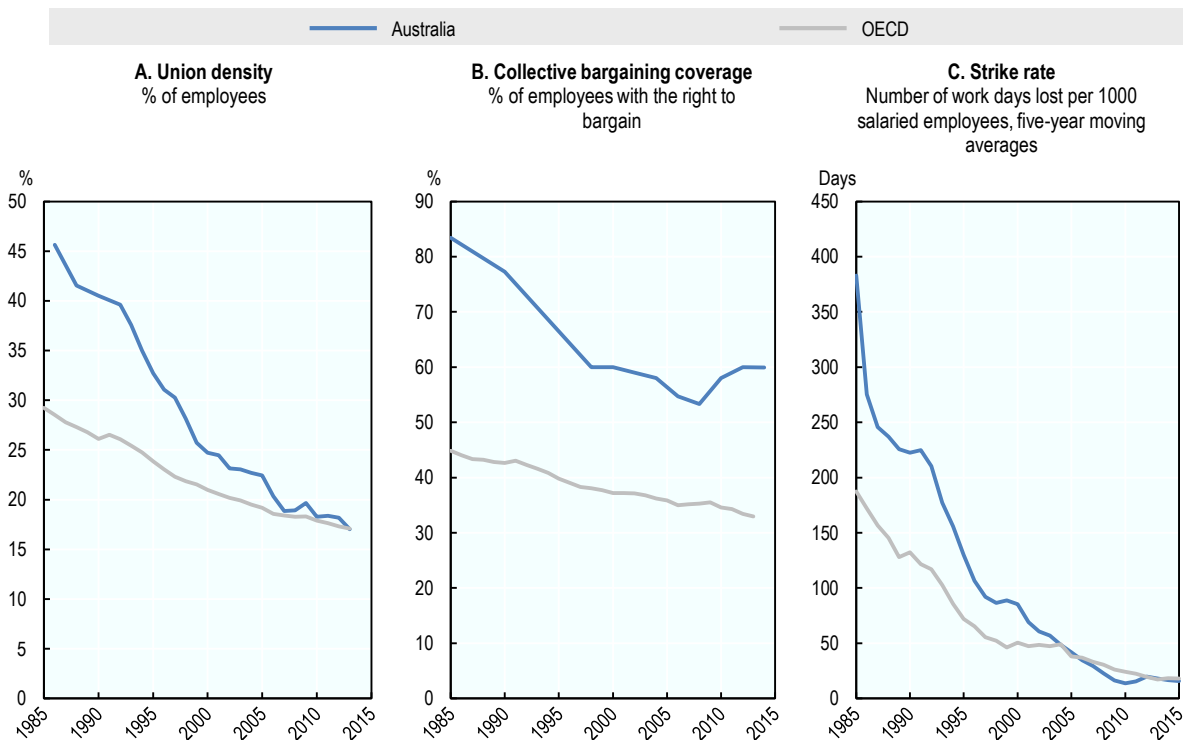


Australia

KEY FEATURES OF THE COLLECTIVE BARGAINING SYSTEM IN 2015

Predominant level	Company/Sectoral. In Australia the classification company/sector refers to the use of Modern Awards which are industry-wide regulations providing a fair and relevant minimum safety net of terms and conditions. A proper sector-level bargaining does not exist in Australia.
Degree of centralisation/decentralisation	Decentralised
Co-ordination	No
Trade union density in the private sector	10-20%
Employer's organisation density	Information not available.
Collective bargaining coverage rate	50-60%
Quality of labour relations	Low

TRENDS IN INDUSTRIAL RELATIONS IN AUSTRALIA, 1985-2015



BUILDING BLOCKS OF COLLECTIVE BARGAINING

The detailed description of the building blocks of collective bargaining mainly relies on information provided by the responses to the policy questionnaires that were sent to Labour Ministries, employer organisations and trade unions in 2016. The information reported in the questionnaires represents the situation in **December 2015**.

Use of *erga omnes* clauses

Legal application of a sector level agreement in the absence of administrative extensions Not relevant

Legal application of a firm-level agreement All workers (which the agreement is expressed to cover).

Use and coverage of extensions

Use of extensions of sectoral collective agreements Not relevant

Procedure Not relevant

Representativeness criteria Not relevant

Public interest criteria Not relevant

Exemptions or possibility of appeal Not relevant.

Duration of collective agreements

Average duration 36 months

Maximum duration of collective agreements Firm level: set by law, 48 months.

Can contracting parties terminate an agreement before its expiry date? Yes, and the agreement immediately comes to an end (termination has to be approved by the Fair Work Commission).

Ultra-activity of collective agreements

Is maximum duration of after-life/ultra-activity of agreements fixed by law? No rule, unlimited.

Retroactivity of agreements

Do firms have to pay arrears in case of late renewal? No legal obligation.

Does retroactivity apply only to members of signatory parties or does it cover all parties? Only to signatory parties.

Use of the favourability principle

Not relevant

Use and scope of derogations and opt-out

Derogations from the law	Possible via making of enterprise agreement, but independent statutory agency determines if workers are “better off overall” at time of agreement approval.
Derogations from collective agreements	
Scope	No
Topics	Not applicable
Rationale	Not applicable
Criteria	Not applicable
Other	Not applicable

Forms of co-ordination

Mode of co-ordination	Not relevant
Degree of co-ordination	Not relevant

Enforcement of collective agreements

	Sector-level agreements	Firm-level agreements
Do agreements typically include a peace clause?	Not relevant	Yes
Do agreements typically include a mediation/arbitration procedure?	Not relevant	Yes
Is it compulsory?	Not relevant	Yes

Worker representation at the workplace

Union or union representatives but non-union worker representatives can be present.

Board-level employee representation

Public sector	Not relevant
Private sector	Not relevant
Scope	Not relevant
Proportion/number of workers’ representatives	Not relevant
Nomination of candidates	Not relevant
Appointment mechanism	Not relevant

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
PARIS, SEPTEMBER 2017