





## Chapter 5 A fairer & safer workplace

*“Most Victorians spend a large part of their lives at work. The environments we work in play a very important role in making our lives healthy and happy. That’s why Labor believes that our workplaces should be safe, secure, supportive, cooperative and healthy places to be.”*

JOHN BRUMBY, PREMIER OF VICTORIA

**Labor views with great concern the apparent desire of the Liberal Party to resurrect the industrial and legislative objectives of WorkChoices.**

Labor believes in:

- A single, unitary national system which is fair and balanced and working with the Commonwealth Government on the transition to the fair work laws;
- Workplaces being safe for all workers and an Occupational Health and Safety System for Victoria that is fair and nationally harmonised if existing protections are maintained;
- Fair compensation for injured workers;
- Cooperative work practices that are fair to workers, improve productivity, encouraging both innovation and worker loyalty;
- The rights of women in the workforce to equal opportunity and equal pay – and the right to be free from work place harassment and bullying, and
- The rights of young people at work.

Labor believes in the value of everyone’s work, whether it be in the public or private sector; full-time, part-time or casual; whether it is done by men or by women or by young people. Victoria has become the great place it is today through the efforts of hard working Victorians.

Labor recognises the strong role played by unions over more than 100 years in standing up for the rights of working Victorians. That’s why we support collective bargaining, the right of unions to organise and to enter workplaces.

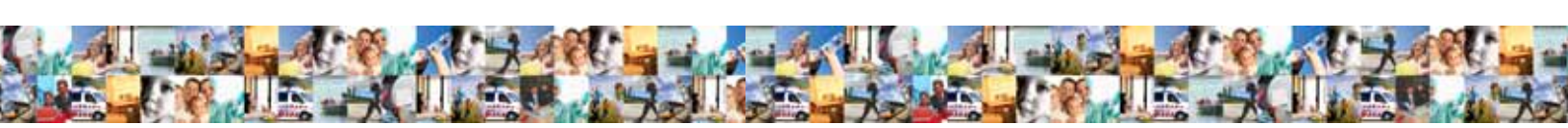
### **FAIRNESS AT WORK**

#### **5.1 Labor believes that fairness at work is essential for the wellbeing of Victorian working families.**

Labor worked hard to protect Victorian workers from the worst impacts of the Liberal Party’s assault on working families through WorkChoices and will fight the Liberal Party’s desire to resurrect such policies.

Labor believes that co-operative work practices deliver innovative, high performing workplaces, with better productivity.

Labor supports a stable, cooperative and fair system of industrial relations and believes that a single unitary national system provides the best framework for all Victorian workers, employers and unions.



Labor believes that working people may need support at different stages of the lifecycle of their employment – from commencement in a first job, through the acquisition of skills and major milestones such as parenthood, industry transition, relocation and into retirement.

Labor's principles that underpin our commitment to fairness at work are:

- The right of workers to belong to a trade union and to have effective trade union representation;
- A fair, comprehensive safety net of wages and conditions;
- Collective bargaining and good faith in the bargaining process;
- Pay equity and equal pay for work of comparable value;
- Co-operative work practices that are fair to workers, improve productivity and encourage innovation;
- The right of workers to take lawful industrial action;
- The right of unions to enter workplaces;
- The right of workers to organise;
- The right of all workers to protection through unfair dismissal laws;
- Support for the role of an independent umpire such as Fair Work Australia to conciliate and arbitrate to resolve disputes and to set fair minimum wages after a fair public hearing;
- Opposition to the use of individual contracts or contracting arrangements that erode workers' employment conditions or employment status, and
- A right to workplace privacy consistent with the concepts of autonomy and dignity at work.

## **SUPPORTING THE TRANSITION TO FAIR WORK AUSTRALIA**

### **5.2 Labor supports the Commonwealth Government's Fair Work legislation, including the National Employment Standards, work-life balance initiatives and cooperative, fair workplace relations.**

Labor is committed to taking practical steps to inform industry and employers, and protect workers and unions under the Fair Work system. This includes providing practical support, information and resources to assist in implementing the Fair Work system across Victorian workplaces.

