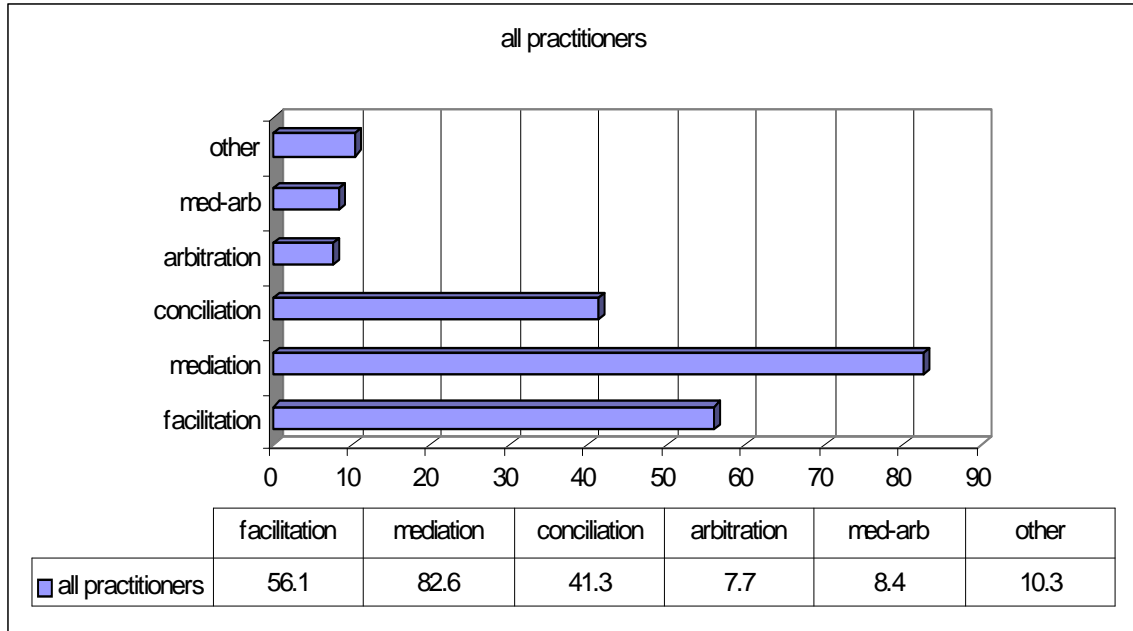
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Background of Mediator	Percentage of workplaces which used a mediator (n=69) 2002	Percentage of workplaces which used a mediator (n=285) 2007
Lawyer	12.9	15.4
Employer Association Rep	16.8	11.6
Union Representative	12.9	8.1
Ex-Commissioner	8.9	10.2
Academic	1.0	3.5
HR Manager	33.7	33.7
Other	13.8	17.5
TOTAL	100.0	100

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Forms of ADR offered by Australian ADR practitioners (2002)

