

# Employment & Industrial Alert

May 2008

## ***Award Modernisation***

On 29 April 2008 the President of the Australian Industrial Relations Commission Justice Giudice released a statement and other information concerning the award modernisation process requested by the Minister for Employment and Workplace Relations.

The President's statement deals with information about the process including the initial consultation and what will follow.

For further information concerning the factors involved in the award modernisation process please refer to section 576B(2) of the ***Workplace Relations Act***.

The President has consulted with major groups including the ACTU, the ACCI and the AiGroup. The President has stated that industries will be grouped together in the one modern award – where convenient and appropriate to do so.

The Commission must by 30 June 2008 complete three priority tasks:

1. A list of priority industries or occupations for which modern awards are to be made by the end of 2008;
2. The publishing of a model award flexibility clause to be included in modern awards;
3. A publishing of a timetable for the completion of the award modernisation process.

A consultation process has been set up by the Commission and this will include Full Bench sittings in Melbourne and Sydney and then members of the Full Bench sitting in Brisbane, Adelaide, Canberra, Hobart, Perth and by video link with Darwin. All stakeholders have been invited by the President to participate in the consultation process.

The President has stated that the Full Bench ***should decide on the priority list, the model flexibility clause and a timetable by 20 June 2008.***

The initial draft list of priority industries are as follows:

- Aged Care Industry (excluding Nursing);
- Clerical occupation (with appropriate exclusions);
- Coal Industry;
- Electrical Occupation (other than electricians covered by relevant industry awards);
- Gardening and sports ground maintenance industry;
- Graphic Arts Industry;
- Higher Education Industry;
- Hospitality Industry;
- Information and Communication Technology (ICT) Industry;
- Insurance Industry;
- Metal Engineering & Associated Industries;
- Nursing Occupation;
- Poultry Processing Industry;
- Racing Industry;
- Rail Industry;
- Retail Industry;
- Rubber, Plastic and Cable Making Industry;
- Technical Services – Engineers and Scientists Occupations (with appropriate exclusions);

- Textile, Clothing and Footwear Industry.

We refer to the President's statement concerning the differing draft model award flexibility clauses submitted by the ACTU, ACCI and AiG. All employers and those participating in the workplace/employment process will be very interested to follow the debate and the Full Bench's position on the model flexibility clause. Employer groups and many employers believe that the flexibility clause might go some way to alleviate any concerns they have had about the abolition of AWAs. The Union's perspective is to do their best to protect individual employees against prospective abuse of a flexibility clause by an employer.

We will keep you updated about information concerning the award modernisation process.

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