



Fact Sheet 2

The new workplace relations system

From 1 July 2009, the workplace relations system changed. The new workplace relations system seeks to balance the needs of employees, unions and employers. It seeks to make Australia more competitive, whilst providing workplace rights and guaranteed minimum standards.

Key elements

The new workplace relations system provides a stronger safety net that workers can rely on, in good and uncertain economic times.

Some of the key features of the new workplace relations system are:

- a fair and comprehensive safety net of minimum employment conditions
- a system that has at its heart bargaining in good faith at the enterprise level
- protections from unfair dismissal for all employees
- protection for the low-paid
- a balance between work and family life, and
- protection of the freedom to choose to be represented in the workplace.

Consultation

In *Forward with Fairness*, the Government committed to taking a measured and consultative approach to developing its substantive workplace relations legislation.

Extensive consultation to develop both the *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* (passed by Parliament on 19 March 2008) and the *Fair Work Act 2009* (passed by Parliament on 20 March 2009) was undertaken with a range of groups. Peak union and employer bodies and state and territory workplace relations ministers were consulted and given access to the draft legislation. Parties had the opportunity to thoroughly examine the legislation and to make suggestions for its improvement.

This consultation continued during the development of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* and the *Fair Work (State Referral and Consequential and Other Amendments) Act 2009*. This legislation provides transitional arrangements to the new system.

Next steps

The Modern Awards and National Employment Standards will commence on 1 January 2010. The Nurses Award is an occupational award that covers nurses in all locations; the Aged Care Award will cover personal carers and others in residential facilities while it is still unclear

whether workers who provide care to older people in their own homes will be covered by a separate award or come under the Aged Care Award.

While the Modern Awards start from 1 January, the Commission has the ability to make transitional arrangements to give industry up to 5 years to accommodate the changes, however, no decision has been made yet regarding transition.

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