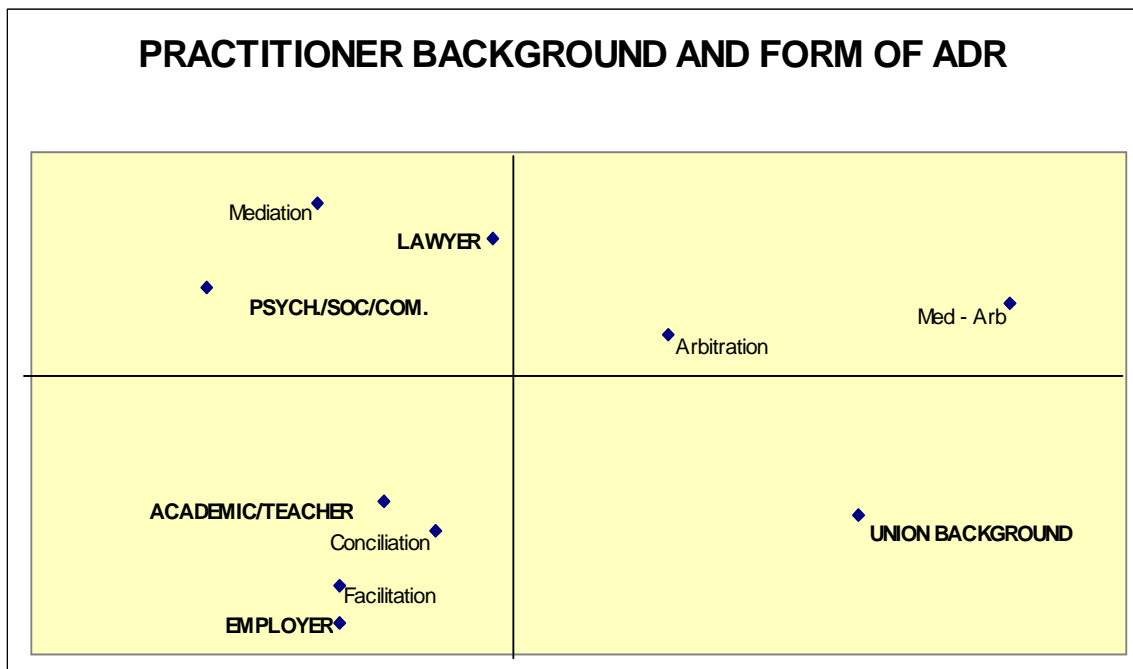
Source: ADR practitioner survey



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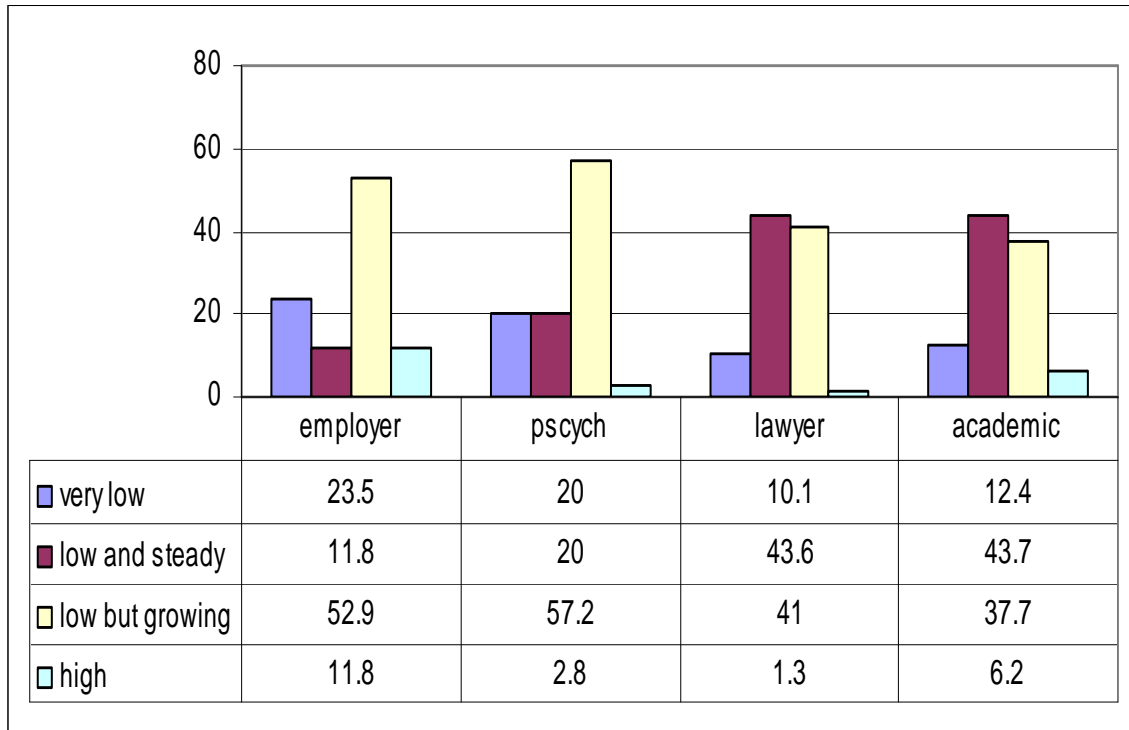
Perceptual map showing practitioner background and the form of ADR conducted

Source: ADR practitioner survey



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Rate of growth of ADR work according to professional background

