

For
the
Future

Industrial
relations





Acknowledgment of country.

We acknowledge and respect the Traditional Custodians whose ancestral lands we live and work upon and we pay our respects to their Elders past and present. We acknowledge and respect their deep spiritual connection and the relationship that Aboriginal and Torres Strait Islander people have to Country. We also pay our respects to the cultural authority of Aboriginal and Torres Strait Islander people and their nations in South Australia, as well as those across Australia.

Foreword

Labor was born 130 years ago when workers united to demand a better deal.

Labor is the only party with work in its name and creating jobs is at the core of our beliefs.

A thriving jobs market gives opportunities for people to realise their dreams, support their families and give back to society.

Safe, secure and sustainable work is the foundation stone of families and communities.

Technological and social changes are placing greater and greater pressure on workers.

The days of working for one employer for an entire career are long gone for most, but many of our systems have not kept pace with changes in laws, awards and benefits.

The increasing use of insecure and sometimes unregulated labour hire arrangements places everyone at risk, from agricultural workers and food processors to call centre operators and nurses.

Rampant privatisation is undermining public services and job security.

Our laws and policies haven't kept up with changes in our community – particularly more women in workplaces across the economy.

All these challenges come on top of increasing reports of wage theft - people not being paid for their hard work.

Every worker has the right to be safe at work, yet we see too many avoidable injuries and deaths in workplaces.

Everybody should get home safe from a day's work and Labor will introduce industrial manslaughter laws with a focus on avoiding preventable deaths.

Labor recognises the role workers and their unions have played across generations, in delivering well paid and secure jobs in our community.

The ongoing role of unions in safety at work is critical.

Labor will modernise our workplace arrangements to ensure long service leave is available to more workers who change jobs but stay in the same industry.

Labor will take the toughest stand on privatisation in South Australia's history. We will ban the new privatisations of public services, bring our trains and trams back under public control and legislate to stop the privatisation of SA Water.

We will introduce criminal penalties for those who deliberately and repeatedly fail to pay their staff what they are owed. We will streamline court processes to make it faster and easier to collect unpaid wages.

These changes are about delivering a level playing field to help businesses who do the right thing and making sure that workers continue to enjoy a fundamental right – a fair day's pay for a fair day's work.



Peter Malinauskas MP
SA Labor Leader





PORTABLE LONG SERVICE LEAVE

In the 1980s, in partnership with unions and employers across the industry, Labor passed the Construction Industry Long Service Leave Act 1987. This created a scheme that allowed workers to keep their long service leave if they changed employers but stayed in the industry.

This allowed workers – who rarely got Long Service Leave because of short periods with different employers – to extend their working lives by giving their bodies a break or undertake additional training. It also helped employers by creating an incentive for workers to keep their skills in the industry.

In recent years, the biggest growth in employment has been in areas like education, care and community services that are dominated by women. These changes are being driven by our ageing population and new systems like the National Disability Insurance Scheme. It's critical for the major industries of tomorrow to retain their workers by providing fair protections and rewards.

In recent years, Victoria expanded its long service leave system to cover community services, contract cleaning and security. South Australia needs to be a place where people want to work and where workers get proper recognition of their service.

Surveys show average staff turnover of 18% per year and employers want more stability in their workforce – something that many workers would love to see as well.

Our commitment

Long Service Leave – a paid 3-month break after 10 years of service - was fought for and won by workers at a time when many stayed with the same employer for decades. If a worker doesn't stay with the same employer for at least 7 years, they often get no benefit from this at all.

In the 1980s, Labor passed the Construction Industry Long Service Act 1987 that meant thousands of workers in building trades could carry their long service leave between employers. This has given workers an incentive to stay in the industry, boost their skills, extend their careers while providing better rewards for their work.

In recent decades, on top of more people working casually, workers in many more industries now regularly move between employers. This means fewer and fewer people get the chance to take a proper break during their working lives. This is particularly important in community services like age and disability care that are often paid at lower rates, have a high proportion of women and include work that can be emotionally and physically challenging.

Labor will consult with workers, unions and businesses to expand our portable long service leave system – modelled on the Construction Industry Long Service Leave Board. This will be underpinned by an investment of \$1.5 million in this and other initiatives to increase safety and fairness at work.

