

# PICKET LINE



Tom McKeon, Industrial Information Officer

## NSW industrial relations legislation

**T**he New South Wales Government has prepared a package of Bills which propose a new system for the regulation of industrial relations in that State. The functions of the Industrial Commission would be divided. Conciliation and arbitration would remain the role of the Industrial Commission, while enforcement and interpretation would become the role of the new Industrial Court.

The Bills have not been passed by the Australian Labor Party and Democrat controlled Upper House. Three hundred and nineteen amendments were put forward that were unacceptable to the government. Many amendments were

directed at changing the definitions of industrial action.

Under the proposed legislation, industrial action during the term of an award or agreement would be countered by injunctions issued by the Industrial Court. Breach of injunctions would lead to individuals receiving increased monetary and non-monetary penalties. Industrial action over demarcation issues and secondary boycotts would be unlawful at any time, with individuals facing significant fines, if they took such action.

The Bills also allow for enterprise bargaining agreements and voluntary unionism. The Bills allow for enterprise agreements to be made with the exclusion of trade unions. Enterprise associations (of employees) may be formed to participate in such agreements. This can be seen as an attempt to reduce the bargaining power of unions. It would result in further variations in pay for people doing the same work. The Bills refer to employees covered by New South Wales awards, but not Federal awards operating in New South Wales.

## Paternity leave and adoption leave

The principle of paternity leave has been agreed to by the Australian Industrial Relations Commission. Following a test case on parental leave, initiated by the ACTU, the Commission has now set a standard that will be incorporated into Federal awards. In due time, these provisions will flow on to industrial awards made under the various State awards.

*Paternity leave of up to 51 weeks will be allowed, where it is taken in lieu of the spouse's maternity leave.*

*The job protection conditions that apply to maternity leave will now apply to male employees taking paternity leave.*

Paternity leave of up to 51 weeks will be allowed, where it is taken in lieu of the spouse's maternity leave. The job protection conditions that apply to maternity leave will now apply to male employees taking paternity leave. Maternity leave will be reduced by the amount of paternity leave taken, except for 1 week's leave at the time of birth for employees with 12 months continuous service.

These provisions recognise the changes in Australian society's attitudes towards the child-rearing responsibilities of male parents. Where adoption leave exists within awards, it may be extended to the adopting father on the same basis as the adopting mother. Three weeks are allowed for both parents at the time of adoption, with a maximum of 52 weeks altogether.

## Training is an 'industrial matter'

The Federal Commission has decided that training is an industrial matter and may be the subject of industrial awards. This is important given that industrial matters have often been defined very narrowly in Australian industrial law.

This decision was made in respect of a claim by the Amalgamated Metal Workers Union on employers that a National Metal and Engineering Industry Training and Career Development Board be established. The Commission decided that a clause establishing this training board should be inserted into the award in question.

This decision has set a principle allowing for training arrangements to be incorporated into other awards.

# OUT LINE

**P**reoccupying every waking moment of ALIA National Office staff at this stage are thoughts and plans for the ALIA Biennial Conference in Perth. A number of staff members will be in Perth and are looking forward to speaking with as many members as possible. Staff attending are: Sue Kosse — Executive Director, Mary Papachristos — Membership Services Manager, Tom McKeon — Industrial Information Officer, Helen Mandl — Division Support Officer, Carol Kenchington — Professional Development Officer and Barry Hewish — Conference Manager. Come and visit the ALIA stand in the Trade Exhibition,

take a seat and have a chat! You are the Association and the staff are working for you. If it is a brickbat or a bouquet, come and talk to us. We value your ideas and feedback.

The conference is an ideal opportunity to catch up with other members, especially those belonging to the various Sections and Special Interest Groups. Sectional dinners have been organised and allow you to mix business with pleasure. The organisers of these dinners require an idea of numbers, so if you have not yet booked, give them a call immediately and let them know you are coming.

General information, publications and some special items will be available at the ALIA stand. However, if members cannot make it to Perth, don't forget that you are always welcome to call the National Office and speak to the staff about your concerns.

Mary Papachristos  
Membership Services Manager  
Helen Mandl  
Division Support Officer

