



Australian Manufacturing Workers' Union

Submission to the Finance and Administration
Committee - *Industrial Relations Bill 2016*

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Enquiries:

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Executive Summary

The Australian Manufacturing Workers' Union ("AMWU") is a trade union which has membership of approximately 17,000 workers employed in manufacturing jobs throughout Queensland. The AMWU, as known on a collective and public basis, is made up of the Automotive, Metals, Engineering, Printing and Kindred Industries Industrial Union of Employees, Queensland (the state registered Union) and the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU) (the federally registered Union).

The AMWU welcomes the opportunity to make a submission to the Finance and Administration Committee in respect of the *Industrial Relations Bill 2016* ("the Bill").

The various changes made to the *Industrial Relations Act 1999* by the former LNP Government resulted in the stripping away and reduction of many fundamental and long-standing protections and entitlements for workers in Queensland. Moreover, the chaotic manner in which the LNP Government continually amended the *Industrial Relations Act 1999* has rendered the current legislation difficult to navigate and apply.

The AMWU congratulates the Palaszczuk Government on the establishment of the *Industrial Relations Legislative Reform Reference Group* (IRLRRG) and the consultative manner in which the reform of the Queensland Industrial Relations System has been undertaken. This is juxtaposed with the manner in which legislative changes were undertaken by the former LNP Government. The AMWU notes that the last time Queensland's Industrial Relations System underwent a comprehensive review was in 1998. The industrial landscape and scope of the Queensland Industrial Relations System has changed dramatically over the past decade-and-a-half, including the transfer of private sector employment to the federal system. It is therefore fitting that the current legislative scheme is replaced to not only rectify the damage caused by the former LNP Government's legislative changes, but also to better reflect the current industrial landscape and scope of the Queensland's Industrial Relations System.

Queensland Council of Unions Submission

The AMWU is an affiliate of the Queensland Council of Unions. The AMWU supports and adopts the Submission made by the Queensland Council of Unions with respect to the Bill. Further, the AMWU supports and adopts the Recommendations of the Queensland Council of Unions as contained within its Submission.

The AMWU's submission is largely confined to the issue of apprentice and trainee rights.

Apprentices and Trainees

The AMWU, whilst acknowledging that the Bill rectifies and restores conditions, entitlements and the representational rights of workers lost under the former LNP Government, notes that the Bill does not encompass the reinstatement of specific rights and entitlements of apprentices and trainees. Apprenticeships and traineeships premised upon fairness and proper legislative protections are essential to ensuring young people are provided with training opportunities and jobs that result in stable and secure employment.

Moreover, apprenticeships and traineeships serve as a key creator of jobs and meaningful workplace participation for Queenslanders. It is therefore vitally important that proper legislative measures are in place to protect apprentices and trainees. Apprentices and trainees are amongst some of the most vulnerable groups of employees. Despite the clear need to protect these vulnerable workers, the former LNP Government actively removed long-standing and necessary legislative protections concerning apprentices and trainees.

Unlike the general application of Queensland's industrial relations legislation being confined to public sector and local government employment, legislation made by the Queensland Parliament in respect of the training arrangements for apprentices and trainees encompasses all apprentices and trainees. The current legislation relating to apprentices and trainees, the *Further Education and Training Act 2014* applies to state and national system apprentices and trainees, as did its predecessor the *Vocational Education, Training and Employment Act 2000*. It is impossible to deny the interrelatedness between industrial relations legislation and legislation concerning the training arrangements of apprentices and trainees. Further, historically in Queensland these pieces of legislation have been intertwined in respect to the workplace rights of apprentices and trainees.

The former LNP Government's legislative changes concerning apprentices and trainees have resulted in a reduction of the protections and rights for this special and unique group of workers. In particular, rights in relation to apprentices and trainees appealing decisions to the Queensland Industrial Relations Commission concerning training contracts were removed. Below is a brief summary of two key rights that were removed:

1. Firstly, the right of apprentices and trainees to appeal the decision to cancel a training contract was removed. Prior to the LNP Government legislative changes, apprentices and trainees had the right to appeal a decision on the cancellation of a training contract to the Queensland Industrial Relations Commission. This right of appeal was stripped away and replaced with the ability for apprentices to access unfair dismissal laws. Due to the unique and interrelated nature of the training contract and employment contract, it is submitted that the cancellation of a training contract is most appropriately dealt with by appeal to the Queensland Industrial Relations Commission, and not through the unfair dismissal process. Moreover, the AMWU is concerned that unfair dismissal laws do not provide the relevant protections and remedies in relation to the reinstatement of training contracts.
2. Secondly, the right to appeal a decision concerning a stand down in relation to a training contract was also removed. The legislative amendments resulted in the removal of rights of apprentices and trainees to appeal decisions concerning stand downs to the Queensland Industrial Relations Commission. Apprentices and trainees must now rely upon the general stand down provisions in state and federal legislation. The AMWU is concerned that these provisions do not provide adequate protections for this vulnerable group of workers.

The AMWU believes that the removal of the rights and protections of apprentices and trainees is a matter requiring consideration and action by the Queensland Parliament at the same time in which the reform of the Industrial Relations System is being considered and actioned. The AMWU therefore submits that the aforementioned apprentice and trainee rights and entitlements sit firmly and unequivocally within the scope of the Queensland Industrial Relations System. These rights must therefore be restored through the auspices of the Bill and appropriate amendments to the *Further Education and Training Act 2014*.

AMWU Recommendation

The *Industrial Relations Bill 2016* is to include provisions to amend the *Further Education and Training Act 2014* in relation to better protections for apprentices and trainees including the cancellation of training contracts and stand down. The *Industrial Relations Bill 2016* is to reinstate the rights of apprentices and trainees, as they existed in the *Industrial Relations Act 1999* and the *Vocational Education, Training and Employment Act 2000* prior to the changes made by the former LNP Government. Further, the *Industrial Relations Bill 2016* is to include requisite powers for the Industrial Relations Commission to deal with the aforementioned matters.

Conclusion

The AMWU welcomes the ushering in of a new and fairer Industrial Relations System in Queensland by way of the Bill. Further, the AMWU congratulates the Palaszczuk Government's initiatives in rectifying and restoring conditions, entitlements and the representational rights of workers that were stripped away by the legislative changes made by the former LNP Government.

The AMWU strongly urges the Finance and Administration Committee to adopt the Recommendation contained within this Submission with respect to the reinstatement of legislative protections for apprentices and trainees. Further, we also urge the Committee to adopt the Recommendations advanced in the Queensland Council of Union's Submission.

Submission end.