

# **Topic 8 Section 2**

## **Industrial Relations**

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# Industrial Relations Framework

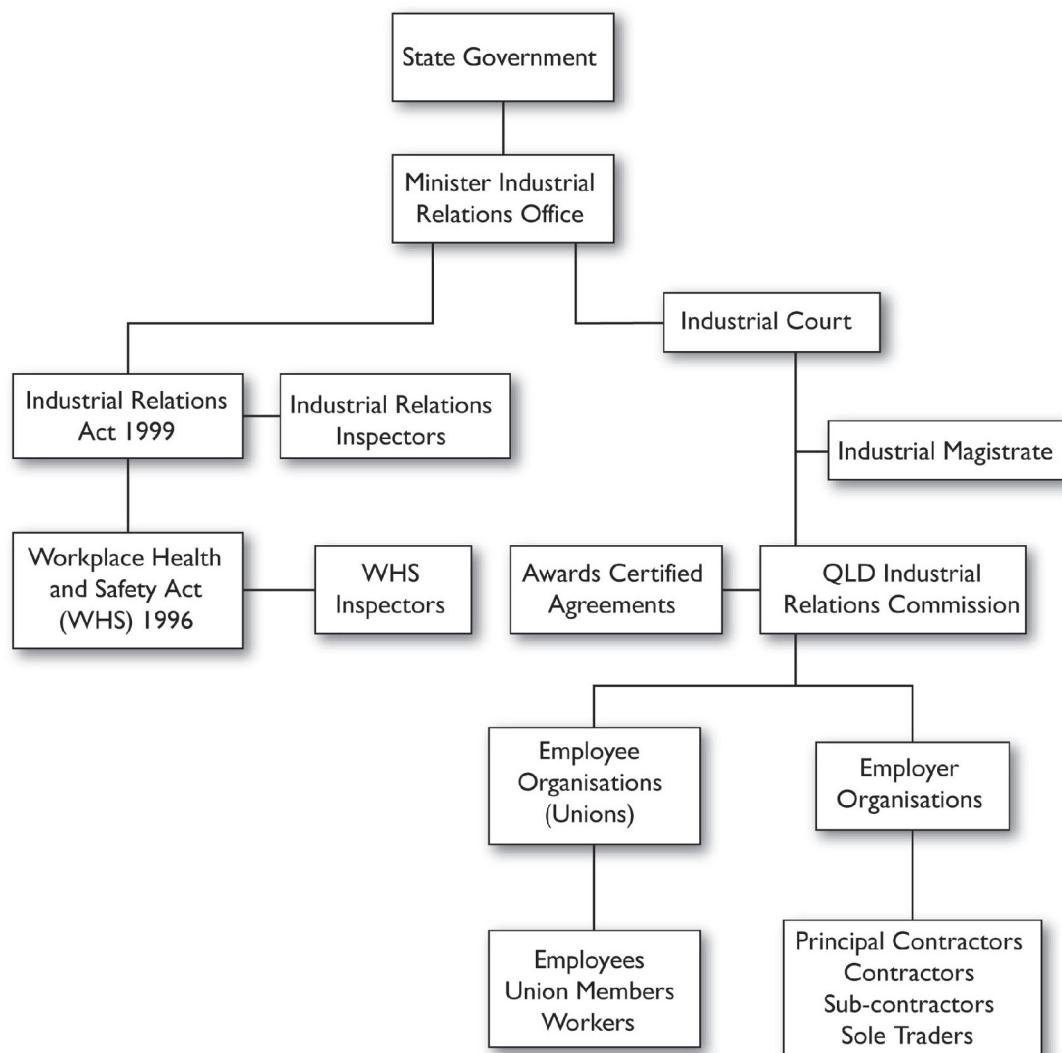
“Industrial relations” is a general term used to describe the interactions between employers and employees in the workplace. However, it also refers to the formal system or framework used to deal with such relationships. This framework includes legislation, industrial courts and legal precedents.

The industrial relations framework for Queensland, as shown on the next page, is based on the *Industrial Relations Act 1999*.

However, not all works sites in Queensland are necessarily governed by this legislation. For example, industrial relations on a road project funded by the Federal government may be covered under federal legislation or Australian Workplace Agreements.

## Note!

*All supervisors on a works site need to be aware of the industrial provisions applicable to the site. The provisions may vary from one Australian state or territory to another, or from site to site.*



The Act provides for unions, awards, Certified Agreements, and an industrial commission who act as umpires.

The Act defines a wide range of issues related to employment as ‘industrial matters’. These include, but are not limited to:

- wages
- allowances
- pay equity
- annual leave
- long service leave
- board and lodging
- hours of work
- conditions of employment
- discrimination in employment
- protective clothing or devices
- unfair dismissal
- unfair contracts

## Role of the Construction Supervisor in Industrial Relations

The effect of the Industrial Relations legislation is to ensure that any questions or issues arising from or related to a person’s employment may be resolved through disputation processes found in awards or certified agreements, or by an industrial commission.

