Speech by

Mr N. ROBERTS

MEMBER FOR NUDGEE

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INDUSTRIAL RELATIONS BILL

Mr ROBERTS (Nudgee—ALP) (3.57 p.m.): This Bill restores some fairness and balance back into the industrial relations system, which is in stark contrast to the attack dog and armed security guard approach fostered by the coalition. Who can forget the Rottweilers and the thugs who stood on the wharves at Hamilton, in the electorate of the member for Clayfield, during the Patrick dispute? Who can forget the urgings by the member for Clayfield and the coalition in respect of the work undertaken by Patrick during that dispute? This Bill changes all of that and, as I said, restores some balance and fairness back into the system. It is a positive step towards a fairer and a more transparent industrial relations system.

The Opposition often engages in negative campaigning on unions. The member for Clayfield gave us an example of that. He said that he did not dislike unions. However, the last 20 minutes of his speech was effectively a union-bashing exercise.

Mr SANTORO: I rise to a point of order. I find the comments that the honourable member made in relation to my comments about unions untrue, and I ask him to withdraw them.

Mr DEPUTY SPEAKER (Mr Mickel): Order! The honourable member has asked for a withdrawal.

Mr Schwarten interjected.

Mr ROBERTS: I said that——

Mr DEPUTY SPEAKER: The member has asked for a withdrawal.

Mr Schwarten interjected.

Mr Santoro interjected.

Mr DEPUTY SPEAKER: Order! The Minister will refrain from interjecting, as will the member for Clayfield.

Mr ROBERTS: I withdraw the comment.

The legislative response of the coalition in this place highlights the basic distrust and dislike it has of unions. Some of the examples are clearly highlighted in the Workplace Relations Act. Firstly, it limited the role of the commission in resolving disputes and, consequently, the ability of unions to seek peaceful resolution to disputes. It limited the access of unions to workplaces. It sought to marginalise unions in the agreement making and industrial process generally. In particular, it focused its efforts on concentrating industrial relationships down to a one-on-one employee versus employer arrangement, primarily through the attempt to foster individual contracts.

A recent instance of the rampant anti-unionism in the coalition was demonstrated through the almost hysterical arguments put by many coalition members during the debate on the mining industry health and safety legislation in which there were genuine attempts to directly involve unions in the health and safety processes in the mining industry. Thankfully, this Bill reverses the trend established and entrenched by the coalition. As I have said and as many members on this side will say, it restores some fairness and balance back into the system.

I want to talk about some of the positive aspects of trade unionism. I am proud to declare my long association with the trade union movement. I spent 10 years as an industrial officer for the

Electrical Trades Union and the vehicle builders union and also as a health and safety training officer for the ACTU, or what is now known as the Queensland Council of Unions. I am proud of my involvement with the trade union movement and of the achievements of the trade union movement, and I am proud to be part of a Government that is putting some fairness back into the industrial relations system as well as making changes that will benefit workers across this State.

I wanted to highlight just a couple of key features in the Bill during today's debate, in particular the restoration of the awards system. Awards used to be and still remain the benchmark for the wages and conditions of many workers, particularly in the small business sector. I will give just a couple of statistics: over 50% of rural and regional workers are entirely reliant on awards to set their wages and conditions, and only 1.6% of small businesses are covered by certified agreements. So there is a significant reliance on awards in terms of the establishment of wages and conditions out there in the workplace.

The fact is that the award system has been withering on the vine since the focus has been placed more specifically on enterprise bargaining and individual contracts. That may have suited many employers because many wages and conditions in awards have lagged behind standards that have been set through the collective negotiations. It has led to a growing inequality between organised workplaces and workplaces where collective negotiations were difficult. That has been to the disadvantage of many, many workers.

The issues paper of the task force that the Government set up cites that since 1992 employees covered by enterprise agreements in Queensland have had a wage increase of between 15% and 20% above the award rates of pay. In contrast, employees who have had access only to arbitrated safety net adjustments at the award level have had only a 10% increase in that same period of time. Another interesting factor in the task force report was that most small businesses were generally content with the award system. That is entirely understandable because, provided the wages and conditions are clear and the award provides an allowance for appropriate flexibility, it is probably the most convenient and practical device for small business to set wages and conditions for their employees. It is also the most practical way to provide some protection to employees who are unable or not in a position to bargain effectively with their employer.

In a nutshell, awards are a great equaliser. They provide a fair means of underpinning the employment contract between employers and employees, and this Bill enhances the ability of awards to continue in that important role. Some of the key features in the Bill include a requirement for the commission to review awards every three years. There is a requirement for the commission to ensure that awards provide for relevant and fair wages and conditions in the context of general community standards. It also includes the provision which enables unions to have the capacity to argue that conditions that have been established via certified agreements can be included in awards, provided it is not contrary to the public interest. Those provisions will be extremely important in helping to maintain awards in an up-to-date and relevant fashion. Awards are probably the best means available to look after the interests of employees, particularly those who are not in a position to bargain as equals with their employers.

A lot of negative comments have been made also about the award system itself. I want to talk a little bit today about the award system as a vehicle for change. There is much said about the efficiencies and work practices that have been derived from enterprise level agreements and individual contracts, and also much has been said about the so-called inflexibility of our award system. It is my view that there is little recognition in industry and in the community generally of the significant role that awards have played in introducing flexibilities into the workplace—

Mr Schwarten: And stability.