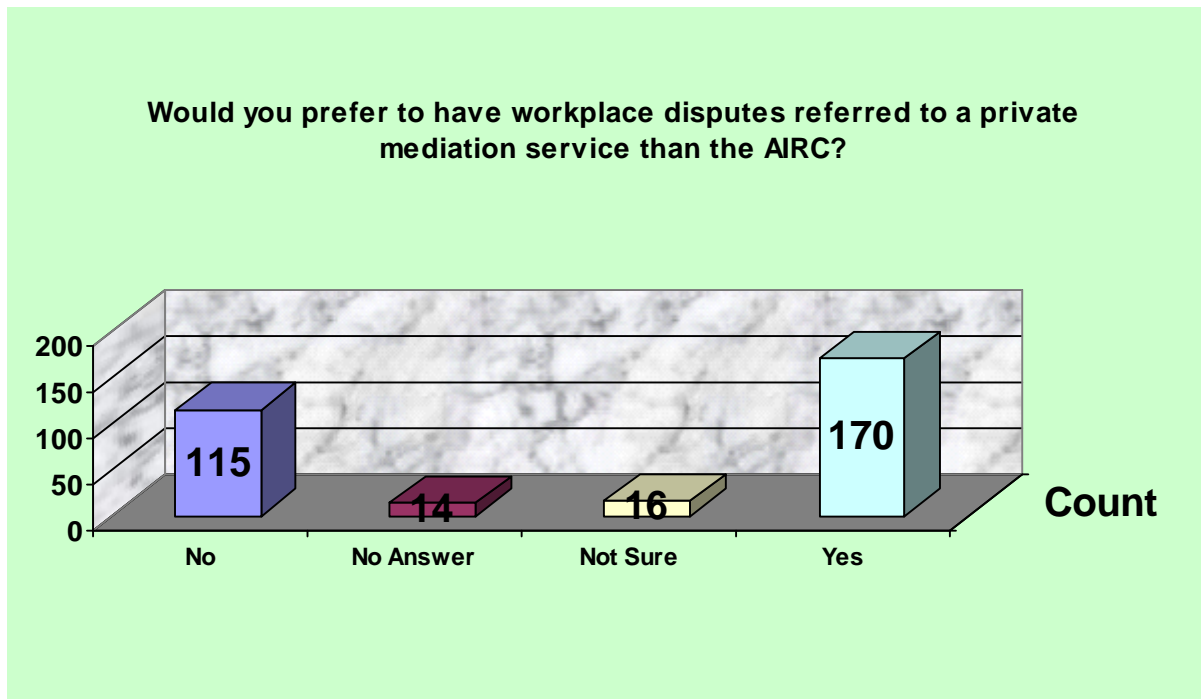


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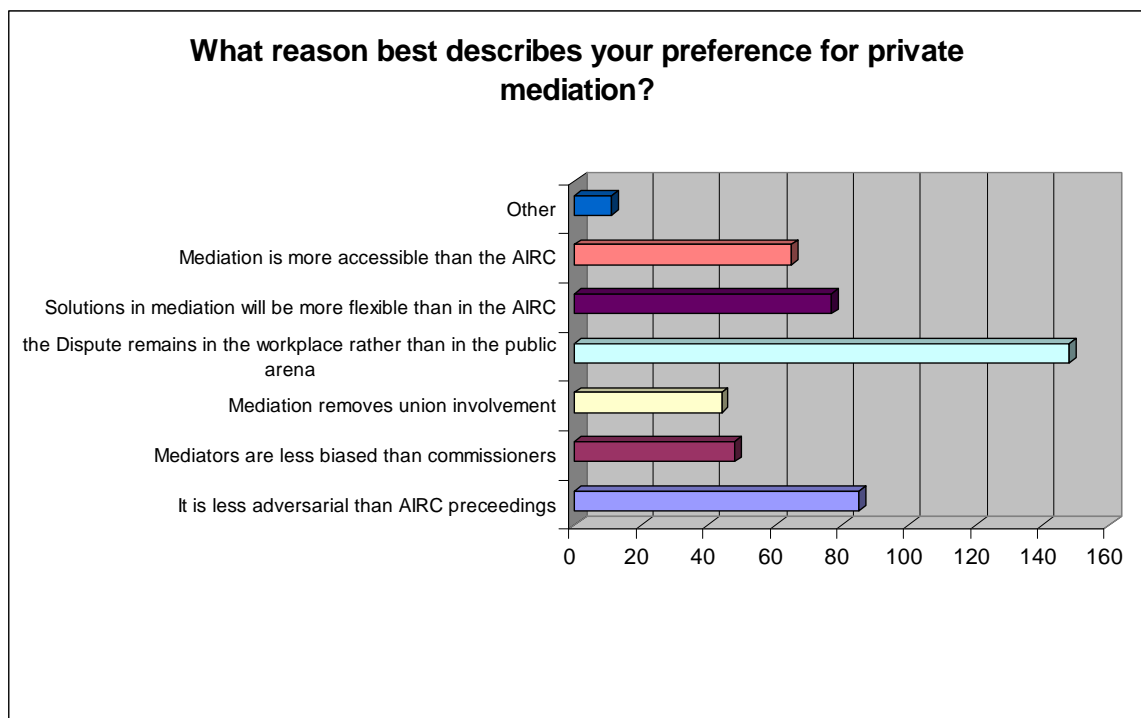
Employer intentions to use private mediation in the future

