



Safety and Fairness at Work

South
Australian
Labor

For the
Future

Foreword

Labor is committed to delivering for working people.

Over the last 4 years we have worked in close partnership with industry groups and trade unions to deliver historic-low unemployment and a strong economy.

At the same time, we have delivered improved rights and conditions for workers – from industrial manslaughter laws, to portable long service leave, to nation-leading work health and safety reforms.

Labor believes economic growth is the key to safe, secure, well-paying jobs for the future.

We will continue working alongside unions and industry groups to ensure we maintain a strong economy, while prioritising safety at work and ensuring every South Australian worker is treated with dignity and respect.

That is why the Malinauskas Labor Government will take to the election a suite of progressive industrial relations reforms to promote safety and fairness at work.



Peter Malinauskas MP
Premier for South Australia



MAKING WORKPLACES SAFE

Every worker in South Australia deserves to come home safe at the end of each day.

That's why work health and safety has been a core focus of the Malinauskas Government.

We criminalised industrial manslaughter. We banned engineered stone benchtops threatening to cause a silicosis epidemic. We introduced new regulations to manage the risks of psychological injuries at work.

We delivered nation-leading reform to health and safety laws – including new powers for the industrial umpire to arbitrate disputes, and changes to secrecy rules that kept workers and families in the dark about safety investigations.

We have backed SafeWork SA and increased the regulator's funding and resources year on year. Today SafeWork has more investigators and inspectors than any other time in its history – nearly 40% more than the lowest point under the last Liberal government.

But we also know workplace safety isn't just SafeWork's responsibility.

It requires a shared partnership with trade unions, business groups, Health and Safety Representatives (HSR), and individual workers and employers across South Australia. Government must continue to support these partners to help end workplace injuries and deaths.

The Malinauskas Labor Government will legislate so every dollar paid from breaches of WHS laws is re-invested into a Health & Safety Fund to finance workplace safety initiatives. This fund will be managed by SafeWork SA in consultation with the SafeWork SA Advisory Committee and will aim to ensure balanced funding between business groups and unions so both sides of the fence have fair access to support for innovative new safety programs.

The Malinauskas Labor Government will legislate to improve supports and protections for elected Health and Safety Representatives, including ensuring workers are notified of their right to elect a HSR and prohibiting employers for hindering, obstructing, or discouraging HSR elections.



FAIR AND SECURE JOBS

Modernising long service leave

South Australia's long service leave laws are meant to give workers a meaningful break during their careers, but parts of the system haven't kept pace with modern life.

Many parents are surprised to learn that if they take unpaid parental leave to care for a newborn - including while accessing Commonwealth Parental Leave Pay - this is not counted towards their period of service to access long service leave. This disproportionately affects young mothers who can be left behind in their entitlements due to caring for a child.

Workers in retail and fast food face another gap: if they move between different franchisees of the same franchisor their long service leave often resets to zero, even though they're effectively doing the same job for the same business.

Labor is committed to closing these loopholes and making long service leave fairer.

The Malinauskas Labor Government will amend legislation to ensure that unpaid parental leave will count towards the accrual of long service leave, and that workers who move employment between different franchisees of the same franchisor will have their continuity of service recognised.



Portable leave for cleaning and security workers

This term Labor introduced the new Portable Long Service Leave Act, extending portable leave entitlements to community sector workers for the first time in South Australia.

Contract cleaning and security workers face similar short term employment arrangements and precarious contracting cycles which mean many never get the chance to access long service leave. That's why these industries should be the next cab off the rank for portable leave, just like in other states.

The Malinauskas Labor Government will consult with unions and employers to expand portable long service leave to workers in the contract cleaning and security sector across South Australia.



Safeguards on workplace surveillance

Employers have a right to make sure their staff are doing what they're paid for - but there are times when workplace surveillance can cross a line.

