

IRS

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NEWSLETTER

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SECRETARIAT

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PRESIDENT'S MESSAGE

Dear Members,

The Committee of Management has been working hard to facilitate seminars of interest. Notable future seminars include a presentation by Professor Andrew Stewart on 23 July 2014 'Workplace Reform Under the Abbott Government: No Alarms and No Surprises': and the Patron's Breakfast on 12 August 2014 where Justice Greg Parker will speak about the newly introduced South Australian Civil and Administrative Tribunal. Justice Parker is the inaugural President of the Tribunal. Keep a look out for marketing material about these events

The Annual General Meeting (AGM) of the Society will be held in August. A date will be announced in the near future. I remind members that at the AGM, I will be putting a motion that the name of the Society be changed to the South Australian Labour and Employment Relations Association – in keeping with the name of the national parent body, the Australian Labour and Employment Relations Association. I again invite any member who wishes to discuss that proposal to contact me.

Best wishes,

Craig Stevens
President IRSSA

Promoting Productive Enterprise Agreements Project

On 8 May 2014, the Fair Work Commission's launched a new phase of its change program Future Directions which features 30 initiatives that will be delivered over the next two years.

The Commission has commenced work on a Future Directions research initiative that will identify and publish enterprise agreement clauses that enhance productivity and innovation.

The research is being undertaken in response to the Fair Work Act Review Panel's recommendation that institutions created under the *Fair Work Act 2009* extend their role to actively encourage more productive workplaces, including through promoting best practice productivity enhancing provisions in agreements, in its report 'Towards more productive and equitable workplaces - an evaluation of the Fair Work legislation'.

The aim of the research is to provide a public resource for all Australian workplaces seeking to include productivity or innovation clauses in their own enterprise agreements. It is an important project and one which we believe could greatly benefit Australian workplaces in this increasingly competitive economic climate.

As part of this research, the Commission is inviting employers, employees and their representatives to nominate provisions in their agreements that they believe enhance productivity or innovation.

Whether a clause is productivity enhancing or innovative will be for submitting parties to determine. The research will not involve any form of external audit or assessment of the workplaces to which submitted clauses apply. Participants' financial or other confidential information is not required. Participants will be asked to discuss their submission with Commission staff.

Parties have until 8 August 2014 to nominate a clause.

A selection of nominated clauses, including findings from interviews with participants, will be part of a report to be published by the Fair Work Commission this year.

More information

More information, including a nomination form, is available at www.fwc.gov.au/creating-fair-workplaces/research or by contacting the Commission's research staff at research@fwc.gov.au or on (03) 8661 7024.

DID YOU KNOW?????

The South Australian Law Society has confirmed that all IRSSA seminars are recognised as CPD activities for the purposes of Practising Certificate requirements in South Australia. Legal practitioners in South Australia can claim 1 CPD unit for an active hour at an IRSSA seminar.

Flexible Workplace Practices

Sharaze Pentland, IRSSA Committee Member

Flexible work practices can deliver more productive and efficient workplaces, as well as improve employee morale. Businesses are increasingly appreciating how flexible work arrangements can benefit their performance through improved staff motivation and productivity. A growing number of industrial instruments provide a basis for flexible working arrangements.

Flexible work practices can take many forms. They include:

- part-time work;
- job sharing;
- working from home;
- working from another location;
- compressed working hours;
- flexible leave options; and
- Flexible start and finish times.

Even if an employee is unable to access a legislated entitlement to flexible work practices (for example, because of eligibility requirements), it is possible for employers to provide such arrangements by way of policy and contractually.

Many older workers care for elderly parents, children or grandchildren which means that employers will need to consider offering more flexible conditions to retain their workers. This is particularly the case given the recently announced increases to the pension age.

Leave entitlements

There are a range of leave entitlements aimed at improving work and family balance to assist employees in meeting their caring responsibilities.

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Parental Leave - An eligible employee is entitled to unpaid parental leave for a period of up to 12 months. There is also a right to request an additional 12 months unpaid leave, with approval from the employer. The Commonwealth Government also provides 18 weeks of paid parental leave for an eligible employee.

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Personal/Carers Leave - This leave, when accrued (and sometimes in advance of accrual) can be taken by an employee when they are sick, or to care for a family member or dependant who is sick or requires care due to an unexpected emergency. The basic entitlement is 10 days per annum and untaken leave accrues from year to year.



