



**Queensland Government**  
**Treasury**

# **Guidelines for the Development of Employment and Industrial Relations Plans in Government Owned Corporations**

**Version 2.0**

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## Revision History

Version	Date	Contact	Changes
1.0	November 2002	Office of Government Owned Corporations (OGOC)	Initial release
2.0	December 2008	OGOC	Updated Employment and Industrial Relations planning timetable Updated guidelines to reflect current expectations as to content

## **Guidelines for Developing Employment and Industrial Relations Plans Including Requirements of Shareholding Ministers on Specific Employment and Industrial Relations Matters**

### **1. Main Purpose of Employment and Industrial Relations Plan**

A Government owned corporation's (GOC) board must prepare an Employment and Industrial Relations Plan (E&IR Plan) under section 149(1) of the *Government Owned Corporations Act 1993* (GOC Act).

The main purpose of the E&IR Plan is to enable GOC boards, GOC management, shareholding Ministers and Government to monitor and review the employment and industrial relations policies and practices of GOCs. Whilst it is important for GOCs to address the commercial aspects of their operations in the development of their E&IR Plans, it is equally important for their industrial relations practices to be appropriately balanced in terms of community expectations and the demands on government for greater accountability and implementation of best practice standards. These guidelines incorporate requirements of shareholding Ministers in relation to specific employment and industrial relations matters not referred to in section 149 of the GOC Act. Schedule 1 sets out scope of E&IR planning in GOCs.

### **2. Developing the E&IR Plan**

#### ***2.1 E&IR Planning Timetable***

GOCs should undertake consultation with shareholding Ministers' departments and the Department of Employment and Industrial Relations (DEIR) on initial draft plans before submitting those plans as part of their Statements of Corporate Intent (SCI).

It is important for sufficient time to be allowed during the consultation process, for the particular circumstances and needs of GOCs and of shareholding Ministers, to be discussed and considered. The following timetable would ensure that all the requirements of E&IR planning could be met:

<b>December and by mid January</b>	<b>Mid January - mid February</b>	<b>By end February</b>	<b>By mid March</b>	<b>March Board Meeting</b>	<b>By end March</b>	<b>End May</b>	<b>End June</b>
GOCs to develop and/or review the basis for the corporation's E&IR Plan and provide a first draft plan to OGOC by mid January.  GOCs to provide brief report on implementation of current E&IR Plan by mid January.	GOCs (through OGOC) to consult shareholding Departments including, the Department of the Premier and Cabinet and DEIR (for all GOCs) on draft E&IR Plan. GOCs to receive collated feedback by mid February.	GOCs to submit to OGOC an amended draft E&IR Plan taking into account feedback.	GOCs to consult with staff and unions and take into account feedback.	Final E&IR Plan to go to GOC Board.	Board approved draft E&IR Plan to be submitted to OGOC for final round of consultation	Submit final E&IR Plan as part of the final SCI.	Shareholding Ministers approve E&IR Plan as part of SCI.

GOCs are required to submit a brief report each year covering the following matters:

- confirming the implementation of the current E&IR Plan;
- outlining if there have been any events or matters that have occurred or due to occur that vary to the E&IR Plan provisions for that cycle and explanations for those variations; and
- detailing any contentious issues that have arisen or are expected to arise during the current E&IR Plan cycle.

This report is to be submitted by the GOC to OGOC at the same time as the first draft E&IR Plan for the upcoming year is submitted in January. The report is to be separate to the E&IR Plan.

## **2.2 Content**

In developing E&IR Plans, GOCs should:

1. Set out the broad strategic direction, goals and significant activities of the GOC in the area of employment and industrial relations. This should be consistent with the organisation's corporate undertakings and be aimed at achieving continuous improvement in employment and industrial relations management and practices. This should be done under the heading "E&IR Philosophy and Direction".
2. Identify significant emerging or expected employment or industrial relations issues for the corporation, as required by section 149(2) of the GOC Act, how the Corporation intends to position itself in relation to E&IR issues and what risk management strategies it will adopt as a consequence.
3. Include those matters described in section 149(3) of the GOC Act.
4. Include performance indicators and targets for relevant E&IR matters including workplace health and safety. As an alternative, these may be included within the body of the SCI where Strategic Goals, Performance Indicators and Targets are addressed.
5. Address the specific matters set out in Schedule 2 including the measures adopted to address obligations under other relevant legislation, including:
  - *Workplace Health and Safety Act 1995*;
  - *Anti-Discrimination Act 1991*;
  - *Industrial Relations Act 1999*; and
  - *Workplace Relations Act 1996 (Cth)*.

