

Launch of *Work and Industrial Relations Policy in Australia*

AIRAANZ Conference, January 2026

Remarks by Anthony Forsyth

The Australian Council of Trade Unions (ACTU) acknowledges the Traditional Owners of Country throughout Australia and recognises their continuing connection to land, waters and culture. I pay my respects to the Gadigal people of the Eora Nation – the traditional owners of the land we're meeting on today.

I want to congratulate the 6 co-authors of this excellent book on producing such an accessible, informative and thought-provoking account of the shaping of Australian industrial relations policy.

The book's fundamental inquiry into how work is regulated and IR policy is made, including the roles of government, employers, workers and their representatives, is something I've long pondered as an academic labour lawyer; and more recently from a different perspective as a union lawyer – in particular, the question of the role of the state and the extent to which the law and institutions can provide an enabling environment for the revitalisation of trade unions.

On this (prior to 2022) I parted company with people like Jim [Stanford], and probably a lot of you, in expressing some scepticism that changing the legal framework would be enough to rebuild union strength.

To be clear, in my book *The Future of Unions and Worker Representation* published that year, I stated that the legal changes sought by the ACTU in the 'Change the Rules' campaign were 'absolutely necessary to give workers and unions a fair chance of building power.'

But then I added that law reform wouldn't be sufficient on its own. The revival of Australian unions would also require (as Jelle Visser put it) experimenting with new ideas and technologies, less rigid forms of engagement and membership, and forming alliances with other social movements.

Probably I was a bit too focused on the debate over the place of law in union decline, and potential recovery.

What we've seen over the last few years, as this book helpfully illustrates, is the central importance of the state in creating the necessary conditions for unions to obtain better outcomes for workers, across a range of policy areas.

This may or may not translate into union growth (although the latest ABS stats show a promising uptick in union membership), but the wins being obtained for workers under Labor's new laws are just as important in and of themselves. This is IR policy shaping a better working life!

To quickly explore 2 examples covered as case studies in the book:

1. **The Secure Jobs Better Pay Act changes to collective bargaining, including new streams of multi-employer bargaining.** Business groups argued this would be a return to the industry-wide strikes and unemployment of the 1970s. But of course, none of that has happened.

Instead, in the 2 and a half years to June 2025, over 1 million workers have been added to collective agreements (around 1000 workers a day). Around 250,000 workers are now covered by a multi-employer agreement – including 50,000 under the early childhood education and care agreement, getting long overdue pay rises to this critical workforce (in the book's terms, channelling Befort and Budd, this is amplifying employee voice and equity). The ACTU has worked with the SDA on getting supported bargaining going at McDonalds (pushing the new rights beyond sectors reliant on government funding); Professionals Australia's test case of single interest bargaining in NSW coal companies; and the IEU's current campaign to use single interest in Victorian Catholic schools (with employers trying every trick in the union-busting book to block it).

2. The much-needed reforms to regulate platform work in the Closing Loopholes legislation.

I'm not aware of any other law globally that provides gig workers with the ability to seek orders setting minimum pay rates and other working conditions; collective bargaining rights (admittedly, it is a consent-based bargaining framework with no right to strike – and its potential hasn't yet been tested); *and* an avenue to seek remedies for arbitrary deactivation from apps. We're now seeing a lot of activity in this last area, with the Fair Work Commission issuing several decisions ordering the reactivation (reinstatement) of platform workers, and compensation for unjust suspension or deactivation. This often occurs based on customer complaints or alleged misconduct, which platforms don't properly explore before acting against the workers involved. The new laws therefore provide 'industrial justice' in the context of technologically mediated work.

These are 2 examples of what the book calls the 'multi-stage policy cycle':

- the ALP (in this case) identifying regulatory gaps/problems, then translating its solutions (election commitments) into policy
- the role of the executive branch (DEWR and other depts) in developing and consulting stakeholders on proposed laws
- the parliamentary process including negotiations and compromises with other political parties/independents
- then the implementation and interpretation of new laws by the Fair Work Commission (including its transformation through new appointments) and the courts.

The book convincingly describes the state not only as a regulator, policy maker or neutral arbiter, but as 'an omnipresent force', deeply involved in IR even when it appears not to be (an absence of state intervention is also a policy choice!). In these and many other ways, the authors are to be commended for enriching our understanding of how work is regulated, in whose interests, and which groups have the opportunity to influence that process.