



This series of fact sheets gives a brief overview of each of these policy areas.

Fair Work Australia:

A new independent industrial umpire

A clear choice for working families at the next election

Labor's industrial relations policy is a positive alternative to the Howard Government's harsh and unfair WorkChoices regime.

The Labor policy provides for:

- *remedies for unfair dismissal.*
- *a new independent umpire.*
- *a strong safety net of minimum standards and award entitlements.*
- *abolition of AWAs and a fair system of collective bargaining.*

Fair Work Australia

The Labor Party proposes to establish a new independent umpire – to be called Fair Work Australia.

Fair Work Australia will include all the functions currently carried out by separate bodies, including the Office of Workplace Services, the Australian Fair Pay Commission and the Office of the Employment Advocate.

Roles and responsibilities

Fair Work Australia will:

- set minimum wages and publish pay rates.
- review and adjust awards.
- facilitate collective bargaining and make orders enforcing good faith bargaining.
- supervise secret ballots for industrial action and deal with industrial action.
- review and approve collective agreements.
- assist parties to resolve grievances.
- resolve unfair and unlawful dismissal claims.
- monitor compliance with and resolve disputes relating to workplace laws, awards and agreements.
- regulate registered industrial organisations.
- promote family friendly working arrangements.

Judicial functions, currently resting with the Federal Court, will remain separated from the non-judicial functions of Fair Work Australia.

FAIR WORK AUSTRALIA: QUICK ADVICE AND DISPUTE RESOLUTION

Fair Work Australia will be independent of government and will give responsibility for all issues relating to Labor's industrial relations laws to a single body.

Fair Work Australia offices will be located in suburban and regional centres, meaning that there will be easier access to advice, inspectors and mediation for employees and employers.

A one-stop shop will:

- be accessible for employees and employers.
- promote efficient and timely resolution of disputes and grievances.
- reduce the economic cost of the current complex and fragmented system.

Independent Umpire checklist

Function	Labor's independent umpire	Howard's Government's IR laws
Setting and adjusting minimum wages	Fair Work Australia will set and annually adjust minimum wages.	Australian Fair Pay Commission (APFC) sets minimum wage. No guaranteed annual review of minimum wages.
Assisting parties resolve workplace grievances	Fair Work Australia will be empowered to assist in resolving grievances and ensure compliance with agreements and awards.	Australian Industrial Relations Commission can assist only if the employer agrees. If employer does not agree, AIRC has no power to assist.
Reviewing and approving agreements	Fair Work Australia will review agreements to ensure that employees are better off overall. Fair Work Australia may reject an agreement if the employees did not genuinely agree to it.	Office of Employment Advocate (OEA) to be renamed Workplace Authority. Reviews agreements and removes prohibited content. Workplace Authority to examine agreement to see if certain award conditions are retained, or if "adequate compensation" provided.
Resolving unfair and unlawful dismissal claims	Fair Work Australia will hear and decide unfair dismissal cases	AIRC can conciliate and arbitrate unfair dismissal only if employer employs more than 100 employees, employee employed for more than 6 months, or more than 12 months if a casual. Otherwise no right to unfair dismissal. AIRC conciliates unlawful terminations. Federal Court or Federal Magistrates' Court determines unlawful dismissal claims. Costs around \$30,000 to take a claim.
Monitoring compliance with and resolving disputes relating to the application of workplace laws, awards and agreements	Fair Work Australia will investigate and prosecute breaches of the legislation. Fair Work Australia's independent judicial division will determine whether breaches have occurred and impose penalties.	Office of Employment Advocate (OEA) to be re-named Workplace Authority. Provides some advice regarding breaches minimum employment standards and freedom of association. Office of Workplace Services (OWS) to be renamed Workplace Ombudsman. Investigates and prosecutes breaches of the legislation, except in the construction industry where this is performed by the Australian Building and Construction Commission (ABCC). Federal Court hears and determines whether breaches have occurred and imposes penalties.