



Speech by

KAREN STRUTHERS

MEMBER FOR ARCHERFIELD

Hansard 10 June 1999

INDUSTRIAL RELATIONS BILL

Ms STRUTHERS (Archerfield—ALP) (11.49 a.m.): The Industrial Relations Bill 1999 is a significant milestone in the history of industrial relations in this State, and I am very proud to support it. Having spent more than a decade working in what was then an award free community services industry—an industry that was rife with internal workplace conflicts—I know all too well how important it is for employers and employees to have their rights and responsibilities clearly spelled out in awards and in a fair industrial relations system. As a member of the Australian Services Union, I worked actively to achieve award coverage in this industry. I must say that it was a pleasure working with the majority of employers in that industry who were very keen to see this security achieved through an award.

In fact, I think all Queenslanders should be proud to be part of this new era—an era that will bring greater fairness and balance for workers, employers and the wider community. I will promote the new laws enthusiastically in my electorate, as I know that fair-minded employers and employees and their families whom I represent all get a good deal in this Bill. A major strength of the Bill is its integration of social and economic policies to create fairness and equity within the workplace. It is this integration and some of the family friendly provisions that I would particularly like to highlight today.

During the past 10 to 15 years there have been substantial changes to the way in which we work. We need contemporary industrial relations laws to keep pace with these changes. This Bill does just that. Let us have a look at some of the changes we are facing. Firstly, we are seeing a rapid decline in the numbers of workers working a five day, 35 to 40 hour week, Monday to Friday over a normal working year. There is a substantial increase in precarious employment, evidenced through the growth in the number of dependent contractors and those workers in casual and part-time employment.

There have been increases in irregular and more insecure forms of work, such as fixed term contract work and labour hire, and more and more workplaces are experiencing continual downsizing and redundancies. There have been higher levels of work intensification, associated stress and difficulties for many workers to balance their work and family life. It is my prediction that this trend will prove to be one of the major social problems of the new millennium. We will be in real strife in the future if we do not achieve a better balance in these areas of our work and family life. These laws, I think, go a long way to bringing about a better balance.

I spoke on the issue of balancing work and family yesterday in the Parliament, and I remain committed to the future development of a comprehensive package of strategies to achieve this. This Bill provides an essential platform upon which further strategies can be built. There are some labour market trends unique to Queensland that this Bill also addresses. Queensland has higher levels of part-time and casual employment than the rest of Australia. Queensland also has higher levels of self-employed and independent and dependent contractors. In Queensland our industries are also more concentrated in the small business sector and we are more likely to have atypical employment.

A good, responsible Government would seize the opportunity to introduce new industrial laws which take account of contemporary changes and are framed around a more up-to-date picture of the Queensland work force in 1999 and beyond. That is what our Government is doing. It is a great shame that the coalition, when it was in Government, saw no need to address these contemporary labour

market trends. It blindly followed the lead of the member for Clayfield, and what a man of great wisdom he has proven to be! Unwittingly, I think he has been a great asset to the Labor Party.

The coalition followed a total deregulatory and economic rationalist agenda and, in doing so, forgot one of the key elements of good industrial law—the fact that work is not only affected by economics, but it is also a social phenomenon. That oversight—that ignorance—meant that workers and the Queensland community soundly rejected the coalition's industrial relations policies last year. They soundly rejected its rhetoric and its mantra. I am confident that they will also reject the proposed second wave of draconian changes to the Federal workplace relations laws being championed by Peter Reith and John Howard. However, rather than focus on those negatives, I want to spend my time focusing on the positives contained in this new Bill—the many positives which will advantage ordinary working people in Queensland.

