



Speech by

**Mr N. ROBERTS**

**MEMBER FOR NUDGE**

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Hansard 29 November 2001

### **INDUSTRIAL RELATIONS AMENDMENT BILL**

**Mr NEIL ROBERTS** (Nudgee—ALP) (3.45 p.m.): It is a pleasure to speak on another bill that continues the proud Labor tradition of restoring fairness and balance to our industrial relations system. I pass on my congratulations to the minister and his department for introducing another raft of amendments that will enhance the protections and entitlements of employees.

Earlier I listened to the contribution of the member for Caloundra in this debate when she bemoaned the fact that a number of members on this side were rising to speak on this bill to indicate their support for the trade union movement. The member for Gregory, a National Party member, acknowledged the significant role that trade unions have played and in fact gave support for the trade union movement. I am proud to declare my own support for the trade union movement, not only unions which represent the interests of employees but also unions which represent the interests of employers. They both play a significant and important role in our industrial relations system.

The member for Gregory also raised another interesting issue, that is, the wish that we had left behind the days of employer versus employee, the days of conflict and dispute. It is fair to say that, yes, there have been and always will be disputes between employees and employers and unions and employers. I spent 10 years as a full-time trade union official in the capacity of an industrial officer and workplace health and safety trainer. I can say without equivocation that the overwhelming majority of my time as a trade union official was spent working constructively with employers to deal with matters such as wages and conditions, modernising awards, working on and improving the training system for employees so that productivity in business and industry could be improved, working very closely with employers and improving workplace health and safety.

**Mr Johnson:** That's because you're a decent and honest human being. You have to remember that people are not always like that.

**Mr NEIL ROBERTS:** I thank the member for that, but I also say that the work I did was replicated by the vast majority of my colleagues in the trade union movement. That was the basis of our job. The instances where there were disputes were in fact the exception rather than the rule. Most of my time as a trade union official, as is the case with most trade union officials, was spent in very constructive activities working with employers and obviously representing our members.

During my time as a full-time official I witnessed and experienced some difficult times for the trade union movement and employees in this state. I became an official with the Electrical Trades Union in the aftermath of the SEQEB dispute. Issues such as award restructuring, union amalgamations and union coverage were also matters which consumed a great deal of my time and that of many of my colleagues. Apart from the SEQEB dispute these difficulties paled into insignificance compared with the anti-worker onslaught that was imposed by coalition governments in Queensland at both a state and federal level. There were initiatives which stripped awards of basic entitlements and provisions for workers, such as unfair dismissal laws. The general conditions of employment were removed from the state act. There were many other actions which dramatically disadvantaged employees in the state.

The initiatives of this government and the previous government and the previous minister are in stark contrast to those pursued by the coalition government in this state during its short term in office from 1996 to 1998. I think it is fair to say that the coalition at both state and federal levels pursued an

agenda which was anti-worker and anti-union. This agenda created division and barriers to the effective and fair operation of our industrial relations system.

How could those of us who were there—at least in support—forget the attack dogs and the balaclava-clad thugs who set—

**Mr English:** It's impossible to forget.

**Mr NEIL ROBERTS:** It is impossible to forget. Those people set upon the workers on the waterfront at Hamilton and Fisherman Islands. They threatened the workers and removed them from the site and took away their opportunity to earn a living.

**Mr English:** Images from a totalitarian state, not a democracy.

**Mr NEIL ROBERTS:** Absolutely. This was industrial relations coalition style. What a refreshing change when Labor was re-elected in 1998 and when, under Minister Braddy, a new Industrial Relations Act was introduced—an act which restored a meaningful role for the Industrial Relations Commission in conciliating and arbitrating on matters pertaining to wages and conditions and disputes. The act also introduced a whole range of minimum general employment conditions that would apply to all workers. Some of those included minimum employment entitlements to annual leave, sick leave, public holidays, family leave, carers leave, bereavement leave and long service leave.

I want to highlight one aspect that I believe is particularly significant. I do not think a lot of workers are aware that it was a Labor government that introduced it. However, it is something that gives a lot of benefit to families in particular. I refer to the provision which enshrines the right of workers to use up to five days sick leave per year to care for their immediate family or a household member who is ill. This provision is of significant benefit to parents who, in the past, were torn between their obligation to go to work and the need to look after a sick child or partner. In the past, essentially, a worker had to take an illegal sickie to fulfil that parental role. The carers leave provision allows parents and partners to be there when their child or other household member needs them. No longer do people have to feel guilty about taking a sickie under such circumstances. I believe this is a significant and worthy reform for families and workers, one that was introduced by a Labor government.

The bill before the House builds upon the family-focused provisions introduced in the new 1999 Industrial Relations Act, including the provision I have just outlined. Specifically, it fulfils an election commitment to introduce a work and family package for casual employees. It comprises important initiatives for the Queensland community, including the achievement of pay equity reform and greater security for casual workers. It represents significant achievements for our community by improving the capacity of employees to better balance their commitments to work, to their families and to their local communities.

