

UNITED VOICE QLD

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The Research Director
Legal Affairs and Community Safety Committee
Parliament House
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Via e-mail: lacsc@parliament.qld.gov.au

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**Industrial Relations (Fair Work Act
Harmonisation No.2)
Submission 034**

Dear Research Director,

Re: *Industrial Relations (Fair Work Act Harmonisation No.2) and other Legislation Amendment Bill 2013*

We thank the Legal Affairs and Community Safety Committee (the Committee) for the opportunity to comment on the *Industrial Relations (Fair Work Act Harmonisation No.2) and other Legislation Amendment Bill 2013* (the Bill).

United Voice Queensland (UV) represents over 31,000 workers from a variety of industries and backgrounds in both the state and federal industrial relations jurisdictions. Specific to the Queensland public service, our representation includes health practitioners, ambulance officers, teacher aides, school cleaners, dental assistants and health operational staff.

Our members through their union, United Voice, are deeply concerned about the implications of this bill and believe if passed in its current form it will have many detrimental effects upon them.

Lack of consultation

This Bill represents the sixth amendment to the *Industrial Relations Act 1999* (Qld) (IR Act) since the Government took office. United Voice does appreciate that this bill has been placed before the committee for at least some token level of consultation. We do note that the Government chose to ignore the recommendations of this and previous committees (for example on recent changes to WorkCover). We trust and hope that the submissions and recommendations to this committee will be given appropriate weight and consideration by Parliament.

Stated Objects of the Act

The stated aim of this Bill is to bring the IR Act in line with its federal counterpart, the *Fair Work Act 2009*. This Bill does not legitimately reflect "harmonisation" with its federal counterpart.

This Bill serves as nothing more than an attack on public servant's abilities to negotiate wages and conditions. It seeks to shift the balance away from employees to the employer, by stripping away the minimum award safety net and the ability to bargain effectively with the Government.

The removal of key objects of the Act, relating to collective bargaining and reducing the opportunity for industrial action, demonstrates the on-going and open attack on Union members and their employee organisations. The LNP Government is systematically eradicating any form of opposition and eliminating sources of legitimate dissent. We contend that these objects be retained to provide for all employees, to allow ongoing opportunity to work collectively to improve matters pertaining to their employment relationship.

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Restricting the independent umpire

These reforms strip the power of the Queensland Industrial Relations Commission (QIRC). The legislation enables the Minister to direct the QIRC to do certain things. This interference blurs the separation between judicial, legislative and executive powers. The QIRC will lose its independence and become a patsy of the LNP government.

Award Modernisation Process

The Federal award modernisation process did not result in reductions to take home pay and the process provided for transitional provisions in an effort to mitigate disruption to employers and employees and phased any changes to wages, loadings and penalties over a five year period. The extremely short timeframes may result in workers being left worse off financially.

Key occupational groups such as ambulance officers, health practitioners and health operational staff, school cleaners and teacher aides have a strong sense of organisational and social identity in connection with their classification structures. Forced changes to these structures could negatively impact upon work attitudes, behaviours, employee satisfaction, staff retention, and meaning of work.

Certified Agreements

Rules about content

The Explanatory Note indicates that “*certified agreements which only contain wages and matters linked directly to the employment relationship and improvements in productivity and performance*”. This Bill provides for a number of “non-permitted matters”, including restricting the number or proportion of employees that may be employed, prescriptive levels of staffing and/or funding. “Non-permitted matters” is equal to the notion of “prohibited content” found under the Work Choices system, which was not retained under the Fair Work regime.

The content of agreements should be a matter for the parties to decide. For example, current agreements provide for staff consultation and input into skills mix, staffing levels, workload management etc. This produces better outcomes in the workplace, increasing productivity as it ensures an appropriate balance between service demand and resources. Unfortunately, such matters would be deemed as a non-permitted matter (or “prohibited content”) under the Bill.

Reduced Timeframes

The proposed changes place significant time restraints on the bargaining, conciliation and arbitration process and make significant changes to the programming of the making of Certified Agreements. It is argued that time periods should be determined by the QIRC, based on the circumstances relevant to the matters before it. The existing provisions within the IR Act should be maintained, as they afford parties sufficient opportunity to genuinely try to reach agreement, as well as seek assistance through conciliation or arbitration. The Government is creating an adversarial system, rather than seeking to use a collaborative approach that creates mutually beneficial outcomes for the parties.

High income threshold

United Voice supports collective bargaining and agreements over the use of individual employment contracts. The high income threshold applies or is likely to extend to employees at the higher levels of classification structures, including Health Practitioners and Ambulance Officers. Individual contracts would remove positions from instrument regulation and remove the

rights of an employee to negotiate a fair contract. This will impact upon provisions, including management of fatigue, shift length and hours of work. For example, individual contracts are often used by employers to increase flexibility of hours and increasing the ordinary operating hours of a business, but only paying staff at single ordinary time rates, not overtime rates. This could result in workers being worse-off.

Concerns in relation to Process

Every elected government is mandated to perform the same fundamental role for the constituents of the electorate. That role is to serve the collective needs of that community. The prosperity, health, welfare and protection of that community leaves little by way of interpretation of those needs. As a result, minimal changes should be observed between governments as these core needs are maintained. A change in government should only ever change the philosophies on how an objective is achieved, not change the objective.

An indicator for the public that a government brought to power is failing to recognise its core responsibilities is when a wholesale change is seen by significant swathes of a community in how and what core services are being provided. The public services are a service to all Queenslanders, but when these services are cut, it is the most vulnerable in our communities who suffer, the very people the government is most obliged to support.

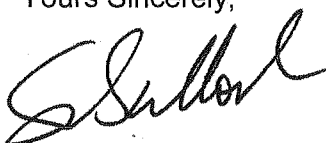
Changes to laws are by no means a trivial issue. Without the benefit of a Senate, Committees such as this provide the only opportunity for the public or specific representative organisations to provide input into the form or quality of Bills. Representative organisations have increasingly come to view the role of these committees as a token gesture, a thinly veiled attempt to provide credibility to a process of what is in reality demagogue governance.

No mandate is ever provided to a government to govern in its own interest, but once the dangerous path of law without genuine oversight occurs, this is exactly what occurs. Queensland now has a government governing in the interests of a narrow band of elite, instead of the interests of every day Queenslanders.

Since the election of this government, the people who deliver Queensland's essential services have endured attack after attack on their workplace conditions. It therefore comes as no surprise that this Bill serves as nothing more than an attack on public servant's abilities to negotiate wages and conditions effectively and to balance their social and family obligations. It seeks to shift the balance of bargaining power away from a collaborative process to one dominated by employer, the Government. The thrust of the LNP reforms is to marginalise both trade unions and industrial tribunals. It is designed to eradicate any form of organised opposition to this current government.

Please contact Kylie Badke Senior Industrial Officer, for more information via email kylie.badke@unitedvoice.org.au or (07) 3291 4619.

Yours Sincerely,



Gary Bullock
Branch Secretary