

Workwatch

One of the themes of this month's *inCite* is industrial relations, which is timely now that the Commonwealth *Fair Work Act* has been proclaimed. Most of the provisions of the Act will take effect from 1 July 2009, with remaining measures applying from January 2010.

From press reports and earlier *Workwatch* columns, members of the library workforce will be familiar with the main features of the new legislation. These include:

- increased protection from unfair dismissal
- ten minimum employment conditions
- standards for good faith collective bargaining
- assistance in bargaining for low paid workers
- clear rules governing industrial action
- widened provisions for unpaid parental leave
- rights to request flexible working arrangements.

Flexible working arrangements

This aspect of the *Fair Work Act* will be of particular relevance to the library workforce, 85% of whom are female and which has a comparatively high number of part-time and casual workers. The rights of

employees in requesting flexible working arrangements are set out in section 65 of the legislation. An employee who is a parent of, or has responsibility for care of a child under school age may request an employer for a change in working arrangements to assist the employee to care for the child. The entitlement to make such a request also applies to an employee with a child under 18 who has a disability. Changes in working arrangements which may be sought include changes in hours of work, patterns of work, and in location of work.

The entitlement to request flexible working arrangements applies to employees who have completed at least 12 months of continuous service with the employer and, in the case of casual workers, will only apply to long-term casual employees. Both requests and the employer's response must be in writing. An employer may only refuse the request on reasonable business grounds and must provide reasons for refusal.

Parental leave

Provisions of the Act covering parental leave are covered by sections 70 to 85. The basic provision is that an employee is entitled to 12 months of unpaid parental leave if the leave is associated with:

- i. the birth of a child of the employee or the employee's spouse or de facto partner; or
- ii. placement of a child with the employee for adoption.

There is currently no statutory provision for employers to offer paid parental leave, as distinct from recent undertakings for parental leave payments by the Federal Government. Employer-funded parental leave is a matter of agreement with individual employers and are usually referred to in collective agreements. Employees with queries on this aspect of parental leave should refer to their contracts of employment and applicable collective agreements.

Equal remuneration

Of similar interest to the library sector is section 302 of the *Fair Work Act* covering principles of equal remuneration, defined as "equal remuneration for men and women workers for work of equal or comparable value". Where employees believe that this principle has not been applied in setting remuneration, application for an appropriate order may be made to Fair Work Australia by an affected employee; an employee organisation such as a union which has standing to represent the employees; and the Sex Discrimination Commissioner.

Fair Work Act: links

The Department of Education, Employment and Workplace Relations (DEEWR) has an overview and fact sheets concerning the new legislation at



Heather Nash
Industrial Relations
Advisor

<http://www.deewr.gov.au/WorkplaceRelations/NewWorkplaceRelations/Pages/default.aspx> This material provides excellent summaries for both employers and employees. The legislation itself is at <http://www.comlaw.gov.au> and should in the near future be at the link to 'Commonly viewed legislation'.

Further developments concerning workplace legislation and provisions from the May Federal Budget which affect workplace entitlements will be covered at <http://www.alia.org.au/employment>.


Teacher librarian salaries: South Australia and Queensland

The Enterprise Agreement covering teachers in South Australia expired on 31 March 2008 with a new agreement still not established more than a year later. The 3.75% pay increase granted from 29 January 2009 was an interim measure and details of new salary levels have been added to the ALIA employment pages.

Teachers in Queensland have begun a campaign for increased pay following expiry of their most recent Enterprise Agreement on 30 April 2009. Developments are covered at the website of the Queensland Teachers Union at <http://www.qtu.asn.au>.

Heather Nash
Advisor, Industrial Relations &
Human Resources
heather.nash@alia.org.au

The Budget 09-10 update is now available to members only on the ALIA website:
<http://www.alia.org.au/advocacy>




library shelving & workstations

previously from Duff Steel /Haworth

complete solutions
new & reconfigurations

libraries / schools / offices



e: cfi.vista@gmail.com
p: 0407 004 441
w: www.cfi-vista.com.au

FROM
F
FOR QUALITY AND RELIABILITY