

Labor's policies for employment and industrial relations reform

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EQUAL ACCESS TO ARBITRATION

- Extending the availability of compulsory arbitration to set terms and conditions at the enterprise level
- Commitment to broadening the FWC's capacity to order negotiating parties to disclose relevant documents to one another in the course of bargaining



INDUSTRY-WIDE BARGAINING

- Proposed amendments to better facilitate multi-employer or industry-wide bargaining
- Focus on low-wage sectors
- Combined with more widespread arbitration, private sector industry-wide bargaining may be used to create a new layer of minimum terms and conditions of employment on top of existing modern awards



UNILATERAL ENTERPRISE AGREEMENT TERMINATIONS PROHIBITED

- ALP will amend the FW Act to implement a new threshold test or prohibit the FWC from terminating an enterprise agreement unless the termination has majority employee approval and would not result in employees being worse off
- Such a reform will effectively lock in employers to the terms and conditions that they may agree to at a particular part of the economic cycle, and greatly limit their capacity to adjust to changing conditions



SECURITY OF EMPLOYMENT

- Widening scope of Fair Work Act and modern awards to apply to workers in 'gig economy'
- Potential ability for independent contractors to bargain collectively
- Potential expansion of categories of workers who can receive superannuation



LABOUR HIRE AND CASUALISATION

- A national labour hire scheme will be introduced by a prospective ALP government
- Likely to include legislative amendments requiring that labour hire employees receive the same terms and conditions of employment as direct employees
- Objective statutory test to assess whether a person is a casual employee



OTHER ENFORCEMENT OPTIONS

- Increased penalties associated with sham contracting and underpayments
- Possible that the ALP will criminalise serious wage underpayments and implement 'Industrial Manslaughter' laws similar to those recently enacted in Victoria and Queensland
- Disbanding the ABCC and Registered Organisations Commission



GENERAL EMPLOYMENT ENTITLEMENTS

- Legislating public disclosure requirements on gender pay gap
- Changes to paid parental leave
- Domestic violence leave in the NES
- Amending the flexible work provisions in the Fair Work Act to allow the FWC to arbitrate challenges by employees to decisions of their employers not to agree to flexible work requests