

Question on Notice
No. 1550
Asked on 30 November 2006

MR HINCHLIFFE asked the Minister for State Development, Employment and Industrial Relations (MR MICKEL) -

QUESTION:

With reference to working families in the electorate of Stafford, who are concerned about the Federal Government's *Work Choices* legislation, which has stripped many workers of protections previously provided by the Queensland industrial relations system—

- (1) How can these working families take action against these laws?

ANSWER:

- (1) Working families in the Stafford electorate are right to feel concerned about the Federal Government's *Work Choices* legislation. It threatens the fabric of Australia's ethos – the right to a 'fair go'. It erodes the living standards of working families, takes away their job security and destroys the protections and safety nets fought for and built over the past 100 years.

Under *Work Choices*, employees working for an employer with fewer than 100 employees are no longer protected from unfair dismissal; and for those employees whose employers have staff numbers greater than 100, if their employer chooses to terminate their employment contract for economic reasons, the employee must prove there was no economic reason and that it was an unfair termination.

In addition to these job security worries for families, agreements will no longer be subject to the No Disadvantage Test; a test where agreements are compared to the provisions of the award that would otherwise apply. Instead, all they are required to do is meet five legally enforceable minimum conditions. They are annual leave, personal leave, parental leave, ordinary hours and the minimum wage. Basic entitlements as well as control over hours and rosters will be able to be negotiated away in the agreement-making process.

Furthermore, an employer can use individual Australian Workplace Agreements (AWAs) to remove penalty rates and overtime and allow for the 'cashing-in' of annual leave. 'Cashing-in' means an employee may have to go without their hard earned annual leave.

That's hardly a 'fair go'; and all this was introduced by John Howard's government – a government he claims has been the best friend workers ever had. With friends like that, who needs enemies!

So what can working families do to take action against these laws?

- (a) Firstly, report any unfair work practices, to the Queensland Fair Go Hotline service. The Fair Go Hotline was introduced by the Queensland Government twelve months ago. It operates as an adjunct to the Wageline service within the Department of Employment and Industrial Relations. The two services have received over 11,000 calls concerning *Work Choices* - from both employers and employees - and about unfair treatment of workers by employers.

Some of the examples of calls received by the Hotline include:

- Instant dismissal for refusing to work excessive overtime due to family commitments: A man with over three years service was sacked because he wouldn't commit to working every weekend (on top of his Monday to Friday hours). The employee compromised and agreed to work 2 or 3 weekends a months – but his employer wasn't satisfied and sacked him.
- A childcare worker with just under a year's service was sacked for not being 'sociable and friendly' enough to the children. This worker was never provided the opportunity to address this behaviour – there was no natural justice.

This is the kind of workplace that is encouraged by these draconian Federal laws, an American-style workplace where employers are able to 'fire at will' if they choose. As a result, workers will be left with reduced wages and conditions and an uncertain future with no job security.

By exposing these unfair practices to the Queensland Fair Go Hotline, workers will make it harder for the Howard Government to defend their legislation as being fair and offering choice to employees.

- (b) The second action workers can take against these laws is to defeat the Howard Government at the ballot box in the 2007 Federal election. It is their right to send a message to the Howard Government that they don't want these unfair laws.

In the meantime, the Queensland Government continues to make inroads against *Work Choices* by increasing protection for Queensland workers:

- Amending the *Industrial Relations Act 1999* to protect minimum conditions and will strengthen the existing good faith collective bargaining provisions in the Act.
- Strengthening Child Labour laws for those young workers in the Federal jurisdiction by requiring that they are employed on terms and conditions similar to employees in the State jurisdiction and are protected from unfair dismissal; and

- Establishing the Queensland Industrial Relations inquiry into *Work Choices*.

The inquiry has confirmed that the introduction of Work Choices has resulted in a significant undermining of basic workplace rights and has left many employees with no recourse in situations where they have been unlawfully or unfairly treated.

As a result, the Workplace Rights Office will be established to advise workers, promote fair industrial practices, and investigate illegal activity by employers.

Work Choices threatens to take industrial relations in this State back to the Stone Age but by working with employees, their families and communities, the Queensland Government hopes to lessen the impact of these harsh laws.