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Alternative dispute resolution – disputes within your business

What is alternative dispute resolution?

Small business faces regular potential conflicts between other businesses, customers, suppliers, partners and employees. Many can be dealt with quickly and effectively through negotiation, yet some disputes that remain unresolved may affect the profitability and productivity of a business.

Alternative dispute resolution is the practice of resolving such disputes without using conventional legal channels (eg the court systems).

Intra-business disputes

These are disputes that occur within a business either between partners, management, employers or employees. Most intra-business disputes in small business occur between the employer and employee and relate to issues such as wages, awards, workplace agreements, harassment or discrimination.

Disputes can also occur between partners and management of the business or between the employees and the management regarding the running of the business or workplace contracts. Disputes between partners are common and can relate to breaches of the partnership agreement, acting without authority, future direction of the business, capitalisation, relationship issues, and division of assets on termination.

The following provides information for employees, employers and business partners about their rights and obligations to the other party involved in the dispute.

For employees

- **Wageline:** <http://www.wageline.qld.gov.au/> The Department of Employment and Industrial Relations provides information on state and federal awards and agreements, public holidays and trading hours, and investigates complaints and disputes instituting legal proceedings if necessary.
- **Anti-Discrimination Commission (Qld):** <http://www.adcq.qld.gov.au/> The *Anti-Discrimination Act 1991* aims to promote equality of opportunity for everyone by protecting people from unfair discrimination in various areas of public life, from racial and religious vilification and sexual harassment. The Anti-Discrimination Tribunal Queensland hears and determines complaints of discrimination referred by the Commission.

For employers

- **Commerce Queensland:** <http://www.commerceqld.com.au/www/index.cfm?itemid=1> This industry organisation offers the full scope of workplace relations services from consulting to mediation, legal advice and representation. Expert advice and information is provided on industrial relations and human resource management issues.



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For partners

- **Office of Fair Trading:** <http://www.fairtrading.qld.gov.au/oft/oftweb.nsf> The Department of Tourism, Fair Trading and Wine Industry Development provides information regarding the principles, rights and duties of one partner to another, partnership property and dissolution of partnerships subject to provisions of a partnership agreement.

Further information

The following fact sheets provide further information on these issues:

- Alternative dispute resolution – client disputes
- Alternative dispute resolution – disputes between businesses
- Alternative dispute resolution – external disputes
- Control your business problems
- Manage conflict