



Speech by

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INDUSTRIAL RELATIONS AMENDMENT BILL

Mr LEE (Indooroopilly—ALP) (3.15 p.m.): It is a great pleasure to rise in support of the Industrial Relations Amendment Bill 2001. I agree 100 per cent with the honourable gentleman who spoke before me that individual agreements are probably the worst thing that could ever happen to workers in this country.

Before I speak about the substantive practical aspects of the bill, I feel obliged to deal with some of the philosophical questions that were raised by the member for Keppel in his speech last night. As one would expect from a member of the National Party, his speech was chock full of eloquent phrases in support of workers but was absolutely full of scorn for trade unions. One phrase in particular struck me as a little concerning. He said—

The National Party supports the existence of the union movement. It fulfils a genuine niche in the industrial relations scheme.

I think this was the point where things went wrong. This is, I believe, a fundamental misunderstanding not only of the philosophical but also the historical role that trade unions have played in most countries in the world and in particular in Australia. I think it is a basic error to see trade unions as having a role solely in the industrial relations system. I think unions play a fundamental role in most nations' democratic systems. I think the role trade unions play in Australia's democratic system is valid and helpful. It is an entirely proper role for unions to play.

I think it is wrong to make the assumption that unions should only be concerned about issues related to dollars and cents. I think it is that attitude—the view that trade unions are only responsible for looking after keeping workers fed and in employment—that has led to so many on the other side of politics misunderstanding industrial relations in this country. Trade unions ought to be concerned with issues that are far more broad than wages and conditions. There are very few people who I feel could go through their lives without having at least some reliance on workers that are trade unionists. Indeed, very few trade unionists could go through their lives without being directly affected by the broader system of government.

While it is fairly easy in a country such as Australia—we are relatively politically free, the government is democratic and it is fairly easy to assume that unions may only have a role to play in safeguarding pay and conditions—I think it is worth thinking about those countries that at times have not been as politically free. I would like to speak briefly about the Polish experience and the role the trade unions played in that country while the country was under what most would describe as a form of Soviet communist occupation.

It was the free trade union movement in Poland—when I say 'free trade union movement' I actually mean the illegal and non-state endorsed trade union movement in Poland—that played a very significant role, together with the church and Catholic intellectual groups, in defeating a communist regime that took its orders directly from Moscow. I think most of us would agree that if the Polish trade unionists had quietly accepted that the role of trade unions is solely bargaining over dollars and cents and had ignored the broader socio-political situation in which their members lived and in which their unions existed, there is very little doubt that the fairly momentous events of 1989 might not have occurred at that time, if at all.

I think it is worth examining the philosophical basis upon which the Solidarity movement in Poland built its practical activity. I draw the attention of the House to some quite beautiful writings by Pope Leo XIII, who wrote a quite exciting papal encyclical in 1891 called *Rerum Novarum*.

An honourable member: A great document.

Mr LEE: It is an absolutely fantastic document. I have a copy here. It is subtitled 'The Condition of the Working Classes'. In this respect, I think that it is probably quite useful to make some direct reference to the document itself. Also, it is worth noting that the document was initially written in Latin in 1891 and it has been translated since that time, so some of the phraseology may be not quite as modern as it could be. I will deal with that in a couple of moments.

Referring directly to the subject of trade unions, *Rerum Novarum* stated that—

The most important of all are working men's unions; for these virtually include all the rest. History attests what excellent results were brought about by the Artificers' Guilds of olden times. They were the means of affording not only many advantages to the workmen, but in no small degree of promoting the advancement of art, as numerous monuments remain to bear witness. Such unions should be suited to the requirements of this our age—an age of wider education, of different habits and of far more numerous requirements in daily life.

The document goes on to say—

The consciousness of his own weakness urges man to call in aid from without. We read in the pages of the Holy Writ: 'It is better that two should be together than one; for they have the advantage of their society. If one fall he shall be supported by the other. Woe to him that is alone, for when he falleth he hath none to lift him up.' And further: 'A brother that is helped by his brother is like a strong city.' It is this natural impulse which binds men together in civil society; it is likewise this which leads them to join together in associations which are, it is true, lesser and not independent societies, but, nevertheless, real societies.

The important point to be gleaned from that is that fundamental to the human condition and the human desire to live in society with one another is that we will help one another. That view and those values are completely at odds with the idea that people should be coerced into individual agreements.

Earlier today the member for Ashgrove referred to the law of the jungle. It is fair to say, with very little exaggeration, that the passage is saying: to seek to avoid an industrial relations system is being ruled by the law of the jungle. It is a fairly clear statement that unions play a key role not only in industrial relations but in building a strong, stable and free society. *Rerum Novarum* goes on to explain that a free society has a number of obligations and that they are obligations we should all play a role in achieving. It states—

Among the several purposes of a society, one should be to try to arrange for a continuous supply of work at all times and seasons.

