



Speech by

PHIL REEVES

MEMBER FOR MANSFIELD

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INDUSTRIAL RELATIONS AMENDMENT BILL

Mr REEVES (Mansfield—ALP) (4.43 p.m.): This bill delivers on a key election commitment of this government to improve pay equity for Queensland women workers and to provide greater protection and security for long-term casual employees. These are significant and progressive reforms that will not only address and improve the position of casual and women workers in the Queensland labour market but also will continue the fair and balanced approach that the Beattie Labor government has introduced to industrial relations in this state. It restores the balance.

This bill takes the necessary steps to make Queensland the leading state of pay equity in Australia. The major changes contained in the bill to help achieve greater pay equity include the requirement that the commission ensures that state awards and agreements provide for equal remuneration for men and women employees for work of equal or comparable value. It is hard to believe that, in 2001, it has taken us this long to ensure that. But I am proud to be part of a government that has done that.

This bill provides also that at least once a year a full bench of the Industrial Relations Commission must make a general ruling on the minimum wage in Queensland for all employees, thereby ensuring that the lowest paid in our communities have access to a basic minimum wage. In accordance with the government's election commitments, these amendments implement all the legislative recommendations of the pay equity inquiry, which was conducted by the Queensland Industrial Relations Commission.

The second key election commitment featured in this bill is the work and family package for casual employees. This package introduces unpaid parental, carers and bereavement leave for casual employees with at least 12 months service. These amendments improve on the existing entitlements for casual employees and ensure that these employees can access leave entitlements during some of the most important times of their lives, for example, when there is a death in their family, when they need to care for a family or household member who is ill, or when their child is born, and they need to be guaranteed that their job is there when they come back. The bill also affords casual employees with less than 12 months service protection against dismissal for the invalid reasons of pregnancy or discrimination—and so it should. This ensures that casual employees will no longer be vulnerable to termination on plainly discriminatory grounds, such as age, race or on the grounds of family responsibility without having recourse to unfair dismissal protection and remedies.

It never ceases to amaze me that this opposition and the federal government complain about unfair dismissal. Unfair dismissal protects the workers against unfair employers. Quite simply, employers do not have to worry about unfair dismissal procedures if they are fair employers. People should not be discriminated against because they have worked for less than 12 months. They are still workers and they have families just like workers who have worked for 12 months or 14 months. These are the kinds of family friendly policies that Queensland families and our communities need, and the Beattie Labor government has delivered them.

As well as implementing these critical election commitments, the bill contains a series of amendments to clarify and improve the operation of the legislation in light of developments since the introduction of the act in 1999. These amendments include the provision to clarify the circumstances in which legal representation is permitted in matters before the commission. It is important that we

maintain the commission as a worker friendly and person friendly commission so that people do not have to hire legal eagles to fight for them and workers can understand quite easily what is going on. Without this provision in the bill, those in the legal profession will jump into appearing before the commission. All that does is add to the costs for workers and unions and it would just come down to whoever it is having the bigger wallet winning the case. I commend the minister for inserting this provision into this legislation.

The bill provides clarification of the original intention of the act that the awarding of costs in proceedings before the court and the commission may extend to costs for representation by lay advocates. The bill also provides clarification of the intention of the transmission of business provisions to recognise prior service of an employee when determining their eligibility to seek an unfair dismissal remedy. It also clarifies provisions that govern bargaining processes and the role played in these processes by the Queensland Industrial Relations Commission when negotiations break down and conciliation is unsuccessful. The bill requires the name of an employer to be on time and wages records and pay statements. It clarifies that annual leave is not exclusive of particular public holidays if the employee is already entitled to additional leave as compensation for working on those public holidays.

The bill also clarifies the operation of section 275 of the act to require the commission to declare a person to be an employer when it declares a class of persons to be employees. It also makes a number of technical amendments to correct drafting anomalies, provide for consistency in wording in certain sections and clarify the meaning of legislation. Together, these amendments demonstrate the government's positive agenda for industrial relations during its second term and ensure that our industrial laws continue to adapt and respond to contemporary circumstances and changes in the labour market.

There has been extensive consultation in relation to recommendations arising from the pay equity inquiry. All of the organisations and individuals who made submissions to the inquiry were invited to provide further comment on the final recommendations. The resulting 13 submissions were considered in developing the legislation. The Industrial Relations Advisory Committee, comprising of employer, union, government and community representation, has noted the amendments. The Industrial Relations Advisory Committee established by this government in 1999 has proved to be a particularly useful forum for raising and considering the issues involved in these amendments.

To conclude, the bill before the House represents a continuation of the fair and balanced approach. The bill delivers on key election commitments and ensures the legislative framework is updated in response to development. Much has been achieved in that time with an industrial relations framework that balances economic and social objectives for both employees and employers.

There are other points I need to make on behalf of the member for Bulimba. As members know, the member for Bulimba—

Mr Terry Sullivan: Is he otherwise engaged?

Mr REEVES: He is otherwise engaged at the moment. He also asked me to thank the good nurses at St Andrew's who did a great job putting up with him. Even though I could not do as good a job as he could, he also asked me to talk about the great BLF union which looks after the many builders and labourers of this great state. There is no greater public relations machine for that union than Mr Purcell himself. Although I cannot rave as much he would, I will try to emphasise a few points he asked me to make on his behalf on this bill.

