

## **Industrial Relations and Other Legislation Amendment Bill 2022**

**Submission No:** 28  
**Submitted by:** Shop Distributive & Allied Employees Association  
**Publication:**  
**Attachments:** See attachment



Submission by  
**The Shop Distributive and Allied  
Employees Association (Queensland Branch)**

To the  
  
Inquiry into the Industrial Relations and other  
Legislation Amendments Bill 2022

Shop Distributive & Allied Employees Association

385 St Pauls Terrace, Fortitude Valley

Queensland, 4006

Tel: 07 - 38339500

## *Preamble*

The SDA represents the interests of approximately 33,000 essential retail, fast food and warehouse employees across a vast range of enterprises both large and small. The SDA views its primary role as being one of ensuring that our members are protected from any erosion of working conditions and always striving to take opportunities to improve our member's working conditions. Such interests are fundamentally entwined within any proposed legislation amendments that affect the industrial relations framework for workers.

The SDA membership comprises of approximately 61% female and 39% male members with 36% of our membership being aged 25 and under, and 64% over 25 years of age.

A large number (if not the majority) of our members are engaged part-time or casually; often times this is simply because they cannot attain full-time hours, or more commonly this is because they have their fundamental caring or family responsibilities as their main role and are unable to work full time.

The strengthening of this legislation that will benefit our members is welcomed. Overall there are a large number of young workers, vulnerable workers, working parents and sole parents who work in the industries that we cover, many of whom will benefit from the changes proposed by the amendments to the *Industrial Relations Act 2016* (the IR ACT).

## ***SDA position on the proposed amendments***

Overall the SDA supports the range of proposed amendments and acknowledges that such changes appear to be consistent with our objectives to ensure that these amendments improve the working conditions of our members. We further would like to acknowledge and support that we see these amendments as an additional supporting legislative framework to the already existing legislations such as the discrimination legislation and workplace health and safety legislation that already operate and that they are not a replacement but additional protections for supporting employees in their employment.

## ***General Submissions***

### Workplace Sexual Harassment

The SDA supports and welcomes the addition of these amendments which will also further compliment the existing laws. The SDA has always endeavoured to advocate for workplaces that are free from all forms of harassment and discrimination. With the majority of our members identifying as women, we are focused on addressing the removal of sexual

harassment from workplaces and see the importance of this especially for them as they still remain the most exposed to the issue in the workplace. In 2019, the SDA commissioned a Member Survey with the Australian Human Rights Commission to seek a better understanding of the issues facing our members and seek to improve the workplaces for our members. In October 2019, the SDA launched a 'No One Deserves a Serve' campaign which focused on the safety of workers and continues to develop and build on this campaign to ensure everyone is safe at work. In the survey it was found 28% of SDA members who made a formal report or complaint of workplace sexual harassment said that there were no consequences for the harasser.

The additional clarification in Clause 25 that will allow for sexual harassment to be considered serious misconduct and provide the employer the ability to terminate an employee for such conduct is important. The strengthening of the IR Act to now seek to amend the legislation to stronger provisions than the Fair Work Act (Cth) is commended and we support the changes to sexual harassment and gender-based harassment.

#### Registered Organisations

In relation to clause 32- 36, Schedule 1, and clauses 51 and 53 contain a number of amendments to the Act to clarify that there will only be two types of industrial organisations recognised. There will only be a registered industrial organisation or a pre-registration organisation. We support the amendment to ensuring the registered organisations section is amended to ensure that only those organisations that are registered are given access to the recognition of being able to protect and represent members in matters as outlined in the legislative framework. As we know, unregistered organisations are not required to adhere to the full responsibility of compliance and governance reporting required as registered organisations but seek to have the benefits of alleging to represent members interests without any accountability. As a registered trade union we understand the importance of ensuring that workers are protected in the workplace and the responsibility that is required to satisfy compliance requirements as a registered organisation. We further support the penalties for unregistered organisations if they misrepresent their status of their ability to represent employees under the Act.

#### Minimum Employment Standards

In relation to the minimum employment standards we support the aligning of the IR Act to be equal or more favourable to the equivalent matters under the *Fair Work Act 2009* (Cth). We understand that the cost of living is increasing for many of our members and any additional remuneration is welcomed for our members.

The amendments to the evidence requirements at clause 6 and 7 are a necessary change to allow sufficient evidence to be provided to the employer to only that of a standard of a reasonable person rather than restricted to a doctor which sometimes as low paid workers are unable to afford to attend or are unable to see within the required pay period to be paid the leave.

### Parental Leave

We further support the changes to parental leave especially in relation to the changes to increased flexibility of the leave and the access to the leave.

In early 2021, the SDA conducted a national survey of its members which explored:

- Workers' responsibilities to care for children
- How workers' arrange their care responsibilities while they are working; and
- The challenges arising from employers' working time practices and Australia's system of childcare provisions.

Findings showed that as well as making important social and economic contributions through their paid work, SDA members make valuable contributions through the unpaid labour they provide as parents, and as carer's to children in their families and communities. Yet these contributions are poorly recognised and accommodated in their working lives. As we have a high number of members who access these provisions, often more than once, we acknowledge the importance of members having access to these forms of leave and the importance of the ongoing flexibility in relation to caring and family responsibilities with increased access to part time work. This overall provides the ability for them to be able to remain in the workforce and continue to earn an income and these amendments will provide members with more options when they are managing the interaction between their employment and a child/ren.

In conclusion we reconfirm the comments and submission and support the amendments to the IR Act. We commend the Queensland Government for putting through these amendments. The SDA believes that such change is necessary to improve the working lives of Queensland Workers and improve protections for Queensland workers into the future.

Dated this 11<sup>th</sup> day of July 2022

Chris Gazenbeek



State Branch Secretary (SDA Qld)