

Workplace News



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Welcome to the May 2008 Edition:

AWARD MODERNISATION PROCESS COMMENCES.

The Australian Industrial Relations Commission (A.I.R.C) has commenced the process whereby over 660 industrial awards will be rationalised and “modernised” under the new workplace relations laws.

The Commission’s President, Mr Justice Giudice, has issued a statement outlining a timetable for the creation of a network of *modern awards*, as part of the new *Forward with Fairness*’ legislative package that replaces *Work Choices*.

LESS PRESCRIPTIVE & FEWER AWARDS

All awards applying within the federal jurisdiction will be reviewed to ensure that the contents coincide with a list of ten “allowable matters”, the new *National Employment Standards* and certain other matters referred to the Commission by the Minister. Each of the new awards must contain a *flexibility clause*, enabling arrangements to meet the individual needs of employers and employees, to be struck in the form of ‘common law’ agreements (essentially taking the place of the former AWA system).

Ultimately a network of between five and six dozen “super” awards will be in place by the end of 2010.

GOOD NEWS & BAD NEWS

In his statement outlining the processes to be undertaken, Justice Giudice directed that the “classification of industries (and occupations) used by the Commission’s panel system would be the starting point for the award modernisation procedure”.

For the Leisure and Recreation sector this comes as a double edged sword, as the *Industry* has been identified as a “priority industry”, with the process scheduled to commence immediately, through a series of industry consultations commencing in May and the final date for making of priority modern awards being 12th December. The bad news is that there are 177 awards listed relating to associated sectors!!

The Commission is obliged to consult closely with all interested parties, therefore the task appears to be daunting to say the least, given the timeframes nominated!

Concurrently, the A.I.R.C has received three differing outlines of the standard *'flexibility clause'*, one from the unions, through the ACTU and two from the employers, with the AIG and ACCI each submitting drafts.

Many concessions must be made and compromises reached if the objective of the new legislative regime is to be realised:

"Modern awards must be simple to understand and easy to apply, must be of a safety net character, must promote flexible modern work practices and efficient and productive workplaces and must be in a form that promotes collective bargaining."

We live in interesting times.

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