

The Fair Work Act: Reflections on the first decade

Stream convenors

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2019 marks 10 years since the introduction of Australia's current 'Fair Work' industrial relations framework. Since the passage of the Fair Work Act (FW Act) on 20 March 2009 there has been a decade of relative systemic stability. The existing industrial relations (IR) system will have been in full operation for a decade on 31 December 2019. The objective of this stream is to reflect on the history and consequences of the FW Act as well as future prospects for Australia's IR system.

The future of the FW Act is far from assured. The union movement has embarked on an ambitious campaign to re-write Australia's IR laws and more broadly "Change the Rules" for working people, arguing that the existing laws are no longer fit for purpose. Proposed changes include the re-introduction of the right to strike and industry bargaining, the restoration of penalty rates, restrictions on the use of casual workers, and preventing employers from terminating Enterprise Agreements as a bargaining tactic (ACTU, 2018). Nonetheless, the Labor Party has not endorsed the *Change the Rules* campaign and is yet to commit to adopt many of the proposed changes if they win the next election. The Liberal/National Government and employer organisation such as the Australian Industry Group remain opposed to the proposed changes put forward.

The stream seeks to reflect on the origin of the FW Act and the key consequences, and asks: Will Australia be the first advanced economy to see a shift away from neoliberalism in its industrial relations framework (cf Bacarro & Howell 2017), as the ACTU attempts to re-create the success of the *Your Rights at Work* campaign in bringing about a change of government, with the *Change the Rules* campaign? Or, if elected, will the Labor Party once again shy away from radical change to the industrial relations framework despite the union movement's role in their election success, as they did after winning the 2007 federal election? Alternatively what are the implications for the industrial relations framework if the Liberal-National Coalition secure a third term in government?

The stream invites a range of contributions, both empirical and theoretical, to examine a variety of issues related to the FW Act, developments in the past 10 years and debates over the future of the legislation. We welcome papers from any relevant discipline and especially encourage comparative approaches and international perspectives. Areas of focus may include (but are not limited to):

- How the FW Act has shaped employment in Australia, especially differential impacts on groups such as women and men, younger and older workers, migrants, casualised and permanent employees, and other cleavages;
- Expectations when the FW Act was introduced vs. the reality of the Act's first 10 years;
- An analysis of key FW institutions, including the Fair Work Ombudsman, the Fair Work Commission, and the Registered Organisations Commission;
- How the FW Act has been interpreted and enforced by the Fair Work Commission and the courts;
- Case studies of how the FW Act has played out in specific industries or workplaces;
- The politics of industrial relations reform, including the political legacy of Work Choices in industrial relations;
- Lessons for the union movement in Australia and abroad in campaigning for and negotiating a new industrial relations framework;
- A comparison between Australia's industrial relations trajectory and other countries.

References

Australian Council of Trade Unions (2018). *Change the Rules*. Retrieved from <https://changetherules.org.au/>

Baccaro, L. and Howell, C. (2017). *Trajectories of Neoliberal Transformation*, Cambridge: Cambridge University Press.