

Access to Collective Bargaining for Low-Paid Workers

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Introduction

A strong theme of the campaign waged by the ACTU at the time of the 2007 federal election against the Work Choices regime concerned the need for a fairer industrial relations law for low-paid workers. The vulnerability of low-paid workers, especially low-paid women, was highlighted during the campaign and much of the impetus for change drew on community concerns about low-paid workers.¹

The *Fair Work Act 2009* (Cth) (FW Act) was widely regarded as a significant positive reform for low-paid workers, in particular, because it restored the safety net that had been largely removed under Work Choices. It introduced statutory National Employment Standards (NES), and Modern Awards with conditions and minimum wages subject to regular review.² A particular innovation for low-paid workers was the establishment of a low-paid bargaining stream, designed to facilitate collective bargaining for groups of workers who historically had been unable to achieve collectively bargained agreements. A later innovation, established through an amendment to the FW Act in 2012, provided access to collective bargaining for a highly vulnerable group of low-paid workers: textile, clothing and footwear (TCF) contractor outworkers, who had previously been excluded from the Act by virtue of their contractor status.³

1 Baird, Cooper & Ellem 2009; Evesson et al 2007; Pocock et al 2008; on community concerns see Cooper 2014. As to the ACTU 'Your Rights at Work' campaign, see Muir 2008.

2 See Naughton 2011; Naughton & Pittard 2013.

3 *Fair Work Amendment (Textile, Clothing and Footwear Industry) Act 2012* (Cth).

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