

Workwatch

Wage and salary matters

Last month's 'Workwatch' column referred to various salary negotiations currently occurring which will affect the library and information sector. The main change over the last month has been ratification of increases granted to teachers, including teacher librarians, in Victoria. These are now listed on the ALIA website at <http://www.alia.org.au/employment/salary.scales/teacher-librarians.html>

In Western Australia, pay rises of up to 21.7% were offered to state school teachers at the end of July, with the offer awaiting ratification as at mid-August. Negotiations in the Northern Territory over teacher salaries have been delayed due to the Territory election held on 9 August. In South Australia there has been recent industrial action by teachers aimed at bringing salaries into line with the substantial increases granted in other states during 2008. The ALIA website will note any outcomes from these negotiations.

Across the workforce generally, Australia's lowest paid workers have been granted an increase of \$21.66 per week by the Australian Fair Pay Commission. The increase will apply from 1 October 2008 and will flow on to junior employees, people in training arrangements and to workers with a disability. <http://www.fairpay.gov.au>

Workplace and industrial relations changes

Over the last couple of years, ALIA has provided members with ongoing updates as to changes in Australia's workplace laws made by the former Coalition Government and by the Rudd Labor Government since its election in November 2008. The most recent amendment to the Workplace Relations Act took effect at the end of March this year when Australian Workplace Agreements (AWAs) were abolished. Existing AWAs will continue to run until they expire. For guidance as to any issues arising from AWAs entered into between 2006 and 2008, reference should be made to the Workplace Authority website at <http://www.workplaceauthority.gov.au>. The same site sets out the National Employment Standards (NES) which are basic working conditions that will apply from 1 January 2010.

OH&S harmonisation

Discussions have recently begun between representatives of states and territories concerning harmonisation of occupational health and safety (OH&S) regulations across Australia. Aside from the basic issue of standards, there are ancillary issues such as whether unions should continue to have the right to bring actions against employers for alleged breaches of safety standards, as is the case in some jurisdictions, or whether that role should be solely in the hands of an independent prosecutor. A further issue is that of who bears the onus of proving whether or not particular measures to protect workplace health and safety were 'reasonably practicable'. In some parts of Australia, the onus is on a defendant employer to establish that such measures were not reasonably practicable, while elsewhere it is up to prosecutors to prove that reasonably practicable measures were available but not taken. It is likely that resolution of these points will take up much of the time between now and 2011 when consistent regulations are due to come into effect.

Aside from the review taking place at national level, the ACT Government is currently considering a Work Safety Bill, which will largely replace the Territory's Occupational Health

and Safety Act 1989. A significant feature of the consultation process surrounding the proposed legislation has been the desirability of bringing OH&S procedures in the ACT into line with those of NSW, especially given the number of workers who cross ACT and NSW borders for employment and the number of businesses operating in both jurisdictions. It is expected that the Work Safety legislation will come before the ACT Assembly in late 2008 and will be complementary to the work being undertaken by the Council of Australian Governments (COAG).



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Casual and temporary employees: who is liable for injuries?

From time to time ALIA has been approached about problems arising when a library employee is engaged in a short-term contract or temporary role through a recruitment agency and sustains an injury while employed in that role. Generally, the onus would be on the particular workplace, as opposed to the agency, to bear responsibility for providing a safe workplace. It is the case, however, that disputes or at least lack of clarity can sometimes exist between the agency and its employer client in these matters. ALIA is currently looking into these matters and further advice will be the subject of a future 'Workwatch' article.

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