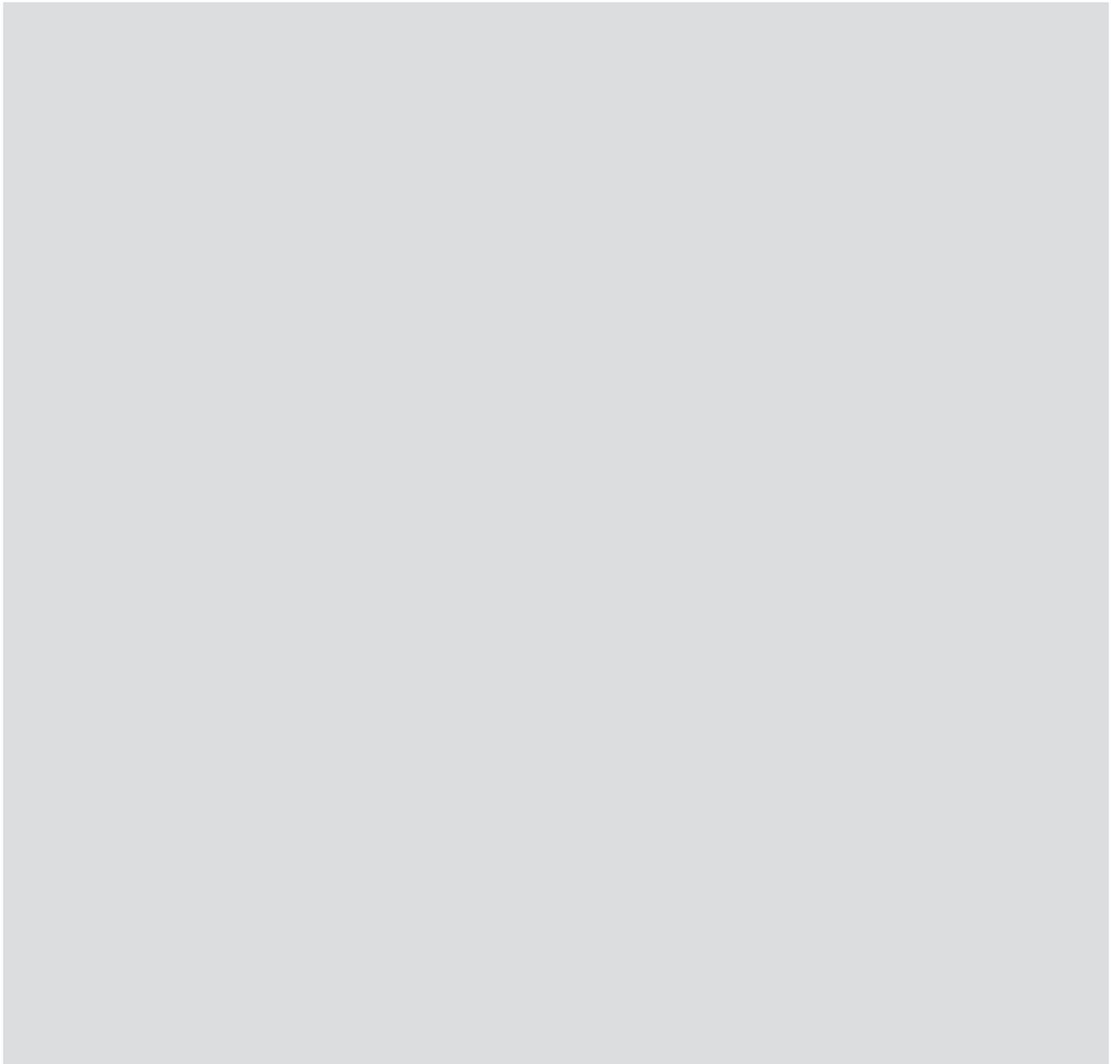




National Platform



Chapter 5: Opportunity and fairness for working families

Introduction

- 1 Labor is the party of work and opportunity. We want to spread the dignity and purpose of work and enable all Australians to build a future for themselves and their families. We are increasing workforce participation and building the skills of the future. We are restoring fairness at work and improving work-life balance.
- 2 The Australian Labor Party was formed to improve the lives of working people. Early Labor governments transformed wages and working conditions in Australia. Protecting workers' rights will always be central to Labor's mission. Now, investing in skills, rewarding personal responsibility and enterprise, enabling time for parenting and family life, and securing a fair and just level of retirement income are also part of Labor's modern vision.
- 3 Australia's economy and society continue to change. Labor is leading Australia's transition to a high-skill, high-wage, and diverse and clean energy economy. Labor is responding to the challenges of an ageing society and the desire of Australians to have greater choice and control over their lives. Labor's workforce strategy is to create a strong and sustainable economy, provide the support and incentives to get people off welfare and to build the skills of our future workforce. Labor's approach is a bringing together of collective action and individual empowerment. It is forward looking but grounded in the needs and aspirations of today's working families.

