

Frequently Asked Questions about arbitration



What is Arbitration?.....

Arbitration is a process where the independent umpire (the Queensland Industrial Relations Commission, the QIRC) hears arguments made by both employer and union representatives and then issues a document (a determination) that sets out what the wages and conditions for workers should be. The process is similar to a court hearing. Union representatives make arguments in favour of better pay and conditions, while the employer representatives can (and usually do) make arguments against this. The decision that the QIRC hands down is binding on everyone.

Can we take protected action while we are in arbitration?.....

No, as soon as arbitration begins then all protected action must stop.

Does that mean the end of our campaign?.....

No, definitely not! Our campaign can continue, it just can't include industrial action.

What is the next phase of the campaign once we agree to arbitration?.....

As union members, we can still put pressure on the government for an interim pay rise. In particular, we can point out that QCS underpays its staff compared to the rest of Australia.

What kind of actions can we take while we are in arbitration?.....

We can still sign petitions, visit local MPs, and hold rallies outside offices and outside Parliament House.

How long does arbitration take?.....

Just like a court case, arbitration has no set time frame and can take a long time. It is not uncommon for arbitrations to take weeks or months. It will depend on how long the arguments take and when the Commissioners are available.

When will a pay rise be awarded under arbitration?.....

While the QIRC can back date a pay increase that is ordered under arbitration, it is possible that it will not do so (in fact, it has often chosen not to order back pay). However, the employer can deliver a pay increase at any time, without waiting for an order. That is why, in the event our agreement goes to arbitration, we would be pressuring the employer to deliver an interim pay increase so that workers are not disadvantaged while the arbitration progresses.

As a guide, currently arbitrations are taking about six months from when matters are referred to when they are heard.

Will we be worse off by going to arbitration?.....

The arbitration decides matters not agreed between the parties. In the other matters currently being arbitrated the government has maintained its 2.5% wages policy, so we would not receive less than that.

It may be that the government does seek to make other changes but the determination would still need to be better than the award, so it will be hard for the government to seek to reinstate the award cuts they were seeking in the first offer.