



Labour Relations Newsletter

Issue 261 - 30 April 2009

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Small Business Employment Advisory Service

The Department of Commerce and the Small Business Development Corporation have joined together to improve business skills, knowledge and compliance in the small business sector by establishing an employment advisory service.

The services offered include:

- free and practical advice on State awards and legislation;
- industrial relations best practice for small business;
- easy to follow templates on long service leave, annual leave, time

and wages and employee records;
and

- information on termination and redundancy laws.

The advisory service, which commenced on 23 April 2009, is located at the Small Business Development Corporation (SBDC) 553 Hay Street Perth.

Appointments can be made via email to Mark Jenkin, A/Team Leader Education Service Labour Relations:

mark.jenkin@commerce.wa.gov.au

Public sector wages policy

The Government has released a new wages policy for public sector agreement and wage negotiations.

This policy will apply to all public sector wage negotiations and agreements expiring after 1 July 2009. The Government will determine the application of the policy to agreements expiring before this time.

Public sector agencies are encouraged to familiarise themselves with the [new policy](#).

Flexibility in a tough environment

More than 190 people attended a morning Work Life Balance seminar hosted by the Labour Relations Division of the Department of Commerce on 2 April 2009.

Titled “Flexibility in a tough environment”, the seminar was addressed by three experts in the field of Work Life Balance.

Professor Barbara Pocock, the inaugural Director of the Centre for Work + Life at the University of South Australia, discussed the composition of WA’s labour force in the context of the economic downturn. During her presentation she outlined that the same strategies that promoted work life balance were those best adapted to manage business in tough economic times – explaining that cost cutting by reducing workplace flexibility was a short-sighted and counterproductive strategy.

Elizabeth Cook, the Coordinator of the Work Life Balance + Equity Unit, WA Department of Health, profiled the public service (in particular the Department of Health) and discussed the proactive work life strategies being implemented by the

Department of Health. During her presentation she outlined that:

- the public service suffered most of its staff losses from people with less than five year’s service; and
- the Department of Health was facing increased demand from an ageing population while its own workforce was ageing.

John Poulson, the Managing Partner Minter Ellison’s Perth, gave a private industry view, saying work flexibility programs had transformed his law firm’s workplace since they were introduced two years ago. During his presentation he outlined that workplace flexibility had:

- reduced staff turnover from an unacceptable 56% in late 2006 to 18% at December 2008;
- lifted employee commitment and increased staff morale – with most employees saying they were happier and more motivated; and
- contributed to Minter Ellison’s ability to retain staff in the economic downturn – unlike many of the other major law firms.



Above: Key note speakers – John Poulson, Elizabeth Cook and Barbara Pocock.

WAIRC's award review

The Western Australian Industrial Relations Commission (WAIRC) has commenced a review of State awards pursuant to section 40B of the *Industrial Relations Act 1979*.

The following awards have been reviewed:

- *Hotel and Tavern Workers' Award, 1978 Club Workers' Award, 1976;*
- *Restaurant, Tearoom and Catering Workers' Award, 1979;*
- *Motel, Hostel, Service Flats and Boarding House Workers' Award, 1976;*
- *The Horticultural (Nursery) Industry Award;*
- *Bradken Bassendean (WA) Way Forward Enterprise Award 2003;*
- *Industrial Spraypainting & Sandblasting Award 1991;*
- *Animal Welfare Industry Award;*
- *Pest Control Industry Award 1982;* and
- *Nurses' (Day Care Centres) Award 1976.*

This review process is not connected to the Federal award modernisation process. It also does not form part of Government's review of the State industrial relations system which is due to commence later this year.

Further information on the WAIRC award review process can be found on the [Commission's website](#).

Stage 2 of the Federal award modernisation process

On 3 April 2009 the Australian Industrial Relations Commission (AIRC) published the following 27 second round modern awards – the awards are listed in accordance with their respective industry or occupational groups (as defined by the AIRC):

1. Agricultural group:
 - *Cotton Ginning Award 2010;*
 - *Horticulture Award 2010;*
 - *Pastoral Award 2010;*
 - *Silviculture Award 2010;*
 - *Wool Storage, Sampling and Testing Award 2010;* and
 - *Nursery Award 2010.*
2. Building, metal and civil construction group:
 - *Building and Construction General On-site Award 2010;*
 - *Electrical, Electronic and Communications Contracting Award 2010;*
 - *Joinery and Building Trades Award 2010;*
 - *Mobile Crane Hiring Award 2010;* and
 - *Plumbing and Fire Sprinklers Award 2010.*
3. Cleaning services:
 - *Cleaning Services Award 2010.*
4. Financial service:
 - *Banking, Finance and Insurance Award 2010.*
5. Graphic Arts Group:
 - *Graphic Arts, Printing and Publishing Award 2010.*
6. Health and welfare services (excluding social and community services):
 - *Aged Care Award 2010;*

- *Health Professionals and Support Services Award 2010*;
- *Medical Practitioners Award 2010*; and
- *Nurses Award 2010*.