Labor values

- 4 Labor believes that fairness in the workplace is fundamental to a fair society and that one of Australia's greatest achievements is the progress over successive generations in improving the working conditions and entitlements of working Australians. Fairness at work is a core value in a modern, prosperous society. It is a key determinant of living standards, financial security and the ability of Australians to make plans for their future.
- 5 Labor believes in the dignity and purpose of work. We believe jobs and job security promote social and financial wellbeing, stable family life and strong communities. Labor is committed to lifting workforce participation and to achieving full employment, meaning everyone who wants to work is supported and able to find a job in a reasonable period of time.
- 6 Labor believes everyone deserves fair access to the economy. This defines Labor's approach to employment services and welfare reform. It means fully understanding the barriers that prevent people getting a job and designing programs to overcome them. It means reforming and modernising services to meet the needs of today's jobseekers.
- 7 Our approach is to create better opportunities that require greater responsibility. Labor believes that those who can work should work, and government has a responsibility to provide support and opportunity to people to enable them to meet their obligations. In the context of an ageing society, and a skills shortage, we cannot afford to have people out of work who could be contributing to our economy and future prosperity. Labor is committed to ending the cycle of welfare dependency where successive generations of families are left to languish on welfare. Strong requirements will ensure that opportunities for training and work experience are taken.

- 8 Labor is committed to helping Australians get the skills they need to find jobs and to meet industry needs now and in the future. Economic growth means more demand for skills not just in mining and construction, but across the economy. We are investing in the skills required for clean energy and new technology industries and in training the next generation of trades-people that are vital to our domestic and industrial infrastructure. Labor is taking a whole economy approach to building the skills of Australia's future workforce.
- 9 The way that work is structured affects the broader wellbeing of individuals and families, in particular how they balance responsibilities at work and with their families, such as raising children or caring for relatives. Labor is committed to improving work-life balance. Labor supports initiatives to improve the balance between work and family life, including flexibility for employees to combine work and family responsibilities, take personal leave for caring responsibilities and the right not to have to work excessive and unsociable work hours. Labor upholds the right of all working families to be able to access common leisure time on significant holidays for the Australian community.
- 10 Labor is committed to building a modern, fair and flexible workplace relations system. Labor believes that a flexible and fair workplace relations system based on a skilled workforce, secure employment and increased productivity is a key element of a modern, prosperous Australian economy and is essential for building and sustaining prosperity for all Australians.
- 11 Labor believes workplace relations should be based on harmonious and productive relationships between employers and employees. Workplace relations laws should be balanced and should promote fairness, flexibility, productivity, job security, employment growth and good wages and working conditions.
- 12 Labor believes that the best outcomes for both employees and employers come about through cooperation at the enterprise level. Industrial relations laws should encourage productive workplace relations by fostering collective bargaining, particularly but not only at the level of individual enterprises, and recognising the right of employees to collective bargain with their employer about wages, conditions, job security and related matters.
- 13 Labor believes all employees are entitled to a strong safety net of fair, relevant and enforceable minimum standards, consisting of ten legislated National Employment Standards, and a modern award system (including minimum wages).
- 14 Labor believes that employees have fundamental democratic rights to representation in the workplace, that employees have a right to freedom of association and that employees' rights to organise and be represented by a union must be respected, including the right to access to representation at work via an effective union right of entry regime in reasonable locations and at appropriate times.
- 15 Labor supports international labour standards and their effective implementation in Australia and supports the International Labour Organisation in its objective of promoting decent work for all and raising labour and social standards.
- 16 Labor believes that employees are best represented in their workplace through membership of their relevant trade union and that unions and union delegates have an important role to play in giving employees a voice at work, building harmonious and productive workplaces, facilitating workplace change, resolving disputes as they arise, improving occupational health and safety, and improving access to ongoing training opportunities.
- 17 Labor believes it is essential that balance in the workplace is achieved through an independent umpire to ensure the fair and effective resolution of disputes, to ensure the fair application of workplace laws and to act in the national interest when required.

- 18 Labor is committed to building retirement income security for all Australians, including by building on the universal superannuation system established by previous Labor governments in cooperation with the union movement and business organisations. Labor supports that any increase in the rate of compulsory superannuation should not result from any trade off in real wage increases for workers.
- 19 Labor believes the level of work-related injuries and illness remains unacceptably high and is committed to creating safer workplaces and ensuring that injured workers are entitled to compensation and assistance.
- 20 Labor believes that Australia's trade unions, as the legitimate representative of the workforce, should be fully consulted and involved across a range of industrial, economic and social issues. Accordingly, Labor in government will aim to include unions along with business, community and other appropriate interests in constituted boards, committees and consultative bodies that provide advice to the government.