Some 17% of Queensland workers have no coverage or protection under either an award or an agreement. These non-award employees cover well-paid managerial staff at one end of the spectrum and low wage domestic and farm workers at the other. Over recent years there has been a tendency for further growth in the low wage areas not regulated by awards or agreements. An important reform that has been introduced through this Bill is the capacity for the Industrial Relations Commission to apply a Queensland minimum wage to both award and non-award workers. This represents a significant improvement on the current legislation under which the capacity to make minimum wage orders for award free employees has been too convoluted. As a result of these complications, no orders have been made since their introduction in 1994. The new provisions will make it easier for the commission to issue minimum wage orders for non-award employees where it is justified in doing so. That is an important protection for low wage workers to prevent them from being disadvantaged.

For the first time in Queensland's history, all Queensland workers will have access to guaranteed entitlements of annual, sick, long service, parental, carer's and bereavement leave. These leave provisions are a critical element of the family friendly policies that I spoke of earlier. For example, an employee may use up to five days paid sick leave per year to care for family or household members who are ill. These general conditions of employment contained within the Bill reflect genuine community standards which will now also apply to the 17% of the work force currently without any protections. They make good business sense. If it is recognised that they have work and family responsibilities, workers will be more productive and they will take fewer sickies if appropriate leave is available to them.

Another positive of this Bill—in fact, an Australian first—is that women workers who are employed as long-term casual employees, that is employed by a particular employer on a regular and systematic basis for a period of two years or more, will now be able to access unpaid maternity leave. That means that long-term casual employees will be able to take up to 52 weeks unpaid maternity leave and be guaranteed their job back at the end of that time. This is the kind of family friendly policy that Queensland families want. The new laws also remove current discriminatory practices against same sex couples. For the first time and without fear, same sex couples will be able to access parental leave as well as carer's leave when their spouse or a member of their immediate family or household is ill.

This Government wants to treat all people with dignity. There is no rational justification for giving entitlements to one family group and excluding others who have the same kinds of responsibilities. A principal object of the Bill is to both prevent and eliminate discrimination in employment. Discrimination has been redefined to mean discrimination that would contravene the Anti-Discrimination Act of 1991—discrimination on the basis of family responsibilities or discrimination on the basis of sexual preference. This Bill prohibits an employer from dismissing a worker on the basis of their sexual preference. Again, I say that fair-minded people would not allow this unjustified discrimination to continue. In exercising any of its powers, the commission must not allow discrimination in employment. In particular, discriminatory provisions are to be removed from all awards and agreements.

Another area that I would like to comment on is the removal of the current statutory restrictions on the award system. The award system in Queensland has served us well. Currently some 741,500 employees are estimated to be covered by State awards, representing 55% of the Queensland work force, in direct comparison to only 28% of Queensland workers covered by Federal awards. Fifty per cent of these State award employees, with a high proportion in rural and regional areas of Queensland, rely solely on the award system to set their wages and employment conditions. This has meant that a significant proportion of Queensland workers have only been subject to wage increases which have been targeted at low paid workers since 1992. Under this wages system, the growing disparity between those workers on the award system on low wages and those on agreements has seen an emerging disquiet in the community, and the rumblings are particularly being felt in rural and regional parts of this State.

The answer to this is not to continue an approach of discriminating against or disadvantaging these workers and the answer is not to take away from those on agreements. The answer is to provide options through the award system to provide for fair and reasonable wages and conditions of employment in special circumstances.

This Bill, for the first time, then, will provide people with a real choice between awards or agreements without artificial constraints or legislative preference for one system or the other. In particular industries where bargaining is negligible and workers' bargaining power is relatively weak, it will provide the opportunity for workers to have their award varied to reflect wages at a level considered to be fair and reasonable and above low wage safety net adjustments.

It is clear that our industrial laws must reflect the diversity of work and employment patterns which exist and are emerging in Queensland. They must reflect the differences between industries and workplaces and within and between regional, rural and metropolitan areas of Queensland. This Labor Government has rejected the adoption of a one-size-fits-all approach, which was clearly favoured under the unfair, anti-family workplace relations laws introduced by the coalition parties. Balancing each of these interests is the hallmark of good, contemporary industrial relations. I commend this Bill to the House.
