



Speech by

Mr JIM PEARCE

MEMBER FOR FITZROY

Hansard 10 June 1999

INDUSTRIAL RELATIONS BILL

Mr PEARCE (Fitzroy—ALP) (3.10 p.m.): Members of this House represent ordinary men and women in our community. It makes me sick to see the hatred that comes from those opposite for the average citizen—the worker—of this State.

It is with pleasure that I join in the debate on the Industrial Relations Bill 1999. It is not necessary for me to state my position in relation to industrial relations. My support for the rights of workers is well known. I make no apology that I come into this place determined to fight for workers, their families and their communities. Since I could first breathe and speak I have always believed in a fair go for the worker and a fair go for the boss.

One of the main recommendations of the industrial relations task force was to establish a set of basic industrial rights which reflect community standards. The task force felt strongly that the minimum entitlements needed to be extended to all employees in the Industrial Relations Bill 1999 would reflect these concerns. As such, the Bill provides a clear and comprehensive set of general employment conditions and entitlements covering all employees. In many cases this has meant updating entitlements contained in the previous legislation and extending them to areas of the work force not previously covered by them.

Those provisions reflect the Government's commitment to fairness and equity and stand in stark contrast to the coalition's flawed Workplace Relations Act 1997. That legislation failed to provide adequate basic conditions for casuals and award-free employees, dependent contractors and other workers in non-standard employment and sought to remove general conditions of employment from the legislative framework.

Previously in Queensland, only long service leave has been available to all employees. Parental leave does not apply to casual and seasonal employees. Consistent with the task force recommendations, this Bill extends the forms of leave to which all employees are entitled, and these include the following: annual leave, sick and long service leave, public holidays, parental leave, bereavement leave and carer's leave.

The Bill also adopts the task force recommendation to extend a minimum standard for annual leave of four weeks to both award and non-award employees. Under the current Act, only award employees have an entitlement to this standard. The minimum sick leave entitlement of eight days per year is extended to all employees—again in line with the task force recommendations. The current entitlement of one week has been increased to eight days to reflect the sick leave standard established by the commission in 1972.

The current long service leave entitlement of 13 weeks' paid leave after 15 years' continuous service is continued, but employees are now entitled to further access on a pro rata basis after another five years' service. The Bill provides for the commission to review this standard before 30 June 2000, reflecting the task force recommendation that any improvements to the long service leave standard should be the subject of a review by the commission.

Parental or family leave provisions are available to all employees and include unpaid maternity and adoption leave of up to 52 weeks. The unpaid maternity leave provisions are extended to long-term casual employees who have two years' regular employment with a single employer. These are

important and progressive initiatives that recognise the high level of casual employment in Queensland, which includes a disproportionate representation of females.

Mr Seeney: What about homosexuals? Do you support them?

Mr PEARCE: Don't be so smart. The provisions made in this Bill for general conditions of employment complement the changes already introduced into this House last year by the Labor Government. One of our first steps when we came to Government was to introduce urgent amending legislation in the Workplace Relations Amendment Act 1998.

The outcome of the amending legislation saw the repeal of award stripping. Without this repeal, many workers under State awards could have lost many important safeguards and conditions of employment. This is what has happened, and is continuing to happen, under the current Federal legislation.

This Bill stands in stark contrast to the industrial relations regime of Peter Reith—a regime that has been hell-bent on stripping back awards until they are consigned to irrelevance. The coalition legislation, here and federally, removed the capacity of the commission to review awards and introduce the award simplification process—and what a disaster that is proving to be—and reducing awards to only 20 allowable matters. This process has ignored the fact that many workers continue to rely on awards for their terms and conditions of employment.

The madness does not stop here. Peter Reith has now stated that he intends to further reduce the number of allowable matters to 16. He is proposing to remove long service leave, superannuation, jury service and tally provisions. The further reduction of allowable matters will effectively increase the gap in wage inequality and increase social deprivation in this country.

This Government will not stand by and let the undermining of workers' employment standards and rights continue. In addition to ensuring that there is a strong and relevant award system, this Bill ensures that there is a set of core minimum employment conditions for all employees. The Government has introduced these provisions in line with the task force recommendations and after reviewing the findings contained in the task force report and the issues paper. They provide a much needed response to the emergence of non-standard employment in recent years.

Since the early 1900s, industrial relations legislation has regulated standard types of working arrangements, but over the past 10 to 15 years these working arrangements have altered dramatically. A declining proportion of the workforce is still employed in a typical 9 to 5 Monday to Friday job. New industrial relations legislation needs to take into account changing work and employment patterns across the work force, and particularly the growth in non-standard employment outside the award system.

