

## **S.A. GREENS IR POLICY 2005**

The last two decades of workplace reform in Australia have seen the systematic reduction of workers' rights and entitlements and the deliberate weakening of the role of unions. These changes have seen an increase in deregulated and casualised work which has particularly disadvantaged the most vulnerable and least affluent workers, many of whom are women and young people. The re-election of the Howard Government with a Senate majority has ensured the introduction of new Industrial Relations legislation which will continue to erode, but more severely, workers' rights, wages and working conditions. These regressive laws will seriously undermine living standards and affect family life. They will be detrimental to employment, productivity and local economic growth.

### **1. PRINCIPLES**

The Greens industrial relations policy is underpinned by the principles of social justice and empowerment through workplace democracy.

We believe in:

1.1 a just society which should provide opportunities for workers to engage in work which is safe and secure

- satisfying and socially useful, and
- productive and environmentally sustainable, with
- employment security for all.
- a society where everyone can balance work, family, recreation and rest.

1.2 the ability of workers to organise collectively in democratic unions is essential to achieving a sustainable democratic future.

1.3 proper processes of conciliation and arbitration as the basis for a strong, independent, fair and effective industrial relations system.

1.4 the implementation and recognition of ILO Core Labour Standards, to provide the framework for all proposed industrial relations legislation.

1.5 opportunities for employees to receive free and ongoing education and training appropriate for the achievement of these goals and skill acquisition.

1.6 equal opportunities and fair and equitable treatment across the workforce for all workers, including job security and permanent employment wherever possible

1.7 the right to secure paid leave for the responsibilities of parenting

1.8 the recognition and merit of work such as caring for children, elderly people and people with disabilities done outside the formal economy.

1.9 effective consultation between governments, employers and unions on all aspects of industrial legislation

1.10 strong occupational health and safety laws supported by a workers' compensation and rehabilitation system that aims, first, to eliminate workplace accidents and injury and, second, to provide a fair system of compensation to injured workers, followed by good rehabilitation programs and return to safe and suitable work.

## **2.GOALS**

The Greens goals are:

2.1 the right of workers to join unions, be represented by them, bargain collectively and take industrial action in workplaces free of individual contracts (Australian Workplace Agreements).

2.2 a system of comprehensive industrial awards and arbitration, with an effective industrial tribunal to be further developed at a State level

2.3 reduced working hours without loss of pay or conditions

2.4 opportunity to access permanent employment with job security for all

2.5 protection of due entitlements of employees in cases of enterprise or company liquidation

2.6 equal opportunity throughout the workforce

2.7 consultation and participation of workers and their unions on decisions regarding workplace changes, as early as possible and at all stages of the process

2.8 the highest standards of workplace health and safety, and to encourage employers, trade unions, and workers, to be pro-active in all OH&S matters regardless of the size of workplace

2.9 adequate minimum entitlements for all South Australian workers

2.10 reduced income differentials, with more predictable and secure hours of work for all

2.11 education of employers and workers regarding their rights and responsibilities in the workplace as well as ongoing workers' training and skill acquisition

## **3.TARGETS**

### **3.1 Protecting South Australian Employees**

The Greens support:

3.1.1 strong industrial Tribunals able to establish relevant and up-to-date Awards which provide a fair system of comprehensive industry-based Awards protecting minimum wages, penalty rates and conditions of employment, unions in the work place and workers' bargaining rights, unfair dismissal laws and redundancy entitlements and the fair settlement of industrial disputes.

3.1.2 public education campaigns to warn employees of the dangers of individual contracts; union opposition to AWAs at every work place and in all agreements reached with employers; prohibition by legislation from all State agencies, local government and universities offering AWAs or non-union Agreements or from participating in the federal industrial relations system, except with the consent of relevant unions.

3.1.3 the refusal to accept Commonwealth grants which have industrial relations conditions attached

3.1.4 business contracts which recognise and deal with relevant unions and encourage union membership.

