

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Additional Estimates 2015 - 2016

Agency - Fair Work Commission

Department of Employment Question No. EMSQ16-000020

Senator Lines provided in writing.

Question

FWC - Productivity Commission review

Has the Commission had time to adequately consider the Productivity Commission's final report into the workplace relations system?

Has a view been formed about any of the particular recommendations that relate to the Commission?

Answer

The Fair Work Commission (FWC) makes no comment as to the Productivity Commission's recommendations contained in the Final Report of the Productivity Commission Inquiry into the Workplace Relations Framework other than the recommendations directed to the FWC, namely:

- (a) that the FWC should make certain decisions in relation to weekend and public holiday penalty rates and other provisions relating to substitution of public holidays (Recommendations 15.1, 15.4, 16.1);
- (b) that the FWC should adopt a particular analytical framework in undertaking the annual wage review (Recommendation 4.1).
- (c) that the governance of FWC research activities gives consideration to the views of all parties, but does not include direct involvement by them in the selection of research topics or modes of research (Recommendation 3.8); and

In relation to (a), these matters are before the FWC as part of the 4 yearly review of modern awards. It is a matter for the relevant Full Benches as to how to conduct the review.

The Full Bench of the Commission considering penalty rates as a part of the 4 yearly review of modern awards issued a decision on 12 February 2016 regarding the Productivity Commission's Workplace Relations Framework, Final Report which can be accessed at: [\[2016\]FWCFB 965 4 yearly review of modern awards - Penalty rates](#)

In relation to (b) Division 3 of Part 2-6 of the *Fair Work Act* 2009 provides for the conduct of Annual Wage Reviews. It is a matter for the Full Bench as to how to conduct the Annual Wage Review.

In relation to (c) the Fair Work Commission agrees with the Productivity Commission's finding that all parties' views should be considered in considering research activities and is satisfied that the input of the parties is limited to expressing views, which may or may not be incorporated, in decisions as to the selection of research topics or modes of research.