By email: irreview@qld.gov.au

Dear Chair,

Re: Submission to the Review of Industrial Relations Laws and Tribunals – Queensland- United Voice, Industrial Union of Employees, Queensland

United Voice, Industrial Union of Employees, Queensland (UV) is a registered union which operates in both the federal and state industrial relations jurisdictions. Over half of our membership is employed in the state public sector and we have members employed in local government. We are pleased to provide this submission to this important review and to continue our participation as the review proceeds.

We have had the opportunity to consider a range of other union submissions as they have developed, including that of the Queensland Council of Unions. There is, as you will see, a great level of consensus evident across those submissions, around many important industrial issues.

**Introductory comments**

When faced with seven issues papers and a raft of posed questions around the operation and application of the Queensland industrial relations system, two thoughts emerge: is the focus on band-aiding the current system; or is there an opportunity to restart the industrial relations legislative framework which operates in Queensland.

The old adage “if it ain’t broke why fix it” doesn’t apply in this instance. The tampering with, and the impact on, the system and the way it has operated over the last five years, but in particular the period 2012-2014, has confirmed that the ability to fix the problem is not an option. The Queensland legislation needs a total overhaul. That is not to say that there may be aspects of the current legislative framework, or indeed from earlier iterations, that could not be taken forward into a new piece of legislation; but as soon as you begin to look at the coverage of the legislation, the tribunal structures, the bargaining process, award regulation, and associated issues, then the breadth of change is substantial.
United Voice (UV) has approached this review from the optimism of fundamental change. It is not enough to respond to a series of questions such as those outlined in the seven issues papers, for this gives rise to a suggestion that the problems can be fixed by tampering with the existing legislative framework.

UV will not provide a direct response in all instances to the questions raised in the discussion papers. Rather in light of the generalist nature of the review UV have approached its submission on the basis of facilitating an open discussion around the issues raised in the various papers.

**What have we got?**

The Queensland industrial relations system has had two fundamental reviews in the last thirty years. The first, the Hangar Inquiry in 1987, led to the introduction of the 1990 iteration of the industrial relations legislation. In many instances what that piece of legislation provided for was a comprehensive shift from what had existed previously in industrial relations legislation. This shift was more a result of the prolonged conservatism of the Queensland government up until the 1989 election of the labor government. When the 1990 legislation was enacted the Queensland industrial relations system was supported primarily by a large volume of private sector employers and employees, the state government, its agencies such as rail and electricity, and local government. The state industrial relations system regulated around 65% of all Queensland workers.

There were some amendments to the 1990 Act particularly between 1992 and 1996, though these principally took a road of forging "closeness" between the state and federal legislation around the issues of bargaining. This is not to say there were no other amendments made, but the amendments between 1990 and 1996 were mainly to create a closer relationship around some core issues, between the two industrial jurisdictions.

There was a seismic shift in 1997 in regard to the legislative framework operating in Queensland. It was to a large extent the impact of the 1997 legislative changes implemented by the Coalition government that led to the second substantial review occurring in 1998 with the Gardner Inquiry. Since 1998 there have been subsequent amendments to the industrial relations legislation but unlike the amendments between 1990 and 1998 where targeted closeness to the federal legislation was sought, the amendments post 1998, and in particularly in the mid-2000s were designed to create distance from the federal legislation.

With the unilateral movement of constitutional corporations into the federal jurisdiction in 2006 and the referral of non-constitutional corporations in 2009, the state industrial relations jurisdiction is now ostensibly a jurisdiction for public sector employees engaged in either state or local government. There has, however, been no corresponding change to the state industrial framework to accommodate for that shift. That is entirely evident in the reading of the Act: it is cumbersome in language, and
complicated in practice as a result of endeavouring to accommodate both the private and public sector coverage of the legislation in the pre-2010 period.

Where we should not go

Any review should not be done on the basis of a cut and paste of the existing industrial relations legislation. The very fact that the legislation is now ostensibly a piece of public sector legislation albeit in the guise of generalist industrial relations legislation, means that to effectively deal with its contemporising requires a rewrite of the Act. This does not mean that there may not be provisions retained from the existing Act. There may even be resurrection of provisions that existed previously. To highlight a couple of areas for amendment will not address the underlying problem that has developed of a piece of legislation that provides for some aspect of industrial regulation, whilst other substantial employment related matters are dealt with under other legislation such as the Public Service Act 2008.

