

**STRONGER
TOGETHER**

AWUEQ
BRANCH OFFICE
Level 12, 333 Adelaide Street
BRISBANE, QLD 4000
GPO Box 88, BRISBANE, QLD, 4001
Members Hotline 1800 671 449
T: (07) 3221 8844 F: (07) 3221 8700
E: secretary@awu.org.au
Address all correspondence to the Secretary



ABN 54942536069

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Industrial Relations (Fair Work Act
Harmonisation No.2)
Submission 028

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

Dear Sir/Madam

I refer to the referral of the *Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Bill 2013* (the Bill) to the Legal Affairs and Community Safety Committee (the Committee) for detailed consideration.

It is the view of the Australian Workers' Union (AWU) that the proposed Bill is a vindictive and duplicitous assault on the rights of workers; an assault on the independence of the industrial umpire as well as an assault on the ability of those workers and their unions to collectively bargain on level ground with employers.

To assert that the provisions of this Bill in some way provide for harmonisation with the Fair Work Act is bringing Orwellian 'newspeak' to cynical new heights.

The object of this Bill is, on the one hand, to restrict the ability of workers and their unions from bargaining in any capacity by restricting matters which may be contained in industrial instruments, removing payment of union fees by deduction and introducing individual contracts. On the other hand it sets about slashing and burning the existing rights and entitlements of employees by ensuring that the provisions of modern awards must benefit the employer.

In effect, it is 'stacking the deck' against workers. Workers can no longer pursue matters which relate to the employment relationship unless they fit into the narrow list allowed by the Government (who also happens to be the employer).

There is no protection for workers during the award modernisation process. In effect, this legislation is as bad as the original *WorkChoices* legislation as it provides no protection against a worker being worse off. This Bill should be called *NoChoices* as it makes a mockery of good faith bargaining between two parties.

Secretary: Ben Swan

Meaningful bargaining for workers is by-passed by allowing the employer to flick the matter into the Commission where the stacked deck awaits. Further, the Bill introduces fixed term appointments to the Commission where job security depends on pleasing the Government.

On top of destroying workers' legally enforceable rights such as job security, no-contracting out, consultation, removing access of workers to union support and cancelling payroll deductions, this Bill slashes and burns the actual existing wages and conditions of workers and their families and will directly impact on their take home pay. This will happen at the same time the LNP Government accepts that cost of living expenses are making it harder for families.

The Fair Work Act has no such draconian provisions and, other than having a similar but fairer award modernisation process, there is no similarity.

The purpose of this legislation is to make it easier to outsource quality public services to the lowest quality bidder and send public money to the private sector in the form of profits. The AWU has a long history of opposing the outsourcing of quality public services of both Labor and LNP Governments and we will continue this opposition (see Attachment).

With the introduction of this Bill, the LNP Government is proving that it despises workers who put public service before profit.

This legislation is a far cry from what the LNP was saying when they were in opposition. Prior to the 2012 election Campbell Newman said public servants had nothing to fear from him. This turned out to be a blatant lie.

On 4 June 2008, then Opposition Leader Lawrence Springborg stood up in Parliament to vent about what public sector workers and the public sector meant to him. He stated that:

“...the contributions of our public servants are important, not just in terms of the day-to-day work they undertake which helps our state function but also in terms of their efforts in improving the functioning of our communities right across Queensland. Whether they be teachers, administrative staff, Health employees, emergency services personnel, environmental officers, Transport employees, road crews or project managers, these are the people who have been trained to keep our infrastructure and indeed our services operating. They need the support and the resources of government to do just that.”

What at first blush appeared to represent a heartfelt concern turned out to be another shameless lie as the Minister's most recent attitude to public sector workers in Health is “to get on the train or get under it.” This Bill is a carriage on that train.

