

From: [Anthony Barnes](#)
To: [Legal Affairs and Community Safety Committee](#)
Subject: Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013
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To

lacsc@parliament.qld.gov.au

Submission:

Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013

Dear Sir/Madam,

As a Diagnostic Radiographer who has worked for Queensland Health for twenty six years and been involved with a reasonable amount of industrial negotiation on behalf of my profession Radiography with Queensland Health , I would like to submit the following for consideration in relation to the proposed Bill before the Committee.

The first concern I have with this submission is the speed at which it is being Act is being legislated. We were in negotiations or at least we thought we were and bargaining in good faith with this government until 2 weeks ago. The government had proposed such a poor industrial offer to which they knew we would not agree; and then this Bill was produced almost out of the blue. Such conduct makes me feel it has been in the wind for quite some time, with little or no consultation with the Q Health workforce. Then time to submit concerns on a hard to read two hundred page bill is not much greater than a week.

In between working I have been trying to study and make sense of much of the industrial rhetoric in this bill . I will outline my concerns firstly with the "Better systems. Better healthcare." fact sheet re Award modernisation.

I assume this bill will be for whole of Government employees, with the exception of the Queensland Politicians. Surely their occupational requirements could be designed into the scope and nature of this legislation all the rest of us have to suffer. After all we are all employed by the taxpayers, although the remainder of us are not democratically elected.

The Queensland industrial relations framework is being modernised to support a high-performing state delivery quality services to all Queenslanders. Now I deliver some of those services and I am a Queenslanders. Modernising industrial awards is a key element to the new framework , providing a clear ,simple framework and safety net for all Queensland Government employees. The way this is being initiated neither provided me with much faith in the bill or makes me feel any part of any safety net. I have tried to read this bill and if it is a clear simple framework I have failed to comprehend the simplicity of this document. Awards

were designed to be interpreted by both employees and employers. They take years of developing with mutual discussion between employer and employees to get maximum benefit for both parties by mutual consensus. It will be nice to make us more efficient by rewriting all our awards into one ambiguous document that is hard to read and interpret and fails to recognise professional specialties and responsibilities. At the same time it also produces an unhappy workforce which results in the opposite of what this bill is being touted to achieve. The payroll system put into place by the previous government was also going to revolutionize health and it did but not in the way intended. With respect to enterprise bargaining historically speaking from experience it has been the government that drags its heels.

I can respect the need to remove duplication from awards but this approach to me seems to be reinventing the wheel, removing employees working rights and uniqueness of the occupations. One size does not fit all in any application and in the front line we are expected and do delivery high quality efficient care.

I would appreciate more explanation on how modernisation of our awards will ensure they are true safety net documents for wages and conditions. I have never been so worried about my future within the Health department as now. Modernisation as per the fact sheet will "give both employers, employees and unions the opportunity to work with the industrial tribunal to develop these documents." Since this government has been elected unionism has almost become something that is frowned upon, as well as removal of payroll deduction for their fees. This bill come out of the blue to our union so I hope the unions do get adequate opportunity to support their members working rights. Patient care is centered on treatment to them by the employees of this document.

"This is a significant initiative in the interest of the people of Queensland and our employees. The award modernisation process will be carried out in a timely way, taking account of employer and employee needs." My understanding is that the employer expects an efficient service delivery and good economic value from staff resources. Employees like fair remuneration, conditions and security in their job. I hope I will have permanent enough employment to take out a mortgage if I so choose from stable employment as well as enjoy serving the people of Queensland in my professional role. Workplace moral presently would be close to an all time low; so I hope this bill can give it a boost; but I am not seeing how at the speed and approach that it is being done at.

"New, modern awards would only contain matters about employee wages and conditions and other issues will be negotiated in agreements or set out in employer policy", this statement contradicts everything this bill is supposed to achieve, although much of this may not be too much for the employee.

In response to the DGs announcement regarding our EB as we are the first group to have attempted this with the new Government within Health to all HPs:

- There is no guarantee at the moment of any pay rise- Government wages policy is up to 2.2% - the offer could be be 0% it is at the governments discretion.
- There is no guarantee of extension for twelve months - the bill states up to 12 months or at the governments discretion
- This draft law could be amended in the interim.

In relation to **Industrial Relations (Fair Work Act Harmonisation No. 2)**

The new bill significantly reforms the current Queensland Industrial relations landscape.

Particular Issues with the Bill :

- Why are we aiming for the bottom of the scale of remuneration for those in

such important clinical health settings and thus, the risking the quality and quantity of health professionals attracted to Queensland in the future ?