That means full employment. It continues—

As well as to create a fund out of which the members may be effectually helped in their needs, not only in the cases of accident, but also in sickness, old age, and distress.

I do not think that needs an explanation.

Mr English: Workers comp.

Mr LEE: Exactly. The member for Redlands is completely correct—workers comp, sickness pay. It continues—

Such rules and regulations, if willingly obeyed by all, will sufficiently ensure the well-being of the less well-to-do ... It is not rash to conjecture the future from the past. Age gives way to age, but the events of one century are wonderfully like those of another; for they are directed by the Providence of God, Who overrules the course of history in accordance with His purposes in creating the race of man. We are told that it was cast as a reproach on the Christians in the early ages of the Church that the greater number among them had to live by begging or by labour. Yet, destitute though they were of wealth and influence, they ended by winning over to their side the favour of the rich and the good-will of the powerful. They showed themselves industrious, hard-working, assiduous, and peaceful, ruled by justice and, above all, bound together in brotherly love. In presence of such mode of life and such example, prejudice gave way, the tongue of malevolence was silenced, and the lying legends of ancient superstition little by little yielded to Christian truth.

I have one last passage, written in 1891, that puts all of this into context. It states—

At the time being, the condition of the working-classes is the pressing question of the hour; and nothing can be of higher interest to all classes of the State than that it should be rightly and reasonably settled. But it will be easy for Christian working-men to solve it aright if they will form associations, choose wise guides, and follow on the path which with so much advantage to themselves and the common-weal was trodden by their fathers before them. Prejudice, it is true, is mighty and so is the greed of money; but if the sense of what is just and rightful be not deliberately stifled, their fellow-citizens are sure to be won over to a kindly feeling towards men whom they see to be in earnest as regards their work and who prefer so unmistakably right dealing to mere lucre, and the sacredness of duty to every other consideration.

It is a fairly coherent explanation of the dignity of work, the mutual benefit of trade unions and the fundamentals of human nature, which are to derive dignity from work, to seek to live in a peaceful, free and open society, and it is a warning not to be driven by a concern merely about money. A failure to understand that has been a problem for the conservative parties in this country for a long time. They see industrial relations and trade unions as a means of dealing with how money is made. As a consequence, workers are cogs in a wheel; they believe that is all right because the less they are paid

means that someone else makes more money at the end of the day. It is values like that that informed individual agreements.

I am pleased to say that this bill was not informed by those values; it was informed by values that are echoed in documents like *Rerum Novarum*. I am very pleased to say that the bill puts in place an election policy of putting people in the workplace first. It gives casual employees more rights and it will narrow the gender pay gap that unfortunately still exists in our society. Under the bill, the qualifying period for access to unpaid maternity leave will be reduced from two years to one year and long-term casual employees will have access to two days unpaid bereavement leave and five days unpaid carers leave. That is something that particularly means a lot to a lot of my constituents.

A large number of my constituents are students at the University of Queensland and at other universities. Many of them are casual workers—many of them working in the hospitality industry, many of them working in retail. But many of them fear that, were they to be in need of some short-term bereavement leave, their job would be in jeopardy. I hear stories all the time about people who do not take the leave that they should take to go back home, which may be outside of Brisbane—maybe a significant distance outside of Brisbane—for a funeral because they are worried that they will lose their job in the meantime and that someone else will be slotted into their spot. I am absolutely over the moon that this bill will fix that.

I am also pleased that the Queensland Industrial Relations Commission will ensure that equal remuneration will be provided for work of equal or comparable value. I think that the changes to the annual leave rule are fairly sensible also. I think that it is good, because it will mean that the mums and dads will be able to spend more time with their families.

Also significant is some of the changes in the bill to legal representation in court. These changes are really quite useful. There have been many cases in which lawyers have made quite a lot of money out of industrial relations whereas lay advocates, who give their time, commitment and experience, perhaps do not find themselves remunerated in the same way. In the past, when it has come to working out court costs I do not think that their costs have been taken into consideration.

One of the most significant aspects of this bill is that it will ensure that pay slips will include employees' names and employers' names. Often we hear stories of people appearing before the Industrial Relations Commission saying, 'I was unfairly dismissed by Fred Bloggs,' and Fred says, 'Have a look at your pay slip. It does not actually say who unfairly dismissed you or where you were working.' I think that change is a very positive step forward for industrial relations in this state.

I am very pleased with the bill. I think it is absolutely marvellous. I commend the minister and his department for it. I am very happy to support the bill.