Schedule 2 provides a pro forma giving detail of the actual content required under the GOC Act and by shareholding Ministers. There are two components to the development of the E&IR Plan: the shareholder information section which forms part of the SCI and the E&IR Plan itself which is an attachment to the SCI.

## **SCHEDULE 1 - SCOPE OF E&IR PLANNING IN GOCS**

Section 105(1) of the GOC Act requires a GOC's SCI to specify its financial and non-financial performance targets for its activities in the relevant financial year. Section 105(2) of the GOC Act requires each GOC to include an E&IR Plan (developed in accordance with section 149 of the GOC Act which sets out the matters that must be addressed) in its SCI.

Section 149 of the GOC Act requires that in preparing the E&IR Plan, relevant unions must be consulted. The plan must also outline the arrangements for all the major employment and industrial relations issues for the particular GOC, and include other matters required by shareholding Ministers relating to, for example, specific employment, wage and industrial relations requirements.

Standards for the form and content of SCIs are established by shareholding Ministers, portfolio departments and GOCs. In addition, the following GOC Act provisions enable shareholding Ministers to more formally influence the content of an SCI including its E&IR Plan:

- Section 108(1) of the GOC Act provides that shareholding Ministers may return a draft SCI and request the board to further consider any matter in its draft SCI (including in its E&IR Plan) and revise the draft SCI in light of these considerations.
- Section 111(2) provides that shareholding Ministers may, by written notice, direct a GOC board to modify its SCI (this may include, for example, specifying particular employment, wage and industrial relations requirements or standards not reflected in the GOC Act).
- Section 149(6) provides shareholding Ministers with the option of directing GOC boards to take specified steps in relation to the preparation or review of their E&IR Plans.

Finally, section 158(1) of the GOC Act provides that the shareholding Ministers of a GOC may delegate their powers under section 122 of the GOC Act (i.e., the board to keep shareholding Ministers informed and the board to give shareholding Ministers the reports and information they require to enable them to make informed assessments on the GOCs operations) to any person. In the case of the Treasurer, as GOC Minister, this power may be delegated to the Under Treasurer and administratively to OGOC.

The shareholding Ministers of a GOC may, under section 158(2) of the GOC Act, request the chief executive of their department to investigate, and report to them on, any matter relating to the GOC or a subsidiary or proposed subsidiary of the GOC.

Within this regime, the following guidelines, policies and standards are required to be applied by GOCs in preparation of their E&IR Plans and SCIs. It should be noted that these guidelines are to apply in relation to all GOCs and their subsidiaries, whether prescribed or otherwise.

## **SCHEDULE 2 – PRO FORMA**

### **SHAREHOLDER INFORMATION**

#### **1. E&IR Philosophy/Direction**

Section is to cover the following:

- how the corporation intends to position itself on employment and industrial relations (E&IR) issues, what its general stance on E&IR issues will be and how any resultant risks are proposed to be managed;
- the broad strategic direction and goals of the GOC for E&IR matters; and
- the desired organisational/employee culture, the areas of focus for employee productivity improvement and how these will complement one another.

#### **2. Significant and Emerging Issues**

Section is to cover the following:

- identification of any significant emerging or expected employment or industrial relations issues for the corporation, as required by section 149(2) of the GOC Act; and
- proposed responses in the plan period, including how any risks in the response period are to be managed.

### 3. Directors/Senior Executive Remuneration

GOCs are required to provide information on directors' and senior executives' remuneration as required by section 149(3)(a) of the GOC Act.

This information should include details of chief executive and senior executive positions i.e. chief executive and **all** first report positions with total fixed remuneration over the agreed rate for an SES2 Level 1 (currently at 1 July 2008 \$156,909 per annum) for the GOC and all subsidiaries that are wholly owned and/or prescribed or declared by regulation. Remuneration should be annualised and quoted as at the amount applying on 1 January of the current year.

