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New IR law takes effect

The reshaping of Australian employment law continues at a bewildering rate. The latest State to shake up long-standing arrangements is South Australia whose new *Industrial and Employee Relations Act 1994* recently took effect.

Like its forerunners in other parts of the country, the new legislation imposes substantial changes to the practice of industrial relations. Compulsory unionism is outlawed and there is now no scope at all for any form of preference for unionists in employment.

Processes for developing enterprise agreements are introduced as the focal point of the new system and an office of Employee Ombudsman is created. Minimum standards for wages, sick, annual and parental leave are provided for.

There are new arrangements for handling unfair dismissal claims but it remains to be seen whether these are judged to be 'an adequate alternative' to Federal provisions and thus are able to displace the Federal laws.

Unfair dismissal law found wanting

In Western Australia a decision has been handed down by Justice Keely that the State's unfair dismissal laws were not sufficient to constitute a real alternative.

As a result of this decision — in the *Wylie v Carbide International* case — employees in Western Australia will now be free to choose whether to seek

recompense for unfair dismissal by application either to the Industrial Court of Australia or the Western Australia State Industrial Commission.

The fact that State remedies are distinctly less favourable than Federal provisions will probably loom large in the minds of potential applicants, as it appears to have done in Justice Keely's.

Partial anti-discrimination protection

In Tasmania, a potential mix of legislative cover could result from introduction of a new State *Sex Discrimination Bill*. To date, Tasmanian employment has been subject to the Federal Act in the discrimination area.

If the new Bill passes in its current form, discrimination on grounds of gender, marital status, pregnancy, parental status and family responsibilities will be covered by State law, while other grounds including age, religious or political beliefs and sexuality will be subject to challenge only under Federal law because they are omitted from the new Bill.

Useful information packages available

The Federal Human Rights and Equal Opportunity Commission has developed a new training package dealing with elimination of all forms of workplace discrimination. *The best person for the job: assisting managers in eliminating discrimination in employment*, should be a most valuable re-

source for all employers or managers seeking reassurance that they are meeting all their responsibilities under either State or Federal anti-discrimination law. Comprising case studies, videos and training programs, the package is available by telephoning the Commission in Sydney on (02) 229 7600.

Also now available is a useful practical guide for developing effective family responsibility-related policies. *The workplace guide to work and family* has been produced by the Federal Department of Industrial Relations and is available by telephoning Sydney (06) 243 7406.

Enterprise Bargaining success in Victoria's Eastern Region

Congratulations to Victoria's Eastern Regional Libraries on completion of a comprehensive enterprise agreement. I recall discussing enterprise agreements with Director John Binnion at a Victorian seminar a year or so ago.

John's approach and attitude to the concept then were clearly of the far-sighted and positive variety, as opposed to the negative style with which, unfortunately, too many managers have recently taken up the new industrial relations system.

Perusal of the agreement's contents clearly demonstrates his approach was maintained throughout the process. The result is something with which both management and staff are obviously very pleased. ■