



**Phil Teece**  
*Manager, Personnel &  
 Industrial Services*

**A**s I reported in February's *Picket Line*, a key policy objective of the Federal Government's controversial new industrial relations system is improvement in the balance between work and family commitments. This is being presented as an important contribution in the Year of the Family.

The Government has used its External Affairs powers to draw on conventions of the International Labour Organisation in order to make strong support for workers with family responsibilities a central element of national labour market policies. While this is a significant policy development, the real interest for Australian employees lies in how comprehensively it is given practical effect through industrial awards and agreements. This will determine whether the change is simply an interesting amendment from a conceptual or legal viewpoint or, in fact, a major step in freeing up the way work is done in Australian organisations.

Some clues can be gained from two recent and important decisions in this area by the Australian Industrial Relations Commission. Both were made by Commissioner Greg Smith, widely seen as one of the Commission's more innovative and forward-looking members. In the first of these cases the Commissioner determined the *Australian Public Service Home Based Work Interim Award 1994* (*Print L1950*), which is Australia's first award dealing with home-based work. The main feature of the award is a provision for up to 60% of an employee's usual hours of work to be spent working at home. Such an arrangement can only be made on a joint basis with the agreement of both the employee and management and certain types of jobs cannot be considered for home-based work: these

include those requiring close supervision, face to face client contact or extensive team-based operation. Despite these limitations, however, the award is a trailblazer which is likely to make real changes to organisation of work in the Australian Public Service.

In his decision (*Print L1732*), Commissioner Smith emphasised the Commission's objective of encouraging flexibility in working patterns and working life. He described the award as an innovative approach to opportunities presented by changes in technology and to contemporary issues of labour market flexibility and family arrangements. It was very much in the public interest that the award be made, in the commissioner's view. It will remain in place for 12 months and a joint review will take place three months before it expires. There is little doubt that the decision will encourage extension of the concept to other organisations in the near future.

Commissioner Smith's second controversial ruling on family issues concerned nursing staff in the ACT health system. In it, he ruled that the ACT Health Department could not alter the rosters of nurses at Canberra's Woden Valley Hospital if they provided statutory declarations stating they had chosen their existing shift patterns to meet family responsibilities. This overturned a decision by the ACT Health Minister to make shift changes. The Commissioner relied on the International Labour Organisation Convention to make the decision—under the new Industrial Relations Act, Commission members are 'required to consider this convention in the discharge of their duties'.

The ACT nurses decision has been widely seen as a major early development in application of the

*...library and information workers should give careful attention to how they can improve both their own working conditions and their bargaining power in negotiating enterprise agreements.*

Government's new industrial relations system and a portent of things to come. It would seem to suggest that employees will have considerably more bargaining power than previously in regard to changes in their working arrangements; in short, employers will be unable to change working hours arbitrarily if employees argue that family responsibilities would be adversely affected. Such changes will now need to be made by agreement and, ultimately, further flexibility is likely to be introduced to industrial agreements.

In February's *Picket Line* I mentioned that I would be closely monitoring the practical application of the new Act, since the way it was applied, even more so than its strict contents, would reveal just how much change was likely to result. In this connection then, it is interesting to note that, within weeks of the Act's proclamation, the two cases discussed here allow us to conclude that in one aspect at least—that of workers with family responsibilities—changes are going to be far more than merely cosmetic.

The demographics of the library and information sector's workforce make this aspect of the new industrial relations law and system one of particular interest. As the implications of these seemingly important decisions permeate the industrial relations scene, library and information workers should give careful attention to how they can use them to improve both their own working conditions and their bargaining power in negotiating the enterprise agreements which they will increasingly be asked to take part in developing. I would be very interested to hear of any activity in individual libraries and would be grateful if members would let me know about their experiences in this area. ■