

House of Representatives

Supplementary Order Paper

Thursday, 13 September 2018

Employment Relations Amendment Bill

Proposed amendments

Dan Bidois, in Committee, to move the following amendments:

Clause 9

Delete *clause 9* (page 8, lines 17 to 22).

Clause 10

Delete *clause 10* (page 8, lines 23 to 28).

Clause 11

Delete *clause 11* (page 8, line 29 to page 9, line 5).

Explanatory note

This Supplementary Order Paper amends the Employment Relations Amendment Bill by deleting *clauses 9, 10, and 11*.

The intention of this amendment is to remove the compulsion on an employer to conclude a collective agreement. As the Bill currently stands, these clauses require bargaining parties to conclude a collective agreement. They specify that bargaining parties must continue discussion until all matters have been exhausted, even when some issues are at an impasse and where, in actuality, there is no foreseeable remedy.

These clauses are in conflict with the object of the principal Act, particularly with reference to protecting the integrity of individual choice, with respect to building productive employment relationships through the promotion of good faith in all aspects of the employment relationship.

In addition, these clauses run the risk of being in breach of international labour standards as the legislation essentially makes settlement of a collective agreement mandatory. The International Labour Organisation states “the voluntary negotiation of col-

lective agreements, and therefore the autonomy of the bargaining partners, is a fundamental aspect of the principle of freedom of association”. These clauses appear to contravene this.
