

## WORKCHOICES – IT'S OFF TO COURT WE GO

### **Paper by Rachel Doyle: *National Standards, Workplace Agreements and Alternative Dispute Resolution: new flexibility or new chaos ?***

The paper will address issues of access under WorkChoices:

- how do employers and employees ascertain the law ?
- how do employers and employees apply the law ?
- how are standards to be set ?
- how are disputes to be resolved ?

The role of the Australian Industrial Relations Commission has been significantly altered and the new Australian Fair Pay Commission will set federal minimum wages and other standard conditions.

Superficially, the AFPC provides a more flexible, less adversarial and legalistic forum. But how do employers and employees have their say in the new system ? Is the new regime likely to be productive of greater input by the community or will its ad hoc approach leave out stakeholders ?

Other central features of WorkChoices include the bargaining for Workplace Agreements and use of Alternative Dispute Resolution.

Will the change promote genuine bargaining ? How do parties negotiate the minefield of "prohibited content" in Workplace Agreements ? How will the AIRC fare as a provider of ADR compared with new private providers ?

Dispute resolution is now private. Will it become "hidden" ?

Workplace Agreements are only provided to the parties – will employment conditions become "secret" and incapable of comparison ?

Will there be more litigation or less ? Will there be less industrial action or more ?