




Speech By
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MEMBER FOR TOOHEY

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INDUSTRIAL RELATIONS AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (5.15 pm): I rise to speak in support of the Industrial Relations and Other Legislation Amendment Bill 2022. The Industrial Relations and Other Legislation Amendment Bill 2022 was introduced into the Legislative Assembly and referred to the Education, Employment and Training Committee for detailed consideration on 23 June 2022. The objectives of the bill are to give effect to the Queensland government's response to the recommendations of the *Five-year review of Queensland's Industrial Relations Act 2016: final report*. The review report was conducted to inquire into and report on the operation of Queensland's Industrial Relations Act 2016 which was passed by the Queensland parliament on 1 December 2016. The government considered that it was now timely to review the operation and performance of the provisions of the Industrial Relations Act.

The review report made 40 recommendations, 36 of which were accepted in full by the Queensland government. Of the accepted-in-full recommendations, 31 called for legislative amendment. The review report not only looked at the operation and performance of the provisions of the IR Act but also looked into new developments over the intervening years. There was a particular focus on sexual harassment, registered organisations, gender equity and protections for precarious workers.

A number of issues specific to the act warranted further action in response to the Queensland government's response and key actions to the recommendations of the *Respect@work* national report. The primacy of registered organisations was promoted by providing a scheme whereby organisations can seek and provide representation rights for employees, including standing rights in relation to particular matters. The review found that there should be clear definitions of the types of organisations to which it refers, along with a clear distinction to be made between registered and unregistered bodies. Furthermore, other organisations should be excluded from the formal operation of the system, and people in them should not be able to benefit from false claims about their role in the system.

Workers employed in the gig or platform economy were identified as being precarious workers, and their employment conditions. The review report recognised that while some employees seek more structure in their employment status, others enjoy the nature of their work and their current employment conditions. The balance must be in establishing conditions that would, where appropriate, be comparable in value to those applying to equivalent award employees.

The main issue identified for collective bargaining by the review report is the persistence of gender pay inequality. This was highlighted just recently through the recognition of Equal Pay Day or, as I have heard it called, 'unequal pay day'. In 2022, Equal Pay Day fell on 29 August, and it recognised the extra 60 days after the end of the financial year that Australian women work to earn the same average salary as a man. This year, the national gender pay gap is 14.1% for full-time employees, a rise of 0.3 percentage points over the last six months.

The Department of Education conducted targeted consultation with key stakeholders from industry, government and the legal profession during the drafting of the bill. This included the distribution of two exposure drafts of the bill for comment. The committee was broadly supportive of the bill and

believes it will help to achieve the primary objectives of the Industrial Relations Act, providing for a framework for cooperative industrial relations that is fair and balanced, and which supports the delivery of high quality services, economic prosperity and social justice for Queenslanders.

The committee recommended the Industrial Relations and Other Legislation Bill be passed. The committee's examination of the bill highlighted key aspects of issues identified as particularly important or contentious during the inquiry process. The bill proposes to amend the industrial laws to strengthen protections, expand access to remedies for employees subject to workplace sexual harassment, and sex- and gender-based harassment.

The clear purpose of the amendments is to deter and eliminate sexual harassment and sex- or gender-based discriminatory conduct in Queensland workplaces. These provisions will ensure that sexual harassment is misconduct for the purposes of summary dismissal and allow wider powers for the QIRC to consider whether a dismissed employee engaged in sexual harassment or sex- or gender-based harassment when deciding whether the dismissal was harsh, unjust or unreasonable. Although some submitters raised concerns about the specific aspects of the amendments relating to workplace sexual, and sex- and gender-based harassment—detailed below—no submissions opposed them.

The purpose of a number of amendments is to address pay equality. According to the explanatory notes the bill introduces a new mechanism to further enshrine equal remuneration for work of equal or comparable value in collective bargaining. A number of stakeholders expressed support for those changes, with the Queensland Law Society advising that it believes these amendments may provide greater efficiency in the resolution of bargaining disputes.

The bill proposes to update the Queensland Employment Standards to ensure personal and parental leave provisions in the act are aligned with federal standards. The submitters who commented on the bill's amendments to the parental leave provisions expressed support for the increased flexibility and expanded access that those provisions will provide. However, some submitters expressed divergent views on the adoption of gender neutral language and the provisions relating to parental leave.

The bill expands the QIRC's jurisdiction to set minimum entitlements and conditions for independent courier drivers and principal contractors. The bill proposes empowering the QIRC to make orders relating to contracts which are courier service contracts in effect, though not in form, by declaring that a contract is a courier service contract. The intention is for the QIRC to balance the need to ensure a safety net for independent couriers' remuneration and working conditions while factoring in a range of other elements including, but not limited to, market conditions, business costs and financial risk. Submitters expressed diverse views about whether the objective of improving work conditions and safety for independent couriers should be addressed at the state or national level. Some stakeholders raised issues specifically in relation to on-demand delivery drivers.

A number of stakeholders expressed support for the proposed changes as a whole. For example, the Queensland Council of Unions advised it supports the provisions for independent couriers that provide them with access to minimum wages and conditions through the decisions of the QIRC and negotiated agreements between parties as well as introducing important protections against unfair contracts and dispute resolution procedures.

Collective representation is central to Queensland's industrial relations system. In return for the right to represent, employee and employer groups must be registered and must comply with the governance and reporting requirements stipulated in the IR Act. In recent years entities have emerged that seek to represent their members' or other persons' industrial interests without registering or complying with the requirements of the IR Act.

The bill seeks to reduce the risk of employers and employees being misled or confused about which entities are able to represent them, or have standing, under the IR Act. Submissions from employee organisations currently registered under the IR Act and peak bodies representing them were supportive of the amendments designed to prevent unregistered organisations from representing employees in the QIRC and imposing penalties for unregistered organisations that purport to be able to do so.

The bill proposes extending protections from unfair dismissal to an increased number of casual workers. It does this by amending the definition of 'short-term casual employee'. Submitters who commented on this issue were broadly supportive of expanding protections against unfair dismissal to more casual workers. I commend the bill to the House.