#### Non-Executive Directors including Chairman

Non-Executive Directors *	Directors' Fees	Committee Fees	Superannuation	Other	Total
Name					

\* Indicate whether Chair or a director

#### CEO and Senior Executives

CEO/Senior Executives	Base Salary <sup>1</sup>	Employer Superannuation Contributions <sup>2</sup>	Motor Vehicle <sup>3</sup>	Car park <sup>4</sup>	Other personal benefits <sup>5</sup>
Name of incumbent/ Position/ Title					

CEO/Senior Executives	Total Fixed Remuneration <sup>6</sup>	Other non-personal benefits <sup>7</sup>	Performance Payment Made <sup>8</sup>
Name of incumbent/ Position/ Title			

1. Includes salary sacrifice items plus cash salary.
2. Employer contributions to superannuation (other than by salary sacrifice).
3. Value of a motor vehicle for business and personal use (other than by salary sacrifice).
4. Value of car park if carpark is a personal benefit to the Executive (other than by salary sacrifice).
5. Includes, but is not limited to, general/expense allowances, subscriptions, home telephone/communication expenses, FBT not elsewhere included, etc. (other than by salary sacrifice).
6. Sum of columns 1 to 5.
7. Include the value of non-personal benefits provided to the Executive to assist in the performance of their duties.
8. This is the actual payment made in the year immediately preceding the plan year relating to performance in the financial year two years prior to the plan period.

## EMPLOYMENT AND INDUSTRIAL RELATIONS PLAN

**Note: The following E&IR Plan should be commenced on a new page and is to be subject to consultation as required under section 149 of the GOC Act, including with the Department of Employment and Industrial Relations, staff and unions.**

### 4. Employment Conditions

The E&IR Plan should:

- indicate the source (award/agreement or policy) and key detail only, of significant conditions of employment such as wage increase and productivity payment outcomes, key/major allowances;
- include predominant hours of work arrangements and work patterns and any significant conditions of employment that differ from:
  - legislative standards, or awards underpinning the agreement; and
  - Government industrial relations policies;
- list awards and enterprise agreements - list by title, expiry dates and description and number of staff covered;
- indicate compliance with the Government Policy Guidelines on Agreement Making in GOCs, subject to any applicable enterprise agreement provisions; and
- indicate compliance with (and attach as a Schedule) the Queensland Government's Minimum Employment, Industrial Relations and Job Security Principles for Government Owned Corporation Employees and indicate that where there are differences between the conditions contained in the Schedule and those contained in the GOC's industrial instruments as at 26 March 2006, the 26 March 2006 provisions from the GOC's industrial instruments will prevail.

## 5. Enterprise Bargaining and Productivity Initiatives

### Enterprise Bargaining

The E&IR Plan should report on the enterprise bargaining process. This information should include, but not be limited to:

- when bargaining occurred or is due to occur;
- the existence of any union claims and/or bargaining notices;
- progress of any current negotiations;
- report on industrial action taken;
- summary of the key outcomes of bargaining including report on relationship with employees and unions during and at the end of process;
- summary of how any new agreement provisions have been implemented; and
- summary of how any agreement provisions are yet to be implemented which were due in the term of the agreement.

### Productivity Initiatives

The E&IR Plan should report on productivity initiatives approved as part of the Enterprise Bargaining Agreement and the program's performance/outcomes to date. Report should include any scheduled/planned productivity initiatives that have not been met and proposed responses to address performance issues where targets have not been met.

Productivity program	Source of productivity initiative	Target	Achievement to date	Action required if target/s not met	Other Comments / explanation

## 6. Employee Flexibility

A summary of current or proposed work practices which promote employee flexibility should be provided.

The E&IR Plan is to confirm current policies and/or practices that support employees with family responsibilities:

Part-time arrangements	Yes/No (include very brief detail of key provisions)
Flexible work hours	
Reduced working year	
Paid maternity/paternity/adoption leave	
Telecommuting (work from home)	
List any other policies/practices	

## 7. Type of Employment and Workforce Planning

GOCs are required to provide:

- employment figures by type i.e. number of permanent full-time, permanent part-time and casual employees covered by an award or industrial agreement, the number of employees employed under an employment contract (broken up into CEO/Senior Executives and Other Contracts) and the number of employees engaged for fixed terms. Numbers should be expressed as full-time equivalent (FTE) positions;
- information on the total numbers of apprentices and trainees employed by the corporation. This information should differentiate those apprentices/trainees employed under Group Schemes;
- an explanation of any significant changes in the type of employment and trends in various employment types across relevant years; and
- details of the GOC's strategy to address workforce planning and resourcing issues (if not already outlined in the significant and emerging issues section).