### **3.2 Right to Organise, Industrial Action & The Role Of Unions**

The Greens support:

3.2.1 the right to strike as recognised in Article 8 of the International Covenant on Economic, Social and Cultural Rights ILO Conventions No 87 and No 98 and stated by the ILO Expert Committee as a fundamental right of workers to promote and defend their economic and social interests.

3.2.2 the repeal of provisions against union activity such as boycotts and pickets.

3.2.3 the protection of unions and workers against common law actions.

3.2.4 union officials having free and unfettered access to all relevant workplaces to ensure awards, enterprise agreements, occupational health and safety conditions and orders of the Commission are being complied with;

3.2.5 legislation ensuring employers recognise and negotiate with the relevant unions

3.2.6 facilitating real democratic processes within unions to ensure membership control.

### **3.3 Training & Apprenticeships**

The Greens in South Australia would:

3.3.1 support a national framework for accredited and transferable training and skill development for employees.

3.3.2 support the establishment of minimum employment standards for trainees and apprentices in South Australia. These minimum standards should include:

- that a contract of training (COT) will not be approved until the registered training Organisation (RTO) and the employer can assure that the trainee/apprentice has or will receive an approved pre-employment orientation on OHS&W, COT rights and responsibilities, working conditions, wages, industrial relations arrangements, unions and other matters. This orientation must occur prior to the apprentice/trainee entering into the COT.
- that there is genuine and meaningful employment.
- the employment has a direct connection with the apprenticeship/traineeship.
- the trainee/apprentice is working in the presence of supervision at all times.
- that places of employment and training be free from harassment and provide equal opportunities including a certification that the host employer has operative policies covering these issues.
- that the training wage does not fall below a proportion of the State Minimum Wage.
- that the trainee/apprentice receives wages in the week or fortnight of the work performed
- the employer acknowledges and agrees to employ and train the apprentice/trainee subject to the TRAINING AND SKILLS DEVELOPMENT ACT and all its authorities and obligations
- the employer is not entering into industrial relations arrangements which have the potential to override State legislation.
- that the term of the industrial relations arrangements (training wage arrangements) concludes simultaneously with the attainment of the competency.

3.3.3 extend workplace education in schools and TAFE to include informing young people of their rights as workers, including in relation to OH&S, equal opportunity and employment conditions  
3.3.4 seek to prohibit, within the constitutional power of the State, discriminatory pay rates based on age alone, and encourage competency-based rather than ageist-based payments

3.3.5 reintroduce training for unionists in line with the programs delivered in the past by the Trade Union Training Authority

### **3.4 Hours of Work and Life Balance**

The Greens will:

3.4.1 facilitate the provision of more variable working arrangements/hours compatible with workers income and family requirements, where these are organised for the benefit of workers and are not at the expense of work satisfaction, occupational health and safety, workers' income or family life

3.4.2 support moves towards a shorter working week without loss of pay or conditions, that will create jobs, redistribute employment, and improve the quality of personal, family, community, and social life.

### **3.5 Equal Opportunity**

The Greens will:

3.5.1 establish processes which ensure the equal participation of women and people from non-English speaking backgrounds in unions and industrial negotiations

3.5.2 ensure parental leave is included in all awards, including paid maternity leave, for permanent and long-term casual workers.

3.5.3 encourage and support the availability of accessible, affordable, high quality childcare to ensure equality of opportunity and quality of working life to suit the needs of different workers whether community care, family day care or work based care

3.5.4 actively monitor the use of part-time employment and investigate whether the use of part-time employment is having the effect of denying women and young workers access to career progression and equal pay

### **3.6 Government Contracting Policy**

The Greens will:

3.6.1 reverse, wherever possible, the contracting-out of public services that has occurred since the early 1990s

3.6.2 work towards State legislation to establish an appropriately monitored system where public-sector contracts are only offered to employers who, if they have more than 100 employees, have published an ecological sustainability plan, an indigenous employment plan, where applicable and have a comprehensive occupational health and safety management system, equal opportunity policies and detail training programs for workers

### **3.7 Job Security & Employment Conditions**

The Greens will:

3.7.1 extend the range of legislated minimum entitlements. This would initially include parental leave, minimum redundancy pay, rest breaks, loading for overtime or shift work, penalty rates, jury service, on normal pay, paid carer /bereavement leave, (with others to be included over time), and the legislation of maximum working hours

3.7.2 enact a requirement for employers to have a staff development and training programme agreed with relevant unions, with default payment of 0.5% of payroll to a State Training Fund, where there is no agreement

3.7.3 support increased portability of long service leave, sick leave, annual leave, and redundancy pay entitlements

3.7.4 regulate conditions worked by people in areas of precarious employment,

3.7.5 ensure that full-time permanent employment is seen as the standard form of employment to which all employees can have access. Variations to this pattern are only to meet the preferences of employees or for genuine and compelling operational reasons

3.7.6 legislate for an employee who has been engaged on a casual basis by an employer regularly and systematically over a period of at least 12 months (including on the basis of 2 or more periods of employment); and whose employment is consistent with full-time or part-time work with an employer in the industry in which the employee is employed, to be entitled to apply to have his or her employment converted to full-time or part-time permanent employment.

3.7.7 implement specific legislation to protect outworkers which: deems outworkers to be employees; enables outworkers to recover moneys upwards through the contracting chain beyond the person who gives them work; creates a regulatory scheme requiring retailers and manufacturers to register, maintain records and provide lists of where work is sent, thus providing a legislative framework for transparency in the contracting chain

3.7.8 support policy development of specific issues which affect outworkers in regard to occupational health and safety and workers compensation as well as informing and educating outworkers about their rights

3.7.9 legislate to provide for the automatic protection of all conditions of employment and service-related accruals wherever work or employees are transferred between legal entities, such as in contracting-out or transmission of business

3.7.10 implement a government procurement code which ensures all government contracts go to accredited companies

3.7.11 seek to regulate surveillance in the workplace so that an employer must not use a listening device, visual surveillance or an electronic device unless the employer has clearly notified the employee of the installation or use of the device.

### **3.8 Occupational Health and Safety & Workers' Compensation**

The Greens will:

3.8.1 adequately fund Workcover and additional industry liaison staff, to provide and promote ongoing education in the workplace to eliminate accident, injury and disease

3.8.2 provide an adequate number of health and safety inspectors, who are appropriately trained, and free from undue interference, with increased powers, including the power to direct the establishment of health and safety committees

3.8.3 make the results of Workcover inspections publicly available, to allow coordination between authorities responsible for OH&S and environmental protection, scrutiny by

surrounding communities and the establishment of links between environmental groups and workers in hazardous industries

3.8.4 support the incorporation of environmental principles into workplace management and practice, through awards and enterprise agreements

3.8.5 review provisions for workers' compensation so that workers are not disadvantaged and receive fair and just treatment

3.8.6 support the ability to claim compensation for injuries caused by employer negligence ie Common Law rights to sue.

3.8.7 ensure health and safety induction courses are formulated for all workplaces and made compulsory for all employees

3.8.8 a general reporting requirement in South Australian companies for information about OHS performance to be made public, and that statistics about reportable accidents and industrial diseases suffered by company employees is included in annual reports to shareholders

3.8.9 seek to provide employers with incentives for good practice

### **3.9 Employer and Employee Education**

The Greens will:

3.9.1 provide properly-funded and free employer- and employee-education programs, either directly or in co-operation with employer and employee associations, to assist, effectively and efficiently, compliance with relevant workplace legislation as well as appropriate training and skill acquisition for workers;

### **3.10 International Labor Organisation Conventions and Human Rights**

The Greens will

3.10.1 specifically work towards the implementation and recognition of the following ILO Core Labour Standards:

- No 87, Freedom of Association and Protection of the Right to Organise;
- No 98, Right to Organise and Collective Bargaining;
- No 100 & 111, Equal Remuneration and Freedom from Discrimination;
- No 138, Minimum Age for Employment;
- No 29 & 105, Freedom from Forced Labour and Abolition of Forced Labour;
- No 182, Prohibition on the Worst Forms of Child Labour