

Fair Work legislation

The Federal Government's Fair Work Bill was introduced into the House of Representatives on 25 November 2008. The exact form of the final Act will not be known until the legislation has been considered by the Senate, where minor parties may seek to negotiate with the Government over some sections of the Fair Work Bill.

Much of the legislation's content concerning collective bargaining, revised unfair dismissal laws and arrangements for small businesses is as summarised in the November issue of *inCite* on page 26, which is available on the members-only part of the ALIA website at <http://www.alia.org.au/publishing/incite>. Ongoing updates concerning passage of the legislation are at <http://www.workplace.gov.au/publications>, clicking on 'legislation' and 'news'. The Workplace site has the full text of the speech given by Minister Gillard when introducing the legislation and provides a good summary of the Bill's objects and specific provisions.

It is anticipated that the enterprise bargaining framework and unfair dismissal provisions of the legislation will take effect from 1 July 2009, while other major provisions such as creation of Fair Work Australia to oversee all aspects of the Federal industrial relations system, will commence on 1 January 2010. The extent of the powers of Fair Work Australia will take some time to finalise, especially as minimum conditions of employment will be set out in Federal legislation rather than in awards. This in turn could mean that the role of state industrial commissions would become more limited as a greater number of workers come within the scope of Federal laws, with state public sector employees remaining as the only sector of the workforce remaining outside the Federal system.

Equal remuneration

Of particular interest to the library sector is section 302 of the Fair Work Bill, covering equal remuneration orders, defined as meaning "equal remuneration for men and women workers for work of equal or comparable value". Many ALIA members will be aware of the New South Wales gender equity pay case of 2002, which determined that the work of librarians had been historically undervalued largely because the majority of library workers are women. The 'librarians case' is still referred to in industrial relations forums as the landmark case in this area and the findings of that case could be cited again once the equal remuneration principle is enshrined in Federal workplace legislation.

Teacher librarians: salaries

In a ballot concluded in December 2008, members of the Northern Territory branch of the Australian Education Union (AEU) voted to accept the offer concerning salaries and other conditions put forward by the NT Government at the end of October. The 2008-2010 Collective Agreement covering teachers and educators includes a substantial back payment to September 2007 to be processed on 22 January 2009. A further 4% increase will be paid from 29 January, with a further 4% due in January 2010. Details of the agreement, including a table of actual salaries, is at http://www.workplaceagreements.nt.gov.au/teachers_

educators. The employment section of the ALIA website has been updated to show the NT 2009-2010 salary levels.

In New South Wales and South Australia, industrial campaigns by teachers continue. In NSW, the award agreement covering teachers and other school employees expired on 31

December but its salary and other provisions will apply until a new award is agreed to. In South Australia, the most recent Enterprise Agreement expired on 31 March 2008 but still operates as the SA branch of the AEU continues its campaign over salary increases and other measures proposed by the SA Government. Information covering the campaigns in these two states is at <http://www.nswtf.org.au> and <http://www.aeusa.asn.au>.

Other issues for 2009

In addition to major changes stemming from the Fair Work legislation, other issues within the industrial relations landscape during 2009 will include review of occupational health and safety (OH&S) laws and regulations across Australia. This work is being undertaken as part of the agenda of the Council of Australian Governments (COAG) to achieve greater harmonisation of laws affecting workplaces and the conduct of business in all states and territories. The wider process of review is not due for completion until 2011, but a significant marker will be the *Work Safety Act* which takes effect from the Australian Capital Territory from 1 July 2009. This legislation extends the scope of existing OH&S laws to include coverage of employees, independent contractors, outworkers, trainees and volunteers who work in employment-like settings. Further discussion of the new ACT law will appear in 'Workwatch' nearer to the July start date.

Library labour force research

Members will be aware of the neXus study of the library and information workforce, undertaken over the last two years. The first stage of the research, based on surveys of individuals working in the sector, was published in March 2008 and is at <http://www.alia.org.au/employment/workforce>. The second stage of the research, focusing on institutions within the sector, has now been released. Issues covered include structure and ageing of the library workforce, employment conditions, recruitment and retention. Next month's 'Workwatch' will discuss the principal findings of the neXus 2 report.



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