

WORKPLACE RELATIONS FRAMEWORK INQUIRY UNDERWAY

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Legal Briefings

The Productivity Commission has released five Issues Papers designed to assist individuals and organisations to prepare submissions to the Commission's inquiry into the workplace relations framework in Australia. 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. Public submissions are due by 13 March 2015.

The Australian Government has asked the Productivity Commission to undertake a wide-ranging inquiry into Australia's workplace relations framework, which will result in a final report to Government on 30 November 2015.

The Productivity Commission released five issues papers in January 2015, which are designed to assist individuals and organisations to prepare submissions to the inquiry, which are due by 13 March 2015.

Following on from the release of the terms of reference on 19 December 2014, the Productivity Commission has now released a series of issues papers and invited public comment.

ISSUES IN SCOPE FOR INQUIRY

The five issues papers reflect the Commission's initial views about the priority questions that the papers deal with, including:

- providing safety nets, including the Federal minimum wage, the National Employment Standards, the award system and flexibility, and penalty rates
- bargaining and industrial relations, including key processes, industrial action, individual arrangements and dispute resolution
- protections in the workplace relations system, including unfair dismissal, anti-bullying laws and general protections and adverse action
- other areas of workplace relations, including institutions, compliance costs, competition law, public sector workplace relations, independent contractors and labour hire, sponsored foreign workers, right of entry, transfer of business and long service leave

The Commission also refers to a number of matters that are outside the scope of its inquiry. These include union governance arrangements, institutional arrangements in the construction industry, financial assistance for legal representation, workplace health and safety institutions and laws, and superannuation.

SUBMISSIONS

The Commission has invited interested people and organisations to contribute to the inquiry. This may be done through lodging a submission, which will be made publicly available, and which the Commission has requested be supported by evidence such as relevant data and documentation. In certain circumstances material may be able to be provided in confidence. An alternative option available is to make brief comment through the Commission's website.

IMPLICATIONS FOR EMPLOYERS

It is too early to know what reforms to workplace relations (if any) the Productivity Commission will recommend in its final report in November 2015, and whether the government will seek to implement any of these in the future. Of course, if reforms are made, employers will need to familiarise themselves and comply with the new laws.

In light of the potential for change, employers who have any comments or suggestions in relation to the current workplace relations framework in Australia may wish to provide these to the Productivity Commission via a formal submission or brief comment.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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