

# ARE THERE LESSONS FOR AUSTRALIA FROM OVERSEAS WORKPLACE RELATIONS ARRANGEMENTS?

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Legal Briefings

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*“Beyond their advantages in providing lessons about parts of the WR system and any of its flaws, are there broad lessons for Australia from overseas WR arrangements?”* This is one of the many questions posed in issues papers recently released by the Productivity Commission as part of its wide-ranging enquiry into the workplace relations framework in Australia.

The Australian Government has asked the Productivity Commission to undertake an inquiry into Australia’s workplace relations framework, which will result in a final report to Government on 30 November 2015. The Productivity Commission has released five Issues Papers designed to assist individuals and organisations to prepare submissions to the Commission’s inquiry. The scope of the inquiry is broad and the issues papers deal with matters including minimum terms and conditions of employment, the bargaining framework, competition laws, and regulation of independent contractors.

## IMPLICATIONS FOR REGIONAL OR GLOBAL EMPLOYERS

The Productivity Commission observes that Australia appears to give more weight than other countries to elaborate rules about workplace relations processes and to the decentralised determination of wages and conditions for many employees. This then requires a complex legal and institutional architecture that is distinctive to Australia. Companies who have workforces in multiple jurisdictions including Australia will be well aware of this. However, what is new and may be of interest is the opportunity to make a submission to the Productivity Commission regarding what Australia might borrow from overseas experiences. The issues papers specifically indicate the Commission's interest in overseas experiences both generally, and specifically in relation to:

- models for individual (as opposed to collective) agreements, including evidence about their costs and benefits
- insights into the reasons for international variations in industrial action; and
- how Australia compares internationally with regard to unfair dismissal protections

The inquiry also provides an opportunity for regional and global employers to make submissions on specific issues that they face operating in Australia. For example, some employers might make submissions regarding:

- the need for more clarity around the apparently broad and extensive extra-territorial effect of the Fair Work Act in relation to employees of Australian employers; and
- the significant costs associated with the requirement to recognise prior service with overseas related corporations for long service leave purposes in some Australian states when an employee transfers to Australia

**Public submissions to the Commission's inquiry are due by 13 March 2015.**

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