

Launch of *Work and Industrial Relations Policy in Australia*

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Remarks by Frances Flanagan

I'd like to give sincerest thanks to Sarah Kaine, Sara Charlesworth, Jim Stanford and Anthony Forsyth for their comments. We were indebted to all these scholars in writing the book, and the chance to be in dialogue with them now is deeply appreciated.

I'd like to acknowledge and thank my co-authors Bradon, Chris, Stephen, Rae and Alex for their deep collegiality and generosity in undertaking this collective project. Emeritus Professor Ellem, who has taught Industrial Relations (IR) policy for 3 decades, including to many people in this room, deserves particular mention as the driving force and intellect behind this book.

The book, we hope, makes 2 kinds of contributions. The first is as an entry-level guide to traditional and emerging issues in Australian IR of a kind that is accessible to general readers and students. It offers an accessible theoretical framework for making sense of Australian IR, and modular chapters dealing with topics such as collective bargaining, gender and work, efficiency, skills and migration, the gig economy and the climate crisis, which can be easily assigned to students across an IR course. The book invites them to think both with Belfort and Budd's efficiency, equity and voice framework, as well as Richard Hyman's framework which is attuned to the State's role in securing capital accumulation, pacification and legitimation. Readers are also guided through changes in the Australian IR system over time, from the archetypally unitarist order of master-servant law and coerced labour in the nineteenth century, to the pluralist co-ordinated system of Conciliation and Arbitration in much of the twentieth century, to the more unitarist system forged under WorkChoices and the forms of (contested) 'course correction' that came with the *Fair Work Act 2009*.

Another kind of contribution also emerges from the book when you read it from beginning to end, rather than as a series of modules. That is an invitation to think historically about Australian IR and the extent to which the 'problems' and 'questions' the IR system has responded to are not fixed theoretical points of reference but have changed depending on context. The 1904 Conciliation and Arbitration system, for instance, was made by and for a white population on a dry and sparsely populated continent, driven by anxieties of underpopulation, civilisational decline and labour scarcity. It was fuelled by ambitions of productivism, racial supremacy and the utopian dream of a permanent legal 'fix' to industrial conflict. The 2022 amendments to the *Fair Work Act*, by contrast, occurred within a nominally multicultural, gender equal society with low union density responding to low wage growth, insecure work, skills deficiencies, digital platform interventions in labour markets and a variety of gender-based gaps concerning wages and power. They also occurred within an economy dependent on fossil fuel exports in a climate changed environmental context. Commonly used metaphors in industrial relations such as a 'pendulum' that swings back and forth, or an entity that is now 'fissured' but was once whole, can obscure this way of thinking about IR in time as they invite the assumption that mid-twentieth century IR was, in some way, a 'natural' set point. We suggest that was neither

natural, nor necessarily desirable – particularly when viewed through a lens that takes into account gender, race and climate change.

The chapters collectively paint a picture of the inheritances and affordances that attach from having two thirds of a century of pluralism followed by several decades of unitarism, a combination that has led to a distinctive, unpredictable and evolving footprint of collectivism in the twenty-first century. For instance:

- **Awards** (an artifact of pluralism) enable **gender-based undervaluation** claims in specific feminised sectors, providing a different legal prong for arguing about women's work in addition to equal remuneration claims.
- **Multi-employer bargaining** and **supported bargaining** has seen collectives determined with reference to the common interest of employers rather than worker interests and a range of novel exclusions and mechanisms.
- The creation of a new category of **employee-like workers** has involved the creation of indirect linkages to traditional wage minima via safety net rates in minimum standards orders.

Each of these constitute and will foster new kinds of collectivism in Australian workplaces. They are not simple borrowings from other jurisdictions, nor measures that 'put things back the way they were before.' This sense of openness to evolving definitions of the problem of industrial relations is underscored by our final chapter on industrial relations and climate change. It is one that builds on the observations of many decades of work by feminists concerned with questions of work and equality in Australia: that the scope of IR policy is not a given, that the kinds of problems that are seen to 'count' are always up for contestation, and that the question of whose lives and livelihoods are valued and seen as worthy of protection and voice is always in motion.