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# The incompetent HR manager

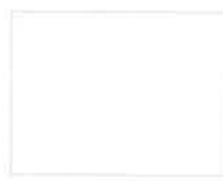
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The case: *Vong v Sika Australia Pty Ltd [2010] FMCA 1021 (24 December 2010)* has highlighted the difficulties that many HR practitioners find themselves faced with when dealing with [industrial relations](#) issues.

Federal Magistrate Lloyd-Jones commented "unfortunately there are too many instances similar to the matters in this case that are "inappropriately and incompetently approached by persons who parade under the banner of Human Resources specialists. It would be assumed that whatever educational background, technical or tertiary that [the HR manager] has undertaken in order to hold down her position as a Human Resources Manager would have a primary focus into how the relationship between the organisation that she represents and the union movement that represents a substantial part of the workforce retained by her employer would be focused on the mature and harmonious relationship between these parties..."Further without turning a page of the new

act, a person in her role would be expected to handle the set of circumstances of which she was faced with for this brief period of the dispute".

With the ever-increasing trend for the HR Business Partner who can be all things to their business, and the decrease of the true IR specialist - HR practitioners are increasingly being called upon to make decisions around complex workplace relations issues, tactics and strategies. Often, these practitioners are highly skilled in other areas of HR or business but have limited expertise in the subtleties of managing and enhancing workplace performance in an industrial environment. Sometimes, the 'tough' approach is used as a way to win the respect of the business -risking non-compliance with legal obligations or positive workplace relations, whether directly with employees or with a third party such as a union.

There have been high profile cases over the years - where the 'tough approach' has been advocated - think both the use of individual contracts in the mining industry and the Patrick approach to IR. And there is no doubt that there is a time and a place for a well thought out strategy and approach to proactively managing [industrial relations](#) rather than being a victim to the intransigent and adversarial approach that has been

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known to personify the approach of some unions. Well thought out strategies can support and enhance individual relationships leading to improved business performance and significantly less industrial disruption and disharmony.

But a disparate, ad hoc approach to workplace relations can cause more harm than good - putting relationships back and consolidating the need for third party intervention in the minds of some employees and their representatives.

Workplace relations issues - whether tactical or strategic - need to be considered in the broader context of the what the business is seeking to achieve and what (if any) short-term pain the business is prepared to tolerate for any longer term gains. Equally importantly, they need to be considered in the context of legislative and moral obligations.

HR Managers with less experience in workplace relations should seek advice before embarking on changes or resolving more complex issues, particularly if those changes are non compliant with legislative or other requirements.

There is almost always a way to achieve what the business is seeking to do - but it is often the planning, preparation and manner in which it is implemented that speaks to the success of the change rather than the actual change itself.

**About the author**

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