Where we should go

... “to adopt a fair, equitable and reflective piece of industrial relations legislation which accommodates for the rights, entitlements and obligations of state and local government employees and their employers”. It is imperative that the ability for government to unilaterally amend employment conditions of state government employees be tempered with a thought-through process as to how such conditions should firstly be settled, and secondly be altered. If there are lessons from the last three years that can be taken forward to this review it is the acknowledgement that the ability to seek redress when unilateral changes to public service employees’ conditions of employment are made is substantially diminished. The 2012 case¹ before the Court of Appeal by Together is the case in point. Although this matter was on the high plain of the Court of Appeal, it is also true that the decision by the QIRC in limiting the ability to amend public sector awards by incorporating directives² was confirmation that even on the lower plain the ability to reflect and protect entitlements was being hampered.

The underlying tenet of effective industrial relations laws is the ability to have workplace issues resolved in a timely and effective manner. The laws should allow for ease of access by the industrial parties in dealing with the core business of negotiations and settling bargains; ensuring the relevance of industrial instruments; recognising the rights and responsibilities that come from taking industrial action, and effectively representing members in the workplaces.

Bargaining

Process

¹ State of Queensland v Together and Another (2012 QCA 353
² Together Queensland, Industrial Union of Employees and Others AND State of Queensland (Chief Executive of the Public Service Commission) (AR/2013/4) - Decision http://www.qirc.qld.gov.au
UV is committed to bargaining to improve wages and employment conditions for our members. The issue is the bargaining process and how bargaining is reflected when concluded.

The bargaining process has a mix of administrative requirements and industrial aspects. The current legislation sets out in detail the parameters under which bargaining commences, is either settled, or not; if not, then the processes for pursuing protected industrial action; and then if still there is still no settlement a mechanism for moving a non-settled bargain into a determination. The legislative framework has been tweaked over the decades to reflect perceived anomalies in the administrative process, or to amend suspected deficiencies. These amendments have principally been on the initiative of the government, but with their employer hat on.

This has resulted in successful bargaining occurring with less frequency; or that when contested bargaining occurs it is more fractured. Recourse to the tribunal to assist in bargaining has become a one party initiative and used tactically to prevent industrial action and, or, to slow the process for settlement down, often taking up to 12 months or more, through arbitration.

In some instances there has been an extended level of tribunal involvement in attempting to facilitate a bargained settlement. It has often achieved little and in many ways has frustrated the arbitration process.

The types of agreements settled have varied in size of coverage from that applying to tens of thousands of employees to that applying to a small agency with a hundred employees. Although the current legislation has contracted in its coverage to principally public sector employees and their employer (being state or local government), the legislation has continued to reflect a narrow scope of having bargaining settled in either an agreement or determination.

The administrative issues of who deals with bargaining disputes and how they are transferred from conciliation to arbitration should not create a log jam for dealing with these issues. A system which proscribes who can and cannot hear matters and at what stage can hamper an effective system. It, by default, also creates a legalistic one.

**Suggested outcome**

Bargaining should be undertaken with little tribunal interference.

There should be capacity for bargaining to be arbitrated but as a last resort.

Matters of substantial contention such as the level of wage increase in bargaining should be settled in a different manner to that which currently exists, which in the state government area is by way of a Treasury line item.
Bargained settlements should be able to be reflected in a variety of instruments including multi party agreements and awards.

The legislative framework should provide for the incorporation of settled agreements or determinations into awards. This would ensure a more inclusive and reflective award operated.

An award reflecting bargaining outcomes will act as a minimum rates award.

Who within the tribunal/s structure deals with these matters at all stages, and when they deal with the matter, should be simple and quick.

**Content**

The state industrial relations system has, up until the early 1990s, based its jurisdiction on dealing with industrial matters. It adopted a narrower application for bargains by limiting agreements to the employment relationship. This was designed to create sameness between the federal and state jurisdictions but shifted the breadth of matters that could be settled within a bargain.

**Suggested outcome**

Matters subject to bargaining should not be limited but based on a broad definition of industrial matters.

**Protected industrial action**

If a bargaining model operates, then the ability to take protected industrial action is an integral part of that model. A simple process for initiating protected industrial action should operate. Balloting for the taking of action should not be compulsory.

A high level of interference by the tribunal in hampering the action creates limitations around the bargaining process. The level of interference should be limited.

Taking industrial action to advance bargaining claims has been substantially limited within the state government sector. A view that public servants should not take action is ill-founded. Unilateral referral, by a party in the bargain or through tribunal intervention, to arbitration for a disputed bargain is designed to limit industrial action and should not be accommodated.