Labor achievements

Participation and skills

We have:

- through strong economic management, ensured Australia has one of the lowest unemployment rates compared to the major advanced economies
- secured high workforce participation—since November 2007 the participation rate has remained at or around record high levels
- introduced Australia's first national Paid Parental Leave scheme and extended rights for unpaid parental leave in the National Employment Standards
- overhauled our job services network to focus squarely on getting people off welfare and into jobs, providing more help for people with disabilities, Indigenous Australians and those with severe barriers to employment
- built 100 trade training centres that will help meet the skills shortage and train the next generation of trades-people
- introduced Learn or Earn which guarantees every young Australian under age 25 a training place if they are not already in full-time education or work
- increased support to families by up to \$4000 to encourage teenagers aged 16 to 18 to remain in school or TAFE
- uncapped Disability Employment Services to give more people with disability access to employment services
- changed income-support arrangements for people with disability to provide more incentives to engage in work
- established Jobs Services Australia and succeeded in placing more than 680,000 Australians into jobs
- introduced stricter rules for job seekers that are focused on encouraging greater participation and engagement
- improved incentives in the tax system. The change to the Low Income Tax Offset will mean more immediate rewards to work for low and middle-income earners. Phasing out the Dependent Spouse Tax Offset for taxpayers with a dependent spouse who turned 40 on or after 1 July 2011 will reduce disincentives to work
- invested \$3 billion in a new Building Australia's Future Workforce package. This package provides immediate skills assistance to industry and apprentices and sets the path for meeting medium-term skills needs. It complements the new assistance and responsibilities for groups with lower participation levels to take up work.

Industrial relations

We have:

- abolished the hated WorkChoices laws that stripped away pay and conditions and have replaced them with a balanced industrial relation system that returns fairness to our workplaces
- created an industrial system that works well, with low unemployment, sustainable wage growth, low levels of industrial disputation and record levels of collective agreement making
- ended AWA individual contracts that undermined the pay and conditions of hardworking Australians established Fair Work Australia, an independent umpire to help employees and employers resolve disputes at the workplace
- broadened the definition of pay equity so that it did not simply provide equal pay for equal work but provided equal pay for work of equal or comparable value, so that discrimination does not have to be proved as grounds for bringing a case forward
- provided a fair, relevant and enforceable minimum safety net for Australian employees comprising ten National Employment Standards and a modern award system
- introduced an obligation to bargain in good faith and a new 'better off overall' test to make sure workplace agreements leave workers better off
- restored protection from unfair dismissal to 2.8 million Australians. Seven million employees are now eligible for unfair dismissal, compared with 4.2 million under WorkChoices
- streamlined and strengthened general protections for workers with the freedom to choose to be represented in the workplace.

Labor priorities

From welfare to work

21 Despite strong economic growth, not all groups and regions are sharing equally in rising prosperity. Jobless families, single parents, disengaged young people and people with disability can all benefit from the opportunities provided by a strong economy. Labor is assisting more Australians to participate through a combination of incentives, supports and responsibilities. Labor has introduced measures to get more Australians into the workforce or to undertake activities that will improve their future employment prospects. Labor is improving incentives to work by:

- rewarding work through fairer income tests and employer incentives
- providing new opportunities to encourage more people into work through training, education, childcare and employment services
- introducing new requirements for teenage parents, long-term unemployed people and Disability Support Pension recipients
- introducing new approaches to address entrenched disadvantage in targeted locations.

22 Labor is also improving workforce participation by:

- connecting people with jobs to support unemployed job seekers to relocate
- investing in more help for mature age workers to provide up to \$4000 to mature age people undertaking skills assessment and training to support up-skilling
- introducing stricter rules for job seekers to increase engagement with employment services.

- 23 Labor is restructuring income support for single parents to promote and support participation. From 1 January 2013, single parents on Newstart Allowance will get to keep an extra \$3900 per year through a more generous income test. At the same time, grandfathering will be phased out for Parenting Payment recipients when their child turns 12 to more closely align their eligibility with other recipients. Labor will also provide extra support for single parents including through training and career advice.
- 24 Labor is reforming participation requirements for Disability Support Pension recipients aged under 35 years with an assessed work capacity of eight hours or more per week. Labor is also increasing the number of hours recipients can work and remain eligible for the Disability Support Pension. We are also making the Disability Support Pension assessment process more rigorous and accurate. Higher wage subsidies are also being introduced to reward employers who hire people with disability for at least 15 hours per week.
- 25 Labor is supporting more young people into work, education or training through:
- extending 'Earn or Learn' requirements to those aged 21, part of broader changes to Youth Allowance
 - funding activities for Early School Leavers to help them develop basic employability skills
 - increasing Family Tax Benefit Part A for dependent 16–19 year olds in full time secondary study, to help families meet costs and support their teenagers to stay in school
 - a new Indigenous Youth Career Pathways Program that will provide school-based traineeships to help the transition from school into further education or work.
- 26 Labor is not giving up on people who have been out of the labour market for a long time. Labor is providing wage assistance to reward employers who give a very long-term unemployed person a job and is funding increased work experience requirements from six months to 11 months a year.
- 27 The benefits of economic growth are uneven and entrenched disadvantage is concentrated in some areas. Labor is taking a new approach to disadvantaged locations. In ten locations, teenage parents on income support will have to agree to a participation plan focused on the parent attaining Year 12 and school readiness for their children. Jobless families in these locations with young children will be required to participate in interviews and workshops to improve school and employment readiness. Labor is also extending income management to five more sites and is trialling innovative service delivery.
- 28 Labor will continue to implement major reforms to employment services, to provide greater access to assistance and more support for job seekers to gain the skills needed to fill vacancies. Labor will also provide a greater focus on individualised and personalised employment services, ensuring that job seekers have pathways to employment that suit their circumstances and needs.
- 29 Labor will put in place new incentives to ensure job seekers are equipped with the quality skills and training required to meet the labour needs of employers. Labor's employment services policies will work in conjunction with training policies and programs, with additional new training places targeted towards those sectors of the economy which are experiencing ongoing skills shortages, enabling redundant workers to retrain in areas of skill need.

