

Award Modernisation

The Australian Industrial Relations Commission (AIRC) has taken the first step in the award modernisation process. The process, initiated by the Federal Government, seeks to update and streamline Awards.

Currently, there are over 4000 awards operating in Australia. These awards are often criticised for being too complex and too restrictive on employers. The modernisation process should reduce this number, and simplify terms and conditions, as well as allowing for more flexibility and greater negotiation between employers and employees.

One of the initial focuses is on developing a flexibility clause to be placed in each award to allow employers and employees to come to arrangements which are not in the award but which may suit their particular needs. Such arrangements must be mutually agreeable.

On 26 - 27 May 2008, the AIRC held their first consultations in Melbourne to hear preliminary submissions on some of the issues central to the award modernisation process. MGA attended the consultation and will be making a written submission to the AIRC on these matters. MGA intends to be an active participant in the award modernisation process, and is committed to representing our members' interests in the development of modern retail awards.

NSW Update

The NSW Government has proposed tough new anti-tobacco legislation, aimed at protecting children from tobacco. Some of the proposals are aimed at retailers and seek to implement more stringent restrictions on selling and advertising tobacco products. MGA is making a submission on this issue to the Government.

Tasmania Update

The Tasmanian Industrial Commission has granted an application to amend the Retail Trades Award, updating the hourly rates paid on Saturdays and late nights. The amendment only affects businesses in the state industrial relations system. Updated wage rates are available from www.mga.asn.au.

Victoria Update

The submission period for the Victorian Government's Review into the Accident Compensation Act has ended. MGA provided a submission to the Review. Peter Hanks QC will now provide a report based on the submissions to Tim Holding, the Minister for WorkCover. The Victorian Government will then decide on what changes to make to the Act. MGA's submission can be downloaded from www.compensationreview.vic.gov.au.

Federal Productivity Commission Investigates Parental Leave

The Federal Government has delivered on its election promise by asking the Productivity Commission to examine ways in which the Government can provide support to parents with newborn children. The Minister for Employment and Workplace Relations, Ms. Julia Gillard, has said that the Government wants to explore ways for women to balance having a job while coping with the demands of having a family.

Currently a woman and/or her spouse can access a period of up to 12 months unpaid leave between them on the birth or adoption of a child. The Productivity Commission has been asked to consider the costs and benefits of paid maternity, paternity and parental leave.

The Commission's inquiry will take into account the viability of various schemes and paid parental leave periods. MGA has made a written submission that underlines the importance of a Government funded paid parental leave scheme. Many overseas and private businesses within Australia have paid parental leave schemes that generally allows for a period of 12 weeks on full pay. The ability of small and medium sized businesses to afford to pay parental leave makes this an issue that MGA is following intently.

The Commission has been asked to consider all submissions and is expected to provide a report by February 2009.

Workplace Agreements - The No Disadvantage Test

Businesses continue to be able to make collective agreements with their employees under the new federal workplace relations laws. After an employer and employees make an agreement, the agreement document is lodged with the Workplace Authority. The Workplace Authority then compares the agreement with the award that covers those employees to ensure that, overall, the employees are not disadvantaged. This process is called the No Disadvantage Test. The No Disadvantage Test is very similar to its predecessor, the Fairness Test.

Once an agreement has passed the No Disadvantage Test, the Workplace Authority will issue a notice and the agreement comes into force seven days after the notice is issued. If an agreement does not pass the No Disadvantage test, the employer and employees are notified and the agreement can then be varied and re-lodged with the Workplace Authority for approval.

If you are interested in making a workplace agreement with your employees, please contact MGA's Workplace Relations team on 1800 888 479