

28 October 2013

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000



Industrial Relations (Fair Work Act
Harmonisation No.2)
Submission 018

Dear Research Director

Re: Industrial Relations (Fair Work Act Harmonisation No 2) Bill 2013

We refer to the above Bill.

Together Queensland (TQ) supports the submission made by the Queensland Council of Unions (QCU). We are also aware of separate and distinct submissions having been made by a range of other QCU affiliated unions. Compositely those submissions should be considered by this committee as forming a holistic overview of issues and concerns in relation to the content of the *Bill*.

The industrial relations legislative flurry that has been experienced since March 2012 should not be lost on the committee. This is the sixth legislative amendment sought to the *Industrial Relations Act 1999*. Each of the changes that have been proposed, and subsequently enacted, have been designed to undermine and devalue public servants through the removal or reduction of their entitlements. This latest amendment takes a quantum step by also seeking to suppress the independence of the Queensland Industrial Relations Commission (QIRC) by limiting the role they can play in ensuring fairness and equity in the workplace.

TQ is particularly concerned that the *Bill* seeks to limit the QIRC's decision-making where such decisions have not been supported by the government, and to chastise the actions of unions who have sought particular courses of action on behalf of their members.

It is also clear in this round of legislative changes that the Newman government seeks to constrain employees working conditions, and to increase managerial prerogative and control over public servants. To achieve this outcome the government gives the impression of continuing award and agreement settlement, but the constraints and limitations placed upon the independence of the QIRC in undertaking "award modernisation" and the ability for parties to negotiate agreements is undermined by the substantial caveats placed on what can and cannot be contained in these instruments.

Separately, the introduction of high income thresholds limiting workers from continuing under award and agreement coverage will result in a raft of organisational impediments to this government, possibly including limiting the ability for senior public servants to develop and be exposed to higher level work where such workers drop out of award coverage and into contract coverage as a result of those higher duties. This will act as a disincentive to those workers to develop their skills.

The high income threshold applies or is likely to apply to employees at the higher levels of the Professional Officer and Administration Officer classification structures across the public service as well as the Health Practitioner, Nursing, Dental and Medical classification structures within the Department of Health.

Once a position has been declared by a *Regulation*, or a Directive issued by the Director-General of the Department of Health, the *Act* (if passed) would operate to remove significant protections and entitlements that currently apply to employees in those positions. The *Act* would operate to remove the rights of an employee to a fair contract by specifically removing the application of the QIRC's jurisdiction to vary a contract considered to be unfair and unreasonable.

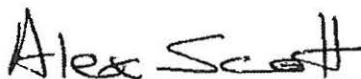
The *Bill* provides for contracts to be offered to high income employees, however this includes provisions which place a significant financial penalty on particular employees who choose not to accept a contract. The *Bill* provides that medical officers who do not accept a high income contract will lose a number of rights and entitlements including a salary component that comprises up to 50% of their current income through the voiding of provisions in existing contracts, and industrial instruments.

Senior medical officers have been specifically targeted by the legislation and the high income contract provisions will have particular negative effects for medical officers and the quality of medical care in Queensland.

The removal of medical officers from instrument regulation creates the potential for serious adverse impacts such as the removal of fatigue, shift length, and hours of work provisions in the *District Health Services - Senior Medical Officers and Resident Medical Officers' Award - State 2012* and the *Medical Officers' (Queensland Health) Certified Agreement (No.3) 2012*. These provisions regulate how many hours senior doctors can be rostered, and help to ensure adequate breaks to prevent fatigue related risks to doctors and patients. Workloads were found by the Forster Review (2005) into Bundaberg Hospital to be significant contributing factors. This is all very worrying.

TQ is available to provide additional information to the committee on the 1 November 2013 around the above issues.

Yours



Alex Scott
Secretary