- Over half (52.3%) of employers would prefer to have their disputes referred to private mediation rather than the AIRC in the future (n=315)
- On the other hand 66% of employers think the AIRC is well suited to resolving workplace disputes and should be empowered to do so (n=315)

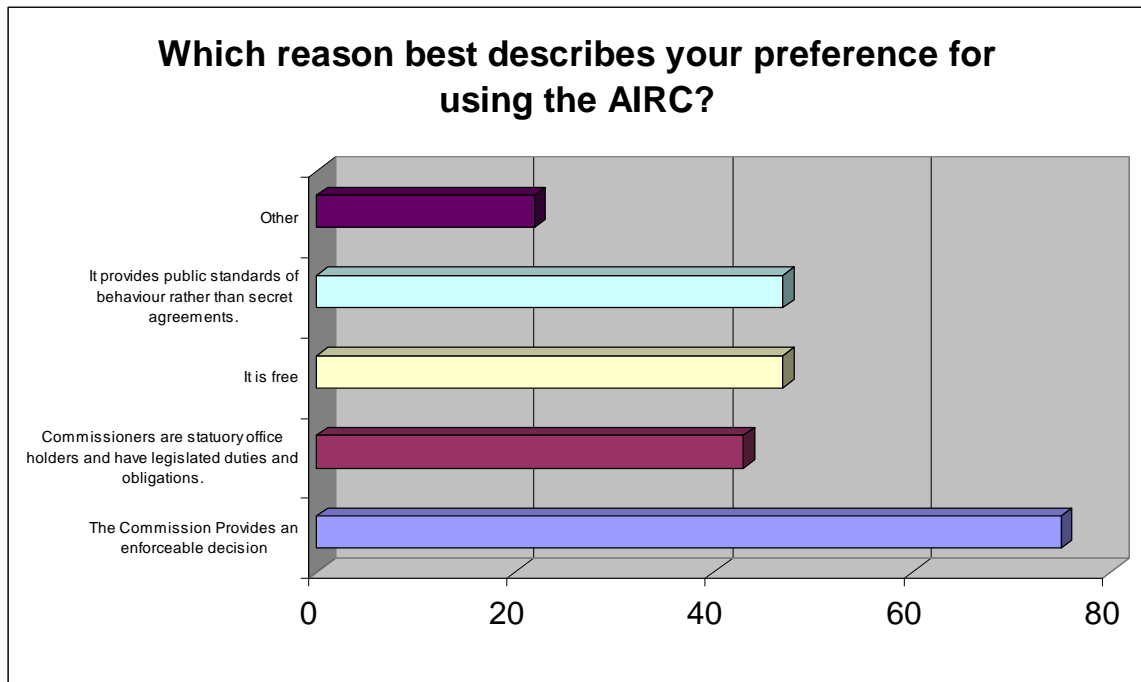
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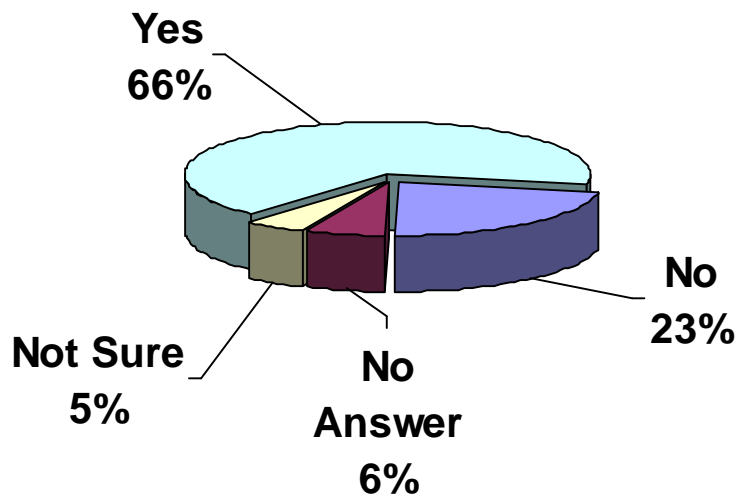


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Do you believe the AIRC is well suited to resolve industrial disputes and should be empowered to do so?