Labor will:

- Support a smooth transition to the Commonwealth Government's Fair Work system and modern awards in the Victorian private and public sectors;
- Assist small business to understand and implement new industrial rights and obligations which apply under modern awards and the Fair Work system;
- Ensure that public sector entitlements are maintained under the Fair Work system “, and more generally protect distinctive Victorian achievements during any national harmonization of legislation such as award modernization;
- Meaningfully consult directly with employers and unions on the implementation of any national standards that are developed, and



- Support moves through the Fair Work system to protect Australia's most vulnerable workers employed in casual and other types of precarious employment, including consideration by the Commonwealth Government of further amendments to provide for the fairer regulation of precarious employment.

## **PROMOTING CO-OPERATIVE WORKPLACES**

### **5.3 Labor believes that a tripartite approach to workplace relations generates better outcomes for working families, unions and employers.**

Labor will:

- Support a tripartite approach involving workers, unions and employers ensuring workplace fairness and effective resolution of disputes or grievances, and the fair implementation of changed work practices;
- Undertake broad and ongoing consultation with stakeholders in the development of policy and legislation;
- Consult through industry forums on the development of codes and guidelines;
- Provide access to information on workplace rights and entitlements under the Fair Work system, modern awards and Victorian industrial relations legislation, and
- Provide support for workplace representatives in obtaining the training and information to take part fully and effectively in tripartite forums.

## **HEALTH & SAFETY AT WORK**

### **5.4 Labor believes that every workplace injury is preventable and is committed to the highest possible standard of workplace safety and will support industry, employers, unions and workers to reduce workplace risk, hazards and injury.**

Labor will ensure that penalties for breaches of occupational health and safety properly reflect community expectations and deter unsafe work practices.

Labor will:

- Encourage new and innovative ways of generating a community culture of awareness about workplace safety, and
- Ensure that workplace safety inspectors have a pronounced presence in Victorian workplaces.

Labor recognises that workplace stress is a health and safety hazard with far reaching implications for individuals and organisations.

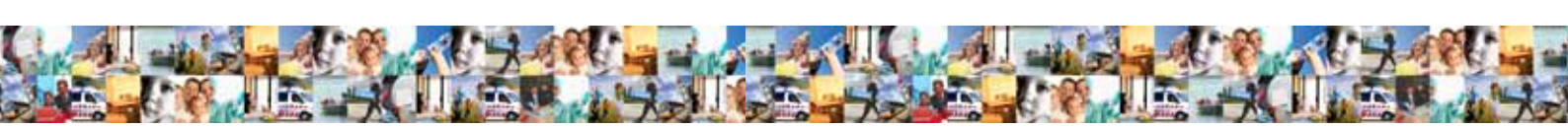
Labor recognises the importance of implementing strategic measures to prevent work-related stress as part of a broader commitment to a modern and responsive approach to Occupational Health and Safety.

## **THE RIGHTS OF THE WORKFORCE**

### **5.5 Labor recognises that for over a century unions have played an essential role in establishing fundamental rights for working people.**

Labor will:

- Actively support unions in their endeavours to protect workers' rights;



- Ensure compliance with international treaties, conventions and declarations affecting rights of workers;
- Ensure that its policies and employment practices in government reflect its support for unions and their members,
- Ensure that all legislation and government policy is consistent with Australia's international treaty obligations and core labour rights, and
- Will work with the Commonwealth ensuring that it is aware of the primacy of international treaty obligations as they apply to the practices of the ABCC or its successor.

Labor values coordinated discussions between the industrial and political wings of the Labor movement through twice yearly meetings of the Victorian Labor Advisory Council (VLAC)

## **A FAIR & BALANCED APPROACH TO WORKPLACE ISSUES**

### **5.6 Labor will work fairly and co-operatively with unions and employer associations on matters of industrial relations. Industrial disputes and grievances in Victoria should be addressed cooperatively and in good faith with recourse to an independent umpire.**

Labor has demonstrated that protecting and growing jobs is best achieved through a workplace environment that values and respects the contribution of all parties. Labor is committed to taking a balanced approach to workplace issues and ensuring that high employment and strong economic growth don't compromise safe and fair working conditions and workplace rights.