Because of this, the supervisor plays an important role in the field of industrial relations. The supervisor has responsibilities to both employer and to employees. Each supervisor must understand his or her responsibilities, especially in relation to personal conduct on the job.



## The Supervisor's Personal Conduct

It is human nature for us to set ourselves up as judges of all things done by our superiors. We tend to be critical when there is any indication of indecision, thoughtlessness, or carelessness.

The supervisor who expects efficiency and good work from subordinates must first gain their confidence and respect, by showing him or her self to be careful, positive and efficient.

The way the supervisor treats employees is the foundation on which good industrial relations are built. At all times, a supervisor must prove him or her self worthy of respect from subordinates. This means taking care in everyday behaviour on the job, including:

- speaking to people in an appropriate manner
- showing respect to all employees, regardless of their position in the organisational structure
- not allowing personal opinions and biases to enter the working relationship
- leaving personal problems at home, i.e. not allowing them to affect relationships on the job.

Any person in a supervisory role will not be able to assert the authority necessary to achieve the most efficient performance from subordinates unless these basic rules are observed.

## The Supervisor's Responsibility to Others

A construction supervisor must be conscious at all times of his or her obligations. The supervisor has the responsibility of seeing that both the interests of the employer and the welfare of the employees are adequately safeguarded.

When managing people on the job, a supervisor must work within the limits of the employer's directions and policies, as well as taking the requirements of industrial instruments into account.

The supervisor must deal with both the workers and the unions who represent them.

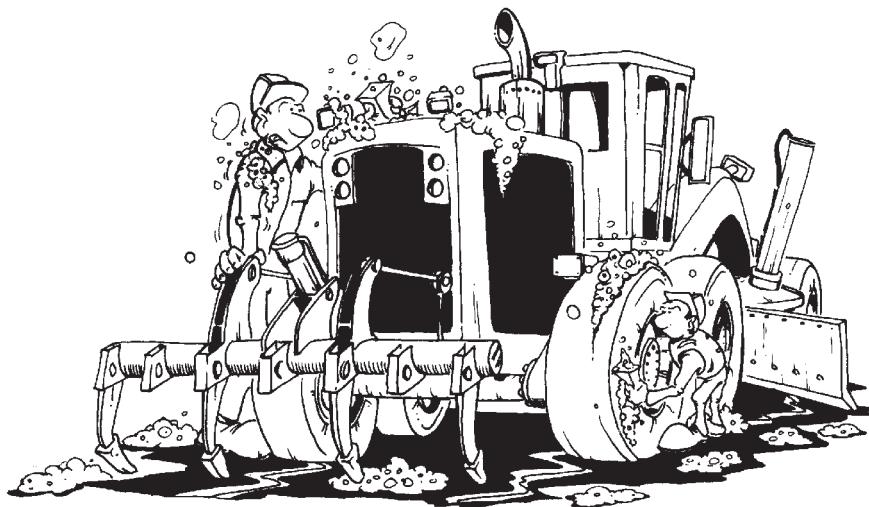
# Supervision of Construction Employees

## General Responsibilities of Supervisors

The construction supervisor must:

- Treat all employees properly, regardless of any perceived shortcomings and not allow personalities to enter into interpersonal relationships.
- See that an employee's welfare is in no way impaired by an unfair act or conduct on the part of the supervisor.
- Not agree to unreasonable demands.

- Be able to recognise an employee's limitations.



- Ensure working conditions are safe.
- Listen to and investigate complaints on any matter related to employees on the job, and take corrective action when this is necessary.
- Not tolerate any activities by any individual which can have an adverse effect on the welfare of others.
- Encourage all employees under his control to get the maximum benefit from the equipment provided for their well being; but at the same time not permit misuse of that equipment.
- Ensure that site facilities are well maintained, since an untidy, dirty and generally unkempt camp will certainly promote disharmony and bad relations between supervisors and employees.

## Dealing with Unions

The basic duty of unions is the welfare of their members. To this end, they concentrate their activities on wages, allowances, safety and improved conditions.

Supervisors should extend to union officials the same courtesy that should be extended to any visitor to the works, despite the fact that they may be able to find some departure from award requirements.

Meeting between the supervisor and union officials should be held in as friendly and as congenial an atmosphere as possible.

The attitude towards such visits should not be antagonistic. If there are shortcomings on the job in relation to award conditions, the supervisor should correct them forthwith without any desire to promote a dispute. This does not mean that all requests by union officials should be agreed to. If any requests are outside award requirements, this should be clearly stated.

The supervisor should alert the supervising engineer or principal contractor to any matter causing or likely to cause an industrial dispute.

The supervisor should not add to any trouble by adopting an antagonistic or unco-operative approach to union officials.

In most instances, the supervisor is the first representative of the company contacted by union officials. The supervisor therefore has the responsibility of treating these officials in a proper manner and to discuss with them matters affecting employees.