The importance of interstate wage rates (and allowances) for important Government staff (MP's) has already been acknowledged by the current and previous Queensland State Governments in the moves to decide Queensland MP's remuneration not using an individually negotiated workplace agreement, but rather to tie it to their Federal counterparts in a formulaic method of benchmarking remuneration, thus demonstrating the Government's understanding that to ensure we have MP's of high standard we need to remunerate them to a level that is bench marked just below their Federal counterparts, and certainly not well below their NSW, Victorian, W.A., S.A, N.T., ACT or Tasmanian equals.

The importance of this matter was again highlighted with the recent attempt to recover back-pay and pay rises for those MP's who had fallen behind against other states MP's for remuneration. The government only electing to defer the decision to an independent tribunal for assessment after a public outcry.

Fortunately for the MP's in Queensland, the independent pay tribunal came to the conclusion that a 9% pay rise was appropriate despite the current difficult economic climate to help bring them back to a benchmark level to their interstate counterparts. (<http://www.brisbanetimes.com.au/queensland/politicians-get-9-per-cent-pay-rise-20131015-2vjrh.html>).

In reaching this decision, the tribunal used metrics such as comparisons directly against other states and federal MP's to make their final judgement. Thus the tribunal has demonstrated these criteria are valid to be used for others who have interstate comparisons available. (Unless the Committee feels such comparisons should not have been used for MP's). With the fairly resent introduction of the HP scale Radiographers wages and conditions were aligned with our interstate counterparts. As a result we were able to retain experienced professionals in the public sector providing leading edge health care to Queenslanders.

The Bill provides an industrial relations framework in Queensland comprising of:

“streamlined arrangements for bargaining and taking protected industrial action. These arrangements include measures to reduce protracted disputation and disruption to service delivery; and the introduction of specified time frames in which assisted conciliation and arbitration is to occur”

The premise of these changes is that specified time frames will assist conciliation and arbitration to occur.

This can only be correct if the time frames cause stress to both sides of the negotiation. Otherwise they can be used by one side to simply bulldoze their offer through knowing that negotiation is simply a formality which will be passed over by a set deadline date. I am yet to see any measures introduced to ensure this change will stress both the employer and the employee (or their negotiating team) equally.

- The proposed fixed term QIRC and removal of tenure for appointments.

Quote:

"The bill amends the IR Act to allow the Governor in Council to appoint a QIRC deputy president or commissioner on a fixed term appointment of not less than one year. Currently, all appointments to the QIRC can only be made on tenure to age 70. This amendment will provide greater flexibility for the government to

address short- to medium-term workload pressures within the QIRC. Fixed term appointment arrangements were a feature of the QIRC prior to 1999 and are currently provided for in the New South Wales Industrial Relations Commission and the Fair Work Commission federally. "

The independence of the QIRC is it's major strengths. It acts as the judge when two parties are unable to reach agreement. To give power to one of those parties over the QIRC is to undermine it's stated purpose.

One should never, in a democracy, look to undermine the separation of powers, nor the perception of them.

If we are to accept that the QIRC has a role to act on judgements between Qld Government as an employer and it's employees, we should look to ensure it can perform that role without fear or favor.

Modern Awards

-Non-allowable content: provisions about training arrangements; workload management, delivery of services, workforce planning.

- Bargaining - shortened time frames to commence bargaining, number of non-permitted matters to include no policy incorporation, or prescriptive levels of staffing/funding,

- Further limits on taking of protected industrial action - specific time frames to move parties into conciliation/arbitration. Can't take action whilst in conciliation.

- High income threshold - \$129,300 - put on individual employment contract.

Senior health service employees can be put on fixed, indefinite term or no contract.

- Public Sector Commission approves agreements on the future, not the Queensland Industrial Relations Commission.

-Individual employment Contracts (Queensland Work choices) Quote

"The fifth element of the IR framework is individual employment contracts for highly paid senior staff. The bill introduces a facility for an employer and an employee to enter into an individual employment contract."

-From what I can understand long service leave has been changed from ten years to fifteen for the same accumulated benefits.

I apologize that I cannot scrutinize this bill more thoroughly in less than two weeks. It is very hard to interpret for something that is supposed to revolutionize the industrial landscape of the Queensland government workforce. Harmonisation may not be a word the Queensland Government worker associates with their working conditions in the future.

In summary I respect that the government wishes to streamline pay and conditions and some things may be possible and achievable. To reinvent the entire QLD industrial system on such a large scale and claim it will work seamlessly seems fraught with danger in view of how long it takes in reality to achieve mutual industrial consensus between parties.

Yours Faithfully

Anthony Barnes