## **COLLECTIVE BARGAINING**

### **5.7 Labor supports collective bargaining rights and the importance of good faith bargaining and best practice in workplace negotiations, believing it provides significant benefit to workers and employers alike.**

**Labor will ensure that wages policy is regularly reviewed and adjusted to reflect Victoria's economic climate whilst delivering a decent standard of living.**

Labor believes that unions are central to securing fair outcomes for workers through good faith bargaining processes.

Labor also believes that employees should have;

- The protection of a comprehensive, modern award minimum safety net and the National Employment Standards;
- Access to Fair Work Australia to assist in settling disputes, and
- Freedom of association.

Labor as a public employer supports collective bargaining and will employ workers through the public sector, instrumentalities and agencies under the appropriate workplace agreements. In particular, Labor supports the commencement negotiations of public sector agreements prior to their nominal date of expiry, and commits to the use of conciliation and arbitration to assist this process.



## ARTIFICIAL EMPLOYMENT ARRANGEMENTS

### **5.8 Labor is committed to ensuring that artificial employment arrangements involving independent contractors or employees of contractors are not used to undermine employment conditions.**

Labor will work to ensure that contractors, subcontractors, outworkers, and other workers engaged under similar arrangements are entitled to the same minimum wages, conditions and rights, including unfair dismissal protections, as direct employees.

Labor opposes unscrupulous employers, using sham arrangements to engage 'contractors' where workers are in an otherwise typical employment relationship. Labor as a public employer will aim where possible to maintain direct employment as a preference.

## OUTWORKERS

### **5.9 Labor will implement a code of practice for outworkers.**

Labor will:

- Direct government departments and agencies engaged in clothing procurement to ensure suppliers are accredited by Ethical Clothing Australia;
- Encourage all other suppliers to become accredited with Ethical Clothing Australia; and
- Promote campaigns to stop the exploitation of home based outworkers, such as the Fair Wear campaign.

## LABOUR HIRE

### **5.10 Labor will seek a national review of labour hire as a mode of employment following changes to Commonwealth workplace laws; in particular as it relates to job security and workplace safety.**

Labor will use this review to identify further protections which may reduce disadvantage for this group of workers.

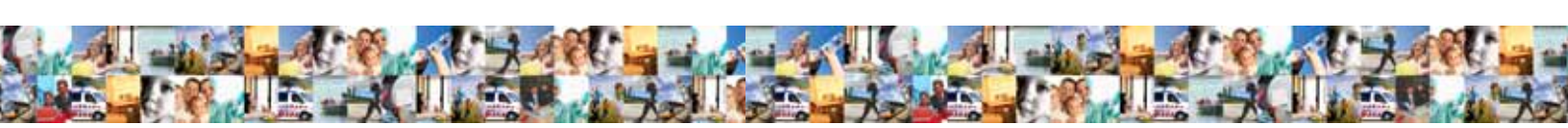
Victorian Labor as a public employer, will implement policies for the conversion of long-term labour hire to permanent arrangements in public sector employment, instrumentalities and agencies.

## CASUAL & PRECARIOUS WORK

### **5.11 Labor recognises workers in casual and precarious employment have low job security. We recognise this insecurity can lead to reduced workplace safety, reduced access to collective bargaining and workers not being afforded the rights to which workers in more secure forms of employment are entitled. Labor also recognises women, young workers and workers from a non English speaking background are over represented in casual and precarious employment.**

Labor will investigate the extent of casualisation in the Victorian workforce and implement measures to encourage employers to offer more secure forms of employment. These measures will be modelled on world best practice and may include legislative, regulative or other systems which effectively encourage greater access to secure forms of employment, particularly where workers aspire to such forms of employment.

Labor will lead by example and wherever possible favour more secure forms of employment in the public service over casual and precarious work.



## LONG SERVICE LEAVE

### **5.12 Labor supports the ongoing dialogue between the States and the Commonwealth with the objective of creating a uniform minimum national long service leave standard which recognises and rewards long service in all industries and sectors, and which protects the rights of Victorian workers.**

Labor supports, as part of that process, a review of the treatment of both the accrual of payment of long service leave, including but not limited to consideration of issues such as accrual during parental leave periods and incorporation of shift penalties for shift workers and that no Victorian worker receives a lesser entitlement.

Labor acknowledges that existing entitlements (which vary between sectors) should not be compromised through the development of the uniform long service leave standard to ensure that long service entitlements are protected so eligible employees can access their entitlements.

