

STRONGER TOGETHER

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18 May 2015

Ms Di Farmer MP
Chair
Finance and Administration Committee
Parliament House
George Street
Brisbane Q 4000

By email: fac@parliament.qld.gov.au

Dear Ms Farmer

I refer to the Inquiry into the *Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015*.

The Australian Workers' Union (AWU) has broad coverage and has substantial membership in both state and local government entities which were impacted by LNP amendments to the *Industrial Relations Act 1999* (the Act) in 2012 and 2013.

The former LNP Government's amendments to the Act in 2012, where hard fought and negotiated entitlements like job security, consultation requirements and contracting out provisions were unilaterally stripped away at the stroke of a pen, was legally challenged by the AWU in the High Court. Unfortunately, as a result of those amendments, many thousands of government workers lost their jobs in the Queensland public sector, including many AWU members.

The AWU supports the newly proposed amendments as they will restore many lost industrial conditions and protections to members, provide equality between workers in workplaces and provide a fairer and more balanced bargaining position between employers and employees.

Allowable Content

The AWU supports rescinding provisions which restrict the content which can be contained in awards and agreements. This includes rescinding section 691 of the Act which will restore genuine consultation, job security and contracting out protections. The AWU recognises that the dignity and well-being of our members and their families rely on safe, secure and fairly remunerated employment.

We also recognise that our members will spend a large proportion of their life in the workplace making a contribution to the community of Queensland and this should be a positive experience, not a negative one. The ability of members to include provisions in industrial instruments that provide protections, job security and genuine consultation on matters pertaining to the workplace such as workloads, safety, training, organisational change and work practices enhances democracy as well as productivity.

The LNP amendments introduced in 2012 and 2013 which stripped protections by making them non-allowable or "of no effect" and ramped up managerial prerogative sent a very strong message to our members - that they were not valued. The then Premier likened our members as dog excrement and the then Health Minister advised them to "get on the reform train or get under it". These were words of menace and denigration which have no place in a modern and civilised industrial relations system.

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**The Australian Workers' Union of Employees, Queensland.
The Australian Workers' Union, Queensland Branch.**

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The LNP amendments also reduced the bargaining power of members and their unions by restricting any bargaining for redundancy provisions and requiring the fiscal position of an entity to be considered when arbitrating an agreement or modern award.

The AWU asserts that the practice of stripping back protections and safety nets by restricting allowable matters and running a race to the bottom is a false economy.

The AWU submits that equipping employees with the means to have their say at work and appropriately respecting and rewarding their contributions has been found to benefit business productivity as there is a greater incentive to actively participate in productivity enhancing changes when employees have a reasonable belief that they will benefit from them.

Modern Awards Mark II

The AWU is supportive of the amendments allowing for protections and conditions stripped out by the Award Modernisation process to be restored.

It is heartening that the transitional provisions will remove any unfair aspects of these LNP amendments.

The AWU provided detailed submissions to the Commission pressing that no member be disadvantaged during the arbitration of the Local Government Award. Unfortunately the conditions in the new award were reduced which also reduced the safety net for the purposes of the no disadvantage test when bargaining with councils. It is unfortunate that some certified agreements which would not have met the no-disadvantage test under the old award have since been certified. The consequence of this has been that many members have been disadvantaged. The AWU notes that following the re-making of the Local Government Award, all existing agreements will expire within 3 months and allow bargaining in a more balanced manner.

The AWU submits that the new award modernisation process should be undertaken as quickly as possible and should not disadvantage our members from bargaining and obtaining a fair wage increase for themselves and their families. Award modernisation should be a priority for the Commission and should be resourced as such.

Bargaining

The AWU supports changes to the bargaining framework which removes the criteria of giving weight to the fiscal position of the entity when arbitrating. Such a fiscal position can easily be retro-fitted by an entity to game the process and as such cannot be considered bargaining in good faith. The new Bill will remove this feature and will act to even up the bargaining positions of the negotiating parties.

The AWU is concerned that restrictions on bargaining found at sections 148(b) and 149A, 149B, 149C(c), 149D(2) which reduce the ability of members to fully exercise their one right to take protected industrial action and influence bargaining have remained. As such these provisions should be replaced with the provisions which were in place prior to the LNP amendments. A further series of changes to achieve the position that was in existence prior to the election of the LNP should not be controversial and will assist the parties in bargaining following the making of the new modern awards.

Right of Entry

The AWU supports rescinding the current right of entry provisions and replacing them with those that existed prior to the election of the LNP. The current provisions were introduced simply to cut off union members from the support and representation of their union officials, contrary to the standards that have generally prevailed within Australia and that are recognised through international conventions and treaties.

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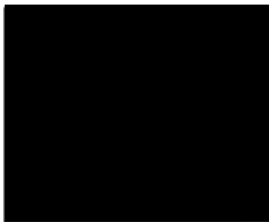
At its most fundamental level, "right of entry" is not just a union official's right to enter a site, but is also a worker's right to have access to industrial representation (including prospective industrial representation) within their workplace.

The previous provisions worked well and did not interfere with the functioning of service delivery.

The AWU commends the Bill to the Committee. The obvious preference for the AWU is that all features of the LNP's industrial amendments be removed forthwith and that the conditions prevailing prior to those LNP amendments be reinstated.

If you require any further information in relation to this submission please contact Mark Raguse on 3221 8844.

Yours faithfully



BEN SWAN
SECRETARY

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