Speech by

JOHN ENGLISH

MEMBER FOR REDLANDS

Hansard 29 November 2001

INDUSTRIAL RELATIONS AMENDMENT BILL

Mr ENGLISH (Redlands—ALP) (4.03 p.m.): I rise today to speak on the Industrial Relations Amendment Bill 2001. Many of the other contributors have spoken about the specifics of this bill. I intend to focus on the philosophy underlying this bill. That philosophy can be summarised by the phrase 'social justice for workers'. There are currently pressures by the media for the ALP to distance itself from its relationship with the unions. The ALP should not be ashamed of these links but should revel in them.

Earlier, the member for Caloundra stated that workers should thank the employers for their jobs. Nothing could be further from the truth. The ALP understands the concept of mutual obligation. Whilst we acknowledge that, yes, workers should be grateful for the employer giving them a job, we also are prepared to acknowledge that the employer should be grateful that the workers are prepared to offer their labour so the employer can make some profit. The concept of workplace agreement revolves around the concept of mutual obligations, not a one-sided tyranny where employers dictate to the employees. That disappeared in the industrial revolution.

We often hear members opposite rant about the impact of unfair dismissal laws. This is an example of mutual obligation. The worker has rights and responsibilities under that legislation; the employer has rights and responsibilities under that legislation. But the employers complain: 'It is all too hard; we have to follow procedures; we just want the right to unilaterally kick people out.' That is not the way things are done. With rights come responsibilities. Many employers are not prepared to accept both hand in hand. They want it all one sided.

The workers compensation legislation understands this concept of mutual obligation. The employer has an obligation to ensure a safe workplace, and so does the employee have an obligation to ensure that the workplace remains safe. In a democratic society, this concept of mutual obligation is fair and reasonable and one where employers win and employees win. We do not want any one side having an unfair advantage over the other. The ALP has worked tirelessly to give the workers a fair go. Historically, everything has gone management's way. Over many years the Australian Labor Party has fought to give the workers a fair go. We should not shy or back away from that.

Another favourite rant of members opposite, particularly at the federal level, concerns union excesses—'The unions are thugs; the unions are blackmailing; the unions are doing this; the unions are doing that; what rort are the unions up to now?' We currently have this politically driven witchhunt against the BLF, which is just an outrage. We never hear members of the opposition rant or even speak in this House about any excesses on behalf of an employer. No, the employers can do no wrong. Many members of this House would acknowledge that on some occasions, historically, unions have gone too far. Unions have made requests that have been ill advised and ill considered.

I refer to the reasonableness of this side of the House. One will never hear members opposite complain, rant or rally against any excesses by an employer —'What the employees do is unfair, but what the employers do, all bets are off, anything goes'. The Australian Labor Party does not operate that way. Recently, I referred in this House to the conduct of an employer by the name of P&O Ports and its treatment of one of my constituents. To refresh members' memories, I point out that this constituent raised a workplace health and safety concern with some fellow workers. There was imminent threat to life. P&O acknowledged this by issuing a safety bulletin that basically stated, 'Do not put yourself under falling loads.' Yet P&O were asking people to put themselves under falling loads. So my

constituent discussed this with some people, and remedial action was taken. Drivers drove their vehicles down to a workshop to make sure that their vehicles were fitted with devices that allowed them to comply with P&O safety procedures and policy.

As a result of taking this proactive step, P&O Ports took action against my constituent. He was issued with a final warning letter. According to P&O, my constituent was issued with a final warning order because he had gone outside the appropriate limits of what he was supposed to do in terms of reporting an occupational health and safety complaint.

Mr Terry Sullivan: P&O have a shocking record in industrial relations.

Mr ENGLISH: It is an absolutely appalling record. But I have some good news for the member for Stafford: although my constituent suffered a great degree of psychological stress and although he knew he was right, he knew that he was simply trying to protect his fellow workers. He could not understand why P&O acted in this way. Anyone else put in that circumstance would appreciate the psychological pressure he was under. As a result, he took stress leave. He applied to WorkCover for payment of this workplace injury. Initially, the claim was refused, because based on the information provided by P&O it was deemed that this was fair and reasonable management action.

I talked to my constituent and had a number of discussions with Grace Grace and Trevor Surplice, both of the Queensland Council of Unions. With their support, we appealed WorkCover's decision to refuse the claim. On closer examination of the information and the documents provided, WorkCover's decision not to grant coverage was overturned. That was a great win for my constituent and a great win for the workers of Queensland.

The implied comment in the decision by the appeal tribunal was that if the original claim was refused because what P&O did was fair and reasonable management action, the fact that the claim was now allowed is prima facie evidence that what P&O did was not fair and reasonable management action. In other words, it was intimidation and standover tactics on behalf of P&O management to try to intimidate other workers on the job site from reporting safety breaches. I would like to compliment Grace Grace and particularly Trevor Surplice for their hard work in preparing for that appeal.

There was an article in last Saturday's *Courier-Mail* about how the ACCC recently found against the MUA. The journalist who wrote that article highlighted alleged thuggery and intimidation on behalf of the MUA. The member for Gregory said in his speech that the problem is greed. It is not often, but on this occasion the member for Gregory and I are as one. The problem is greed. Why does the ACCC say that coordinated action by workers is intimidation but that, when it comes to action by employers against employees, 'We are not going to look at that'?

Why does the ACCC not have the guts to have a look at the banks and their obscene profits while they are laying off staff? Anyone on our side of the House would have no problem with banks increasing fees and charges and laying off staff if they were making losses or if they could clearly show that a company was having problems and it needed to undergo some restructuring to make it financially viable. But it is an absolute obscenity to myself and to everyone on my side of the House that while the banks are making increasing and record profits they continue to lay off staff and close branches. But the ACCC will not look at them.

The ACCC will not look at the petrol companies. I know that fuel prices vary sometimes by the hour. Price fixing? You guessed it! The ACCC needs to get some backbone and stop going after the workers. It needs to start looking at some of the big businesses. It should do what it is paid to do: look at price fixing and stay out of the workers' business. The ACCC obviously regards united action by workers as intimidation and coercion. But when an employer says to a worker, 'These are the conditions. Take the job or leave it,' how can that not be extortion or intimidation? It is pretty hard to believe that the ACCC is serious when it targets workers and lets big business steamroll through life very, very free and untouched.

As I said before, this bill is about social justice for workers. Many of the other speakers in this debate have highlighted its specific social justice provisions, and I do not intend to repeat them now. This bill is a shining example of what the Australian Labor Party and the Beattie government are all about: social justice for all. I commend the bill to the House.