

Industrial and Workplace Issues Information Sheet

Industrial Relations Information

The term 'industrial relations' generally refers to employment issues and the employment relationship between an organisation and its staff.

Australia's workplace relations system is regulated by the Fair Work Ombudsman and the Fair Work Commission (previously called Fair Work Australia). These regulatory bodies have different roles but are both independent government organisations.

The Fair Work Ombudsman

The Fair Work Ombudsman enforces compliance with the Fair Work Act, related legislation, awards and registered agreements. They also help employers and employees by providing advice and education on pay rates and workplace conditions.

The Fair Work Commission

The Fair Work Commission is the independent national workplace relations tribunal. It is responsible for maintaining a safety net of minimum wages and employment conditions as well as a range of other workplace functions and regulation.

The AASW does not have the industrial powers or mandate to assist or advise members in relation to issues of an industrial nature; rather, this would be a function of a trades or services union, and where applicable, the Fair Work Ombudsman or Fair Work Commission. The AASW can only support members with issues specifically relating to ethical or social work practice issues.

Union Membership

A trade union is defined as 'an organisation, consisting predominantly of employees, whose principal activities include the negotiation of rates of pay and conditions of employment for its members' (Australian Bureau of Statistics, 2013).

Australian workers who join a union can seek support and advice regarding wages, conditions and rights; workplace problems; and access to lawyers where applicable. The AASW is not able to provide specific advice and support with respect to such work related issues. More information about Australian unions can be accessed here: <http://www.actu.org.au/default.aspx> and here: <http://www.australianunions.org.au/about>

Below are some of the most relevant unions that social workers may choose to join:

- Australian Services Union – www.asu.asn.au
- Health Services Union – www.hsu.net.au/
- Community and Public Sector Union – www.cpsu.org.au/

Fair Work Commission Australia (formerly Fair Work Australia)

Please refer to this page for contact details for your state/territory: www.fwc.gov.au/about-us/contact-us

The Fair Work Commission (formerly Fair Work Australia) began operation on **1 July 2009** following the enactment of the *Fair Work Act 2009* and associated transitional legislation. The new tribunal assumed the functions of the **Australian Industrial Relations Commission** and the **Australian Industrial Registry** (both date back to 1904) and the **Australian Fair Pay Commission** (established in 2005) and some of the functions of the **Workplace Authority** (established in 2007).

Who is covered by the Fair Work Act?

The Fair Work Act covers employers who are **Constitutional Corporations** and their **Employees**.

What is a Constitutional Corporation?

A constitutional corporation is a body incorporated under Australian law and engaged in, or substantially engaged in, trading or financial activities.

Generally, these are companies that carry out commercial activities with a view to earning revenue (Pty Ltd or Limited companies).

What if I am a self-employed social worker?

Independent contractors have some different industrial rights when compared with employees. Please access this link for more information: <http://www.fairwork.gov.au/find-help-for/independent-contractors>

Fair Work Ombudsman Contact Details

Postal Address	Office locations	Website/Online enquiries	Phone
Fair Work Ombudsman GPO Box 9887 In your capital city	http://www.fairwork.gov.au/contact-us/visit-us	http://www.fairwork.gov.au/Contact-us/email-us	http://www.fairwork.gov.au/contact-us/call-us

Social work wages

The AASW often receives enquiries from members regarding pay rates or wages and classification/grade systems of their employers. As social workers can be employed under many different award structures depending on their field of practice or the sector in which they are employed, the AASW is unable to provide information about salaries/wages. Salaries and wages may also differ significantly between different states and territories.

Essentially, employers will determine under which award they will pay their staff. The level, grade or classification at which employees enter a role is generally determined at the discretion of the employer, as is the process for moving up the level/grade/classification structure and whether this is related to time served, experience, qualifications, performance or a combination of such factors.

If social workers have concerns or queries about their pay rate/wage or the level, grade or classification they are employed under, the AASW would encourage social workers to speak with their human resources department and determine the award they are paid under, and whether the

agency/organisation has any guidelines or a policy around how social work positions are classified in that organisation.

If social workers have specific questions about the award they are paid under and how employees should be classified under a particular award, they are encouraged to contact the Fair Work Ombudsman (see contact details for each state/territory office) or seek guidance from the union of which they are a member.

A list of awards can be accessed here:

<http://www.fairwork.gov.au/awards-and-agreements/awards/list-of-awards>

Industrial and Legal Resource Centres/Agencies

Below is a list of national and state-or-territory-specific organisations where further advice/support might be obtained regarding workplace and industrial relations issues.

National

Australian Human Rights Commission, Information for employees

<https://www.humanrights.gov.au/work-out-your-rights-info-employees>

Australian Institute of Employment Rights

<http://www.aierights.com.au/>

Australian Capital Territory

Women's Legal Centre

<http://www.womenslegalact.org/>

ACT Legal Assistance Forum

<http://www.actlaf.org.au/legal-information/legal-help-directory/>

New South Wales

Legal Aid NSW – Employment Law Services

<http://www.legalaid.nsw.gov.au/what-we-do/civil-law/employment-law-services>

Kingsford Legal Centre

<http://www.klc.unsw.edu.au/>

Northern Territory

NT Working Women's Centre

<http://www.ntwwc.com.au/>

Queensland

Caxton Legal Centre

https://caxton.org.au/services_overview.html

Queensland Public Interest Legal Clearing House

<http://www.qpilch.org.au/cms/details.asp?ID=605>

QLD Working Women's Service

<http://www.qwws.org.au/>

South Australia

Safe Work South Australia

www.safework.sa.gov.au

SA Working Women's Centres

<http://www.wwc.org.au>

Young Workers Legal Service

<http://www.ywls.org.au/>

Tasmania

Community Legal Centres Tasmania

<http://www.clctas.org.au/>

Victoria

Job Watch - An employment rights legal centre which provides assistance to Victorian workers about their rights at work.

<http://www.jobwatch.org.au>

Community Legal Centres Tasmania

<https://www.legalaid.vic.gov.au/find-legal-answers/employment-and-your-rights/get-help>

Western Australia

Employment Law Centre of Western Australia

<http://elcwa.org.au/>