

# The Howard Government Industrial Relations Agenda

## Legislative Action

The government will not hesitate to use Parliamentary legislation to override or undermine achievements made in awards, certified agreements, Australian Industrial Relations Commission decisions and court verdicts.

## Length of Agreements

Five year agreements and reduced scope for pattern bargaining

## Right of Entry

There will be further restrictions and tougher penalties for breaches, including disqualification from holding office.

## AWAs

Make AWAs legally dominant over certified agreements and awards, which would be stripped back and limited by the Electrolux decision in any case. A small number of legislated minimum conditions would apply for corporations or more broadly if future Coalition State Governments gave their powers to Canberra. It might be that the law could be stated so that collective ones could not override any individual contracts. This would make AWAs redundant, and any common law contract of employment (even an oral one, perhaps) would prevail over a collective agreement in areas covered by a Federal system.

## Reintroduce Blocked Legislation

The Coalition has said it will bring back legislation that the senate has blocked since 1996. The main example is the 1999 'Second Wave' Workplace Relations (More Jobs, Better Pay) Bill. This includes, among other nasties:

- Ø Further reduction of the number of allowable award matters, taking the Electrolux decision of the High Court even further.
- Ø Restriction of industrial action - secret ballots, more powers against unprotected, affected third parties can apply to stop industrial action etc.
- Ø Reduced access to unfair dismissal protection.
- Ø Easier individual Australian Workplace Agreements (AWAs) and possible removal of the no disadvantage test.
- Ø Expanding the 'freedom of association' provisions to limit unions.

## Reduce the Powers of the AIRC:

The capacity of the Commission to make awards and certified agreements and to arbitrate would be cut. Not only would the number of 'allowable matters' be limited but also the commission would become more like a mediation service than a body able to make enforceable decisions. It is even possible that the AIRC might be abolished.

## Employee/Contractor

Independent contractors would be placed outside the industrial relations system. Employers and employees could choose whether the relationship is contracting or employment.

## Corporations Law & State Systems

Use the corporations law as the vehicle for industrial relations changes. This would override State industrial relations systems for corporations. Legislated minimum conditions could be introduced. Future Coalition State Governments could cede their powers to the Commonwealth, as Victoria did. This would give unlimited scope to the Federal system.

## Collective Action

The 'legality' of action will be severely reduced, penalties for organisations and individuals steeply increased and the ability of unions, officials and members to be sued (including by third parties) will be enhanced. Secret ballots and other complicated procedures would be the least of our troubles.

## Public Sector and Public Funded Organisations

Payroll deductions of union dues would be abolished or their abolition made a condition of funding. Other aspects of the Coalition's industrial or social agenda would be made a condition of funding or legislated directly.

These are not just possible 'horror scenarios'. Forces around the Coalition have stated each possibility.