7. Information and Communications Technology Group:

- *Business Equipment Award 2010*;
- *Contract Call Centres Award 2010*;
- *Market and Social Research Award 2010*; and
- *Telecommunications Services Award 2010*.

8. Private transport industry (road, non-passenger);

- *Transport (Cash in Transit) Award 2010*;
- *Road Transport and Distribution Award 2010*; and
- *Road Transport (Long Distance Operations) Award 2010*.

9. Quarrying industry:

- *Quarrying Award 2010*.

10. Sanitary and garbage disposal services:

- *Waste Management Award 2010*.

The AIRC also published a decision which deals with issues of general importance to award modernisation and the making of the Stage 2 modern awards.

A [copy](#) of the decision and further information can be found on the [AIRC's website](#) via the award modernisation link.

Wage determination by the Salaries and Allowances Tribunal

The Salaries and Allowances Tribunal (SAT) has handed down its annual remuneration determination on rates of remuneration for Members of the Special Division of the Public Service and Prescribed Office Holders and Clerks and Deputy Clerks of the Parliament ('the Special Division').

In making its determination the SAT considered:

- submissions from the Western Australian Government and 17 office holders in the Special Division;
- labour market and economic data;
- structural changes to positions;
- work value; and
- value to the State.

After considering these factors the SAT determined that no increase be awarded to the Special Division.

The [First Schedule](#) to the determination outlines the remuneration levels and allowances to be paid to officers from within the Special Division from 1 May 2009.

[Click here](#) for further information about the SAT and its determinations.

Life time gender pay gap

“*She Works Hard for the Money – Australian Women and the Gender Divide*” was released on 1 April 2009. The most significant finding was that in her lifetime, a woman is likely to earn almost a million dollars less than a man.

The report, by the National Centre for Social and Economic Modelling, in partnership with AMP, focuses on a broad range of topics covering:

- paid and unpaid work;
- areas of wealth, income and superannuation; and
- the balancing act women face in the workplace and at home.

The report considered the gender pay gap across generations. Using regression analysis controlling for factors such as experience and industry, the report found that “Baby Boomer” women face the largest pay gap, while “Gen Y” women face a minimal gap – the report noted that “Gen Y” women are more highly qualified than their male counterparts. The report questions whether this decreased gap is a general trend, or whether it will widen again as “Gen Y” women bear children and face “occasional entrenched discrimination”.¹

As for working women with children, the report highlighted that working women still take on the majority of the burden of home and caring work (21% of women take unpaid leave – compared to 11% of men). In addition, 29% of pregnant women reported participation discrimination such as reduced training and promotion, or

having hours or work duties reduced without consultation.²

The report emphasised that once women in the part-time and casual workforce retire they can expect lower disposable income as a result of having made less superannuation contributions.

Finally the report outlined that female participation in the workforce is increasing, and that women are making occupational inroads – comparing to 1988, the report noted that women make up 52.6% of professionals (up from 39.7% in 1988). However it outlined that women still only make up 24.9% of managers (compared to 23.8% in 1988).³ The report pointed out that only 21% of Vice Chancellors and 21% of the Federal ministry are women.⁴ These trends were confirmed by the Equal Opportunity for Women in the Workplace ‘*Census of Women in Leadership*’, which demonstrated that men still dominate leadership positions.

A full copy of the report is available from [AMP’s media centre](#)

The Vocational Education and Training Act 1996

Amendments to the *Vocational Education and Training Act 1996* (‘VET Act’) will soon come into effect.

The amendments, which were brought about by the *Training Legislation Amendment and Repeal Bill 2008* (‘TLAR Bill’), will:

1. introduce a new legislative framework to modernise apprenticeships and traineeships;

¹ Cassells, R., Miranti, R., Nepal, B. and Tanton, R., (2009), “She works hard for the money: Australian women and the gender divide”, AMP.NATSEM Income and Wealth Report issue 22, April, p 26.

² Ibid 15.

³ Ibid 10.

⁴ Ibid 21.

2. repeal the *Industrial Training Act 1975* which currently regulates the apprenticeship system;
3. implement the nationally endorsed model clauses for the registration and audit of training organisations;
4. clarify and update definitions and other administrative provisions within the VET Act; and
5. provide a more coherent structure for the VET Act describing the components of the State training system.⁵

The amendments and new provisions are summarised in the Explanatory Memorandum for the [TLAR Bill](#)

A copy of the TLAR Bill can be downloaded from the Parliament of Western Australia's [website](#)

⁵ Explanatory Memorandum, *Training Legislation Amendment and Repeal Bill 2008 (WA)*, 1 - 2.