The format for the provision of workforce numbers in E&IR plans is as per the table below, with four years projected employment figures from the start of the E&IR Plan period to be included:

	30 June [Year]	30 June [Year]	30 June [Year]	30 June [Year]
<b>Employment Category:</b>				
Permanent Full-time				
Permanent Part-time (FTE)				
Other Contract				
Senior Executive Contract				
Apprentices (In House)				
Trainees (In House)				
Casual Employees (FTE)				
<b>Total Directly Employed Workforce:</b>				
Apprentices (Group)				
Trainees (Group)				
Contractor Employees (Trade/Technical)				
Contractor Employees (Professional/Administrative/Clerical)				
Labour Hire (Trade/Technical - FTE)				
Labour Hire (Professional/Administrative/Clerical - FTE)				
s457 Temporary Visa				
<b>Total Workforce:</b>				

## 8. Workplace Health & Safety

GOCs are required to:

- provide a summary of the corporation's workplace health and safety policy;
- outline workforce health and safety risk management strategies;
- outline workplace health and safety performance as described by relevant safety indicators (e.g. – Lost Time Injury Frequency Rate (LTIFR) and Lost Time Injury Duration Rate (LTIDR) – these may be included in detail within the SCI proper);
- indicate when their workplace health and safety systems were last externally audited and briefly summarise results and actions to address deficiencies. Note that if systems, policies and practices are not externally audited, GOCs are to provide details of how the performance of risk management systems, policies and practices are independently confirmed; and
- indicate when the next external audit of the workplace health and safety system is planned.

## 9. Equal Employment Opportunity and Anti-Discrimination

GOCs are required to:

- provide a summary of the corporation's equal employment opportunity (EEO) and anti-discrimination strategies;
- confirm the existence of corporation policies for EEO, anti-discrimination and equity in recruitment, selection and promotion; and
- indicate whether these policies are included in induction training and periodic briefings for staff.

GOCs are to note that under section 148 of the GOC Act, a GOC is a relevant EEO agency for the *Public Service Act 2008*, Chapter 2. Therefore, in accordance with section 31 of the *Public Service Act 2008*, GOCs must for each financial year give the Public Service Commissioner a report about the outcome of its actions required under section 30 of the *Public Service Act 2008* during the financial year. This report must be provided no later than three months after financial year end.

## 10. Interstate Acquisitions/Operations

GOCs are required to outline the basis for the wages and conditions of employment that apply to interstate employees (e.g. name of award/industrial agreement and jurisdiction).

## 11. Joint Venture Projects

GOCs are required to provide information on the employment relationship of staff involved in the operation of any joint venture assets. If staff are employees of the GOC or a subsidiary, award/agreement coverage should be indicated.

## **12. Management of the Relationship between GOCs and Unions**

GOCs are required to provide a summary of their policy and practices and planned initiatives regarding their relationship with unions. GOCs are required to report how they manage and maintain relationships through such policies and practices and any specific initiatives that are planned to address any relationship issues.

## **13. Redundancy Provisions**

Corporations should provide details of their redundancy policies including summary details of notice, severance payment, leave pay out (e.g. pro-rata long service leave, sick leave) and outplacement/transition allowances.

## **14. Job Security**

GOCs are required to provide a summary of their position in relation to job security for employees. This should include a commitment to have “no forced redundancies” unless formally approved by the shareholding Ministers.

