

A publication of Private Sector Industrial Relations

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Local government workers get employment security

Local government workers in Queensland can rest easier now their pay and conditions are protected under state industrial laws.

Legislation passed through Parliament recently changed the legal status of local government, releasing council workers from federal industrial laws.

The only exception is employees of Brisbane City Council, which was not part of the council reform and amalgamation process.

The change means local government workers are free from the effects of WorkChoices. It also gives stability and flexibility to councils across the state.

Before WorkChoices, white collar local government employees were covered under federal jurisdiction while blue collar employees had state awards and agreements. WorkChoices moved the blue collar employees into the Federal system.

The new Federal Government has indicated it will exclude state and local government employees from the

Federal system. It is expected this will occur in 2010.

Returning workers to the state system before the local government reform changeover day of 15 March 2008, allowed state law to apply to the transfer of employees, the protection of their entitlements, and the transmission of their industrial instruments.


These changes will not affect the pay rates and other entitlements of local government employees nor remove their coverage by an industrial instrument.

To ensure this, amendments to the *Industrial Relations Act 1999* have been included in the legislation to convert the relevant federal industrial instruments to state industrial instruments of the same type (e.g. federal awards become state awards).

In addition, the pay rates and other entitlements of local government employees are explicitly preserved so that there will be no change to the pay an employee receives as a result of the new legislation.

Changing the corporate status of local government does not affect its existing rights and liabilities, such as contractual obligations.

Local government will retain its existing powers under section 36 of the *Local Government Act 1993* to enter into contracts: acquire, hold, deal with and dispose of property; charge for services and facilities; and do all things necessary to enable them to exercise their jurisdiction as local governments.



Don't work free: jobseekers warned to report unfair work practices

Job seekers have been warned that job offers that require them to work unpaid trial shifts are not legal and the employers concerned should be reported.

Queensland's state industrial relations laws do not allow workers to be hired without being paid a minimum rate of pay and a range of entitlements.

A recent case involved a Sunshine Coast woman who was required to perform four days unpaid part-time work as a training trial during which she was to be considered for employment at a nail salon. This was despite her existing qualifications and experience as a nail technician.

The woman performed the trial in the hope of continuing employment, but was then denied employment. Had the Queensland Workplace Rights Office not intervened this employer would have benefited from four days free work.

After intervention by the Queensland Workplace Rights Office, the employer paid the woman for her work and the unlawful practice was reported to the

federal Workplace Ombudsman for further investigation.

Any job offer involving working on an unpaid basis, either as a trial or to gain experience, is illegal.

Both federal and state laws provide minimum wages, regardless of the work that is performed.

Failure to pay a worker for their work could net the employer a fine of up to \$15,000 regardless of whether the work is on a trial basis or not.

Young people are among the most at risk because their inexperience makes them a target for a small minority of unscrupulous employers.

Anyone entering or trying to re-enter the workforce should contact Wageline on 1300 369 945 or visit www.wageline.qld.gov.au

for information on wages and conditions and provisions under the *Industrial Relations Act 1999*. You can also contact the Workplace Rights Hotline on 1300 737 841 or visit www.workplacerrights.qld.gov.au for information on your workplace rights.

The Federal Government's industrial relations laws are similar to Queensland laws in that they also prohibit the non-payment of workers engaged on a "trial" or "work experience" basis.

You should contact the Federal Government's Workplace Infoline on 1300 363 264 for information on wages, conditions and provisions under federal workplace laws.

The Queensland Government-funded Young Workers Advisory Service also offers information about matters affecting young workers, such as bullying and discrimination. Contact them on 1800 232 000.

Workers benefit from federal-state cooperation

The recent Workplace Relations Ministerial Council meeting in Melbourne represents a new deal for Queensland workers.

The meeting was the first of its kind since they were suspended in 2006 and all industrial relations Ministers overwhelmingly agreed to end the federal-state divisiveness of recent years.

The new Federal Government signalled that it would be cooperating with the states and territories, and working to get a better deal for both employers and employees.

All members of the council agreed to work towards a truly national industrial relations system capable of covering all workers, not just those employed in corporations.

There will also be further consultation and cooperation on issues relating to workplace health and safety, and workers' compensation.

State and territory governments will be consulted and involved in setting the directions of these changes to ensure they consider the specific needs and issues of the states and territories.

The Workplace Relations Ministerial Council will also meet more regularly in future to ensure that it is not just a rubber stamp for the Federal Government's policies but a forum where there is genuine consultation and exchange of views.

Public holidays

The approved Anzac Day and Labour Day public holidays for 2008 in Queensland are:

- Anzac Day, Friday 25 April 2008
- Labour Day, Monday 5 May 2008.

Trading hours

On Anzac Day, Friday 25 April 2008 non-exempt shops are to remain closed while independent retail shops are required to remain closed until 1.00 pm, unless they are predominantly food and/or grocery stores.

Non-exempt shops are to remain closed on Labour Day, Monday 5 May 2008, excluding hardware shops in some areas of the state. Independent retail shops have unrestricted trading hours on this day.

Feedback

We welcome your feedback on *IR perspectives*.

Contact us at:
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