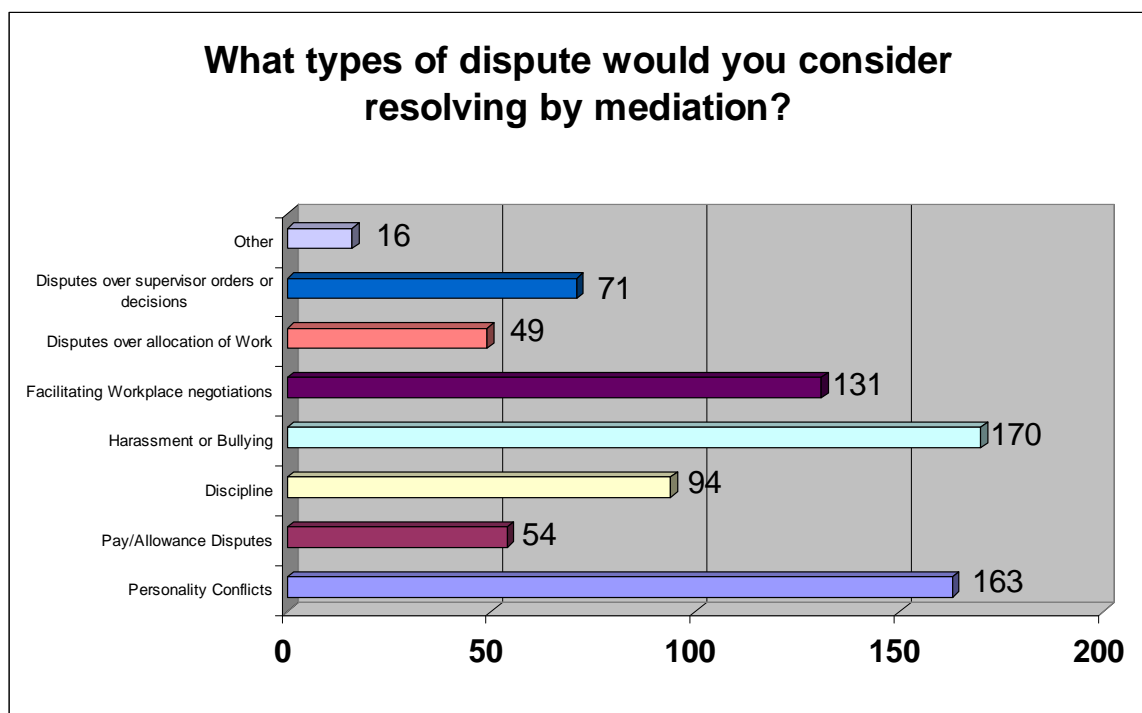


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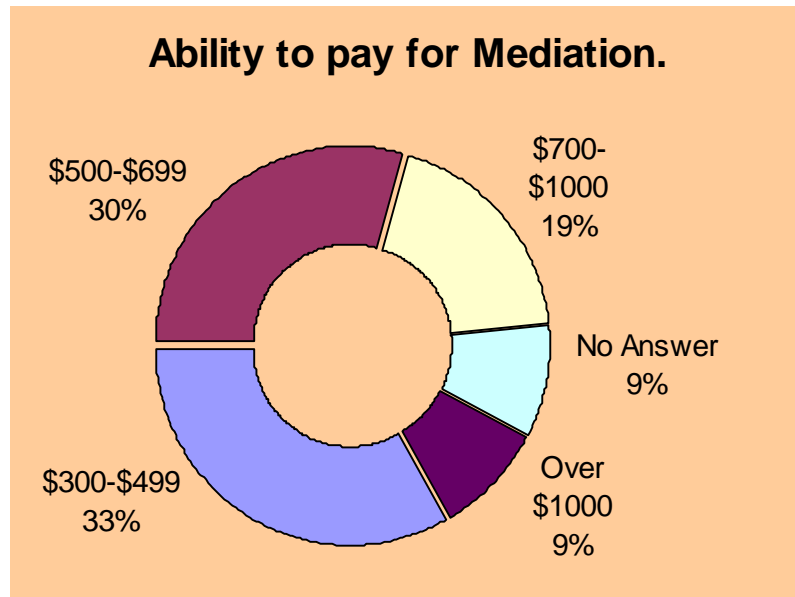
Services sought and preparedness to pay for them

- Employers would seek private mediation to resolve harassment & bullying, personality and discipline disputes. They would also hire a private mediator to facilitate workplace negotiations
- Most employers anticipate paying less than \$700 for a mediation session
- Most employers believe the AIRC should remain free of charge.