## **15. Contracting Out**

GOCs are required to:

- 1) provide a summary of their basis for the use of contractors, the use of labour hire agreements and the use of employment of skilled overseas staff to cover labour shortages through employer sponsored temporary long stay subclass 457 visas;
- 2) confirm a commitment to orderly and sustainable best practices in relation to the use of contractors, the use of labour hire agreements and the employment of skilled overseas staff to cover labour shortages through employer sponsored temporary long stay subclass 457 visas;
- 3) confirm that contractors’ employees performing the work have appropriate and valid prescribed occupational licences, levels of competency and use safe work practices and systems and outline how the GOC checks the validity of those licences, practices, etc;
- 4) confirm that in relation to contractors or labour hire companies engaging people on 457 visas or Australian Workplace Agreements, GOCs confirm that measures are taken to ensure that such employees are engaged in accordance with the relevant legislation; and
- 5) confirm that where GOCs engage people on 457 visas:
  - measures are being taken to ensure that the relevant skills will be developed and available locally in the longer term; and
  - staff on 457 visas are engaged as a minimum on the same terms and conditions as agreement staff and in accordance with the relevant legislation.

## **16. Superannuation**

GOCs are to provide:

- a summary of the superannuation arrangements that apply to staff within the corporation and the corporation's policy on the use of any surplus from defined benefits funds that may arise from time to time;
- details on the number of staff covered by defined benefit arrangements and number in defined contribution (accumulation) arrangements;
- details of funds; and
- employee and employer contribution rates and any changes in contributions or benefits anticipated during the year.

## **17. Consultation**

A statement of consultations conducted in terms of section 149 of the GOC Act on the E&IR Plan should be provided, along with broad details of feedback received and what was done in response.

## **18. Reporting**

GOCs are required to submit a brief report each year covering the following matters:

- confirming the implementation of the current E&IR Plan;
- outlining if there have been any events or matters that have occurred or due to occur that vary to the E&IR Plan provisions for that cycle and explanations for those variations; and
- detailing any contentious issues that have arisen or are expected to arise during the current E&IR Plan cycle.

This report is to be submitted by the GOC to OGOC at the same time as the first draft E&IR Plan for the upcoming year is submitted in January. The report is to be separate to the E&IR Plan.

**Minimum Employment, Industrial Relations and Job Security  
Principles for Government Owned Corporation (GOC) Employees**

**December 2008**

## Minimum Employment, Industrial Relations and Job Security Principles for Government Owned Corporation (GOC) Employees

### **Context**

The Queensland Government through shareholding Ministers holds the principal financial interest in Government Owned Corporations (GOCs). Consequently Government is an important stakeholder in GOCs, which now operate in the national marketplace. Government also has a leadership role setting minimum employment standards and providing an example of a model employer.

### **Rationale**

The introduction of Work Choices legislation has created some uncertainty regarding minimum employment standards, industrial relations practices and job security, especially in the government owned corporation sector, which is subject to the Work Choices legislation. This Government is opposed to the erosion of employment conditions by the Work Choices legislation introduced in 2006.

### **Objective**

The principles set out below, which have been endorsed by Government, are intended to confirm the Government's position on minimum employment conditions and industrial relations practices and ensure that pre-Work Choices conditions are not eroded.

As a general principle, GOCs should maintain arrangements and policies existing prior to Work Choices, including in any GOCs subsidiaries within Queensland unless otherwise agreed with unions. GOCs should also work cooperatively with unions to resolve issues using services available at the State level where possible.

### **Application**

GOC shareholding Ministers request that GOCs put in place available safeguards to maintain standard employment conditions, industrial relations practices and job security through the provisions of GOC Employment and Industrial Relations Plans (E&IR Plans). E&IR Plans form part of the annual Statements of Corporate Intent which are considered and approved by the shareholding Ministers by 30 June each year in line with the *Government Owned Corporations Act 1993* provisions.

Legal advice from Crown law supported this approach, except where the relevant GOC is subject to the National Code of Practice for the Construction Industry e.g. Qld Rail as a result of undertaking work on federally funded rail infrastructure projects.

Minimum Employment, Industrial Relations and Job Security Principles for  
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## **Principles**

### **1. Union Encouragement**

At the point of engagement, employees are to be provided with a document indicating that the corporation encourages employees to join and maintain financial membership of an organisation of employees that has the right to represent their industrial interests.

Union delegates and job representatives have a role to play within a workplace. The existence of accredited union delegates and/or job representatives is to be encouraged.

Accredited union delegates and/or job representatives shall not be unnecessarily hindered in the reasonable and responsible performance of their duties.