Paid parental leave

- 30 Australia's first national Paid Parental Leave scheme was introduced by this Labor government on 1 January 2011. Australia's first national Paid Parental Leave scheme is helping new parents stay connected with the workplace when they take time off to care for a baby. Labor recognises the new dynamics of Australian families—mothers wanting the flexibility to move in and out of the workforce as they have their children, fathers wanting a more hands on role in raising their families.
- 31 Labor's Paid Parental Leave scheme supports eligible parents to receive up to 18 weeks Paid Parental Leave at the National Minimum Wage, currently around \$590 per week, giving them the financial security to take time off work to spend with their newborn babies. The scheme is available to full-time workers, casual workers, part-time workers, the self employed and contractors and parents have the flexibility to transfer or share leave between them.
- 32 Labor recognises that Paid Parental Leave also assists employers to retain skilled staff. A national paid parental scheme is helping boost productivity, allowing parents to maintain their skills, maintain a connection to their profession and workplaces, and transition from work life to family life more easily. This national Paid Parental Leave scheme has brought Australia into line with the rest of the developed world and secured a new benefit that will help new mothers, working families, and the national economy.
- 33 Labor is building on Australia's first, national Paid Parental Leave scheme by expanding the scheme to include a dedicated payment for fathers and other partners. Eligible working fathers and other partners will have access to two weeks Fathers and Partner Pay at the national minimum wage, which is currently about \$590 a week before tax for a child born or adopted from 1 January 2013. This new entitlement will give father and other partners financial support to take time off work to support new mothers and be involved in the care of their new baby right from the start.
- 34 Labor believes that childcare and parental leave are important means of removing barriers to entry to work and of boosting productivity for working people of child bearing age. Labor will seek to ensure that parents have access to affordable and quality childcare, and in doing so will consider what taxation, superannuation, work and industry arrangements are optimal for that purpose.
- 35 Labor will encourage employers and employees to adopt flexible working arrangements to accommodate unpaid caring work.
- 36 Labor will encourage more employers to top up the earnings of workers receiving Paid Parental Leave so that they can enjoy their regular income and entitlements while on parental leave.

Investing in skills and social mobility

- 37 Labor believes education and training is the bedrock of increased social mobility in Australia. Through acquiring knowledge and skills, our citizens can improve their work opportunities and their living standards, and contribute to a more prosperous, productive Australia.
- 38 Our Building Australia's Future Workforce package is putting industry at the heart of the training effort to help meet emerging skills shortages. Central to this package is a National Workforce Development Fund that will deliver around 130,000 high-quality training places directly tailored to industry needs. The training will require co-investment from industry, recognising the shared responsibility for training between the government and industry.

- 39 The fund will be supported by the establishment of the new National Workforce and Productivity Agency from 1 July 2012. The agency will work closely with industry to identify skills needs and build a more skilled and capable workforce.
- 40 Labor has a fresh vision for skills—a high-quality and responsive training system that meets the longer term labour demand needs and sustains economic growth. Labor is setting tougher new reform standards through the National Agreements for Skills and Workforce Development. This will include increasing the focus on higher level training and aligning effort with economic needs.
- 41 We are also investing in a smarter apprenticeship scheme that works for more Australians. While many Australians start an apprenticeship, less than half of those complete them. Labor is providing funding to support mentoring, progression and completions. An expansion of the Apprenticeship Access Program will also assist vulnerable job seekers to take on an apprenticeship. Labor is also investing in services to improve the basic employment skills of jobs seekers which will provide 30,000 additional places in the Language, Literacy and Numeracy Program. Labor is committed to attracting and retaining apprentices. Labor recognises that current wage structures are an impediment to attracting and maintaining apprentices and supports a review of those arrangements through Fair Work Australia's review of training wages.
- 42 Labor has also committed to delivering:
- 130,000 more quality training places—industry-driven, to better match skills with demand
 - updated apprenticeships—with \$101 million in funding to mentor apprentices and changes to the system to let apprentices progress as their skills increase, rather than time served
 - reforms to make work pay for jobseekers with a disability and single parents, by allowing them to keep more of their payment if they work more
 - removing the incentive for young people to go on income support early—because we believe they should either be learning or earning
 - funding wage subsidies for the long term unemployed and disabled—along with extending work experience and work for the dole to 11 out of 12 months of the year for those who have not worked for more than two years.