Labor will also ensure that portable long service leave schemes in the social and community service sector reward Victoria's valuable community sector workers.

## PUBLIC HOLIDAYS

### **5.13 Labor recognises the cultural significance of a number of important days in the calendar and the need for employers and employees to have certainty about public holiday arrangements.**

Labor will work to ensure:

- That there are a minimum of 11 public holidays in Victoria;
- That days of significance in rural and regional communities may be declared as substitutes for Melbourne Cup Day;
- There is a non-trading day for the whole of ANZAC day to enable retail workers to participate in ANZAC day activities;
- That where ANZAC day falls on a weekend or an existing public holiday (such as an Easter holiday) that the new weekday remains as a substitute public holiday
- Easter Sunday is gazetted as a public holiday (as well as a non trading day) to ensure that all workers receive the entitlement to four consecutive public holidays over Easter, and
- That there is fairness and consistency between State and Commonwealth legislation regulating public holidays.

## FAIR & EQUITABLE ACCESS TO EMPLOYMENT FOR WOMEN

### **5.14 Labor will support equality of opportunity and a move to substantive equality for women in employment.**

Labor will work to close the gender gap on pay equity and contributions to retirement income.

Labor will:

- Ensure the implementation of workplace policies and practices that reflect the changing needs of women throughout their working lives;



- Provide adequate information, training and resources to assist women re-entering the workforce;
- Remove discrimination and sexual harassment in the workplace through ongoing review and reform of equal employment opportunity;
- Inform and encourage the fuller and equal participation in the workforce of women from culturally and linguistically diverse backgrounds, and
- Support and Advocate action on pay equity across, particularly across funded and government procured services.

## **PROTECTING WORKERS' ENTITLEMENTS**

### **5.15 Labor will pursue the establishment of a national entitlement scheme so that employees are guaranteed 100% of entitlements if a company collapses.**

Labor is opposed to employers engaging in contrived legal arrangements aimed at avoiding their financial responsibilities to employees in the event of corporate insolvency or corporate restructure.

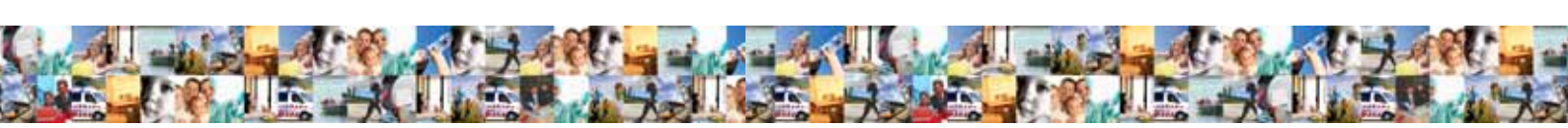
No corporation or controlled entity, subsidiary or parent of a company that has avoided their financial obligation to employees shall receive any form of State Government financial assistance until all workers' entitlements have been paid in full.

Employers who improperly avoid their responsibilities will be denied the opportunity to tender for any work for or by the government or statutory corporations for a minimum period of two years after the final settlement date of all employee entitlement claims.

Victorian Labor will lead discussions with the Federal Government and other state and territory governments to see legislation enacted to fully protect workers' entitlements This will ensure that directors can be effectively held accountable and that employee with unpaid entitlements will enjoy greater priority as creditors.

Labor will:

- Ensure that no corporation director or controlled entity, subsidiary or parent of a company that has wilfully, recklessly or unreasonably avoided their financial responsibility to employees shall receive any form of State Government financial assistance until all workers' entitlements have been paid in full;
- Require the State Government to maintain and publish a list of corporate defaulters directly affecting Victorian workers, and
- Deny employers who improperly avoid their responsibilities the opportunity to tender for any work for or by the government or statutory corporations for a minimum period of two years after the final settlement date of all employee entitlement claims.



## **PORTABLE INDUSTRY FUNDS**

### **5.16 Labor will support the introduction of portable industry based entitlement schemes.**

Portable funds have operated successfully in the building and construction industry for many years to the benefit of both employers and workers.

