



Speech by

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INDUSTRIAL RELATIONS BILL

Mrs ATTWOOD (Mount Ommaney—ALP) (5.05 p.m.): This Bill is about fairness and flexibility. The Beattie Labor Government wants to see genuine workplace reform balanced with fair wages and employment conditions so that improvements in productivity and workplace efficiencies will not be achieved at the expense of workers. The Labor Party in Queensland has a proud and long record of delivering substantial productivity improvements and moderate wage outcomes through an innovative industrial relations framework which offers flexibility while protecting workers' interests. The Industrial Relations Bill 1999 epitomises this. Workers in the electorate of Mount Ommaney support this and are grateful to the Government for this thinking.

This Bill introduces democratic freedom of choice to the State's industrial relations system. The Bill is about choice for employers and choice for employees in determining the workplace arrangements that best suit their particular needs. Employers to whom I have spoken specify that working arrangements must have some flexibility in order to maximise profitability for the business and to optimise the morale and job satisfaction of the worker. The Beattie Labor Government strongly rejected the Liberal/National approach of confrontation and division that is best illustrated in the Workplace Relations Act 1997. When it comes down to it, most employees and employers want to work together amicably to achieve their mutual and respective goals.

Through this Bill the Beattie Labor Government has taken strong and decisive action to make a real difference in people's lives. With the Industrial Relations Bill 1999 we have refashioned the industrial climate towards constructive negotiation aimed at achieving mutually satisfying outcomes for both employers and their work forces. It is in the employer's interest to maintain a happy, regular and reliable work force that will be there for the long term. Employers and their employees will be able to choose the type of agreement that best suits their circumstances and particular needs.

The proposed legislation offers greater flexibility in providing a broader range of agreements, exceeding the limited options under the Workplace Relations Act 1997. Members of the Centenary and Districts Chamber of Commerce are looking forward to working with these arrangements. Employers and workers can choose between agreements that cover single employers, multiple employers, new businesses, projects or proposed projects, and agreements can be made to cover employees of the State. This arrangement will cover a variety of circumstances under which a person can be employed.

Workers and employers have the freedom to choose to negotiate collectively or individually. In addition to the types of collective agreements just outlined—which may be made with unions or directly with employees—employers and employees have the option of negotiating individual agreements, for example, a Queensland workplace agreement.

Of course, the Industrial Relations Bill 1999 is not a single-minded piece of legislation such as the existing Act and does not focus solely on agreement making as the only option in determining a fair standard of wages and conditions. Groups of employers in an industry will be able to choose to remain within the viable award system for determining wages and conditions for their workers or to develop their appropriate agreements or agreement.

More than 50% of Queensland workers are reliant solely on awards to govern their wages and employment conditions. Under the coalition's laws, these awards were destined to be stripped back to 20 basic conditions and could only provide wages that are classed as a safety net—another action which shows total disregard for the workers of Queensland. The so-called safety net of award wages is

often in the vicinity of 10% below the wages provided under agreements for employees performing similar work. No wonder people have to take on two jobs to support their family! Family life always suffers in these situations. This leads to lack of supervision of children and increased crime, and our social environment falls apart and disintegrates.

It is clear that employees who rely on awards for their wages and conditions have been disadvantaged when compared with workers who have been able to negotiate for wages and conditions that reflect the living standards of the community in which we live. It is often the case that workers who rely on awards are not only the low paid, but in many cases are women and those from disadvantaged groups. Why is it that in this modern country there is still this imbalance? The Industrial Relations Bill 1999 will right this wrong.

One of the principal objectives of the Bill is to ensure that wages and employment conditions provide fair standards in relation to living standards prevailing in the community. This is in the interest of fairness and equity. These fair standards do not have to be achieved through agreement making, as is the case with the one size fits all approach of the coalition Government, but may be achieved through the awards system.

Employers and workers have the freedom to choose the arrangements that suit their individual circumstances. The more than 50% of Queensland workers who are reliant on awards can look forward to legislation that provides for awards that will set fair wages and conditions, rather than be limited to a minimum safety net of wages and conditions. The awards will be reviewed at least every three years to ensure that they reflect the living standards prevailing in the community. With the regular rise in the cost of everyday items, a review every three years is not unreasonable.

