Picket Line

Phil Teece
Manager, Personnel & Industrial Services

During the next two years, while there may be another review of safety-net wage rates, the Commission will conduct no National Wage Cases.

Enterprise Bargaining review

Review of enterprise agreements registered in the first half of 1994 reveals the following trends:

Agreements are predominantly of short duration, with one to two years the average.

Adoption of performance-based pay systems is increasing with measures of performance including output volumes, turnaround times, number of service complaints, safety results, extent of absenteeism and proportion of available productive time lost as downtime.

Changes introduced to boost productivity include training for multi skilling, health and safety programs, extended operating hours and time off in lieu rather than payment for overtime.

Agreements which totally replace industrial awards by covering the full range of employment conditions are very much the exception rather than the rule but are gradually becoming more popular. ■

New Federal wage fixing principles

After completing a formal review of its wage-fixing principles, a Full Bench of the Australian Industrial Relations Commission has now issued a revised Statement of Principles.

The new provisions give practical day-to-day effect to the recent changes in the *Industrial Relations Act 1988* and in doing so, firmly embed the move away from centralised wage setting in the operational activities of the nation's major wage fixing tribunal.

To achieve this the Commission has severely restricted the extent to which it will arbitrate in favour of wages claims, other than those applying to the so-called award safety net.

The new Principles were released on 16 August, 1994 and will operate until 1 July 1996. Changes to the present safety net have been deferred to a separate review, which began in August. Until it's completed, wages and conditions within current awards will be regarded as the existing safety net.

During the next two years, while there may be another review of safety-net wage rates, the Commission will conduct no National Wage Cases.

This means categorically that all workers, except the most lowly paid, will gain pay rises from 1994-1996 only by engaging in enterprise-based negotiations, whether via formal union-respondent agreements, non-union enterprise flexibility agreements, informal collective processes or individual contracts.

Amendments on sex discrimination

Important changes to the Sex Discrimination Act were recently announced by the Prime Minister. Where indirect discrimination is alleged, the onus of proof now lies with the defendant rather than the complainant.

Discrimination which concerns the identity of a spouse is now unlawful; and potential pregnancy as a basis for discrimination is also now against the law. ■

Unlawful termination laws

The new Federal unlawful termination laws introduced from March have been amended. Changes limit the laws' application to non-award employees by imposing an annual salary limit of $60 000 — people earning more than this have no access.

Compensation for unfair dismissal is now to be paid only where the Court believes reinstatement is 'impracticable' and will be limited to six months pay, or in the case of award employees, $30 000 or six months pay, whichever is the lower.

The onus of proof now reverts to the applicant, except in some specified matters. The effect of these changes is expected to severely reduce the initial flood of unfair dismissal applications to the new Industrial Relations Court. ■