Annual Leave - There is now frequently more flexibility around annual leave for employees. Such leave may be taken for any period agreed between the employer and employee, including single days - or even hours, rather than in blocks of a week or longer.

Flexitime

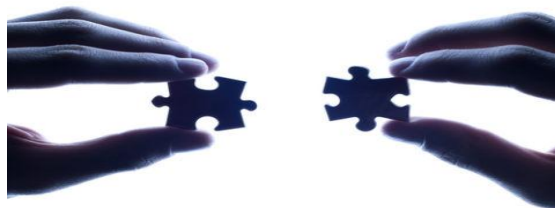
Flexitime enables workers to work an agreed number of hours spread over a set period of time. This allows a worker to accrue hours in order to have a rostered day off during that period. This could be done on a fortnightly or monthly basis, or as agreed with the employer. Rostered days could also be accumulated, if the applicable instrument or policy allows.

Compressed Working Hours

Compressed working hours allow employees to work longer hours each working day in order to work less days over a set period of time. A common example is where a worker works a 4-day week by working longer hours on the four days and does not work the fifth day.

Part-Time Work

Part-time work gives job protection, regular hours and access to the same benefits as full-time employment albeit relative to number of hours worked. Part-time arrangements permit many workers to better manage their work and caring responsibilities. Part-time working arrangements allow employers to retain valued and skilled workers, arrange work to coincide with peak or slow times, extended hours of operation and minimise staff turnover or reduce absenteeism.



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Job Sharing

Job sharing lets two or more workers share one full-time job - or even a fraction of a full time equivalent job. It's a practical way of attracting and retaining workers, including those with caring responsibilities, who do not wish to or are unable to work full-time. It can bring a wider range of skills to the one position, offers wider recruitment options and provides opportunities for the employees sharing a job to support and learn from each other. Additionally, job-sharing can reduce turnover in positions that are demanding or monotonous and can allow businesses to extend hours of operation without incurring overtime costs.

Seasonal Work

Some workers, including those with caring responsibilities, don't wish to or are unable to work for parts of the year. However, they may be available to work during school holidays, over the Christmas period or during peak business operations. Businesses using workers for seasonal work can plan for busy periods and attract and retain workers who otherwise might not be available.

Working from Home

Home-based work is another way that employers can retain valued employees who may otherwise leave the company. It can increase productivity because it reduces commuting time and because there are fewer interruptions to work. Home-based work may be permanent or it may be used as and when needed to help workers manage their work and caring responsibilities. Clearly, employers need to be keenly aware of occupational health and safety issues when contemplating working from home arrangements.

Purchased Leave

Employers can offer their workers the opportunity to 'purchase' additional leave by a corresponding reduction in weekly pay throughout the year. For workers without caring responsibilities, purchased leave provides more leisure time to pursue interests or travel. For those with caring responsibilities, the extra time away from work could be used in conjunction with respite care to provide a well-earned break for the carer or it could enable family members to share caring responsibilities.

CLOTHING UNION COMMENCES COURT ACTION TO UNCOVER THE FACELESS WOMEN OF FASHION

The Textile Clothing and Footwear Union of Australia (TCFUA) has begun Federal Circuit Court proceedings against companies who own many leading fashion labels, over alleged breaches of laws preventing the exploitation of outworkers.

Twenty-three clothing companies will join the ranks of over 170 others previously taken to court by the TCFUA for failing to abide by minimum legal standards in the clothing industry. The TCFUA will allege that the group of 23 breached important outwork and related provisions of the Awards (either the former *Clothing Trades Award 1999* and/or the *Textile, Clothing, Footwear and Associated Industries Award 2010*).

Michele O'Neil, TCFUA National Secretary said: 'TCF outworkers, almost uniformly migrant women, labour at home at the end of long and complex supply chains. Outworkers are particularly vulnerable to exploitation given the hidden nature of their work and their isolation. Despite their high level of skill, most are forced to work long hours for very low wages, some for as little as \$5-6 an hour.'

The TCF Award provisions impose obligations on the whole supply chain to make transparent where work is being done, by who and under what conditions.

Ms O'Neil said 'Without supply chain transparency, it is impossible to identify sweatshops and where outworkers are, how much workers are being paid and whether other labour standards are being complied with. The award breaches alleged by the union go directly to this issue. To put it simply, the award outwork provisions are critical to ensuring that sweatshop workers and outworkers, receive their minimum legal wages and entitlements.'