Indigenous economic development and participation

- 43 Labor has committed to halve the gap in employment outcomes between Indigenous and non-Indigenous Australians by 2018.
- 44 Labor is committed to improving employment opportunities and the job readiness of Indigenous Australians. Labor has reformed the employment services system, the Community Development Employment Projects program and the Indigenous Employment Program to ensure more Indigenous Australians have the skills needed to gain employment. Labor will support government programs that create more economic development opportunities for Indigenous Australians, including using government purchasing to connect Indigenous Australians with those opportunities.
- 45 Labor supports those Indigenous leaders who have called for an end to the cycle of welfare dependency and for new approaches to Indigenous economic development and participation.
- 46 Labor is committed to building and supporting the economic independence of Indigenous Australians and through our Indigenous Economic Development Strategy will provide a pathway for Indigenous Australians to have the same opportunities as all Australians—to get an education, find a job or start their own business, own their own home and provide for their families.

- 47 Labor is committed to driving up Indigenous employment rates, and is achieving good results through the Job Services Australia system, reform of the Community Development Employment Projects program and Indigenous Employment Program.
- 48 Labor believes in supporting Indigenous business and is leading the way through procurement reform, building both individual and community wealth as well as supporting the employment of Indigenous Australians.
- 49 Labor will:
- support 100,000 Indigenous Australians to find and keep a job by 2018 to meet our Closing the Gap target
 - reform employment and participation services in remote areas to ensure that those who are able to work are supported to train and find work
 - reform welfare services to require those who are able, to seek and accept employment
 - work with businesses, including in remote communities, to create employment and training opportunities for Indigenous Australians
 - ensure that participation programs in remote communities focus on skill-formation and are not a substitute for real employment
 - support the growth of the Indigenous business sector
 - ensure that the Council of Australian Governments investment is used to leverage Indigenous employment and business outcomes.

People with disability and mental illness

- 50 Labor is also creating incentives and opportunities for people with disability to participate in the paid workforce, through engagement with the private and non-government sectors.
- 51 Labor is implementing a national mental health and disability employment strategy, outlining measures to help increase the employment rates of Australians with mental health conditions and disabilities, including giving priority to employment programs specifically designed to work in close collaboration with the mental health and disability services.
- 52 Labor has undertaken significant reform of the Disability Support Pension (DSP) to reward effort and initiative for those who can work, and to ease the pressure on the system which supports those who can't.
- we have streamlined assessment processes and are now fast-tracking people who are clearly or manifestly eligible due to a profound disability or terminal illness—so they receive financial help quickly and aren't bogged down by unnecessary assessments
 - we have introduced more rigorous assessment procedures for people, whose circumstances aren't clear cut, introducing compulsory interviews and participation plans for people on disability support pension who are under 35 who are able to work at least eight hours a week, so that we can support them on the path to employment
 - we are re-writing the old and out-of-date medical tables used to rate the severity of a person's impairment, which were last reviewed in 1993. From January 2012 the impairment tables used to assess the extent of disability will focus more on what a person can do rather than what they can't
 - we have removed the cap on access to disability employment services
 - we are investing an extra \$50 million in personal helpers and mentors to work jointly with employment services to help DSP and other income support recipients with mental illness into the workforce

- we are providing greater incentives for disability pensioners to give work a go, by allowing DSP recipients to work up to 30 hours a week without losing their pension
- we are working with employers through new wage subsidy programs to create more job opportunities specifically for people with disabilities to help break down the barriers to employment.

53 Labor recognises that Commonwealth Rehabilitation Service (CRS) Australia plays an important role in providing a comprehensive service assisting job seekers with a disability or mental illness nationally. Labor is committed to ensuring that the Commonwealth remains a key provider of these services and to CRS Australia remaining a viable Commonwealth entity.

Creating fair workplaces

54 Labor's commitment to fairness in the workplace is reflected in its commitment to a fair, relevant and enforceable safety net for all working people, the right to organise and representation, the right to collective bargaining in good faith, the right to equal pay for work of equal or comparable value, protection from discrimination in employment, protection from unfair dismissal, entitlement to redundancy pay, security of entitlements and access to an independent umpire to assist in resolving disputes. These measures are important to ensuring that the Australian belief in the fair go is reflected in our working lives.

55 Labor will build on the foundations it established through the abolition of WorkChoices and the building of a new, fair and flexible industrial relations system that has stopped Australian Workplace Agreements, introduced "the better off overall" test that protects employees from losing basic entitlements without compensation, and built a decent safety net.

