



National Workplace Relations System

Policy Background

- Over the course of the first 100 years of federation each state developed and maintained its own industrial relations systems. These systems operated in broadly similar ways, but with local differences. However, in 2006, the commonwealth moved to develop a national system of workplace relations, relying on the corporations power of the Constitution.
- Some of benefits cited of a national system include:
 - *Inefficiency*: A multiplicity of jurisdictions and laws is inefficient and creates barriers to business.
 - *Uncertainty*: The complicated nature of having industrial relations law split amongst jurisdictions can lead to uncertainty and confusion for employees and businesses alike.
 - *Jurisdictional Issues*: Multiple jurisdictions can give rise to demarcation disputes where courts and tribunals were required to spend time deciding the appropriate jurisdiction to hear a matter.
 - *Forum Shopping*: Duplication of systems enables parties to 'shop' around to find the jurisdiction that gives them the best result, or where a party seeks to gain in one jurisdiction what may be denied or refused in another.

HIA's Policy Position on National Workplace Relations System

1. HIA supports a unified national workplace relations system for sole traders, partnerships and companies as a unified system provides greater certainty, clarity and efficiency for businesses and workers than separate state based regulation.
2. A unified workplace relations system should be focused on delivering a framework that supports greater freedom and flexibility, an enterprise focus, the ability to have statutory individual agreements (rather than centralised wage outcomes or pattern bargaining agreements) and individual choice in the workplace.