**Suggested outcome**

Administrative processes for approving protected industrial action should be simple to understand and easy to implement, and not mandatory.

The ability for tribunal/s intervention to limit the taking of protected industrial action should be at a high bar.
Wage settlement

The notion of bargaining for wage increases in the state public sector has been severely hampered by the limitations placed on the level of adjustment and the method by which the increase has been determined. The very word bargaining suggests that the parties involved in the process discuss and negotiate around a quantum to be reflected in the settlement. What has been lacking in the state public sector is any notion of active involvement in arriving at a negotiated wage settlement. Rather Treasury determine a quantum without any active union involvement and then it is reflected in the budget papers as a predetermined limit on wage outcomes.

The implications of that predetermined quantum can influence wage outcomes in general.

Conciliation and arbitration around bargaining will have no success if wage adjustments are already unilaterally determined by the employer.

There were some early instances where the tribunal settled through arbitration wage outcomes that were greater than the Treasury allocation; however once the state government adopted an approach of promoting fiscal responsibility, the capacity to pay more than that allocated was not available. The tribunal took an alternate view in arbitrated matters of indicating that increased wage outcomes would result in job losses.

In more recent times pursuing an arbitrated settlement for bargaining has resulted in no greater increase than that already allocated through the budget for wage adjustments. It also suggests that pursuing a determination will give you no more than the employer offer.

The ILO has considered the processes for resolving issues around wages and employment conditions. UV agrees with the position outlined in discussion paper No.3 that government reforms can only be successful if they are designed and implemented with the cooperation of, and in consultation with, all the stakeholders who will be affected. This is a strong statement. Without direct and active involvement by all parties in discussing, negotiating and determining wage outcomes, effective bargaining is undermined.

As the impact of the state government's wage position influences the position of the quantum applying in other sectors, what is negotiated in this framework would impact on local government employees.

Suggested outcome

A process for negotiating and settling the level of wage adjustment should operate.

The wage quantum determined should be applied on the basis of the equivalent percentage increase to all allowances contained in industrial instruments.
Wage increases through the bargaining process, along with adjustments associated with work efficiency, work value or equal remuneration, should be available.

The principles adopted in 2007 for pursuing equal remuneration in the state context should be continued.

The continuing relevance of “wage case” is tied to whatever process for wage settlement is adopted.

**Good faith bargaining**

The bargaining process (good faith bargaining – GFB) sets out in detail what might broadly be considered best practice for bargaining. To detail the parameters under which bargaining should occur and the rights and obligations placed on all parties, is a good thing. The failure with the GFB process is its lack of enforceability. Although on the surface the provision to enable tribunal/s intervention if GFB is not followed may appear beneficial, the problem lies in how matters, that would in normal circumstances be subject to bargaining are determined in advance of bargaining. An example in point is when the state government, as the employer, but acting with its legislative and executive powers, limits the ability to bargain through unilateral decisions affecting employment conditions.

As evidenced with almost all unsettled matters that have proceeded to arbitration the wage quantum has appeared on the list of non-settled matters. If the quantum has been determined as a budget line item, then the ability to pursue breaches of GFB because the employer is not bargaining in good faith in relation to wages meets its own difficulties.

UV does not reject the notion of an effective GFB provision, but the real issue is preventing the state government from determining industrial matters before a bargain begins.

In many ways this is why a decade on, the preferred outcome from the Hawke review – that is public sector wages and employment conditions being settled by “modified bargaining” (restrictions on time taken to bargain with timely access to conciliation and arbitration), has been overtaken by the practices of the employer.

**Suggested outcome**

Effective GFB arrangements should operate.

**Employment conditions**

**Existing instruments**

Public sector employees have their terms and conditions of employment regulated by a range of “instruments”. No one instrument provides in totality what those employment
conditions are. The industrial relations legislation does not provide for a holistic point of reference for public sector industrial issues. In many instances industrial issues are applied referencing an award, agreement, directive, policy, and in some instances an administrative arrangement.

This does not create simplicity, and it does not create an understanding of a workers’ employment conditions. The difficulty in reconciling this mix is particularly compounded when you have the notion of bargaining (negotiation along with agreed settlement), but a more unilateral consideration of the content of directives. The practice of maintaining employment conditions outside of bargained settlements and through directives and policies undermines both bargaining and award regulation.