### **2. No Disadvantage**

Rates of pay and conditions of employment included in a Notional Preserved State Award and/or a Preserved State Collective Agreement, when taken as a whole, are not to be reduced in the future except as required by relevant federal legislation or as agreed between the relevant industrial parties.

### **3. Enterprise Agreements**

The following conditions of employment and practices shall continue –

a) collective agreements with unions shall be the preferred means of industrial regulation of rates of pay and conditions of employment;

b) new individual common law contracts shall not be written within the relevant enterprise agreement envelope (individual contracts should only be executed where total fixed remuneration equates to or exceeds the equivalent of the Queensland Public Service AO-8 level (from 1/7/2008 \$95,082.40 per annum) plus 12.75% plus the equivalent of annual leave loading plus any overtime component) or the top rate in the respective GOC enterprise agreement plus the applicable superannuation and annual leave components, where the aggregate of these is lower –

i) An amount lower than outlined in b) above may be negotiated within an enterprise agreement as agreed between the relevant parties; and

ii) Developing and utilising alternative employment arrangements under enterprise agreements, which provide hours and overtime flexibility linked to a rolled-up rate of pay, is

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preferred to the use of individual contracts within the relevant enterprise agreement envelope/s.

**4. Payroll Deductions of Union Fees**

Requests from employees for payroll deduction of union fees are to be accommodated where the service was made available immediately prior to 27 March, 2006. It is noted that Government agencies provide this facility without charge to relevant unions.

**5. Use of Contractors**

The following general principles should be followed when using contractors:

- (a) Contractors and/or labour on-hire arrangements are to be utilised in an orderly and responsible manner, such that there is not a detrimental effect on the State's or public interest e.g. causing disruption to services to the public or causing damage to the economy or standing of the State.
- (b) It is recognised that circumstances arise where the use of Contractors is either desirable or essential. These circumstances are seen to be within the following guidelines:–
  - (i) The work volume, type of work or specialisation required is beyond the capacity of resources or staff;
  - (ii) It is in the public interest to undertake such work. Public interest includes issues of cost effectiveness; or
  - (iii) The security and tenure of employment of additional staff required to meet work peaks cannot be guaranteed.
- (c) The use of contractors is not to be used to avoid training existing staff or employing new staff to cater for emerging areas of work. "Emerging areas of work" does not include one-off works or temporary work peaks.
- (d) In addition, contractors and/or their employees are not to be appointed to any position as permanent employees unless normal advertising and selection processes have been followed.

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## 6. Unfair Dismissal

Responsible and defensible policies and procedures regarding the management of performance, conduct and capacity of staff should be in place and adhered to. That is, except where situations arise warranting summary dismissal under common law, –

- a) if an employee's conduct, capacity or performance is deficient —
  - (i) ensure the employee is formally warned about the conduct, capacity or performance and is given a chance to rectify any deficiency; and
  - (ii) ensure the employee is given an opportunity to respond formally to any allegation about their conduct, capacity or performance; and
  - (iii) ensure employees have a right to be represented through all parts of the process; and
- b) if dismissal is subsequently contemplated –
  - (i) provide the employee with a clear reason for dismissal detailing the process gone through to seek improvement as referred to above; and
  - (ii) ensure clarity as to whether the dismissal is related to the employee's conduct, capacity or performance.

## 7. Right of Entry of Union Officers to the Workplace

An officer of a union party to a GOC award or enterprise agreement shall be provided with access to relevant workplaces during business hours to inspect and request information and/or discuss with the employer and members or potential members, a suspected breach of applicable employment legislation, a relevant award or enterprise agreement or a workplace or industrial matter. The above is subject to seeking access from a responsible manager or other person in charge. Permission shall not be unreasonably withheld, but access and the activities undertaken thereafter shall not interrupt the normal continuity of work.