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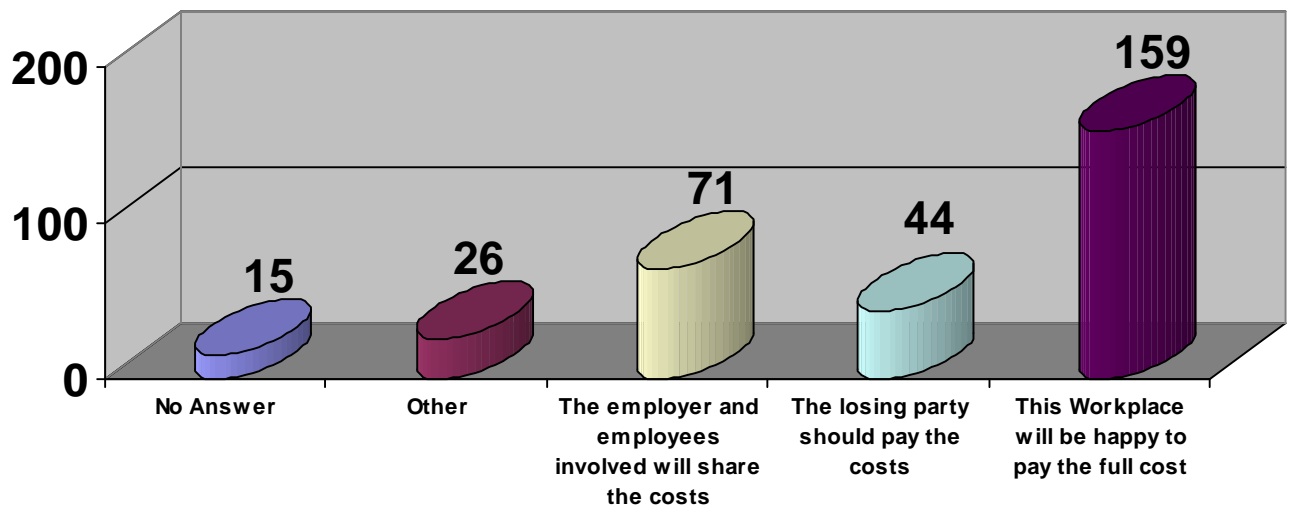


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Which of the following responses best describe your willingness to pay for a dispute resolution service?