Digital technology is frequently used to monitor employees at work. Recent examples of employers filming, photographing, recording or using Artificial Intelligence to monitor workers without their knowledge show that stronger safeguards are needed.

A fair balance needs to be struck between the legitimate business interests of employers and the rights of workers.

The Malinauskas Labor Government will consult on laws to regulate the use of workplace surveillance technology. These laws will include requirements about disclosure and fair notice to workers, protections for reasonable privacy, and fair processes for resolving disputes.





Supporting young people at work

Labor Governments have fought hard to provide a strong safety net of protections for workers.

Young workers deserve dignity and respect at work, just like everybody else. But we know many young workers in the early years of their working lives do not fully understand their workplace rights and can sometimes be vulnerable to exploitation.

It is essential young people have access to clear support, advice, and guidance so they can be safe and confident about their workplace rights.

The Malinauskas Labor Government will provide \$1 million in funding over 4 years to help re-establish the Young Workers Legal Service to provide legal advice, advocacy and education for young workers experiencing employment-related issues.



Reviewing sexual harassment non-disclosure agreements

There has been growing attention to the widespread use of Non-Disclosure Agreements (NDAs) in cases of workplace sexual harassment.

While NDAs can sometimes help finalise disputes and provide closure, they can also be used to shield perpetrators from accountability and leave victims silenced and disempowered.

There is no one-size-fits-all solution, but more careful thought is needed of when NDAs are appropriate and how their misuse can perpetuate sexual harassment and violence.

The Malinauskas Labor Government will consult on legislation to regulate the use of Non-Disclosure Agreements in sexual harassment cases, taking into account recent reforms in Victoria.

Planning for the jobs of the future

The best way to deliver outcomes for the South Australian community is to ensure the people most affected by change have a genuine seat at the table.

When policy solutions are shaped by the insight of workers, employers, and industry leaders who live with the impacts every day, they are stronger and fairer.

Time and again the Malinauskas Labor Government has brought unions and industry together to help tackle the issues facing our state. This collaborative approach has helped navigate major economic transitions such as the Whyalla Steelworks.

There is no more important issue than securing a strong economy and confident future for South Australian workers and businesses. By fostering cooperation and dialogue, government can ensure the state is prepared for the industries and jobs of tomorrow.

The Malinauskas Labor Government will establish a Industry Transformation Taskforce including representatives of government, industry groups, and trade unions, to help prepare for the challenges of major industrial transformation.



SAFETY ON THE ROAD

A safety net for gig economy workers

Some of the highest work injury rates in Australia come from sectors where workers spend long hours on the road.

The rapid rise of digital gig economy platforms means more people are working outside traditional workers compensation coverage, but still facing the same risks as other workers.

Without proper protections gig workers are left dangerously exposed, vulnerable to serious workplace injury with no guarantee of support when something goes wrong.

The Malinauskas Labor Government will amend legislation to ensure workers compensation laws apply to gig economy providers in the food delivery and passenger transport industries.

Fair standards for road transport

In 2024 the Federal Labor Government introduced landmark reforms giving the Fair Work Commission the power to set minimum standards for the road transport industry.

These changes were designed to help improve safety, fairness, and job security across the sector and avoid a race to the bottom that puts drivers' lives at risk.

While these laws were a big step forward, they still leave critical gaps. Gig economy workers and owner-drivers, many of whom operate as small business owners, remain outside the full protections of the national system to set better standards for the road transport industry.

The Malinauskas Labor Government will convene a working group with unions and industry to consider establishing a Road Transport stream in the South Australian Employment Tribunal.

This would include powers to set fair and enforceable standards for owner-drivers and road transport gig workers, and to provide efficient, low cost, and accessible dispute resolution.





A FAIR GO FOR PUBLIC SERVANTS AND LOCAL GOVERNMENT WORKERS

The role of public sector unions

Public sector unions play a vital role in representing workers whose lives are shaped by the government's decisions as an employer.