Conditions of employment can be settled only to find that they are overridden by legislative amendments or by a mix of legislative amendment and directive changes. There are extremes in this process of “overriding”. At worst case are those that were evident in the 2012-2014 period of government. What this period confirmed is that where there is a political will there is capacity to severely limit and indeed reduce employment conditions and practices to the benefit of the employer. The ability to be able to determine employment conditions outside of the industrial relations legislation, and which usurps the power of the industrial tribunal, is a worrying feature of state government employment.

It is timely in this review to consider where the jurisdiction should lie in determination of employment arrangements for public sector employees. An effective industrial relations system requires certainty over employment conditions. Many reference points to an employee’s employment conditions are not a good practice.

*Suggested outcome*

Employment conditions should be reflected in awards. This means incorporating bargaining outcomes, and relevant work-related directives and policies into the award. Any subsequent changes to employment conditions would then be made as award variations subject to the legislative processes.

The ability to make (and vary and rescind) employment related directives should be removed from the public service legislation and pre-eminence given to the industrial relations legislation for settling employment conditions.

**QES**

The operation of the Queensland Employment Standards (QES), although an important component in setting a minima needs to be viewed by way of its relevance, if the “standards” applying to the employees utilising the state system bear no resemblance to the QES. This is clearly evident in areas such as long service leave, personal leave, parental leave and jury service leave. This is not to suggest the removal of the
provisions, but rather to highlight that the inclusion of additional QES such as those reflected in the national standards (NES) may not be relevant to public sector employees.

Some of the QES provisions have broad application to both national system and non-national system employees. Any broadening of the QES to factor in new provisions will need to ensure application to all employees.

**Suggested outcome**

The QES should be retained.

Improvements to employment conditions should be subject to the bargaining framework. Once bargained the improved outcome can be accommodated within an award.

The inclusion of a family and domestic violence standard (dealt with later in this submission) should reflect an application to all employees.

**Award review**

If as proposed awards are maintained by either accommodating for a bargained settlement, or incorporating agreement provisions; and by the transfer of existing work-related directives, policies and like arrangements, this will result in an industrial instrument which is reflective of employment entitlements. This creates a form of automaticity of “review”. Any further amendment should be on application.

The necessity to create a volume of work by artificially providing for a review process would not be necessary once the first exercise is concluded.

**Dispute settlement**

Dispute resolution where an industrial party seeks assistance in resolving an industrial matter should be easy to initiate; and processed in a timely manner. Many “emerging” issues such as workplace bullying and the like could be referred for settlement to the tribunal/s.

**Proposed outcome**

There should be scope within the current dispute process to take issues of an industrial matter to the tribunal/s.

**Consultation**

The current processes for workplace consultation is reflected in both awards, such as consultation in relation to “change” issues associated with the termination, change and redundancy (TCR) provisions; and in agreements where consultative bodies are established to implement agreement provisions.
In relation to the former, these provisions have been to a large extent mirrored from those adopted in the federal jurisdiction, and have not substantially altered in almost 30 years. The provisions do not necessarily reflect the type of change that is evident when broad “change” occurs in the public sector.

The consultation provisions which exist in agreements provide on the surface an effective mechanism for dealing with local issues. Like most things their success is gauged by the commitment that the employers’ representatives have to ensuring that in the life of the agreement the consultative objectives are achieved.

There are no prescribed consultation arrangements in the current legislation dealing with discussion around legislative changes and the like. In earlier versions of the industrial relations legislation two bodies were provided for – the industrial relations consultative committee (IRCC) and the Queensland award management advisory committee (QAMAC). The IRCC was beneficial is ensuring the early identification, discussion and resolution of issues around the practical operation, application and variation of the legislation. There was ministerial level participation along with director-general involvement and became an effective reference point for ensuring that legislative change was subject to consultation.

**Suggested outcome**

TCR provisions should be recast to accommodate a more inclusive form of consultation around large scale change.

Mechanisms to enable effective consultation at a workplace level should be provided for.

A body similar to the IRCC would facilitate a more inclusive and consultative arrangement around legislative change.

**Domestic and family violence**

The government has committed to implementing the recommendations from the “Not Now, Not Ever” report.4

**Suggested outcome**

The proposal to reflect a definition of, and leave for, domestic and family violence in the industrial relations and anti-discrimination legislation is supported, as well as broadening the grounds for discrimination (and relatedly termination of employment as an invalid reason) connected with accessing domestic and family violence leave.