The Bill provides for choice in the area of union membership. Employees will be able to determine whether to belong to a union or not without fear of discrimination or coercion to either join or not join. The freedom of association provisions of the Bill will also ensure that awards and agreements can contain provisions that encourage people to join and maintain membership of a union. This provision is consistent with decisions of the Australian Industrial Relations Commission and will allow for employees to be informed about their rights to decide whether or not to join a union.

Choice is a significant feature of this Bill when it comes to the recovery of unpaid wages and superannuation contributions. Existing laws require employees or their agents to pursue such a recovery through the Magistrates Court system. The Industrial Relations Bill 1999 provides employees with the options of pursuing a claim for recovery of unpaid wages through either the Magistrates Courts or the Queensland Industrial Relations Commission for claims not exceeding \$20,000.

For the first time in Queensland's industrial relations history, gay and lesbian workers will now be able to choose to declare their sexuality and be entitled to equal rights to working conditions in spite of doing so. The legislation does this in a number of important areas. They include: access to parental and carer's leave for same sex couples, requiring the Industrial Relations Commission to redress areas of direct and indirect discrimination in employment conditions through awards and agreements and through introducing a prohibition on the dismissal of a person from their employment due to their sexual preference.

Workers who are engaged as contractors but believe they are employees for all intents and purposes will be given the choice to pursue a claim in the QIRC for a declaration of their status as an employee. This will provide those workers who are forced into contracts to their disadvantage to be entitled to the same wages and employment conditions as their colleagues. These benefits include sick leave, family leave, annual leave, long service leave and maternity leave.

The freedom to choose is also evident in the arena of seeking the assistance of a third party when making an agreement. Parties to the development of an agreement will be able to choose to seek the assistance of the QIRC in the development of that agreement where negotiations have broken down. Of course, the parties are not required to accept the intervention of the QIRC but can choose for themselves whether or not to involve the QIRC. Parties who wish to bargain without the intervention of the Industrial Relations Commission will be able to do so and can take responsibility for their own negotiations. Parties who choose to seek the assistance of the commission can do so, but it is important that people know that they have this option if needed.

The issue of choice appears in other less likely areas of the Bill. For example, employers will be able to determine whether they pay employees for industrial action or not. This ability for an employer to determine issues in relation to paying or not paying their own work force will also apply in circumstances of deciding whether or not to pay workers who are stood down due to issues beyond the employer's and employee's control. This is another example of the fairness of this Bill.

Under the unfair Workplace Relations Act of 1997, employers were prohibited from paying employees who are stood down for reasons such as inclement weather, regardless of the wishes of the employer or the provisions of an award or agreement. In fact, a situation arose only a few weeks ago in

which working time was lost on the south-east motorway project as a direct result of the inflexible and dictatorial provisions of the Workplace Relations Act of 1997, which prohibits the payment of wages to employees who are stood down. The relevant award provides for payment for time lost due to wet weather, and the employer was willing to make the payment but this was prohibited under the provisions of the Workplace Relations Act 1997. Surely an employer has the right to decide whether or not to outlay their own money for the long-term advantage of their business. A significant disruption to the progress of the work on the motorway was only averted when the employees were informed of the proposed new provisions of the Industrial Relations Bill 1999, which provides employers with the ability to choose whether to pay or not.

The Industrial Relations Bill 1999 provides all Queenslanders with the freedom to choose workplace arrangements that best suit their circumstances and individual needs. After all, an employer must be able to decide what is going to be the most effective arrangement for their business. The freedom of parties to choose their own arrangements will assist the framework for industrial relations proposed by the Bill that supports economic prosperity and social justice for all Queenslanders. Basically, an employer wants to employ somebody who is going to be committed to their business and will negotiate conditions with this in mind. On the other hand, employees want a job that is interesting, one that fits their skill base, one that they can take ownership of and one that can give them enough security to support their families, and this legislation provides that framework and that flexibility to foster harmonious working relationships.

I congratulate the Honourable Paul Braddy, the Minister for Employment and Industrial Relations, on his hard work and commitment with this reform. I commend the Bill to the House.
