Workwatch

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Opposition releases industrial relations policy

On 28 August 2007 the federal Opposition released its industrial relations (IR) policy under the heading 'Forward with Fairness: Implementation Plan'. This month's 'Workwatch' canvasses the main points of Labor's policy and implications for the library workforce were a change of government to occur.

Workplace agreements and minimum conditions

Under a Labor government, collective agreements would remain a centerpiece of the industrial relations system and may be negotiated by a union on behalf of members or without the involvement of a union.

Labor's proposals would phase out Australian Workplace Agreements (AWAs) by the end of 2012, allowing current AWAs to run their course and honouring AWAs entered into before the federal election due for late 2007. Individual contracts would be available with greater adherence to award conditions which, generally, do not have to apply under AWAs. Exemptions from awards would continue to be available in contracts covering employees earning more than $100,000 annually.

For all workers, ten minimum conditions would apply, to be known as 'national employment standards'. These cover issues such as wage levels, overtime and penalty rates, hours of work, various categories of leave, community service entitlements and notice of termination and redundancy. These standards are an expansion of the five minimum conditions applying under the current WorkChoices legislation, which cover wage rates; maximum working hours; annual, personal/carers and maternity leave.

To establish minimum wage levels and other rates and allowances, Labor would establish a regulatory body known as Fair Work Australia, which would absorb many of the functions now undertaken by the Australian Fair Pay Commission.

Flexibility

There is no doubt that 'flexibility' will be a major buzzword of the election campaign and of IR debates generally for the foreseeable future. Both major political parties have claimed that their respective policies provide greater flexibility for both employers and employees, especially in providing for employees' family commitments. The federal government has emphasised flexibility as underpinning its workplaces changes over more than a decade, while Labor's policy embodies flexibility in several key areas. The provision for employment contracts for those earning above $100,000 to be separate from award conditions is an acknowledgement of the importance placed by employers and employees on the issue of flexibility in attracting and retaining employees at senior levels.

For employees working under awards, these can be the parameters for flexibility clauses. Matters covered by flexibility clauses would include rostering and hours of work; rates of pay; arrangements allowing employees to start and finish work at times which fit in with school hours without employers having to pay penalty rates for earlier starting times. Labor's policy includes a requirement that all collective agreements contain a flexibility clause. A model flexibility clause would be developed by the proposed Fair Work Australia.

The Australian library workforce has a particular interest in the issue of flexibility, given that 84% of library workers are women, many of whom work part time or on a casual basis to cater for family responsibilities. Any policy which facilitates negotiation of more flexible hours but without imposing extra financial commitments on an employer would appear to benefit all parties.

Unfair dismissals

Under the present WorkChoices legislation, employers with fewer than 100 workers have been exempt from unfair dismissal provisions, while individual employees earning more than $98,200 annually have been prevented from bringing actions where they believe themselves to have been unfairly dismissed. Labor's policy is that employers with fewer than fifteen workers will be outside the scope of unfair dismissal laws, except where an employee has been with the organisation for at least twelve months. The $98,200 barrier would remain for employees contemplating action against a dismissal.

Current IR laws provide for unlawful dismissal actions to be heard by the Australian Industrial Relations Commission. Cases heard to date on the issue of unfair dismissal have mainly been concerned with determining whether the dismissal, usually a redundancy, has been for 'genuine operational reasons' as referred to under the WorkChoices legislation. Under Labor, Fair Work Australia would have a separate division to hear and determine unlawful dismissal claims. At this point, Labor has not been specific as to grounds which may form the basis for an unfair dismissal claim, but has undertaken to develop a Fair Dismissal Code in consultation with small business.

For the library sector, issues relating to unfair dismissal have relevance to the frequent restructuring of libraries, especially when they are part of larger organisations such as government departments, universities and hospitals. Such restructuring has led to threatened or actual redundancies for many library workers who, along with their representatives, will need to continue their vigilance as to conditions set by governments concerning termination of employment.

Next month

The Australian Bureau of Statistics is scheduled to release labour force data from the 2006 census during October. The November 'Workwatch' will summarise the data both generally and in relation to the library workforce.