



QUEENSLAND INDUSTRIAL RELATIONS LAW

- A RETURN TO WORK CHOICES?

The Newman Government in Queensland continues efforts to deliver on its claimed mandate to move the State's industrial relations regime closer to the Federal Fair Work regime whereas some sceptics are claiming that these changes are in fact a step backward to the Howard Government's more controversial Work Choices regime.

Key changes to the *Industrial Relations Act 1999 (Qld)* impact all public sector employees in Queensland. The general thrust of those amendments has been to disempower Unions, revert to individual bargaining, and generally cut the costs of labour to the State.

HIGH-INCOME GUARANTEE CONTRACTS

Queensland public sector employees earning in excess of \$129,300 per annum are now engaged subject to a new "High-Income Guarantee Contract" (HIGC) regime. Unlike in the Federal system, that figure includes superannuation.

Being subject to a HIGC carries with it many negative impacts for an employee, including them being:

- Unable to be covered by any Award or Certified Agreement or receive any benefits under those instruments;
- Unable to lodge an industrial dispute with the Commission;
- Unable to apply to the Commission to have their employment contract amended or voided on the basis that it is unfair;
- Subject to the new Queensland Employment Standards (discussed below) which differ in important respects from the National Employment Standards;

- Unable to bring an unfair dismissal claim against a Local Government or State employer on the basis that their dismissal was "harsh, unjust or unreasonable".

QUEENSLAND EMPLOYMENT STANDARDS (QES)

The QES provide for minimum employee entitlements for issues such as minimum wages and leave, in a similar but not identical way to the National Employment Standards.

These Standards have improved the status quo for employees in some areas (e.g., by increasing minimum sick leave entitlements), but some entitlements (e.g., the right to redundancy pay) are now expressly not applicable to persons engaged under a HIGC.

Therefore, unless employees entering a HIGC bargain individually for redundancy pay, they will now lose the right to those payments, a right which they were previously entitled to under Queensland law.

MODERN AWARDS

An Award Modernisation process is underway, with the Commission now implementing a process of condensing roughly 200 Awards into only 18 Modern Awards.

The content of those Modern Awards will be strictly limited and are expected to be very light on employee protections, necessitating individual bargaining to replace any rights foregone, even at the lower-paid employee level.

OTHER CHANGES

Those changes are on top of earlier amendments which included granting the Attorney-General the power to terminate industrial action in a number of circumstances, and to arbitrarily fix minimum wage increases by the Commission to an amount which reflects an employer's ability to afford any increase.

CONCLUSION

The Newman Government's position is that its amendments will harmonise Queensland with the Federal Fair Work system, but one might be forgiven for thinking that these changes in fact are a step backwards to the Howard Government's more controversial Work Choices regime.