**Tribunal/s structures and practices**

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4 February 2015 Qld Government Special Taskforce on Domestic and Family violence in Queensland
Tribunal/s

QIRC

The industrial relations tribunal has suffered to a large extent since the removal of its jurisdiction over a large chunk of private sector coverage in 2006. Even after the removal of the incorporated private sector in 2006 there were around 45% of Queensland workers still regulated within the state system. This comprised of a large component of private sector coverage.

When the state government instituted a review of existing tribunals in 2008 it was easy to see at that time a continuing role for the industrial relations tribunal. It had broad responsibility across the state’s workforce and there was validity to its continuing operation. Having determined its continuance the tribunal was faced particularly after the 2010 shift of jurisdiction to the federal arena with a tribunal and its members having a diminished level of work. Corresponding with the reduced workload in the tribunal was an increasing level of dissatisfaction with the processing of the then named Q-comp appeals. What this has meant is that, separating the workload aberration which resulted from the 2012-2014 period, the industrial relations tribunal is for all purposes a worker compensation appeal board both in number of applications lodged, but more importantly in overall time allocation made (80-85% of the commission member’s time).

As for the process for dealing with public service appeals, their transfer to the industrial relations tribunal reflected the failing of a less robust mechanism of appeal process within the state government. It cannot be said that the new process has provided for an improved method for dealing with appeals.

Suggested outcome

A tribunal or tribunals should exist to accommodate for the state industrial relations jurisdiction.

The tribunals/s should deal with a range of generalist matters involving workers compensation, health and safety, vocational education and training, trading hours and the like.

The tribunal/s should also deal with dispute settling and arbitration of both individual and collective matters; including matters that impact on national system employers and employees, including those relating to wages matters.

How the tribunal’s work is allocated will be underpinned by the jurisdiction and function of the Act.
QIC

The Court has experienced some shifts in responsibility and workload, and relatedly appointment, since the 1998 review. The important aspect for any court of review is its ability to deal with the matters that come before it in a timely manner. The level of frequency (or infrequency) in which the Court is sitting has resulted in delays in hearings and decisions.

The President of the QIC is currently drawn from the Supreme Court which is a reversion to the pre-1999 model.

Suggested outcome

To a large extent the direction of the QIC will be underpinned by the structure adopted for the QIRC.

Tribunal practice

The practices and general procedural matters of the industrial relations tribunal/s, and of the Industrial Registry, are not addressed at this stage, in this submission. Depending on the outcome of the work and role of the tribunal/s a review of both the QIRC’s, and Registry’s, practices and procedures would need to occur.

Modernising practices to reflect a more efficient and greater user-friendly approach is a necessity.

Issues around appointments and tenure would need to occur also.

Legal representation

The industrial relations tribunal’s approach to dealing with industrial issues has resulted in it developing a more technical approach to the matters that come before it.

Where unions to a great extent have attempted to maintain their involvement from a “lay” perspective, the lawyer-ing up of the public sector agencies has resulted in many unions responding with their own legal representation. In all this has meant a more litigious, lengthier, complex, costly and adversarial approach to settling industrial issues. When considering that the level of legislative change that has occurred around legal representation has principally been on the basis that lawyers can cut through technical arguments in a more efficient manner, it is not entirely evident that has been the case. The use of legal representation has meant more problems not less in settling matters.

There has been on many occasions’ attempts to address who appears in the industrial tribunal. In all instances what has been sought is an endeavour to answer whether the industrial tribunal is a “lay” tribunal or whether by the effluxion of time and the complexity of matters it has become a quasi-legal jurisdiction. Under the existing
legislative provisions once an option for legal representation under “special circumstances” is provided for, the notion of a lawyer free environment is not possible.

*Suggested outcome*

Legal representation should be by consent of the parties.

**Rights and responsibilities**

The Act should recognise the vital role of unions, their officials and representatives in creating positive and effective workplaces. Accordingly the Act should provide positive rights that facilitate union access, representation and participation.

**Right of entry**

Union officers should be able to access workplaces during working hours for the purposes of holding discussions with employees. If the union officer is accessing a workplace to investigate matters relating to the wage records of an employer the union officer should advise the employer of the access but only for the purposes of enabling the employer to produce the documents.

**Rights and recognition of workplace representatives**

Authorised representatives of unions (delegates) play an integral role in the relationship between the union, the employer and the employees, within a workplace. The ability to undertake their work free of hindrance, and without adverse consequences, ensures the legitimate recognition of their role.

