

# Workwatch

## New industrial relations laws

The main development affecting the Australian workforce during 2008 will be changes to Federal industrial relations (IR) legislation following the recent change of Government. The Minister for Industrial Relations, Julia Gillard, has indicated that these changes will be introduced in various stages, with the first segment concentrating on abolition of Australian Workplace Agreements (AWAs).

AWAs have not been common in the library and information sector but in any area of the workforce where they have applied they will be permitted to run their term. As AWAs have a maximum term of five years, they will have expired by 2012. Workplaces which have used AWAs will be able to make individual transitional employment agreements (ITEAs) until the end of 2009. ITEAs will have a limited life span and will need to meet a no-disadvantage test.

The second phase of the foreshadowed legislation will be based on the ten minimum working conditions outlined by the Labor Party during 2007. This phase will also restore some aspects of unfair dismissal procedures which were removed under WorkChoices.

## Variables

Several factors could affect the final content of the proposed IR laws. Firstly, until 1 July 2008 composition of the Senate will remain as it was before the election, meaning that the Coalition and minor parties can block Government legislation. Secondly, after mid-2008 the Greens and two other Senators, Stephen Fielding of Family First and the anti-'pokies' campaigner Nick Xenophon, will hold the balance of power. The Greens have indicated support for the Government's IR agenda, although the Greens' preferred reforms to WorkChoices would go further than those of Labor. Thirdly, the Government has undertaken to consult with business and other interested groups concerning exact details of a code for unfair dismissal and other IR matters.

Workwatch columns published throughout 2008 will provide updated information concerning IR legislation, as will the ALIA website at [www.alia.org.au/employment](http://www.alia.org.au/employment)

## Unions and professional associations: what is the difference?

This question has often arisen when ALIA members have sought advice and support concerning workplace issues. The role of a professional association is to enhance the standing of the relevant profession, its members and members of the public who have contact with that profession. Many professional associations also have power to discipline members. This is usually the case where membership is compulsory, for example, with Law Societies. Unlike unions, however, professional associations do not normally have standing to represent members in legal forums such as industrial relations commissions. Unions may also cross a range of occupations located in the same workplace. An

example would be the National Tertiary Education Union (NTEU), covering most occupations in the higher education sector, including library workers.

There are cases where an organisation is called an association but fulfils the role of a union, such as the Association of Professional Engineers, Scientists and Managers, Australia (APESMA), which is registered before Federal and State industrial commissions and other tribunals.

Applying these roles to the library workforce, ALIA can make written representations in circumstances where it believes that professional standards are not being duly recognised. These kinds of representations have been made where positions are advertised with the required duties being those normally performed by a librarian or library technician, but with an advertisement saying that no qualifications are necessary. Similar situations arise where a library post is advertised but applicants with formal qualifications being passed over in favour of an applicant without relevant qualifications.

In its role as advocate for library users, ALIA regularly confers with all levels of governments on matters affecting library services and the free flow of information. This part of ALIA's advocacy work has special relevance to current debates over internet filtering.

Where a specific industrial issue arises, such as unsatisfactory pay rates, hours of work or handling of change management, library workers who are union members should approach the relevant union for advice as to actions which may be taken. Unions covering the library sector include the Community and Public Sector Union (CPSU), Public Service Association in NSW and SA, and the NTEU.

## Contacting ALIA

ALIA members should approach the National Office for advice as to any issues affecting library workers or users. From the industrial relations and human resources viewpoint, I can provide advice as to ALIA's published professional standards and appropriate salary levels, as well as to courses of action available to remedy concerns of library staff. Other National Office staff in the advocacy, education and membership areas can assist where workplace matters may overlap with their areas of responsibility.



**Heather Nash**  
Industrial Advisor

[heather.nash@alia.org.au](mailto:heather.nash@alia.org.au)