This is crucial because, while a number of non-award workers are highly paid professionals, many are low paid workers, often working in areas of precarious or non-standard employment. These workers will benefit greatly from these protections and entitlements that previously have not been available to them.

The current legislation has failed dismally in dealing with the changing nature of today's labour market, including the increase in female employment and the growth in casual and part-time work and contractual and seasonal employment. The Government's legislation rectifies this and addresses Labor's election commitment to provide a new perspective on protections for atypical workers.

Labor's approach is also demonstrated by these key initiatives. Firstly, it establishes the principle that male and female workers receive equal remuneration for work of equal or comparable value. Secondly, it provides a maximum of 40 hours per week, eight hours per day, for award employees unless otherwise agreed. The Government has also adopted the task force recommendation to conduct further research into working time arrangements to look at the impact on work, employment, health and safety, and the balance between work and life.

Thirdly—and importantly—this legislation protects employees when a business changes hands. Currently, where a business is transferred from one owner to another, only some employee entitlements are protected. This Bill extends the protection to cover family leave, notice requirements, unfair dismissal and annual leave.

Finally, the definition of "employee" is broadened to clearly include outworkers. This wider definition ensures that these workers—in the clothing industry, for instance, many of whom are in forms of precarious or non-standard employment identified by the task force—are also entitled to receive at least these minimum entitlements and protections. This is an important initiative to prevent exploitation of these workers.

This Government's overall approach to industrial relations is to help bring about jobs growth and enhanced economic performance. To do this, it is vital to harness the commitment of both workers and employers. This approach is founded on the belief that workers are individuals and that their productivity

is affected by such factors as personal motivation, team work, cooperation and broader societal and economic influences.

This Government does not regard workers as merely another commodity. We recognise the labour market as distinct from other product markets. This is in stark contrast to advocates of a more deregulated approach which views labour as just another cog in the wheel of production.

This Government believes that workers have a right to an equitable income and that, in striking the right balance between these factors, greater productivity is generated and, in turn, so also is jobs growth. It is these factors which underpin the Government's commitment to ensuring that all employees have access to minimum entitlements. By contrast, the coalition Government sought to undermine the basic fabric of the industrial relations system and revert to a mean-spirited safety-net set of conditions which were severely diminished by award simplification.

This Bill provides a solid foundation for the industrial relations system by providing a basic set of industrial rights for all employees that reflect community standards. One only has to read the Federal Workplace Relations Minister Peter Reith's Cabinet in confidence letter to Prime Minister John Howard to see where coalition Governments in this country want to take us. I have the document here. I am certainly not going to go into all of the details of it, but I just want to point out a couple of things in it that will interest the House and, in particular, those workers out there in Queensland who need to understand where this Federal Government is taking workplace relations and, if a coalition Government was re-elected in Queensland, where it would take us, because it would take us down the same road. I refer to the part of this document that relates to the Government's priority for action to reduce employment strategy. It states that the Government—

"... can set up a Wallis-type inquiry carefully managed through the selection of the chairman and giving it appropriate terms of reference. The object here would not be to find out new and clever ways to solve the unemployment problem ... Instead we would be looking to such a high profile inquiry to be an important part of the plan to advance the case for reform."

In other words, Mr Reith is saying, "Let's rig the process to suit the agenda of the Government."

We all know about union bashing, because we cop it all the time. I know that during my life and in the jobs that I have had, it has always been the work put in by the unions that has set the good standards for me to be able to work under—the wages that I have taken home, the holidays that I have received, and the other conditions under which I have worked. Unions have a very important role to play in this nation. If we ever lose the union movement, those people who sit opposite and those people who sit on the Government side of the Federal Parliament would have us living in bloody tents and caravans on the job.

Mr Seeney: That's not right, and you know it.

Mr PEARCE: It is right. The member should just wait and let me finish.

Mr Schwarten: Where unions don't exist, neither does democracy.

Mr PEARCE: That is a true statement. The member opposite should be out in the work force and talking to the workers so that he can understand.

This document states further that one of the measures that Mr Reith would like to introduce is constraining the union abuse of bargaining periods. However, there is not one indication whatsoever in this document of the abuse by employers of the process. I see that occur in the coalfields all the time. The Industrial Commission makes a decision and the employer walks away from it.

Mr Mickel: What about that mine in New South Wales where the workers are going to lose out by \$6m.

Mr PEARCE: Because the employers will walk away from their responsibilities. They know that they can do it, and do it without any fear, because the Federal Government is behind them.