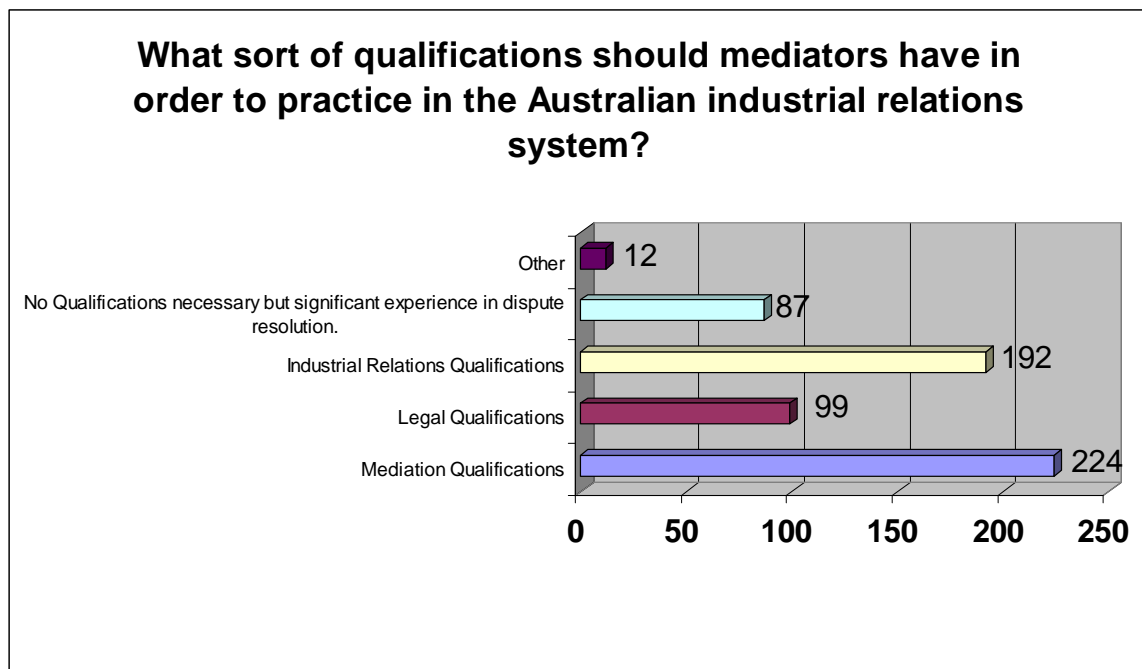


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Mediator training and qualifications

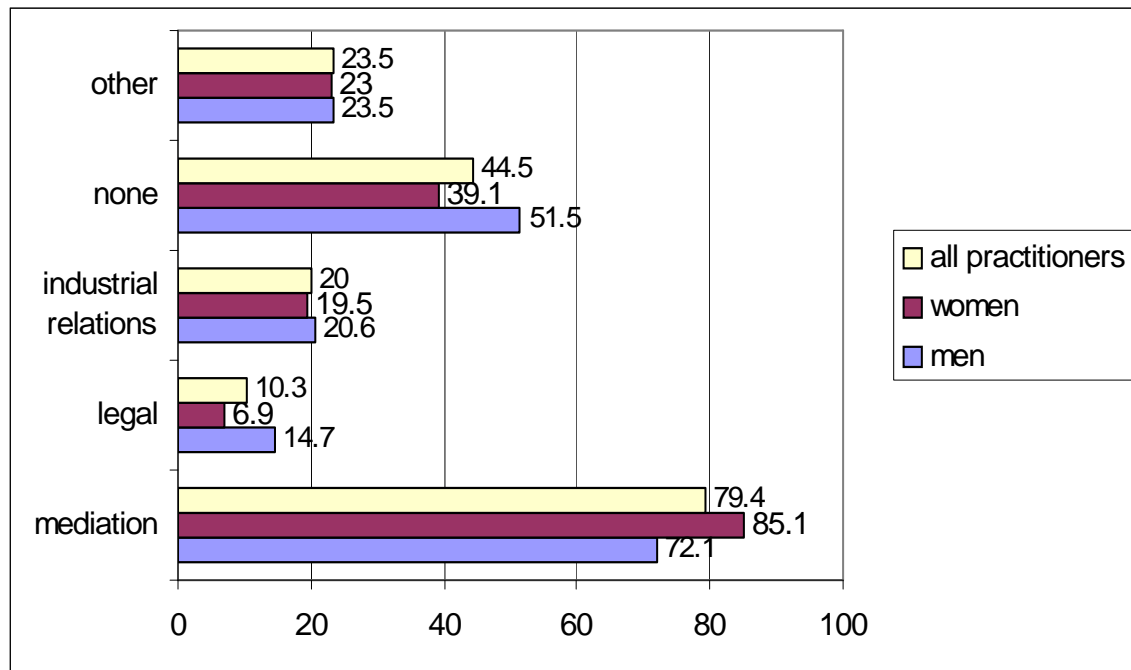
- Most employers think private mediators should hold qualifications in either mediation or industrial relations
- Most ADR practitioners think experience is more important than qualifications and training

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ADR practitioner opinions on type of training required to practice workplace ADR



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Opportunities for ADR Practitioners

1. Providing advice about the various DSPs particularly about providing parties with realistic options under the Act;
2. Constructing tailor-made DSPs for the workplace so they don't have to rely on the government's model
3. Facilitating enterprise negotiations
4. Providing dispute resolution training
Creating innovative problem solving solutions. For instance, consider: Fact-finding; Peer review and coaching

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Challenges for ADR practitioners

1. Understanding the workplace and industrial relations
2. Understanding the power imbalance which often exists in the workplace
3. Understanding the role of the Commission and ensuring that parties are not blocked from using it

4. Understanding the process and documentation associated with enterprise bargaining
5. Understanding how a DSP can be tailored to a workplace offering low cost and effective dispute resolution