Labor will:

- Actively encourage the establishment of portable industry based funds to receive and cover workers' accrued entitlements such as long service leave, annual leave, sick leave, superannuation, and severance or redundancy payments, and
- Work collaboratively with the Commonwealth to ensure that portable industry-based entitlements are recognised, and provided, to workers in sectors where these schemes operate.

## **OCCUPATIONAL HEALTH & SAFETY REPRESENTATIVES**

### **5.17 Labor believes that health and safety representatives play a vital role in the prevention of workplace injury and the rehabilitation of injured workers.**

Labor will ensure that health and safety representatives have direct access to the training they need in order to exercise their functions and are able to choose which training provider they use.

## **NATIONAL HARMONISATION OF OCCUPATIONAL HEALTH & SAFETY**

### **5.18 Labor supports the implementation of a fair and harmonised set of occupational health and safety standards for Victorian workers and national consistency to ensure safety at work if existing protections are maintained.**

Labor will:

- Ensure that the hard won gains in workplace safety in Victoria are complemented through the national harmonisation process of occupational health and safety laws with no diminution of conditions for Victorian workers;
- Provide leadership to encourage renewed vigilance in reducing the impact and incidence of workplace injury;
- Work with the Commonwealth Government to ensure that the best standards of health and safety are enshrined for Victorian workers;
- Consult with employers and unions about the development of the regulatory instruments that support model laws, and
- Ensure that best practice is adopted by examining health and safety regulations from all states and territories.

## **FAIR & JUST COMPENSATION FOR INJURED WORKERS**

### **5.19 Labor believes that injured workers must be supported by a compensation scheme that is both fair and financially sound.**

Labor believes that access to common law remedies for seriously injured workers is a fundamental right. That's why Labor restored common law rights in one of its first acts.

Labor will:



- Ensure that the process of claiming and, where successful, obtaining damages is as efficient as possible and delivers compensation at the earliest possible opportunity;
- Build on the policy achievements delivered in the Government response to the Hanks Review of workers compensation arrangements;
- Pursue the development of new technologies to ensure safety and compensation claim resources are optimally accessible in workplaces;
- Ensure that the design of the ACCS is consistent with the optimal delivery of benefits through the scheme, and
- Ensure that existing benefits to Victorian workers are maintained should any national harmonization of compensation systems occur.

Labor believes that a worker subjected to bullying, harassment, victimisation, excessive monitoring and unreasonable management behaviour resulting in psychological injury should be entitled to compensation.

## **AWARENESS OF WORKPLACE RIGHTS**

### **5.20 Labor strongly believes that government has a role in ensuring that all Victorian workers have access to clear information on their workplace rights as well as the ability to enforce these rights through accurate industry and sector specific information on rights, obligations and entitlements to workers and industry.**

Labor will:

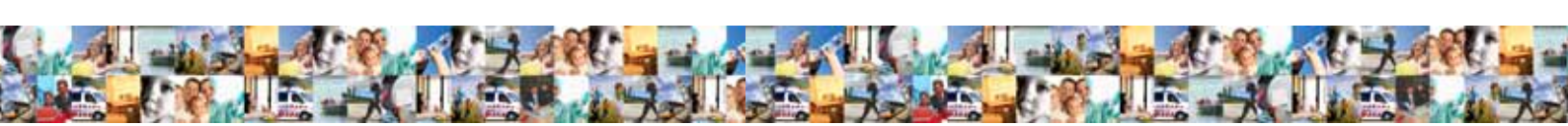
- Raise awareness and encourage compliance with workplace rights and obligations under modern awards, the National Employment Standards and the Fair Work laws.
- Improve awareness in young people, women workers and culturally and linguistically diverse workers and the industries where these workers are dominant;
- Promote community awareness of the integral role of unions in shaping of Australia's economic, social, environment and political landscape and in implementing changes under the Fair Work system, and
- Provide resources across both metropolitan, rural and regional Victoria to access information and advice on Victorian workplace rights and obligations under the Fair Work system. A working party including representatives of government and unions will be established to progress these issues.

