



Australian Road Transport
Industrial Organisation
ABN: 63 734 697 902

AUSTRALIAN ROAD TRANSPORT INDUSTRIAL ORGANISATION

Respect, Respond and Represent

Comparison of Workplace Relations Policies Announced by the Major Parties

1. Minimum wage & penalty rates

- **ALP**
 - Increase the minimum wage to reflect a 'living wage' by changing the criteria the FWC applies when setting the minimum wage.
 - Reverse cuts to penalty rates in certain modern awards.
- **Coalition**
 - Does not support changes to the FWC process for setting the minimum wage.
 - Supports the FWC's decision to cut penalty rates.

2. Enterprise bargaining and industrial action

- **ALP**
 - Improve access to collective bargaining, eg through multiemployer and industry wide bargaining, focussed on low paid workers.
 - Change good faith bargaining by introducing a framework for disclosure of information when denying a workforce claim.
- **Coalition**
 - Does not support changes to the existing bargaining framework.

3. Termination of enterprise agreements

- **ALP**
 - Prohibit the unilateral termination of enterprise agreements.
 - Termination will only be possible where a majority of employees approve the termination of the agreement and the termination will not result in employees being worse off.
- **Coalition**
 - Does not support changes to the existing bargaining framework.

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4. Industrial manslaughter and WHS

- **ALP**
 - Introduce an industrial manslaughter offence into the harmonised WHS laws and/or state/ territory criminal codes within its first year.
- **Coalition**
 - Does not support industrial manslaughter laws and supports the continuation of the current regime

5. Sham contracting, labour hire and casuals

- **ALP**
 - Strengthen laws which prohibit sham contracting.
 - Long term casual employees be given a right to request permanent employment and being able to seek a review by the FWC if an employer unreasonably refuses such a request.
 - Introduce a national labour hire licensing scheme and require labour hire employees to receive the same pay and conditions as direct employees.
- **Coalition**
 - The 2019 Budget allocated funding to establish a sham contracting unit within the Fair Work Ombudsman.
 - In-principle support for the creation of a national labour hire registration scheme in the horticulture, cleaning, security and meat processing sectors.

6. Underpayments

- **ALP**
 - Extend responsibility for compliance with workplace laws to corporations who are economic decision makers, including franchisors and businesses along the supply chain.
 - Increase civil penalties for employers and related entities who systematically underpay workers.
- **Coalition**
 - Provided in-principle support for the Migrant Workers Taskforce's recommendations, including introduction of criminal sanctions for exploitative conduct that is clear, deliberate and systematic; increasing penalties for underpayments and extending the accessorial liability provisions of the Fair Work Act.

7. Whistle-blower Laws

- **ALP**

- Introduce a scheme which rewards whistle-blowers for providing useful information.
- Replace existing whistleblowing laws with a single Whistleblowing Act.
- Establish a 'Whistle-blower Protection Authority'.

- **Coalition**

- Supports the new private sector whistle-blower regimes which commence on 1 July 2019.
- Does not support a reward scheme
- Does not support a 'Whistle-blower Protection Authority'.

8. Gender Equality

- **ALP**

- Give FWC greater focus on 'gender pay equity' considerations, eg when setting the minimum wage.
- Increase Domestic Violence Leave to 10 days paid leave per annum.
- Enable employees to request a review of 'unreasonable refusals' of flexible work arrangements.

- **Coalition**

- Silent, but likely to maintain the current framework.

ARTIO wishes to acknowledge the work of Ashurst Lawyers in preparation of this advice.

9th May 2019