SAFETY AND FAIRNESS AT WORK

South Australian workers and their families deserve a better deal at work.

Our laws and policies haven't kept up with changes in our community – particularly more women in workplaces across the economy.

Workers and their representatives have been shut out of critical organisations that oversee their work and training.

SafeWork SA – the government agency with responsibility for ensuring workplace safety – is struggling to be effective and responsive.

The South Australian Employment Tribunal – the independent umpire for workplace disputes – needs to be more effective by providing timely decisions and being able to enforce those decisions without going through other courts. Timely court proceedings, from conciliation through to judicial decisions, are critically important where maintaining workplace relationships and contracts are in question.

COVID-19 has reminded us all that frontline workers – from pharmacies to supermarkets and service stations – are critical and essential. Too often, these dedicated and often low-paid workers cop abuse. All the time, and particularly in times of crisis, they deserve better protections.

Labor's Commitment

We need laws that set the standards of respect and safety that we expect from ourselves and others. We need a workplace regulator that can properly investigate safety issues. We need an employment tribunal where justice isn't delayed and, after too long, denied.

To improve the safety and fairness of our workplaces, SA Labor will:

Undertake a root and branch review of the practices and processes of SafeWork SA to improve workplace safety, deliver prompt action on safety concerns, support improved physical and mental wellbeing in our workplaces, and ensure a genuine voice for workers in complaint and resolution processes.

Work towards consistency in the state system for domestic and family violence leave while expanding the Objectives of the Fair Work Act to include gender equity.

Recognise the importance of workers and their representatives having a voice on bodies that oversee work and training – starting with the South Australian Skills Commission.

Ensure that TAFE SA can provide training and development for critical skill areas including aged care, childcare and disability services while working with Federal Labor on improving the quality and availability of trade training.

Review the practice and jurisdiction of the South Australian Employment Tribunal to ensure that it is effective and efficient for all those who use it and empower it to enforce its decisions without going through other courts.

Legislate for aggravated offences - with higher penalties - for people who abuse or assault frontline retail workers who are just doing their job.

Restore state government funding for Mates in Construction that works to reduce suicides in the industry



LABOUR HIRE

Through the 1980s and 1990s, the rate of casual employment – those without access to paid leave entitlements – almost doubled to a quarter of all workers.

Since that time, privatisation has seen more people working in less secure positions that were previously part of government.

Insecurity for workers has increased even further with the expansion of labour hire.

Labour hire companies are an important part of doing business when one company engages another to provide workers rather than directly employing staff.

While they provide benefits to business, they can also create risks for workers who may experience insecurity and lower pay compared to staff who work directly for a business.

For many years, labour hire operated in industries like agriculture and security. More recently, labour hire has expanded massively even into nursing and government agencies like Centrelink

Our commitment

Labor passed South Australia's first Labour Hire Licensing Act in 2017 but others tried to completely remove the laws and then gutted them.

Labour hire has grown and reports have shown that these workers can sometimes “miss out on basic rights such as minimum wages, penalties, loadings, overtime allowances, leave and superannuation entitlements”.

A Malinauskas Labor Government will strengthen our labour hire licensing laws to ensure that all labour hire firms and workers are covered by the same laws and regulations.

This will ensure that fly-by-night providers from interstate can't take advantage of poor local regulation by undermining the pay and security of local workers.





DUST DISEASES

Asbestos related diseases have been estimated to incur around \$200 million in costs every year around Australia due to diseases including mesothelioma, asbestosis and lung cancer with additional costs linked to lost productivity.

Silica dust, associated with many modern manufactured stone products, is linked to lung cancer, silicosis, kidney disease and chronic obstructive pulmonary disease. It has been estimated that 6.6% of Australian workers are exposed to silica dust with more than half of these highly exposed.

Education about the risks associated with both asbestos and silica are critical to avoiding illness, death and costs on our community.

There is no cure for dust diseases and lung damage is permanent. Every case results in huge costs including medical expenses, lost productivity and the human toll of shorter and less active lives.

A range of organisations provide critical victim support, education and advocacy services to make sure that we don't see another generation of workers whose lives and livelihoods are needlessly lost.

