



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

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.

A new safety net for bargaining

Under Labor's plan, most Australian workers will be protected by a strong safety net of minimum wages and conditions. Agreements will not be able to be used to leave workers worse off compared to the safety net as happens under Work Choices.

Labor's safety net is in two parts.

- 10 legislated national employment standards which will apply to all Australian employees and which cannot be removed or replaced. This will apply to all workers.
- for most employees a further 10 minimum employment standards can be included in awards which will cover specific industries or occupations.

Minimum wages

Fair Work Australia will set and adjust minimum award rates of pay each year taking into account fairness, while also promoting employment growth, productivity, low inflation and downward pressure on interest rates.

A robust new safety net

The legislated national employment standards

1. A standard 38 hour working week for full time employees and a right to refuse unreasonable overtime.
2. Up to 24 months unpaid parental leave.
3. A right for parents to request flexible work arrangements.
4. 4 weeks paid annual leave each year, plus an additional week for shift workers.
5. 10 days paid personal leave each year, 2 days paid compassionate leave and 2 days unpaid emergency leave.
6. Leave for community service.
7. All national and state public holidays with penalty rates.
8. A requirement that employers provide all new employees with information about their rights.
9. Notice of termination and, if employed in a workplace with at least 15 employees, redundancy pay.
10. Long service leave.

The award safety net

Industry, occupational or enterprise awards will be in addition to the legislated standards and may include:

1. Minimum wages.
2. Types of work, including casual, part-time work, flexible working arrangements and job sharing.
3. Arrangements for when work is performed, including hours of work, rostering, rest and meal breaks.
4. Overtime, penalty and shift rates.
5. Provisions for annualised salaries with appropriate safeguards.
6. Allowances.
7. Leave, leave loadings and arrangements for taking leave.
8. Superannuation
9. Consultation, representation and dispute settlement provisions.

“Better off overall” test

Award provisions can be replaced in workplace agreements only if the workers are better off overall.

This is totally different from the Government's so-called “fairness” test which:

- Excludes 300,000 workers currently on AWAs or who earn more than \$75,000 per annum
- Allows penalty rates to be removed for non-monetary benefits like car parking
- Excludes disadvantaged workers, such as the long-term unemployed, young people and the disabled, as well as those in regional and rural areas
- Can exclude employees of businesses in difficult financial circumstances or whose competitors are paying less
- Can exclude conditions like redundancy pay

Safety net checklist

Labor's safety net	Howard' Government's IR laws
Minimum wages	Minimum wages
Annual review of minimum wages guaranteed	No guaranteed annual review of minimum wages
Set by independent and transparent Fair Work Australia	Minimum wages set by so called Fair Pay Commission, process not transparent
Fairness to working families, benefits to economy	Main criteria are economic, fairness to low paid workers not included
Minimum conditions	Minimum conditions
38 hour week to be the basis of full time work. Arrangement of hours, including rostering and breaks to be included in awards	38 hour week, average over 12 months, no limits on length of shift, no meal breaks or breaks between shifts
Employees can refuse unreasonable overtime. Enforcement by Fair Work Australia, informal non legalistic	Employees can refuse unreasonable overtime. Enforcement by the Courts, usually involving lawyers
4 weeks annual leave, additional week for shift workers	4 weeks annual leave, additional week for shift workers. 2 weeks can be cashed out
10 days paid personal/carers leave and 2 days compassionate leave	10 days paid personal/carers leave and 2 days compassionate leave
12 months parental leave for each parent, 24 months in total. Right for one parent to request up to 24 months, employer can only refuse on business grounds	12 months parental leave
Parents of pre school children can request flexible hours, employer can only refuse on business grounds	No roster rights for parents.
Public holidays in legislation or provided by State governments. Arrangements relating to rostering on public holidays and penalties for working public holidays in awards. Cannot be removed in bargaining unless employee better off overall.	Public holidays listed in legislation or as provided by State governments, employee may refuse to work if they have reasonable grounds. No guaranteed provisions for penalty rates.
Leave for community service activities like paid jury service and unpaid emergency services duties.	Jury service leave and pay regulated by State governments, emergency leave not provided, although employees cannot be sacked for absences due to engaging in emergency services.
All new employees to be provided with a Fair Work Information Statement informing them of their rights at work	Information statement must be provided to employees.
Guaranteed redundancy pay for employees in businesses of 15 or more	No guarantee of redundancy pay. Redundancy pay in awards can be removed without compensation.
Long service leave to be in national legislation, Labor to work with states to achieve national consistency	No national long service leave, left to State governments to legislate.
Award conditions can only be removed if employees are better off overall	AWAs can remove all award conditions - no compensation required.
Awards	Awards
Will be reviewed and adjusted every 4 years	Cannot be varied except in very limited circumstances. Will not include new matters.
Types of work, including casual and part-time work, facilitation of flexible working arrangements and job sharing.	Types of work, including casual and part-time work, and shift work
Arrangements for when work is performed, including hours of work, rostering, rest and meal breaks.	Ordinary time hours of work and the times it is performed, rest breaks, notice periods and variations to hours
Overtime rates	Overtime loadings
Penalty and shift rates.	Penalty rates
Provisions for annualised salaries with appropriate safeguards.	Not specifically provided for, cannot be included in awards where not already available
Allowances	Monetary allowances for limited matters
Leave, leave loadings and arrangements for taking leave.	No leave, except leave to find a new job after retrenchment. Leave loadings
Superannuation	Not after 1 July 2008
Consultation, representation and dispute settlement provisions	Can only contain model disputes procedure. No provisions to settle dispute unless employer agrees