Let's not forget the current Speaker, Ms Fiona Simpson, who on 24 August 1999 as Opposition Health Spokesperson attacked the potential outsourcing of services in Health. Her private members' statement is worth quoting –

"This is an arrogant Labor Government. It believes that it can spin doctor its way out of its secret plans to privatise Queensland hospitals and to flog off nursing homes. The Government has lied, but it has not fooled the people or the union movement and it certainly has not fooled Queensland Health staff, who are absolutely outraged that a Labor Government has poured resources into plans to privatise the State's public hospitals and aged care facilities. Staff association meetings are being urgently called around the State and health workers are very angry with this Government's dishonesty..."

This Government has clearly been caught out. Its slash and burn health strategy project was born in Treasury...

Where there is smoke, there is fire. I agree with the ... unions, which have seen the actions of this radical plan and the cut and burn that is happening at the Royal Brisbane Hospital..."

To loosely use the words of Ms Simpson, the Government has lied, but it has not fooled the people or the union movement and it certainly has not fooled Queensland Health staff, who are absolutely outraged that an LNP Government has poured resources into plans to privatise the State's public hospitals and aged care facilities.

It is unfortunate that the ramifications of this Bill will mean that State and Local Governments will no longer be employers of choice but, rather, employers of no choice.

The AWU believes that this legislation and its effects is an insult to the many loyal and long serving public sector workers and their families and as such condemns it.

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

Yours faithfully



BEN SWAN
SECRETARY

ATTACHMENT

A LONG HISTORY OF AWU OPPOSITION TO PRIVATISATION

THE AWU HAS ALWAYS OPPOSED PRIVATISATION OVER THE YEARS

PRIVATISING PUBLIC SERVICES COMPROMISES THE QUALITY OF PATIENT CARE, DIMINISHES THE SKILLS OF CARE PROVIDERS AND PUTS PUBLIC MONEY IN THE POCKETS OF PRIVATE CORPORATIONS

DATE	REPORTED	WHAT WAS SAID
4 June 1984	The Courier-Mail D, Connors	<p>Sir Albert Abbott, President of the Local Government Association said that introducing a 38 hour week would increase the expense of Councils and threatened outsourcing.</p> <p>Barry Meiklejohn, AWU State Vice-President said Sir Albert was “pulling figures out of the air over the costs of the shorter week” and “considered a 38-hour week could be introduced without cost to councils”.</p> <p>The AWU opposed outsourcing and contracting out in councils.</p>
15 March 1985	The Courier-Mail V, Chapple	<p>Democrat candidate for Brisbane Alderman stated that contract labour should be used in council.</p> <p>Errol Hodder, AWU Secretary stated that “the AWU would strongly resist any move towards replacing day labour with contract labour regardless of which political party implemented the move”.</p>
20 April 1986	The Sunday Mail D, Parrington	<p>National Party Health Minister, Brian Austin supported the Board of the Kirwan Women’s Hospital to outsource support and corporate services.</p> <p>The AWU opposed the contracting out of support services. AWU spokesman, Ms Janine Walker, said “the fundamental objection to the use of contract labour was that contracted employees suffered reduced levels of benefits and job security. Patient care was not dependent solely on doctors and nurses. Patients are dependent on a range of people for the provision of adequate meals, hygienic linen, and laundry services and careful and skilled handling. We have very real doubts that private laundry contractors, because of the</p>

