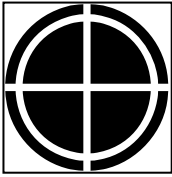




**Employer
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RELATIONS

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NEWSLETTER

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(All care has been taken in compilation of this publication but no responsibility is accepted for reliance on its contents)*

Contents: Award Modernisation Timetable; National Employment Standards (NES); 'I'm Still Under the State System'; State Award Safety Net Claims/Increases; Federal Safety Net Increase.

Award Modernisation Timetable

In March 2008, the Deputy Prime Minister issued a request to the President of the Australian Industrial Relations Commission to begin the process to modernise awards in the Federal Industrial System. Awards include Pre-Reform Federal Awards and NAPSAs (Notional Agreements Preserving State Awards).

Award modernisation involves the creation of a system of modern awards to operate in conjunction with the new Australian workplace relations system foreshadowed for January 2010. The process will require the Australian Industrial Relations Commission (AIRC) to review all of the multiple-employer federal awards as well as many state awards operating in the national industrial system as NAPSAs. There are detailed provisions relating to award modernisation in Part 10A of the Workplace Relations Act 1996 as amended.

The President issued an initial decision in April and then members of the AIRC heard submissions on the process through a National Consultation Process.

These modern awards are to operate in tandem with the NES (National Employment Standards), but the NES and the modern awards will not begin to operate until 1 January 2010.

On 20 June the AIRC President issued the list of 14 Priority Industries whose existing awards will be modernised. The Industries are: Coal mining industry; Glue and gelatine industry; Higher education industry; Hospitality industry; Metal and associated industries; Mining industry; Private sector clerical occupation; Racing industry; Rail industry; Retail industry; Rubber, plastic and cablemaking industry; Security industry; Textile, clothing and footwear industry; Vehicle manufacturing industry.

These industries embrace many awards and NAPSAs and the final number of modern awards is unclear at this stage.

These Priority Awards are to be made no later than 19 December 2008. From 25 July to 22 October parties will be able to make submissions and be consulted by the AIRC.

Further stages 2, 3 and 4 for remaining industries will be finalised as follows: -

- Stage 2:** 3 April 2009;
- Stage 3:** 4 September 2009;
- Stage 4:** 4 December 2009.

The 20 June Decision is found on our FAQ's Page (under the "News" link) at <http://www.employerservices.com.au>

National Employment Standards (NES)

Following release of an Exposure Draft and consideration of written responses/suggestions the Federal Government on 16 June 2008, has released the proposed Standards. These Standards are not law and are not due to be introduced into Parliament for several months. They will be part of the Legislative package to overturn the remainder of the WorkChoices laws.

The NES are not designed to come into effect until **1 January 2010** and will operate in tandem with the new system of modern awards.

The NES are:

1. Maximum weekly hours of work;
2. Request for flexible working arrangements;
3. Parental leave and related entitlements;
4. Annual Leave;
5. Personal/Carers leave and compassionate leave;
6. Community service leave;
7. Long Service Leave;
8. Public Holidays;
9. Notice of termination and redundancy pay;
10. Fair Work Information Statement.

In a Government Media Release the WorkChoices standard of 5 minimum conditions is compared with the 10 NES. The NES extends to 50 pages as compared to the 149 pages of Workchoices Laws.

Clients are encouraged to examine the NES and a copy can be found on our website under our FAQ's page.

'I'm Still Under the State System'

The Prime Minister, as part of his plan to create a totally National IR system, has called upon the States to hand over their powers as far as the Private Sector was concerned.

It remains unclear whether the opportunity for a true National system will be realised. However, in recent proceedings in the Queensland Industrial Relations Commission a letter from the State Minister for Industrial Relations was tendered as evidence. The case related to the creation of a new Award in the "Community Services Sector". The letter, addressed to the applicant Union, referred to the future of the State Industrial system and suggested that the Private Sector will be totally under Federal Regulation from 1 January 2010.

The attitude of the States may become clearer when new Federal IR Laws are introduced into Parliament in October 2008.

State Award Safety Net Claims/Increases

Western Australia:	The Western Australian Industrial Relations Commission has increased State Award rates of pay by \$29.00 per week from 1 July 2008.
Tasmania:	This State's Industrial Relations Commission has increased State Award wages by \$19.00 which will become effective in August.
Queensland:	No decision has yet been given but a claim by the Queensland Unions has been made for a \$27.00 per week increase. A decision would not be expected for several weeks with an expected date of operation of 1 September 2008.

Federal Safety Net Increase

A decision by the Australian Fair Pay Commission is expected in early July.

The ACTU have claimed \$26.00 per week whilst major employer bodies submitted that an increase in the range of \$11.00 - \$13.00 was all that was warranted.

A date of operation from the first pay period on or after 1 October 2008 is anticipated.