

CHAPTER 1

Introduction

Terms of reference

1.1 On 28 November 2012 the Senate referred the following matter to the Senate Education, Employment and Workplace Relations References Committee for inquiry and report by 17 June 2013:

The conditions of employment of state public sector employees and the adequacy of protection of their rights at work as compared with other employees, including:

- (i) whether:
 - (A) the current state government industrial relations legislation provides state public sector workers with less protection and entitlements than workers to whom the Fair Work Act 2009 (the Act) applies,
 - (B) the removal of components of the long-held principles relating to termination, change and redundancy from state legislation is a breach of obligations under the International Labour Organization (ILO) conventions ratified by Australia,
 - (C) the rendering unenforceable of elements of existing collective agreements relating to employment security is a breach of the obligations under the ILO conventions ratified by Australia relating to collective bargaining,
 - (D) the current state government industrial relations frameworks provide protection to workers as required under the ILO conventions ratified by Australia,
 - (E) state public sector workers face particular difficulties in bargaining under state or federal legislation, and
 - (F) the Act provides the same protections to state public sector workers as it does to other workers to the extent possible, within the scope of the Commonwealth's legislative powers; and
- (ii) noting the scope of states' referrals of power to support the Act, what legislative or regulatory options are available to the Commonwealth to ensure that all Australian workers, including those in state public sectors, have adequate and equal protection of their rights at work.¹

Conduct of the inquiry

1.2 Notice of the inquiry was posted on the committee's website and advertised in *The Australian* newspaper, calling for submissions by 15 February 2013. The committee also notified a number of stakeholders of the inquiry and invited

1 *Journals of the Senate*, 2012, pp. 3455-3456.

submissions. The committee received a total of 39 submissions, as listed at Appendix 1. A number of submissions were redacted prior to publication to protect personal details.

Acknowledgements

1.3 The committee thanks the individuals and organisations who contributed to this inquiry by making submissions.