**It is noted that by law, entry to certain operations subject to national/State security initiatives can only occur under escort unless the necessary authorities are held. Union officials should make contact with GOCs beforehand to ensure necessary compliance before entering workplaces where this might be the case e.g. ports, airports and like essential infrastructure installations.**

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**8. Industrial Relations Education Leave**

Unless an award/enterprise agreement and/or custom and practice immediately prior to 27 March 2006 provides otherwise, paid time off not exceeding five days per union in any one year non-cumulative, is to be made available to a duly elected or appointed union representative or delegate, upon written application by the union at least 6 weeks in advance (or such lesser period as was provided for in an award/enterprise agreement or custom or practice immediately prior to 27 March 2006 or as is mutually agreed by the union and the GOC), to attend courses or seminars conducted by the union or specific training courses approved and accredited by the union. The GOC shall give consideration to the special requirements of any regionally based workplaces in applying the limits on paid time off referred to above, provided that the granting of such leave does not unreasonably interfere with the GOC's operations. The scope, content and level of such courses or seminars shall be such as to contribute to a better understanding of industrial relations within the GOC's operations.

**9. Consultative Arrangements**

GOCs shall endeavour to deal with industrial relations matters cooperatively through consultative arrangements with employees and union delegates at the workplace level and through employees and/or delegates and union representatives or officials at the organisation level. Paid involvement of delegates and relevant employees shall be considered in relation to such consultative arrangements, as well as in circumstances where their involvement facilitates the resolution of industrial relations issues or assists the employer in developing and implementing new initiatives, provided they are not involved in industrial action. Where paid union meetings have been available as a result of an award/enterprise agreement or custom and practice existing immediately prior to 27 March 2006, such arrangements shall be continued.

**10. Job Security**

In any situation of redundancy, options for redeployment and retraining of staff shall be exhausted before the offer of voluntary redundancy arrangements is considered. DEIR should be consulted prior to the offer of voluntary redundancy arrangements. There shall be no forced redundancies without the explicit and written sanction of relevant shareholding Ministers in the case of forced redundancies at GOCs.

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**11. Assistance with the Resolution of Disputes**

The *Industrial Relations Act 1999* (IR Act) was amended in 2007 to provide for parties to have access to the Queensland Industrial Relations Commission (QIRC) by agreement, to conciliate and/or arbitrate matters in dispute and to provide greater flexibilities in the structure of the QIRC to respond to changing workloads as a result of the introduction of Work Choices. This includes parties to Preserved State Collective Agreements or Notional Agreements Preserving State Awards. GOCs are encouraged to utilise these avenues as a means of resolving issues at the State level. Wherever possible, GOCs should genuinely attempt to resolve issues through the provisions of the IR Act.

If a matter cannot be resolved as a result of utilising the QIRC functions, such processes will satisfy the requirements of the *Workplace Relations Act 1996* regarding alternative dispute resolution, should matters subsequently be referred to the Australian Industrial Relations Commission by way of dispute.

GOCs are advised to develop a Dispute Resolving Policy that provides a consistent and clear approach for the parties to deal with disputes early on. The Disputes Resolving Policy may list the nominated person(s) agreed with the union(s) to assist the parties in resolving disputes and a range of functions and conditions agreed between the parties to determine on a case by case basis the best way to deal with particular disputes.

**This is not a process to deal with industrial action.**

See attachments: Guidelines for Establishing a Disputes Resolving Policy for use in seeking the assistance of the Queensland Industrial Relations Commission under section 273A of the IR Act.

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**ATTACHMENT**

**GUIDELINES: Establishing a Dispute Resolving Policy**

The GOC and Union/s shall have regard to the following principles in establishing a disputes resolving policy.

**Step 1 Resolution at the Workplace Level**

*Involves genuine attempt to resolve the issue using consultative arrangements with employees and union delegates and if necessary, with union officers.*

*If there is no resolution at the work place level, proceed to next level (Step 2):*

**Step 2 Alternative Dispute Resolution Process [including QIRC assistance]**

**Who** *The disputes policy shall list the nominated person (s) agreed between the parties to assist in resolving disputes.*

*Person/s may include a Queensland Industrial Relations Commission (QIRC) member/s in relation to utilising section 273A under the Industrial Relations Act 1999 or, alternatively establish a panel of agreed persons (eg industry expert, AIRC/QIRC representative and union representative)*

**How** *The parties may determine the appropriate approach to each dispute on a case-by-case basis and must agree in writing how the dispute is to be resolved. If the parties agree to seek the QIRC's assistance, the parties must submit a **referral agreement** to the QIRC as to how the dispute is to be resolved by the QIRC (refer to section 273A (1)(b) under the Industrial Relations Act 1999).*