It is in the area of social reform that Queensland's industrial laws stand in stark contrast to the conservative approach adopted by the coalition to industrial relations. The 1999 laws brought in by the Beattie government sought to restore the balance to industrial relations. In 1999, the government ensured that our industrial laws were at the forefront of reform in Australia, and since that time other governments and tribunals have moved to adopt key elements of our reform. We were the first state to introduce maternity leave for casual employees. Since then, other states have sought to replicate that initiative. Recently, the Australian Industrial Relations Commission granted casuals access to parental leave after 12 months service, followed shortly after by the New South Wales government. This bill will ensure that the Queensland legislation continues to remain at the forefront, updating our laws to reflect the new standards in federal awards.

In 1999, we were also the first government to extend conditions such as carers and bereavement leave to all part-time and full-time employees, regardless of whether they are covered under an award or agreement. This bill—another Australian first—will extend these fundamental conditions to casual employees after 12 months service.

This bill contains important initiatives for the Queensland community, including the achievement of pay equity reform and greater security for casual workers. It represents significant achievements for our community by improving the capacity of employees to better balance their commitments to work, to their families and to their local communities.

The bill also extends protection against unfair dismissal if a casual worker is pregnant, applies for parental leave because of family responsibilities or is discriminated against on prohibited grounds under the Anti-Discrimination Act, such as gender. These amendments will ensure that casual employees are not discriminated against because of their family responsibilities.

With the rapid growth in casual employment over the last decade, it has become paramount to ensure that this group is not disadvantaged in relation to work and family responsibilities. There are now almost 55 per cent of dual income families and 45 per cent of sole parents with dependants in the paid work force. High proportions of these families are employed on a casual basis, with more than half

employed for longer than 12 months. A growing proportion of workers are also caring for elderly parents or for children or relatives with a disability.

It is critical, therefore, that fundamental conditions of employment such as parental, carers and bereavement leave are also extended to the growing number of long-term casuals in the work force. Already, the Queensland legislation recognises that full-time and part-time employees should have access to up to five days paid leave to care for a member of their family or immediate household if they are ill. All full-time and part-time employees also have access to up to two days paid bereavement leave in the event of the death of a family member in Australia. This bill will simply extend this condition—on an unpaid basis—to casuals who have been employed for longer than 12 months with the same employer. Like all other employees, they will also be able to take further unpaid leave with the agreement of the employer. All employees, including casuals employed for longer than 12 months with the same employer, will now also have access to unpaid maternity, paternity and adoption leave. This ensures that casual workers, like full-time and part-time workers, can take leave at these crucial points in their lives and return to their previous position without discrimination or recrimination at the end of their leave.

While it is true that many decent and fair-minded employers would already recognise this as an informal entitlement, it will provide a secure safety net to protect all long-term casual employees. It is consistent with fundamental human rights laws that prohibit discrimination on the grounds of family responsibilities. It also recognises that, while casual loadings cover situations including lack of access to paid leave, it does not cover the issue of having to find a new job after parental leave, or after taking an unpaid day off to attend a funeral or visit the hospital with a sick child. These issues were recognised by the Human Rights and Equal Opportunities Commission when it commissioned a national inquiry into pregnancy and work. The resultant report, *Pregnant and productive: it's a right not a privilege to work while pregnant*, handed down in July 1999 after the new Queensland laws were enacted, recommended that maternity leave entitlements be extended to casual employees after 12 months service through both federal and state industrial laws. The basic tenet of this report is that it is a human right—not a privilege—for a woman to work while she is pregnant. Our challenge is to ensure that the laws this parliament is entrusted to enact meet the needs of our community. Workplace discrimination, including termination on the ground of pregnancy and potential pregnancy, continues to remain a real issue for many women in our community, and this is clearly unacceptable to any compassionate and reasonable society in the year 2001.

This amendment bill, therefore, confirms our ability to support Queensland families, including those Queensland employees who also happen to be employed as casual workers. Parents who are encouraged by society to have children should be in a position to view the privilege of being able to have a child as just that—a privilege rather than something for which they are penalised.

This bill responds to the needs of many women workers, families and casuals who form a significant part of our work force and community. It will provide new and strong protection for their rights at work against discrimination on the grounds of their family responsibilities. It recognises the intrinsic connection between work and family. It is a fair and just reform. What could be fairer than to recognise that casuals have rights at work when they need to care for an ill child? They should have rights when they need to grieve for and attend a funeral of a loved one. They should also have rights when they need to take leave to give birth or to support the birth of a child or when they adopt a child. Life and death are fundamental issues that affect us all, including casuals.

People in casual employment face a number of difficulties. Casuals have difficulty securing bank loans and in making commitments to financial and, in many cases, community and family activities, principally due to the uncertainty of their employment situation. Family and personal lives are often on tenterhooks as weekly bills continue to mount. The constant uncertainty of possible termination without notice, particularly in situations where casual employment provisions are inappropriately used to employ workers for long and continuous periods, was something that just had to be addressed.

The provisions in this bill have restored some certainty to employees engaged as long-term casuals and are a fair and balanced way of dealing with the evolving issues and difficulties arising out of this growing mode of employment. In the words of the former Sex Discrimination Commissioner, Susan Halliday, our work in this area can only benefit future generations of Australians. These reforms introduced through the Industrial Relations Amendment Bill will ensure that Queensland's legislation keeps up with contemporary developments in industrial law and community standards. It will ensure that our laws remain fair and equitable and are responsive to the needs of many Queensland families and workers. I commend the bill to the House.

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