The relationship between subcontractors and the unions representing their employees depends on the wording of the contract. If the contract nominates the principal contractor as the person responsible for all industrial relations matters, the subcontractor would be required to refer all industrial issues to the principal contractor.

## Supervisor's Role in the Industrial Relations System

The development of new construction techniques and the changing of old ones is a continuing process, which brings in its wake changes in conditions of work.

As a rule, unions make applications to vary awards before the Queensland Industrial Relations Commission. Union officials will visit sites to collect information from members, workers, subcontractors and the principal contractor, for this purpose.

Supervisors should be aware of employer organisations that provide advice on Industrial Relations, such as the civil contractors' federation (CCF) and therefore be well-informed on all these matters. This means being able to assist in rebutting unreasonable claims, as well as providing first-hand information which will be helpful to the Industrial Commission in making decisions.

It is essential that at least one copy of all awards covering the various workers on the job is kept in each job office and crib shed.

Whilst a supervisor is not expected to memorise all the details, he or she should be reasonably familiar with the documents. This means knowing where to look to quickly obtain the answer to a question on award requirements.

## Camp Conditions

Current practice in the construction industry is to employ people from the local area as much as possible. This means that many employees commute to the job on a daily basis, or use local private accommodation. However, on some jobs and in remote areas, the employer is required to provide accommodation.

A well-maintained, clean camp site is essential for the welfare of employees. However, it is also a reflection of the company's management of the works site.

A good, clean, tidy, well cared-for camp generally indicates good job management; whilst an untidy, unkempt camp generally indicates a degree of mismanagement or at least careless management.

Once the camp has been established in the most advantageous situation, both for the employees and for the convenience of the job, it must be kept in an attractive condition.

Supervisors should direct particular attention to camp maintenance, conduct inspections at regular intervals and take whatever corrective action is necessary.

If a supervisor responsible for a camp sees an irregularity or receives a complaint, he or she should deal with the problem in an appropriate manner.

The following are examples of camp conditions which reflect poor job management, attract adverse comment from outsiders and complaints from union officials:

- Drunkenness
- Poor food hygiene
- Overcrowding
- Noise
- Living units defaced and damaged.
- Indiscriminate parking of private motor vehicles and company plant within the camp area.
- Miscellaneous items of equipment, discarded tyres, other refuse and rubbish (e.g. soft drink cans, beer cans and bottles) scattered about the camp area.
- Drums of fuel left about.
- Servicing of plant within the camp area.
- Fly-screens in poor condition.
- Toilet blocks not regularly serviced.



- Lack of fire-fighting equipment or equipment not regularly checked.
- Walkways and roadways in the camp area overgrown with grass, which can become a fire hazard.
- Dusty conditions, indicating failure to use the water cart; or muddy conditions, indicating inadequate drainage.
- The misuse of equipment, for example the use of aluminium fly screen doors and road signs to form protective guards around kitchen gardens.

Camp minimum award requirements are found in the Civil Construction Operations and Maintenance General Award (State).

Once the job supervisor asserts his or her authority in regard to camp maintenance, the usual response by employees is to become aware of the need to take personal responsibility for keeping the camp in good condition.

## Section 2 – Assessment Activities

For information on how these assessment activities may be used as part of the learning process, see the section on ‘Assessment’ in the ‘Topic Descriptor’ section at the front of this topic.

### Theory Questions

The following questions allow you to assess your progress in understanding the material presented in Section 2. The questions may be of any of the following types:

- multiple choice (identify correct answer or answers)
- multiple choice (identify incorrect answer or answers)
- fill in the gaps in a sentence or statement
- identify a sentence or statement as TRUE or FALSE
- write a few sentences or a short paragraph.

Answers to the question are shown in the separate ‘Answer’ section.

#### Question 1

What legislation normally governs Industrial Relations in Queensland?

#### Question 2

Federal government legislation would apply to a construction site in Queensland when:

- The Federal government is the principal.
- The Queensland state government is the principal.
- Only if the principal contractor is ‘roped’ into a federal award
- When the federal government has provided funds for a road construction project in Queensland.

#### Question 3

The supervisor’s conduct is important because workers tend to follow the example set by their superiors:

True

False

# ASSESSMENT

## Question 4

A union representative is visiting the work site. What should the supervisor do?

- Be friendly and helpful to the representative.
- Give the union representative reasonably free access to the site.
- Allow the representative to distribute information from the union to the workers.
- All of the above.

## Question 5

What should be done when the union representative reports a problem with site conditions?

- Nothing. The people who complained are troublemakers.
- Tell the union representative the matter is under ‘active consideration’, but do nothing.
- Report the matter to the resident engineer.
- Report the matter to the principal contractor.

## Question 6

Which of the following would represent acceptable camp conditions?

- Machinery parked throughout the campsite.
- A skip full of rubbish from last week.
- Toilet blocks poorly serviced.
- Clear walkways between cabins and amenity blocks.

## Question 7

What award applies in the civil construction industry in Queensland?

- Local government award (State)
- Civil construction operations maintenance general award (State)
- Engineering award (State)
- Transport award (State)