**What General Provisions**

*Provisions covered in the disputes resolving policy must be agreed between the parties in advance of handling any particular dispute. Such provisions can include:*

- (i) Commitment from parties to follow agreed process.
- (ii) Determine appropriate timeframes to deal the dispute.
- (iii) The allocation of any costs associated with a dispute process will be as agreed between the parties on a case-by-case basis or if no agreement can be reached, each party shall meet its own costs.
- (iv) Work as directed unless the employee has a reasonable concern about an imminent risk to their health or safety.
- (v) At any time industrial action is threatened or taken during the process, either party may directly proceed to AIRC for assistance.

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Any time industrial action is threatened or taken, the GOC must inform Department of Employment and Industrial Relations as soon as possible.

***Functions of QIRC***

The following provisions are consistent with the functions available under section 273A (4) of the Industrial Relations Act 1999:

- (a) conciliating;
- (b) arbitrating;
- (c) granting a remedy or other relief; and/or
- (d) deciding any other issue or question.

Furthermore, a decision by the QIRC in performing the dispute resolution functions does not bind the parties unless the ***referral agreement*** provides for the decision to bind the parties.

## Disputes Resolving Policy - Checklist

The following checklist could also be used as a basis of a ***referral agreement*** under section 273A(1)(b) of the *Industrial Relations Act 1999*.

1. Request the informal assistance of [INSERT Commissioner] to resolve a dispute between [INSERT parties involved].
2. Advise the dispute is in relation to [INSERT subject matter, brief background and timeframe the dispute has existed].
3. Indicate the [INSERT union or other party to the dispute] has been notified and agrees to the Commissioner's assistance to resolve this dispute and the parties request that the Commissioner be requested [INSERT terms of disputes process eg
  - to conciliate the matter
  - to conciliate the matter and if the dispute remains unresolved, arbitrate the matter
  - to arbitrate the matter
  - granting a remedy or other relief
  - deciding any other issue or question arising in the dispute.
4. State that in its role as [INSERT conciliator / arbitrator] the Commissioner is requested [INSERT any of the following relevant term]s:
  - to observe the confidentiality of the matters in dispute
  - to identify and define the matters in dispute
  - to develop a procedure that aims to resolve the dispute quickly, fairly and cost-effectively
  - to suggest resolution techniques for individual issues aimed at narrowing the matters in dispute
  - to act as the facilitator of direct negotiations between the parties
  - to make suggestions for resolution (Conciliation process)
  - express opinions about a reasonable resolution (Conciliation process)
  - that if the matter is unresolved it may within seven days of terminating the process, provide a written report to the parties expressing the opinion of what would be a reasonable resolution of the dispute (Conciliation).
  - to determine the matter (s) in dispute by selecting one only of the final round of offers on the basis of which offer the Commissioner believes provides the most reasonable basis on which to resolve the matter in dispute (Arbitration)
  - not to amend or otherwise qualify the offer it selects (Arbitration)
  - to notify the parties in writing as to the offer it considers to provide the most reasonable basis of settlement as soon as practicable after receiving the final round of offers from the parties (Arbitration)
  - to make a recommendation which the parties accept as a binding resolution of the dispute. The recommendation can be based on the information provided in conciliation and additional information provided by the parties. The parties agree that the Commission may issue directions for the purposes of obtaining further information. (Informal Determination)
  - to make a formal determination and that the parties agree to abide by the determination. The parties will have the opportunity to be heard formally on the matter(s) in dispute and the Commissioner will only regard material

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including witness evidence, submission and will disregard admissions, concession, offers or claims made in mediation. The Commissioner may also make and issue directions in relation to the process leading to is determination and the parties will abide by those directions. (Formal Determination)

5. Address procedural matters including [INSERT details about:
  - how the parties will present its position
  - confidentiality arrangements
  - representation
  - timing, location and duration of the process
  - if a telephone conference is required
  - how the process will be recorded
  - any other particulars about the Commissioner's role in relation to establishing procedures.
  
6. Advise that in the event that the requested Commissioner is not available, the parties request [INSERT Commissioner] to assist the parties.