To ensure that their work is undertaken effectively, delegates should have access to adequate resources for undertaking their role, including the ability to co-ordinate meetings with employees and union members in relation to industrial matters impacting on the workplace. Delegates should have the right to represent union members in dispute processes including bargaining, and be provided with full paid release from their work to undertake these roles.

Delegates should have a right to speak publicly (in or out of uniform) in regard to issues that may impact, or are impacting, on employees and union members.

The legislative provision should act as a minima, whilst facilitating the ability to provide in bargaining outcomes for the additional rights and recognition of workplace representatives.

**Time and wage records**

Record keeping requirements should be reflective of the manner in which records are kept and that accessing them can include the provision of a spreadsheet provided electronically to the union.
There should be no limit on frequency of requesting records for inspection.
The records accessed should be for both current and past employees.

**Recovery of wages**
The tribunal/s should maintain jurisdiction to deal with wage recovery issues. Conciliation and arbitration of these disputes should exist with the application of this jurisdiction for both national and non-national system employees to continue.

Prescribed limits on monetary amounts to be recovered should be removed.

**Freedom of association and adverse action**
There should be an effective application of freedom of association and adverse action provisions.

**Mutual trust**
The ability of the employer to make arbitrary decisions which result in substantial disadvantage to employees should be removed. Actions of a capricious nature, designed to benefit the employer, should be limited.

*Suggested outcome*
The legislation should provide for mutual trust and confidence provisions to apply to the employment relationship.

**Industrial organisations**
A large number of registered organisations maintain “dual registration”, in that they are registered in both the federal and Queensland jurisdictions. To effectively ensure that registration is maintained and all legislative obligations met surrounding that registration, a more streamlined process between the federal and state jurisdictions to acknowledge counterpart elections, financial records and related administrative requirements should occur.

Duplication across the two jurisdictions should be minimised as much as possible as the necessity to complete similar requirements across the two jurisdictions can create problems.

*Suggested outcome*
It should be sufficient that a dual registered organisation (registered in both the federal and Queensland jurisdictions) is exempt from filing a range of compliance documents in the Queensland jurisdiction if corresponding filing has occurred in the federal jurisdiction.
Transparency and accountability

The necessity to provide for extended reporting processes for state registered unions is an unnecessary burden that is designed to ensure failure (and penalty) rather than good governance. An effective reporting system does not create unnecessary and burdensome requirements.

Coverage and demarcation

Capacity to test union coverage rules should exist.

Recognition of registered organisations should be paramount.

Other issues

Flexible work arrangements

A legislative provision allowing for flexible work arrangements to form part of the QES is supported. To ensure that the provision operates effectively, referral to the tribunal/s to deal with disputes around requests for, and the accessing of, the arrangements should be provided.

The breadth of the arrangement, excluding how it should be accommodated, is better dealt with in a negotiated context within the bargaining framework. Legislating to accommodate for provisions, in many instances, does not allow for an inclusive consideration by the employees of which the provision is designed to assist.

Suggested outcome

Flexible work arrangements should be part of the bargaining framework. The legislative reference should provide for the arrangement to be available, a mechanism to deal with disputes associated with the request for, and accessing of, the arrangement.

Unfair dismissal

There should be an unfair dismissal provision. The artificial limitations on access to unfair dismissal should be removed in the instance where an employee is covered by an industrial instrument. The prescribing of a monetary (annual earnings) limit in which access to the provision is denied is not reflective of the breadth of occupational (and relatedly earnings) of employees within the public sector.

Suggested outcome

Access to unfair dismissal should not be limited by an employees’ earnings.

Prescribing a limit on the amount of compensation available, in lieu of reinstatement, should not occur.
Unfair contracts

There should be an unfair contracts provision. This should apply to employees either not covered by an award, or in regard to employment matters not dealt with by an industrial instrument.

Health and safety

Health and safety is a developing area of dispute in relation to the manner in which work is performed and the environment in which such work is undertaken. An effective mechanism involving the employer, employee and their union, to resolve disputes does not currently exist.

Suggested outcome

The tribunal/s should have the capacity to effectively deal with health and safety disputes at all levels.

Apprentices and trainees

Provision for dealing with disputes around training and employment contracts for apprentices and trainees has existed effectively in past iterations of the industrial relations legislation. Its removal has left a vacuum.

Suggested outcome

The tribunal/s should have the capacity to conciliate disputes and arbitrate settlements around the training and employment contracts.

Conclusion

The comments provided for in this submission are designed to outline the parameters under which UV believe an effective review of industrial relations legislation in Queensland can be undertaken.