Ms O'Neil called on the fashion industry to reject a race to the bottom based on the exploitation of outworkers and the use of sweatshops. 'There are companies doing the right thing and who have embraced ethical manufacturing in Australia. That's the future for the industry – beautiful clothes made ethically in Australia. Our union will not let companies who persist in breaching minimum award obligations get away with it.'

Where to draw the line on sexual harassment – By Elizabeth Broderick, Ged Kearney and Kate Carnell

Published on <https://www.humanrights.gov.au/news/stories/sexual-harassment-know-where-line>

One of the unusual things about sexual harassment is that - in the offices, factory floors, warehouses and work sites around our country - people know something 'not right' is happening to them or someone else, but they don't know what to call it or what to do.

Take the woman who knows her workmate continually makes subtle, but unwelcome and inappropriate sexual comments and jokes which have, at different times, offended a number of his colleagues but who feels too uncomfortable to say anything.

Or the woman whose manager gives her 'presents' of sex toys and subtly suggests that they should sleep together after work.

Research has shown us that many people who have experienced it in the workplace do not describe their experience as sexual harassment, nor as illegal. In fact, research conducted by the Australian Human Rights Commission found that one in five people say they have not experienced sexual harassment but then go on to describe experiences that would constitute sexual harassment under the legal definition.

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Not only does the research indicate that people often don't know what sexual harassment is, it shows that – if they do - they mostly don't report it because they either don't think it is serious enough, or they are afraid of the workplace repercussions.

That is why the Commission, the Australian Council of Trade Unions and the Australian Chamber of Commerce and Industry have jointly launched an awareness strategy intended to run in workplaces around the country. We realised we needed to take action. We needed to encourage workers to 'know where the line is' – to know when behaviour and interactions cross the line into workplace sexual harassment.

Like making inappropriate sexual jokes, comments or questions about someone's sex life, their sexuality or what they look like. Like inappropriate leering, touching, hugging, cornering or kissing.

The reality is that sexual harassment has real repercussions for the worker on the receiving end - in the vast majority of cases, women, but increasingly, men as well.

People who are the targets of sexual harassment experience higher levels of stress and illness, negative impacts on their self-esteem and overall health, financial losses and economic hardship, even forced resignation. At the same time, businesses also experience negative impacts in the form of productivity and reputation losses, problems with OHS or workplace health and safety, higher levels of team conflict, higher leave costs, lower staff retention and increased workers compensation claims. Sexual harassment is a significant cost to business that we can't afford.

It is not only the people on the receiving end of sexual harassment, and the perpetrators, that need to "know where the line is" with sexual harassment. It is also the people who see or hear the harassment. As people who experience sexual harassment rarely report it, its effects remain hidden. That's why we need to enlist the support of our colleagues, the bystanders.

We need to ensure people can recognise behaviour that crosses the line. We want people to talk about this issue, to raise awareness in their teams and workplaces about how harmful harassment is. Our "Know Where the Line Is" awareness-raising strategy encourages bystanders to "See. Talk. Support."

"See" means knowing where the line is and if you see or hear something that makes you feel uncomfortable, don't ignore it. "Talk" means talking - with your boss, your colleagues or with the person who is crossing the line. "Support" means making sure the target of workplace sexual harassment is supported as it can help them stand up and take action.

You'll see it on posters in your workplaces, as well as in videos we produce, which show bystanders that it's possible to take action and provide them with ways of doing so in different situations

In Australia, just over one in five people have been sexually harassed since the age of 15. In over half the cases, the harasser is a co-worker as opposed to an employer or supervisor.

This is why we need everyone's help – community, businesses, unions and bystanders - to identify where the line is when it comes to sexual harassment- and know what to do when someone is crossing it. And we need your help to do it.

Elizabeth Broderick is Australia's Sex Discrimination Commissioner. Ged Kearney is the President of the ACTU and Kate Carnell is the CEO of ACCI. The "Know Where the Line Is" campaign – a joint initiative by the Australian Human Rights Commission, Australian Council of Trade Unions and Australian Chamber of Commerce and Industry – was launched on 21 May 2014.

Resources for employers and employees are available on the Know Where the Line Is website, including the Commission's new 'Ending workplace sexual harassment: A resource for small, medium and large employers': www.knowtheline.com.au