56 At the foundation of Australia's workplace relations system is the right for employees to organise into a trade union, and to join together to bargain in good faith for decent pay and conditions, generally at the enterprise level or by agreement with more than one employer. Labor believes this is the best means to ensure fair and productive workplace relations, providing flexibility for both employers and employees. Recognising that one size does not fit all, Labor has also provided the flexibility for employers who have an especially close connection to apply to bargain together. However, recognising that bargaining at the enterprise level is not always efficient, possible or appropriate, Labor has provided scope for multi-employer bargaining, Labor has ensured that working Australians can bargain collectively about all matters relevant to their working lives.

57 Labor also understands that for most workers, their individual bargaining power is limited and that their best chance for achieving fair and decent outcomes is to combine with their fellow workers and act collectively to advance their interests. Labor is committed to a workplace relations system that supports and respects the role of trade unions in our nation's workplaces especially the work of the union delegate. Labor supports measures to ensure delegates are able to organise and effectively represent employees, including paid training leave.

58 Labor believes in the fundamental right of employees to organise and to bargain collectively. Where a majority of employees want to bargain, employers must respect this. Once a bargaining process has commenced, all parties must engage in bargaining in good faith. While responsibility for resolving disagreements should exist at the workplace level, the independent umpire will be able to enforce orders to bargain in good faith. Labor believes all employees and employers, in every workplace, are entitled to the same basic rights and responsibilities.

59 Labor supports the system of modern industry awards that has provided relevant minimum standards for Australian workers. Labor is committed to a modern award system that is simpler and more relevant to the workplaces of the 21st century, while also addressing the needs of workers in different industries and occupations.

- 60 Labor believes that the primary responsibility for resolving disputes about the operation of agreements resides with those covered by an agreement. Labor will support the inclusion of genuine dispute resolution procedures in agreements to deal with those circumstances where such disputes cannot be resolved through discussion, conciliation or mediation.
- 61 Labor is committed to helping young parents with raising children and assisting in managing work and family responsibilities, through the provision of paid parental leave, rights to unpaid parental leave of up to two years, the right to request working on a part-time basis or other flexible work arrangements and the right to work reasonable but not excessive hours.
- 62 Labor also recognises that although some parents would prefer to stay at home and care for their children on a full-time basis when their children are pre-school age, many cannot afford this option. Labor will work to ensure that parents can exercise this choice. Labor recognises that employees with caring responsibilities for other dependants require assistance in managing their work and caring roles. Labor will examine the desirability of extending flexible work entitlements to all carers.
- 63 Labor will strive to ensure that the right to request changes to working arrangements to meet caring responsibilities is equitable for all employees. Labor is committed to ensuring that the right to request provisions operate effectively and will consider evidence and options for further enhancements where employers unreasonably refuse employee requests for changes to working arrangements to meet their caring responsibilities.
- 64 Labor acknowledges the fact that low paid workers in key industries often do not have access to bargaining or are not able to benefit from bargaining, Labor is committed to a low-paid bargaining stream in which workers who are substantially reliant on the safety net are able to participate in bargaining, with the involvement of third parties where relevant, through a special authorisation from the independent umpire.
- 65 Recognising the opportunity which collective bargaining provides to build fair, productive and rewarding workplaces, Labor agrees that the post-implementation review of the Fair Work Act should also consider the need for possible amendments to the Act to increase the take up of bargaining in those workplaces and/or industry sectors which currently do not have enterprise agreements or have low levels of bargaining.
- 66 Labor recognises the importance of job and income security for working people and in ensuring a stronger and fairer society. Labor is committed to ensuring that Australia's workplace relations system balances the needs of business with the important social and economic need of creating and sustaining good, secure jobs. In particular, employees should not bear an unfair share of the risks associated with changes in industries or sectors.
- 67 Labor is committed to the maintenance of Fair Work Australia and the Fair Work Ombudsman to ensure that workplace laws are understood and implemented. Labor believes these bodies should provide practical, quick and low-cost assistance to help employers and employees understand their rights and responsibilities.
- 68 In delivering a modern workplace relations system, Labor will:
- continue to work with state governments to achieve referrals of power or other forms of harmonisation to achieve a truly national workplace relations system for the private sector
 - undertake education activities to ensure employers and employees understand and comply with their rights and obligations under the new system, including programs directed at young workers and people living in regional and rural areas

