



## **TERMS OF REFERENCE FOR THE MINISTERIAL REVIEW OF THE STATE INDUSTRIAL RELATIONS SYSTEM**

This Ministerial Review is intended to deliver on the Western Australian Government's election commitment to review key aspects of the State industrial relations system. The State system has not been comprehensively reviewed and updated since 2002.

The Western Australian Government does not intend to refer any industrial relations powers to the Commonwealth. As such, the Ministerial Review will be predicated on there being no referral of powers.

The Ministerial Review will be required to take into account the constituency of the State industrial relations system, being mainly small business employers and employees and State public sector employers and employees. It is estimated that the State system potentially covers from one in five employees (21.7 per cent) to more than one third of employees (36.2 per cent).

The Western Australian Government is committed to a contemporary, accessible State industrial relations system for employers and employees and a strong independent umpire in the form of the Western Australian Industrial Relations Commission.

The specific Terms of Reference for the Ministerial Review are outlined below.

### **Terms of Reference**

The Ministerial Review of the State industrial relations system is to consider and make recommendations with respect to the following matters.

1. Review the structure of the Western Australian Industrial Relations Commission with the objective of achieving a more streamlined and efficient structure.
2. Review the jurisdiction and powers of the Western Australian Industrial Relations Commission with the objective of examining the access for public sector employees to the Western Australian Industrial Relations Commission on a range of matters for which they are currently excluded.
3. Consider the inclusion of an equal remuneration provision in the *Industrial Relations Act 1979* with the objective of facilitating the conduct of equal remuneration cases and other initiatives in the Western Australian Industrial Relations Commission.
4. Review the definition of "employee" in the *Industrial Relations Act 1979* and the *Minimum Conditions of Employment Act 1993* with the objective of ensuring comprehensive coverage for all employees.

5. Review the minimum conditions of employment in the *Minimum Conditions of Employment Act 1993*, the *Long Service Leave Act 1958* and the *Termination, Change and Redundancy General Order* of the Western Australian Industrial Relations Commission to consider whether:
  - (a) the minimum conditions should be updated; and
  - (b) there should be a process for statutory minimum conditions to be periodically updated by the Western Australian Industrial Relations Commission, without the need for legislative change.
6. Devise a process for the updating of State awards for private sector employers and employees, with the objectives of:
  - (a) ensuring the scope of awards provide comprehensive coverage to employees;
  - (b) ensuring awards reflect contemporary workplaces and industry, without reducing existing employee entitlements;
  - (c) ensuring awards are written in plain English and are user friendly for both employers and employees; and
  - (d) ensuring that any award updating process is driven by the Western Australian Industrial Relations Commission, with appropriate input from the award parties and other relevant stakeholders.
7. Review statutory compliance and enforcement mechanisms with the objectives of:
  - (a) ensuring that employees are paid their correct entitlements;
  - (b) providing effective deterrents to non-compliance with all State industrial laws and instruments; and
  - (c) updating industrial inspectors' powers and tools of enforcement to ensure they are able to effectively perform their statutory functions.
8. Consider whether local government employers and employees in Western Australia should be regulated by the State industrial relations system, and if so, how that outcome could be best achieved.