Mr ROBERTS:—and stability. I note also in recent days that the Federal Government still has its head in the sand and is in denial mode in relation to the benefits that can be derived from awards, and the same position is being adopted by the State coalition. They are currently running national advertisements with statements reinforcing the notion that awards are inflexible and are not suitable to most businesses. Of course, this is absolute nonsense.

There is a mistaken belief out there being fostered in particular by the coalition that it is only through enterprise agreements and individual contracts that people can get flexibility and deliver benefits to both employers and employees. My experience with the awards system is that it has, in fact, led the way in implementing innovative and flexible work patterns out there in industry. I was directly involved in the restructuring and modernisation of awards during my time as an industrial officer with the Electrical Trades Union, in particular, in the engineering awards. Some of my colleagues in the gallery can pass judgment on how successful we were in the exercise, but I think that there is a general acceptance that the reforms that were put in place in some cases up to 10 years ago were necessary and have, in fact, delivered great benefits both to employees and employers.

I want to just list some of the examples. These are examples which led the way before they became trendy and permanent features in certified agreements and enterprise agreements. In respect of hours of work, well before 10-hour days and 12-hour days or provision to work any five in seven days became the norm in flexibility agreements or enterprise agreements, they were inserted into the State based engineering awards. In addition, they had appropriate safeguards to take account of the health and safety of the workers who were working those shifts.

Most of the awards in those days had provisions inserted into them which allowed the awards to be varied at a particular enterprise to establish conditions that would suit that enterprise or the circumstances of the workplace. All of the awards were required to have inserted into them flexible, skills based classification structures which delivered enormous flexibility in terms of the range of work that employees could undertake. The interesting part which is not given the recognition that it deserves is that all of these changes took place within the awards system—in fact, in my experience, well before they were heralded as the benefits arising out of certified agreements.

However, there was an inability or, in fact, an unwillingness by many employers and employer associations to recognise this fact and, indeed, an ignorance on the part of some employers that these provisions were available in their awards. The predominant ethos at the time was that the only way to achieve flexibility was to enter into an enterprise agreement or an enterprise award or sign employees on to an individual contract. As I have stated, that is nonsense, and the experience of the awards system shows that. I defend the award system as capable of delivering enormous flexibility in the workplace and at the same time providing a relevant and adequate safeguard to employees. This Bill places awards back where they belong, and that is as a viable and relevant alternative to enterprise agreements and individual contracts.

I want to make just a few comments about the dismissal laws. The member for Clayfield has once again perpetrated the myths and untruths that have been spread throughout Queensland and other States about these laws. What a dishonest debate about dismissal laws this one has been! The coalition has whipped up the hysteria about the so-called problems with our unfair dismissal laws. The facts are that, with respect to the Queensland jurisdiction, the Queensland Industrial Relations Commission has applied the dismissal laws fairly and equitably to both employers and employees for the last decade, and I have been directly involved in many cases under those laws before the Industrial Relations Commission.

Nobody has been able to provide me with the evidence or to convince me that there were major problems with these laws. There are always minor issues that can be addressed but, in terms of fundamental problems, the laws were working well in Queensland and were being applied fairly by the commission. Everyone can point to a particular case that they may not be happy with——

Mr Santoro: Why don't you go and talk to small business?

Mr ROBERTS: I do talk to small business. I say to people, "Point out to me the actual real problem you have experienced with the unfair dismissal laws." I cannot get people to respond in a way which actually outlines what the problems were.

The facts are that there were a few stupid decisions made in the Federal jurisdiction which have been bandied about this country as a reason for the need to make significant changes to these laws. That culminated in the introduction of what I consider to be a draconian exemption from the protection of these laws, and that applied to employees who just happened to work for an employer who had 15 or fewer employees. What an injustice! Access to justice based on the size of your employer! No matter what an employer did to sack a worker, no matter that it might have been discriminatory or otherwise unlawful, the coalition's law allowed this to happen simply on the basis of the number of employees that person worked with. Thank God we are ditching those unjust coalition laws.

In my view, the introduction of the mandatory three-month probation period is a much fairer and more practical way of addressing the needs of both small and large business and also employees. It is much fairer and more practical than a total exclusion of workers from access to justice simply based on how many employees their employer employs. The additional protection placed within that three-month period is that employees cannot be dismissed for an unlawful reason during that period.

I will comment on one other significant amendment in this Bill, relating to carer's leave. The Bill provides a new right for Queensland workers to use up to five days' sick leave per year to care for immediate family or a household member who is ill. That new entitlement covers all employees, including those not presently covered by awards. It will be especially welcome by parents, who often feel torn between the obligation to work and the needs of their ill child. But this new condition allows them to draw upon their sick leave to be there when their child needs them most. It will also be of great benefit to people caring for elderly parents in their own home, because they, too, will be able to access their sick leave to provide the care that is needed.

No longer will parents need to feel guilty about taking a sickie to care for their child. This new provision says that if your child is sick and you need to take time off to care for them, then you can do it without guilt. That, in my view, is a reflection of community standards. Parents should be able to care for their sick children without feeling guilty about taking the time off work. The Bill enables employees who have utilised all their available sick leave to take unpaid carer's leave with the agreement of their employer.

The entitlement to carer's leave is part of a package of minimum conditions which provide a basic set of rights to Queensland workers, regardless of their employment situation. They are all about a fair go for Queensland workers. This entire Bill is about delivering fairness to workers and restoring the balance to the industrial relations system. I commend the Bill to the House.