- support the provision of education and training to employers, employees and trade unions aimed at achieving cooperative and harmonious workplace relations, improved workplace productivity and effective resolution of disputes at the workplace level
- examine additional measures to support the activities of workplace delegates in dispute resolution, bargaining, skills development and productivity improvements as well as access to information and support from their trade union in the workplace
- consider additional measures to promote and ensure good faith bargaining in workplaces including the development of guidelines on good faith conduct in negotiations that allow access to and assistance from the independent umpire to resolve disputes
- promote better skilled and secure jobs through industry driven workforce development research and planning. Labor will establish the new Productivity and Workforce Development Agency as an authority on workforce development policy advice and to conduct skills and workforce research, including into the quality and security of jobs and the future working life in Australia
- ensure that all employees and employers have equal access to assistance from the independent umpire to resolve disputes, including disputes about the making and operation of agreements, and including by requiring that dispute resolution procedures in agreements provide for arbitration as the final stage where such disputes cannot be resolved through discussion, conciliation or mediation
- recognising that the speedy and effective resolution of disputes is an essential feature of any fair and flexible workplace relations system, the review of the Fair Work Act will consider whether the independent umpire requires additional powers to deal with protracted and/or intractable bargaining disputes and there is no reasonable prospect of reaching agreement, including in relation to the making of workplace determinations
- ensure that the current operation and scope of modern awards, collective agreements and contracts of employment are sufficient to ensure that workers have the enforceable protections of the relevant industrial instrument regardless of the legal identity of their employer
- strengthen the laws which prohibit sham contracting
- work with trade unions and employers to ensure that employees have access to adequate information on their workplace rights, relevant industrial agreements, occupational health and safety and other employment information
- work with trade unions and employers to ensure employers respect all workers' right to join a union without hindrance or discrimination, and assist with workers joining through utilisation of modern payment methods such as direct debit
- work with state and territory governments to achieve a national minimum standard for long service leave to form part of the National Employment Standards and facilitate schemes that provide portability of entitlements between employer
- work with state and territory governments to ensure consistent treatment of public holidays, including the issue of the treatment of Christmas Day, Boxing Day and New Year's Day where they fall on weekends
- seek to address the gender pay gap, which remains unacceptably high. In particular when Fair Work Australia is conducting periodic reviews of modern awards it will be required to take into account the principle of pay equity
- encourage secure work, reasonable hours of work and work arrangements that assist employees to meet their family responsibilities
- encourage and support employers and unions to develop working time arrangements that are consistent with employees' preferences and needs, reduce excessive working hours, maximise employment creation and help employees meet their family responsibilities
- provide wage levels for apprentices and trainees that fairly balance the need for a living wage with the need to encourage employers to train the next generation of skilled employees

- consult and work with trade unions, employers and community organisations to remove obstacles to the employment of people with disabilities
- protect vulnerable seafarers in the coasting trade and promote fair labour standards in the Australian shipping industry
- support the work of the International Labour Organization, particularly within our region, to improve international labour standards and champion respect for internationally recognised workplace rights
- abolish the Australian Building and Construction Commission and ensure that the new Fair Work Building Inspectorate provides a balanced and effective compliance regime, which will provide procedural and substantive fairness to all parties in the construction industry.

69 Labor recognises that industrial tribunals have traditionally provided a low cost forum to resolve day to day workplace grievances. Labor's regime of dispute settlement provides for assistance from Fair Work Australia, informal small claims procedures in the courts and enforceable undertakings to the Fair Work Ombudsman to ensure that effective, low-cost, informal and prompt resolution of disputes continues as a feature of our workplace laws.

70 Labor will in consultation with business, unions and other stakeholders monitor the implementation of its workplace relations laws in practice to:

- address any unintended consequences
- measure their effectiveness in promoting cooperative and productive workplaces and fairness and representation at work
- monitor the operation of the laws to ensure the use of individual flexibility arrangements are mutually beneficial.

Outworkers

71 Labor recognises the disadvantaged position of outworkers in the Textile, Clothing and Footwear sector. Outworkers require specific regulatory protection in order to control the exploitative conditions under which they are employed.

72 Labor is committed to urgently securing the passage into law of the *Fair Work Amendment (TCF Industry) Bill 2011* in order to provide that outworkers are employed under secure, safe and fair systems of work by ensuring:

- outworkers will have nationally consistent rights to legal redress and protection that are of no lesser standard than that currently applying in state outworker legislation
- an end to the artificial distinction between so called 'employee' outworkers and 'contract' outworkers by deeming all outworkers to be employees
- that the special Right of Entry provisions regarding Outwork in the TCF industry apply to sweatshop workers.

73 In order to participate and take a lead role in global efforts to end the exploitation of home-based workers, Labor will accede to the ILO-C177 Home Work Convention, 1996, Convention Concerning Home Work.

A national agenda for workplace safety and workers' compensation

74 Labor is committed to building on the significant progress that has been made towards establishing national Occupational Health and Safety laws.

75 Labor will advance its workplace safety agenda through Safe Work Australia, the national body overseeing the development of model Occupational Health and Safety laws.

