



THE UNITED PROFESSIONAL FIREFIGHTERS UNION OF WESTERN AUSTRALIA CIRCULAR

President: Clem Chan

Secretary: Katherine O'Hara

CIRCULAR NO: 58/2023

22nd August 2023

2nd OFFER FURTHER INFORMATION ARBITRATION

Attention All Members:

Following on from **UPFU Circulars 52/54/55/56 of 2023**, the Union is issuing further information to members. Previous correspondence has focused primarily on what the 2nd offer includes by way of improvements to members' wages and conditions.

The Union is aware that arbitration is currently a topic of discussion around workplaces, with some members seeking more information, to better inform their vote in the upcoming ballot.

Workplace delegates were previously provided with information and a briefing from an external industrial lawyer on the 25th of July 2023. There was further discussion regarding arbitration at a further delegates meeting held on the 15th of August 2023.

What is arbitration?

Arbitration is a form of dispute resolution that falls outside the courts. A third party (WAIRC) is appointed as the arbitrator. Both parties (UPFU and DFES/GSLR) to the dispute present arguments and evidence to the arbitrator, who considers the arguments to then hand down a decision. The decision is legally binding and enforceable.

The pathway to resolution, even if confined through mutual consent, is not quick. Aside from the gathering of statements and evidence, the programming of the hearing may be many months down the track, meaning that an outcome may not be forthcoming for a prolonged period. If either party was to initiate arbitration by terminating bargaining and seeking enterprise orders, then arbitration could reasonably take between 12 – 18 months. Further, there is very real scope that **all** aspects of an agreement will be considered and "put on the table".

Meanwhile, wages and conditions will essentially be frozen in place, and whilst the Union would argue for backdating, this would not be guaranteed. Arbitration would inevitably require an inordinate amount of resourcing and would most likely result in all other initiatives from the Union being delayed.

There is also no guarantee that either party would ultimately be satisfied with the outcome. Whilst it is possible that the Union could secure some positive improvements, it is equally possible that there could be a loss of entitlements and conditions.

Please read at Muster and post on Notice Board

Further information on arbitration

The Union is cognisant that the level of awareness around arbitration and desire for answers is a priority. To that end, an external industrial lawyer will attend the SGM to present information and to answer any questions that the membership may have.

Arbitration is an option however, it must be clear, that it is an option that is fraught with risk that will consume the Union's time and resources. It would also mean that the membership is rejecting the guarantee of improved wages, superannuation, and conditions that are currently being offered.

The Union will provide further information on the ballot process and timeframes later this week, and strongly encourages your attendance at the SGM if you have further questions regarding arbitration.

Strength in Unity



Katherine O'Hara
Secretary

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