Our commitment

While asbestos is now heavily regulated, it remains in many buildings and continues to pose a risk to tradies and householders.

In recent years, a combination of DIY renovations and the increasing popularity of manufactured stone benchtops, which contain silica, have created new risks to a wider group of people.

SA Labor will provide \$400,000 over four years to the Asbestos Victims Association of SA and Asbestos Diseases Society of SA for advocacy and education programs that seek to increase awareness of dust diseases, reduce risk and create a safer community.



CAUSING A DEATH AT WORK

On average, a dozen South Australians die every year at work. Around three quarters of workplace deaths happen in just three areas - primary industries, transport and construction.

Like deaths and injuries on our roads, the number of workplace deaths are the tip of the iceberg with many times more serious injuries and illnesses.

Our commitment

When somebody dies at work then something has almost certainly gone wrong. While accidents do happen – even tragic ones – the first responsibility of every employer is to ensure that they provide a safe workplace. But it's not an accident when an employer has been reckless about something they know causes a serious risk. It's a crime and it should be treated like one.

Labor will work widely across industry – with employers, business groups, unions, and Group Training Organisations - before introducing laws that will apply where an employer acts recklessly and their actions are the primary cause of an employee's death.

The penalty will fit the crime with maximum prison term of up to 20 years along with significant financial penalties for companies.

PRIVATISATION

Community wellbeing and secure work are both undermined when governments privatise public services. South Australians remember what happened when Steven Marshall's Treasurer privatised ETSA and our bus network in the 1990s.

Things have continued in the wrong direction with the recent privatisations of the Adelaide Remand Centre and our trams and trains.

Promises of lower costs or better services by private providers are rarely delivered and the public is often not allowed to know how the private provider is operating. In the recent train privatisation, the government has refused to even release the estimated passenger numbers let alone what the triggers are for breaking promises in the contracts.

Our commitment

Public services should be delivered by the public for the public.

When private providers are paid public money to run services, the public deserves to know exactly what is going on.

Many thousands of South Australian livelihoods depend on our public services and assets remaining SA-owned.

Only a Malinauskas Labor Government will stand up and fight for them to remain in SA hands.

Labor will take the toughest stance in South Australia's history on privatisation by banning new privatisations of public services in South Australia.

Labor will establish a parliamentary committee that will undertake in-depth reviews of contracts for existing outsourced and privatised services.

Within our first 100 days, we will establish an Independent Commission of Inquiry into the Return of Public Transport Services to investigate the method for the return of train and tram services into public ownership and control.

The Commission of Inquiry will also examine the feasibility of returning privatised bus services back into Government control.

Labor will legislate to protect SA Water from any future privatisation.





WAGE THEFT

Across the labour market, reports continue to emerge of non-payment of superannuation, unpaid overtime, below award wages and free 'trial' shifts amongst other examples.

The McKell Institute estimates that up to 170,000 workers are losing more than \$500 million per year in South Australia alone.

Wage theft undermines the vast majority of businesses that operate according to the law and gives rogue operators an unfair advantage.



Our commitment

When wage growth has been so low for the past decade, it is unconscionable that some of the most vulnerable and lowest paid workers are not being paid their fair share.

Young people, women, workers on visas and workers from culturally and linguistically diverse backgrounds are most vulnerable to exploitation at work. They have the most to gain from greater protection and stability in the workplace.

A Parliamentary Committee, chaired by Labor, heard too many stories from workers being exploited by not being paid for their work.

This issue was highlighted again after a young woman who worked in a Bubble Tea shop asked to be paid properly.

The fundamental bargain with work is that you get paid – on time and in full.

If someone steals your money after you get paid then they can be charged with theft but the same rules don't apply if the money disappears before payday.

This kind of behaviour hurts employers who do the right thing and destroys the level playing field that is critical for good competition.

Labor will introduce Wage Theft legislation to create criminal penalties for persistent and deliberate underpayment of workers, including wages and superannuation.

Court processes will be streamlined to make it easier to collect money once a court makes an order. Labor will work with government agencies on improved compliance and investigation.

Education and enforcement are equally important. To ensure businesses and workers are operating on a level playing field, Labor will implement a coordinated approach across government regulators and agencies to ensure that workplace laws are understood, followed, and enforced.