Those unions give voice to workers delivering essential services to the community and ensure their concerns are heard at the highest levels.

The best solutions to workplace issues often come when public sector agencies and unions work together to solve problems.

This cooperation can help deliver fairer workplaces and a more effective public sector for the benefit of all South Australians.

The Malinauskas Labor Government will introduce a policy to recognise the role of public sector unions representing their members, and to confirm the government's expectations about access to employee inductions and consultation between agencies and unions on workplace issues.

Fairer Conditions at Work

Public sector and local government workers provide essential services to the community and deserve fair and secure jobs just like everybody else.

In recent years the Federal Labor Government has delivered significant industrial relations reforms for private sector workers aimed at improving job security and strengthening pay and conditions.

The Malinauskas Labor Government will pursue reforms for public sector and local government workers employed under the state industrial relations system, based on recent Commonwealth changes, to:

- implement “same job, same pay” laws to help prevent labour hire workers being paid less than the minimum they would be entitled to if they were directly employed with their host employer;
- introduce legislation to enshrine the right of workplace delegates to represent the interests of members, communicate about industrial issues, and access training;
- introduce legislation to limit the use of fixed-term contracts for more than 2 years for workers earning under \$150,000 per year; and
- introduce legislation to recognise the “right to disconnect” for workers earning under \$150,000 per year, protecting against adverse action for refusing to respond to unreasonable out-of-hours contact.





Reforming paid parental leave

For too long industrial instruments in the South Australian public sector have failed to keep pace with modern expectations about work, family, and gender equality.

Many public sector agreements still restrict paid parental leave to mothers only, denying fathers the opportunity to be present during the crucial early months of their child's life. These outdated provisions entrench gender roles and undermine family wellbeing.

The Malinauskas Labor Government will reform paid parental leave across the South Australian public sector to remove discriminatory terms and ensure all primary carers, both men and women, have access to the same entitlements.



First Nations employees

Leave entitlements in the public sector often fail to reflect the cultural realities and responsibilities of First Nations employees.

First Nations employees can face unnecessary barriers when fulfilling cultural duties or supporting family during times of illness or grief. Addressing these issues will create a more respectful and culturally inclusive public sector.

The Malinauskas Labor Government will modernise public sector leave entitlements to confirm existing special leave provisions can be used for cultural and ceremonial obligations, and update carers and bereavement leave provisions to recognise First Nations kinship relationships.

SUPPORTING INJURED WORKERS

Reviewing the Return to Work Scheme

The Return to Work Scheme is a critical safety net for South Australians injured at work.

This term, Labor delivered important reforms to stabilise scheme finances while ensuring the most seriously injured workers continue to get support. We strengthened injured workers' rights to suitable employment and improved fairness for people suffering from dust diseases and other terminal illnesses.

At a time when workers compensation schemes interstate are facing financial uncertainty and cuts, South Australia's scheme has returned to full funding and is consistently producing some of the best return to work outcomes in Australia.

Now, more than a decade since the scheme first began, it is essential to look ahead.

The Government needs to hear from stakeholders affected by the scheme and consider new ways to improve the system so it is fair, efficient, and sustainable - and can continue to benefit South Australian workers and employers long into the future.

The Malinauskas Labor Government will commission an independent review of the Return to Work Scheme, with the aim of ensuring it provides the best support to injured workers while continuing to keep costs to employers within reasonable financial limits.





Strengthening firefighter cancer laws

In the last term, Labor worked with the United Firefighters Union to deliver major reforms that strengthened workers compensation support for MFS firefighters and CFS volunteers by expanding the list of presumptive firefighter cancers.

There is more work ahead to ensure firefighters get the recognition and support they deserve.

The Malinauskas Labor Government will introduce legislation within its first 100 days to further expand the list of presumptive firefighter cancers to include pancreatic cancer, skin cancer, lung cancer, and asbestos-related disease.



South
Australian
Labor