



# National Industrial Relations and Workforce Seminar 2023

Wednesday 22 March 2023

Bus Australia Network

**BIC** Bus Industry Confederation moving people  
**busnsw** Bus & Coach Association NSW  
**BusSA** Bus & Coach Association SA  
**@BIC** Moving forward together  
**TasBus** Tasmanian Bus Association



# The Government IR Reform Strategy

Presentation by Ian MacDonald, BIC National IR Manager



## IR Reform Package

The ALP went to last year's election with a aspirational Industrial Relations Agenda

- Making jobs more secure
- Adopting the entire recommendations of the AHRC Respect @ Work Report
- Addressing systematic underpayment of wages
- Making enterprise agreement bargaining easier and providing the Union movement with greater rights of negotiation
- Empowering the Fair Work Commission with objectives that sought to reduce the gender pay gap and to provide same work, same pay principles
- Introducing 10 days paid family and domestic violence leave
- Repealing the ABCC and the RoC

## Secure Jobs Better Pay

Stage one of the Government's Agenda was legislated in 2022, and

- Did adopt all of the recommendations of the Respect@ Work Report and gave to the FWC and the AHRC significant powers to conciliate and arbitrate sexual harassment complaints and to impose sanctions and damages where breaches occurred.
- Did introduce a new regime of multiple industry bargaining, where more than one employer could agree to negotiate a multiple agreement and the effect would bind other employers, who had a common interest and met other criteria without an opportunity to be involved in the negotiations.
- Did implement new procedures to be adopted by the FWC with respect to bargaining, with powers to arbitrate in circumstances where bargaining had become intractable.

## Stage Two (Second quarter)

The Government has indicated that further legislation would:

- Introduce a right for superannuation to become part of the NES, which would mean disputes about super entitlements could be dealt with by the FWC.
- Increase paid parental leave to 26 weeks over a gradual 2 weeks each year with its use to be shared between the parents and to strengthen the rights of parents to take unpaid parental leave for up to 2 years.
- Enable the provisions of the Fair Work Act to apply to temporary workers who held temporary work visas.
- Provide power to the FWC to make workplace determinations which would replace an existing enterprise agreement.
- Enable employees to limit the amounts which can be deducted by an employer from an employee's salary.

## Stage Three (Third quarter)

The Government has indicated that further legislation would:

- Seek to redefine casual employment to give effect to the Full Court decision in Rossato, which defined casual employment by reference to the nature of the work not the intentions of the parties at the commencement of employment.
- This will have ramifications to the casual conversion provisions and to the issue of double dipping with respect to leave entitlements.
- Legislate to ensure that those in the gig economy and in labour hire companies were paid the same as fully employed persons and be entitled to the same rights under the NES as employed persons.
- Introduce higher penalties including criminal sanctions for wage theft.

## Industry Panel Session



Adam Arness is the Workplace Relations Manager of Kinetic. Before joining Kinetic, Adam was a Senior Associate at a Boutique Victorian Law Firm, where he had a strong focus on employment law and workplace relations and regularly appeared in the Fair Work Commission and Federal Circuit Court on workplace matters. Outside of Kinetic, he is currently a member of several Boards and Committees where he provides specific employment advice and guidance.

## Industry Panel Session



Rowena Van Malsen is the General Manager of People and Culture at CDC Regional Australia and is responsible for a variety of enterprise agreement negotiations from Darwin, through to the Sunshine Coast, into northern New South Wales and finally down south to Queanbeyan. Rowena has great experience in Human Resources with a number of industries with an MBA from the Australian Institute of Business and a post grad diploma in HR and IR at RMIT University.



## Industry Panel Session



Damian Lee is the Chief Executive at Murrays and has, over many years, been in the thick of negotiations firstly with the old Hawke/ Keating collective agreements, then onto John Howard's individual workplace agreements, and the more recently enterprise agreements under the Rudd/ Gillard in the coach industry, which is a competitive and deregulated market. Damian knows more than most that the impact of labour costs can make or break a coach business.

## Industry Panel Session



Steve Schofield is Group Head of Downer EDI and has responsibility for over 50,000 employees, if you throw in the Keolis Downer side of the business. Steve's experience in dealing with the trade union movement over many years makes him a leader of the pack when it comes to closing a negotiation. Steve has recently, successfully negotiated with the RTBU, to finalise an enterprise agreement for Keolis Downer in Region 8, which KD won from the STA last year.



# Questions?

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**MOVING PEOPLE**



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