## **YOUNG WORKERS RIGHTS & FAIR WAGES**

### **5.21 Labor will provide information and training so that young people at work understand employment rights such as, pay and conditions, their obligations under contracts and agreements and the role of employers and unions.**

To support young workers Labor will also:

- Provide information on support services for those experiencing workplace bullying, harassment, discrimination or reduction of employment rights;
- Ensure that employers properly train new workers to ensure their safety;
- Include relevant material on employment issues to senior secondary school students and in courses such as VCAL, VET, apprenticeships and traineeships;



- Provide leadership by working with the Commonwealth to end youth wages upholding the value of equal pay for equal work, and
- Support and resource organizations that provide information to young workers about their workplace rights or assist young workers to proactively resolve workplace rights related issues.

## **MAKING WORK/FAMILY/LIFE BALANCE A REALITY**

### **5.22 Labor believes that supporting working families to achieve and maintain balance between work and family life is essential for the wellbeing of Victorian families.**

To help Victorian families meet their work and family commitments, Labor will:

- Recognise employers with workplace practices that assist workers to balance work and family responsibilities;
- Review the operation of existing protections under Victorian equal opportunity legislation including the right to request workplace arrangements which enable workers to better balance their obligations;
- Provide information and assistance to employers and workers on State and Commonwealth-based rights, entitlements and obligations which affect work-life balance, and
- Seek a review of the effects of Commonwealth changes which have affected statutory entitlements to flexible working arrangements and rights to request flexible working arrangements.

## **PAID PARENTAL LEAVE**

### **5.23 Labor recognises that paid parental leave is a fundamental right and acknowledges that paid maternity leave is a vital part of reducing the pay equity gap between women and men.**

Labor believes that ensuring families have adequate financial support around the time of the birth of a child is essential for the wellbeing of the entire family and is consistent with Labor's desire to provide every Victorian child with the best start in life.

Labor will:

- Work with the Commonwealth Government to implement its paid parental leave scheme (based on the Commonwealth minimum wage);
- Support the efficient, fair and effective introduction of Commonwealth-funded paid parental leave entitlements from 2011;
- Encourage employers who already provide paid parental leave above any minimum standard to continue to do so;
- Support measures that will enable primary carers to have access to a universal paid parental leave entitlement irrespective of gender;
- Review the interaction between existing paid parental leave entitlements and the Commonwealth scheme to ensure that mothers are getting the most beneficial parental leave entitlements possible, and
- Support further measures that provide greater incentive to employers to offer 14 weeks paid maternity leave to women in their workforce.



## WORKING WITH UNIONS TO SUPPORT WOMEN AT WORK

### **5.24 Labor recognises that over their working lives women are less likely to have access to the same opportunities with career progression, stability of employment and earnings as men, and that these disadvantages impact on women when they reach retirement.**

Women face barriers that prevent their full participation in work and there is a lack of recognition for the important role women play in the community, whether they are in paid or unpaid work.

Women are more likely to spend time out of the paid workforce in a caring role and are more likely to be in part-time or casual work as a result. Labor recognises and values Victorian women's unpaid work in the family and volunteer work in the community and will support the union movement in its fundamental work of supporting women in society and in the workforce.

Labor will:

- Encourage greater community acceptance of equitable gender responsibility within the family by promoting positive examples of equity in domestic and caring responsibilities;
- Actively promote the ways that women benefit from being a member of a union and the gains from organising collectively;
- Assist the union movement to campaign for working women's rights, and
- Encourage greater representation of women in union management.

## VALUING VICTORIA'S PUBLIC SECTOR

### **5.25 Labor is committed to the public sector workforce and the legitimacy of public sector employment as a means of delivering quality services to Victorians.**

The public sector not only provides services that are essential to the community and the delivery of services such as health and education - it also plays an important role in promoting fair and co-operative workplace practices and creating career opportunities for Victorians.

Labor will:

- Oppose all forms of bullying in the workplace and will ensure its public service work place practices support workplaces free of bullying, discrimination and harassment;
- Acknowledge the ongoing importance of job security, protection of entitlements and career opportunities for workers in the public service;
- Initiate increased access to training and skills development;
- Ensure redeployment of public sector workers result in productive new positions;
- Recognise that improved workplace fairness and balance generates improved productivity, and
- Support collective bargaining processes and consultation with unions across the public sector , to help develop and implement common core standards of employment across the sector. Examples of core or fundamental conditions are parental leave and dispute resolution.
- Encourage public sector employers and unions to discuss mutually accepted ways of progressing towards increased and comprehensive occupational superannuation.