

NATIONAL INDUSTRIAL RELATIONS SEMINAR [March 2022]

The Australian Public Transport Industrial Association held a virtual National IR seminar on Wednesday 23 March 2022.

Over 75 passenger transport industry delegates attended the National IR seminar titled:

"IR- where to next?"

With a federal election in the wind, Senator, the Hon Amanda Stoker, Asst. Attorney General and Asst. Minister for Industrial Relations and for Women, LNP and Senator Tony Sheldon, ALP, outlined their political party's industrial relations policies.

Senator Stoker spoke about the troubling times that Covid-19 tossed up but referenced the fact that unemployment figures were at record lows.

The Senator spoke about the disappointment that the government felt when the opposition opposed the full sweep of reforms in the **Fair Work Amendment (Supporting Australia's Job and Economic Recovery) Bill 2021**.

Whilst the issues relating to casual employment were passed into law, the Senator referred to the other issues, such as creating flexibility in Modern Awards, making approval of Enterprise Agreements more accessible, extending the timeframe for Greenfield Agreements to cover the length of a project and important enforcement and compliance provision to protect employees against underpayment of wages, which were not passed but which would be revisited in a new Parliament.

The Senator also flagged that her government was reconsidering those recommendations from the recent "Respect at Work" report on sexual harassment, that were not included in the **Sex Discrimination and Fair Work (Respect at Work) Amendment Act 2021**.

Senator Tony Sheldon, who has recently chaired a Senate Select Committee into Insecure Employment, highlighted that his Party in Government would seek to address the elephant in the room which was to ensure that wages growth met the cost of living which had spiralled well ahead of any wage's growth. Senator Sheldon gave an analogy of 'starvation equals starvation wages.'

The Senator also spoke about some of the recommendations from the Select Committee report which preferred a different, more expansive definition of casuals to reflect the actual nature of the employment, not the initial agreed contractual arrangement. Senator Sheldon flagged changes to the Fair Work Act 2009 to reflect this position.

The Senator was very critical of working in the gig economy and with labour hire. The Senator stated that workers in these circumstances were clearly disadvantaged by not having the same protection that was afforded to employees who undertook the same work but as part of their employment.

The Senator made it clear that his Party, in government, would look to provide laws in which same work meant same pay and conditions.

Vice President Adam Hatcher, SC gave an overview of the workings of the Fair Work Commission and the rapid transformation of Commission practices, especially in relation to the development of online hearings. The Vice President described online hearings as ‘the new normal’.

Vice President Hatcher gave an insight into the continuing challenges in the Commission against the public health orders mandating vaccinations. The Vice President highlighted a number of decisions and the reasons for them.

Professor Andrew Stewart, the John Bray Professor of Law at Adelaide University gave his overview of both the major parties approach to industrial relations.

Professor Stewart stated that he had not heard a single policy commitment from Senator Stoker, but was convinced that the opposition would target security at work and wages growth as the basis of their IR policies.

Professor Stewart also flagged that during this next term of government the current President of the Fair Work Commission would retire, and the government of the day would need to appoint a new President.

Finally, Nikki Britt, a well-respected health expert and a director of worker compensation insurers, Employers Mutual Insurance (EML), spoke about the mental health issues that had arisen as a consequence of the pandemic.

Ms Britt highlighted the responsibility for employers to understand the psychosocial issues that may impact on an employee in the workforce.

Ms Britt also spoke about how employers could attract employees in the bus industry and, most importantly, how to keep those employees. Ms Britt has been an advisor to the bus and coach industry for over ten years.

The meeting was scheduled to last for two hours but the interest engendered by the speakers and the Q & A sessions meant that the seminar went for three hours.

Nobody complained.