



STRATEGIC INDUSTRIAL PLANNING SERVICES

NBTA Presentation
Workplace Relations Issues
by
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6 June 2008

Presentation to NBTA, 6 June 2008



AGENDA

❖ **Background**

- **Politics & IR**
- **National IR System**
- **Corporations Power**
- **Unions**
- **Recent federal election**
 - ◆ **Liberal v. Labor IR Policies**



AGENDA

❖ WR Issues

- **Liberals - AFPCS: 5 minimum conditions**
- **ALP – 10 NES**
- **Award Modernisation**
- **Agreements**
- **Australian Industrial Relations Commission**
- **Superannuation – OTE**
- **Workplace Ombudsman campaign**



AGENDA

❖ **Changes**

- **AWAs illegal**
 - ◆ **>100K**
- **Termination provisions**
 - ◆ **ALP will alter**
- **Workplace Agreements**
 - ◆ **processing**



10 Proposed NES

- ❖ **Maximum weekly hours of work**
- ❖ **Flexible working arrangements**
 - **Children under school age**
- ❖ **Parental leave (and related entitlements)**
- ❖ **Annual leave**



10 Proposed NES

- ❖ **Personal/carer's leave and compassionate leave**
- ❖ **Community Service leave**
- ❖ **Long Service leave**
- ❖ **Public holidays**



10 Proposed NES

- ❖ **Notice of termination and redundancy pay**
- ❖ **Fair Work Information Statement**



AFPCS & Proposed NES

❖ **ANNUAL LEAVE**

- 4 weeks per year
- Up to 2 weeks can be cashed out if provided for in a Workplace Agreement
 - ◆ Requested & approved in writing



AGREEMENTS

❖ **TYPES**

- **Employee collective**
- **Union collective**
- **AWAs – illegal from 27 March 2008**
- **Union greenfields**
- **Employer greenfields (to be abolished)**
- **Multi-business**



AGREEMENTS

❖ **Collective**

- **Must be approved by ‘valid’ majority**
- **Valid majority: a simple majority of those who cast a valid vote**



Awards

❖ **Award Modernisation**

- **19 priority industries**
 - ◆ **Transport not listed**
- **Facilitative clause**
 - ◆ **Important – ability to introduce flexibilities directly with employees**
- **Timetable**
 - ◆ **Priority list – Dec 08**
 - ◆ **Balance – Dec 09**



AWARDS

❖ 10 Allowable matters

- **minimum wages**
- **type of employment**
- **arrangements for when work is performed**
- **overtime rates**
- **penalty rates**



AWARDS

❖ **Allowable matters**

- annualised wage or salary arrangements
- allowances
- leave
- superannuation
- consultation, representation and dispute settlement procedures.



AWARDS

❖ **Award conditions protected:**

- **Public holidays**
- **Rest breaks, including meals**
- **Shift/overtime loadings**
- **Annual leave loadings**



AWARDS

- ❖ **Award conditions protected:**
 - Allowances
 - Penalty rates
 - Incentive-based payments & bonuses
- ❖ **Nub of 'No Disadvantage' Test**



AIRC

❖ Commission functions

- Dispute resolution
- Industrial action
- Termination of employment
- Processing agreements
- Awards
 - ◆ Modernising
 - ◆ Wages & Allowances



Superannuation

- ❖ **Ordinary time earnings (OTE)**
 - **Must be applied from 1 July 08**
 - **all-up rates - implications**
 - **VTA Circular**
 - ◆ **Conflicting legal advice**



Workplace Ombudsman

❖ **National Road Transport Campaign**

- **Education & compliance**
- **LD – SA, Tas, regional NSW, ACT**
- **SD (couriers, taxi trucks etc) – WA, Qld, Tas, metro NSW & ACT**
- **Road passenger – Vic & Tas**



Workplace Ombudsman

❖ **Education**

- **Distribution of info packs**

❖ **Compliance audit**

- **Rates of pay**
- **Loadings/penalties**
- **Non-remunerated extra hours**
- **Employers' obligations with Was**
- **Approval & lodgement of WAs**