		constraints imposed by having to submit the lowest possible tender, would be able to use the types of expensive laundering systems and chemicals which would prevent the spread of infections like golden staph to the community at large.”
5 January 1987	The Courier-Mail S, Rous	National Party Industrial Affairs Minister Vince Lester proposed placing all public sector workers currently party to Awards on to contracts. In relation to employment, the secretary of the AWU, Errol Hodder, stated that “as for creating new employment opportunities, what this will do is allow employers to reduce their staffs by contracting the services to fewer people.” Mr Hodder said employees “who took the carrot Mr Hodder was offering were donkeys because of the long term implications ... once the contract system is established and the Award protection is eliminated, employers will offer the jobs to whoever will do the most work for the least money. It’s as simple as that.”
25 August 1987	The Courier-Mail P, Morley	The Premier, Sir Joh Bjeilke-Petersen yesterday committed the State Government to privatisation ... Sir Joh said there was no need to worry about the details The AWU opposed privatisation in the 1980s.
21 November 1987	The Courier-Mail P, Hammond	State Health Under-Secretary Mr Tom McCarthy said private contractors would replace permanent hospital staff in many areas and there would be a decline in the rights and privileges of Crown employees
23 November 1987	The Courier-Mail G, Stanaway	The Australian Workers’ Union reacted angrily last night to suggestions that private contractors would replace permanent hospital staff in many areas. The union secretary, Mr Errol Hodder, said “it is unjust for senior administrators to say that hard working hospital staff like cleaners, wardsmen and domestics must give up public service benefits...”
7 August 1996	The Courier-Mail P, Hammond and E, Southorn	Health Minister, Mike Horan confirmed that cleaners and support staff in kitchens and laundries in public hospitals and nursing homes would have three years to become

		<p>“commercially competitive”.</p> <p>Australian Workers’ Union state secretary, Bill Ludwig has written to each of the 8000 hospital and nursing home support staff affected saying there was no way the AWU would accept any negative cost cutting in Queensland Health , especially after the support staff had worked hard to improve productivity over five years of enterprise bargaining.</p>
6 October 1996	The Sunday Mail S, Maher	<p>The most powerful union boss in Queensland is set to oppose moves to corporatize water, sewerage and road services in major local authorities.</p> <p>“The majority of people actually like going to work. And they like being secure in their job. They like to go home and know that their job’s not under threat”</p> <p>Mr Ludwig also said he was concerned the Government was planning to privatise more services at Queensland hospitals.</p> <p>He warned the union’s reaction would be fairly abrupt if this were the case.</p> <p>He said council workers and hospital staff displayed great loyalty to their jobs and their quality of service could not be matched by contractors.</p>
Summer 1997/1998	The Queensland Worker Magazine	<p>When the current EBA for Queensland Health was negotiated in late 1996 the AWU fought to have two clauses added which protect the job security of AWU members ... Jobs are being saved as public hospitals are being forced to re-deploy and re-allocate rather than force redundancies.</p> <p>The State and Federal Governments are still pushing Queensland councils to contract out water and sewerage services. But the risks are huge and experience proves it.</p> <p>Service to the community is important but at the top of the AWU’s list of priorities is the job security of AWU members currently working in councils. Make no mistake, contracting –out means jobs will go and service to the community will suffer.</p>
7 June 1999	The Australian Financial Review	<p>As the Government of Australia’s most popular Premier, Peter Beattie, prepares to celebrate its first anniversary in</p>

	G, Lekakis	<p>power, Queensland's biggest trade union is threatening to spoil the party ...</p> <p>The AWU has indicated it may be prepared to derail key planks of the government's broad economic agenda including privatisation.</p>
24 August 1999	The Courier Mail M, Ware and M, Franklin	<p>The Courier Mail yesterday revealed consultants had advised the Government make radical changes to the state's health system, including possible privatisation of some sectors.</p> <p>Hospital unions, including the powerful Australian Workers' Union, were outraged that a Labor government had poured resources into considering plans to privatise the state's public hospital system.</p>
24 August 1999	The Courier Mail M, Ware	<p>Hospital unions were outraged yesterday over revelations the State Government had considered secret plans to wind back the free public health system.</p> <p>The powerful AWU expressed dismay that Labor had spent money looking at the possibility of any privatisation of the public system.</p> <p>Labor powerbroker and Australian Workers' Union state secretary Bill Ludwig said yesterday the hospital workers he represented from cleaners to caterers were at their wits end following the privatisation review.</p> <p>He said the only way private contractors could undercut union workers was to pay wages below the award. "Ultimately, the outcome of these continual Treasury-inspired reviews is that families will have to get their families to bring cut lunches out to keep them fed during their stay at hospital."</p>