The bill amends the Industrial Relations Act and implements an election commitment to introduce a work and family package to give casual employees access to unpaid parental leave, carers leave and bereavement leave after one year's service. It protects all casuals from dismissal on discriminatory grounds or because of family responsibilities. It implements an election commitment to introduce the recommendations of the pay equity inquiry. It clarifies the intention of the transmission of business provisions in relation to unfair dismissal. As I said, the bill introduces a work and family package for casual employees, protects all casual employees from dismissal on discriminatory grounds or because of family responsibilities and implements the outcomes of the pay equity inquiry.

The objectives of the bill will be achieved by reducing the qualifying period for access to unpaid maternity leave by casual employees from two years to one year and will provide access to all forms of parental leave after one year; by providing long-term casual employees with two days unpaid bereavement leave and five days unpaid carers leave; by preventing casuals from being dismissed on discriminatory grounds or because of family responsibility; by ensuring equal remuneration for men and women employees for work of equal or comparable value; and by providing that at least once a year the full bench of the Queensland Industrial Relations Commission makes a general ruling about a Queensland minimum wage for all employees. This is one of the key objectives of this bill which again restores the balance.

Other objectives will also be achieved by clarifying that the awarding of costs in proceedings before the Industrial Court and the Queensland Industrial Relations Commission may include costs for

representation by persons who are not lawyers and include witnesses and other expenses; by clarifying the role and responsibilities of the Industrial Relations Commission when using its arbitration powers; by clarifying the relationship between section 69 relating to transfer of calling and the dismissal provisions; and by clarifying the provisions of section 265 in relation to the Queensland Industrial Relations Commission conducting an inquiry at the direction of the minister.

Further objectives will be achieved by rectifying a potential anomaly in the operation of the act that arises from annual leave being exclusive of public holidays; by rectifying a potential anomaly relating to the powers to declare persons to be employees; by ensuring that time and wages records and pay statements contain the name of the employer; and by making a number of technical amendments to the legislation. The administrative cost to government is not expected to increase as a result of implementing the pay equity amendments. Given the appointment of two additional commissioners since 1999, it is considered that the Industrial Relations Commission can accommodate any increases in workload resulting from the amendments.

There has been strong support from unions and the Office of Women for the improved work and family entitlements of casual employees. There has been extensive consultation in relation to implementing the recommendations of the pay equity inquiry. All of the organisations and individuals who made submissions were invited to provide further comment after the inquiry recommendations were complete. The resulting 13 submissions were then considered in developing this legislation. A number of industrial organisations and other parties made representations regarding the payment of costs for the utilisation of lay advocates in the commission. The issue of legal representation in the commission was also raised and has endorsed the provisions relating to legal representation and cost. Also endorsed were the amendments relating to the time and wages records and the relationship between the transfer of a business and dismissal provisions.

Before I conclude, often young people contact my office to say that they have been unfairly dismissed or are being treated badly at work. One of the first questions I always ask, as I am sure other members in this House do as well, is 'Are you in a union?' The young people respond by saying, 'No, I didn't get one of those forms when I had to give my tax file number and, with all the other literature the employer gave me when I first started, they didn't give me a union form.' I have to respond by saying that they are probably not likely to give employees a union form, and I then go on and talk about the benefits of belonging to a union.

There has been quite a bit of press in the last few days about people trying to give unions advice and vice versa. No-one can deny the benefits of being a member of a union and a union's collective bargaining power, particularly for young people. It is young people more than others who need that collective force behind them because they are not as confident as others to stand up for their basic rights because they are new in the work force. If I were to give any advice to my union comrades it would be that they need to reach out to young people, particularly young people in schools in grades 10, 11 and 12, to emphasise what the union movement and being a member of a union is about. It is about looking after employees' conditions and the basic right to work.

Ms Barry: And each other.

Mr REEVES: And each other, as the member for Aspley says. People should not just be grateful that they have a job and accept anything. Yes, people should be grateful they have a job, because many do not, but they also have basic rights. After all, we live in Australia, in Queensland. Under this government, these basic rights will be continued and expanded. However, the union movement needs to market itself better to young people because the young workers of today will be the older workers of tomorrow. They need encouragement to join unions which on the whole will result in better and safer workplaces because issues such as occupational health and safety will not be a problem.

It is common to find that constituents who believe they have been unfairly dismissed or are being treated badly at work do not have an understanding of what unions can do for them. Unions need to get out there and sell that message, because unions always have and will continue to play an important role in the social fabric of this state and country. Promoting union membership also makes better sense for employers.

If an employer has a happy and safe work force he will achieve better productivity. Employees will be more willing to go that extra mile for the employer. It is important that we market unionism to our young people. The Minister for Innovation and Technology is presently in the chamber. Young people have taken on computers and web sites. The ACTU and the TLC in Queensland should use information technology to educate our young people about the benefits of being involved in a union.

From the monetary point of view, unionists receive benefits from the Union Shopper. Recently I had to update a kitchen and I used the services of the Union Shopper—being a proud member of the Miscellaneous Workers Union. That is a side benefit. Let us target our young people by means of modern technology. It is important that we get to them when they are young. They need to be told of

the history of trade unions. They need to be told how trade unions have contributed to building the social fabric of this state.

I congratulate the minister and his staff on an excellent bill. He has restored the balance. I know that the minister is compassionate about the concept of industrial relations. I know that he will continue to ensure that there is a fair balance between workers' rights and employers' rights. I know he will be a great industrial minister. I look forward to welcoming him in my electorate any time he wishes to come.

A government member interjected.

Mr REEVES: He might catch the bus and see our great busway. I look forward to seeing this bill pass through the parliament tonight. It contains great benefits for women workers. It is great to be part of a Beattie Labor government that is restoring the balance to industrial relations. I commend the bill to the House.