The document states that the Federal Government wants to put in measures—

"... constraining union abuse of bargaining periods and access to protected industrial action, introducing secret ballots, devolving more power away from industrial tribunals to workplaces and external mediators, simplifying access to non union bargaining, strengthening compliance and freedom of association laws and ameliorating pattern bargaining."

Mr Seeney: What is wrong with that?

Mr PEARCE: The union and the worker will have no say. That is what is wrong with it.

Mr Seeney interjected.

Mr PEARCE: They will not. I know, because I experience it out there all the time. During this debate, the shadow Minister for Industrial Relations indicated this, and Peter Reith states in this document the direction in which he wants to take Australian industrial relations. The document states—

"The negotiation with States individually or collectively for the transfer (in whole or in part) of State jurisdiction over industrial matters to the Commonwealth. This measure, already implemented in Victoria, constitutes a substantial deregulation and micro economic reform to the workplace relations system, and also lowers transitional costs. The New South Wales Opposition has long been attracted to this reform and there is some potential for a joint policy initiative with Mr Collins."

In regard to industrial relations, there it is in black and white where coalition Governments want to take us. Howard and Reith, and the Opposition in this State, want a biased and divisive industrial relations system that will drive down workers' wages and conditions and the quality of life for all of those Australians who are at the bottom end of the income scale. That is what it is all about. Conservative Governments are about making the rich richer and the poor worse off.

Mr Seeney: Oh, come on!

Mr PEARCE: The member cannot argue with that. Peter Reith is moving to make further radical changes to the system of setting wages and conditions for Australian workers. As I said a minute ago, members can be certain that a coalition Government in Queensland will want to go down the same path, or even further, by forcing State awards to come under Federal jurisdiction.

At the very heart of Reith's plan is the abolition of the current constitutional power of the Federal umpire, the Industrial Relations Commission, and replacing it with corporate power—the same power that was used to introduce the Liberals' existing individual contracts, or AWAs as we know them. That will leave workers to negotiate their own conditions—and this is what the member for Callide wants—one on one with their employer without the expertise, without the knowledge of what is good for the worker and without an understanding of the system. Of course, some employers use low tactics to rip off their employees.

Mr Seeney: That is a condescending attitude.

Mr PEARCE: That is true. Labor Governments have more respect for the worker. The members opposite hate them. Day after day after day in this place, they prove that. I tell the member that I am getting a little bit fed up with it. I am sick of the way in which those members opposite want to attack the poor old worker out there, who is trying to feed himself, feed his family, and give his kids a decent education and quality of life. That is why I am proud to be a member of the Labor Government, because we will not cast workers off into the dog-eat-dog system where the rich simply get richer. The system under which Howard and Reith and the conservative Government want to take the families of this great nation is biased, it is divisive and it is un-Australian. The members opposite ought to be ashamed of themselves, because they know where they want to go and, at the end of the day, their friends at the big end of town will be the ones who will be better off. We will be left to deal with the poor buggers at the other end of the scale who are struggling to keep a roof over their heads.

I wish to remind members of Reith's statement to a business lunch in Perth on 9 July last year. He stated—

"Never forget the history of politics and never forget which side we're on. We're on the side of making profits, we're on the side of people owning private capital."

That paints a pretty good picture of Mr Reith and his style.

Mr Seeney: What's wrong with that?

Mr PEARCE: Because he is not worried about the old worker. He wants to go out there and make life as difficult as he can for him.

Mr Seeney: You can't make profits if you don't have workers.

Mr PEARCE: If we do not have workers taking home a good pay and spending it, small business feels the impact, employment feels the impact, and people do not get rich. So we have to have workers with a wage that they can spend out in the marketplace where it needs to be spent. That is what it is about.

During this debate, Opposition members talked about a competitive economic environment for growth. Under the policies of the Opposition, or what this Opposition wants us to do, the only way in which we can do better is to have people working for less, working longer hours and working in unsafe workplaces. The members opposite cannot tell me that that is not what it is all about, because I have seen the Federal Government's legislation impact on the coal industry. We have a big story to tell about the coal industry—the attitude of the Government, the way in which it is backing those employers and what they are doing to workers in taking away their conditions. We have people working 19-hour shifts, 12 days and 14 days straight, not going home to their families, and putting their lives at risk. Yet the members opposite are trying to tell me that they care about workers. They have to be joking!

The importance of being able to earn a decent wage to provide a quality of life, education and health for one's family has no meaning whatsoever to the conservatives. I am proud to be part of a

Government that cares about people, that cares about workers and cares about them having a decent quality of life. Only a Labor Government can put forward and oversee a system that is fair for the worker and a system that is fair for the employer.