- 76 Labor believes that every workplace injury is preventable and is committed to the highest possible standard of workplace safety and will support industry, employers, trade unions and workers to reduce workplace risk, hazards and injury.
- 77 Labor will work cooperatively with the states and territories to harmonise Occupational Health and Safety frameworks, including the Commonwealth's own activities, to reflect best health and safety practice within Australia consistent with the best international standards.
- 78 Labor believes that injured workers must be supported by a compensation scheme that is both fair and financially sound. To achieve this, Labor is committed to improving the Comcare scheme to ensure that injured workers have appropriate Workers' Compensation coverage and benefits.
- 79 Where the Commonwealth already regulates private sector Occupational Health and Safety and Workers' Compensation in the shipping, offshore oil and gas, and stevedoring industries, Labor will make further efforts to eliminate regulatory uncertainty and dual jurisdictional involvement in consultation with states and territories and key industry stakeholders recognising the potential of a national regulatory framework.
- 80 Labor will work with farm organisations, unions and across governments to develop tripartite codes of practice for workplace safety on farms, fishing vessels and in forests. Where codes fail to improve safety on farms, government will introduce appropriate regulation. Labor also supports research into farm safety and supports measures to raise the profile of farm safety.
- 81 Labor notes there is evidence of a clear link between certain commercial practices in the road transport industry and poor safety outcomes. Low rates of pay and practices such as fining drivers for missing delivery slots contribute to excessive driving hours, overloading and speeding. The resulting vehicle accidents bring trauma and cost to the entire community.
- 82 Labor welcomes the government's decision to enact legislation for the Road Safety Remuneration System to protect owner drivers and employees in the road transport industry by working with the industry to implement reforms that will establish and maintain safe rates, conditions and payment systems for employees and owner drivers. The system will be able to respond to changes in industry conditions and will provide an effective means of resolving disputes. The system will cover all parties in the transport supply chain and be accompanied by a strong and effective education and enforcement regime.
- 83 Labor is committed to tripartite oversight of Workers' Compensation and workplace safety systems and will ensure that trade unions, governments and employers are appropriately represented. In light of the terrible legacy that asbestos has had on the Australian community, Labor is committed to the development of a national strategy and plan to improve asbestos awareness, management and removal from the built environment. The government has established the Asbestos Management Review to develop the strategy.
- 84 Labor will work with states and territories to ensure all Australians workers are protected from exposure to asbestos related disease (ARD). Labor will also work in a co-operative manner with international labour organisations and countries to ensure workers across the world are protected from ARD.
- 85 Labor will work to ensure that the regulation of all chemicals in Australia is consistent, and reflects world best practice, in order to provide the highest level of protection to the community, workers, and the environment. To this end, Labor will ensure the efficient and timely assessment of all chemicals, and require safety data to be complete, up to date, and comprehensive (including the nano forms of bulk chemicals). Labor will also work toward ensuring that risks posed by chemicals are reduced.

Protecting the entitlements of all employees

- 86 Labor believes that times of economic uncertainty underscore the need for adequate social safety nets and for the protection of employee entitlements.
- 87 Labor believes that all employees should be protected from unfair dismissal, not only to prevent workers being sacked for no good reason, but also because giving supervisors and employers the right to hire or fire at whim tilts the balance of power in the workplace against employees and can contribute to a culture of intimidation and bullying.
- 88 Labor believes that employees have a basic right to redundancy pay, as reflected in the National Employment Standards and subject to variation in awards or enterprise agreements. Redundancy pay can cushion individuals and families from the immediate financial impact of the loss of work and are especially important during a period of economic downturn.
- 89 The Global Financial Crisis and subsequent developments also underscore the importance of the protection of employee entitlements in circumstances of company collapse.
- 90 Labor is committed to the implementation of a fair and enforceable scheme that provides the most effective mechanism to protect all employee entitlements. To protect employees from the risk of market and company failure, Labor will:
- Legislate to give effect to the Fair Entitlements Guarantee which protects workers' entitlements to redundancy pay (up to four weeks per year) and all annual leave, notice long service leave and up to three months unpaid wages
 - introduce an improved ranking of employee entitlements relative to other creditors, ensuring that employers and directors meet their responsibilities, and ensure that any burden placed on taxpayers is reasonable
 - make additional amendments to corporations law to ensure compliance in relation to the recovery of employee entitlements including prohibitions on corporate or director conduct undertaken to or which has the effect of preventing recovery
 - ensure there is an obligation on employers to make proper provisions for employee entitlements
 - take special steps to protect those most vulnerable to the GFC — school leavers, apprentices and trainees, the newly unemployed (especially older people), the long-term unemployed and those in vulnerable regions
 - continue to develop mechanisms to protect workers superannuation
 - provide new training opportunities to Australians who are vulnerable to unemployment
 - encourage and support employers, trade unions and employees to work together to find creative and flexible ways of supporting jobs and keeping employees in work during the global economic recession.
- 91 Labor laws will ensure that a transfer of business, corporate restructure, phoenixing or insourcing or outsourcing arrangements are not able to be used as a means of avoiding the obligations in an enterprise agreement or modern award or the Fair Work Act.
- 92 Labor will facilitate schemes that provide portability of leave entitlements between employers where those entitlements would otherwise be lost to the employee.