

## Question on Notice

No. 998

Asked on Thursday, 8 June 2006

**MRS SULLIVAN** ASKED THE MINISTER FOR EMPLOYMENT, TRAINING AND INDUSTRIAL RELATIONS AND MINISTER FOR SPORT (MR BARTON)—

QUESTION -

How has the Federal Liberal Government's industrial relations changes effected Queensland families, in particular, in the Pumicestone Electorate that I represent?

ANSWER –

Since the new federal workplace laws took affect in March 2006, the Queensland Government contends that Queensland workers have become exposed to a system where, for many, there is no protection against unfair dismissal and where basic entitlements have been taken away without warning.

It is also apparent that some employers are using the new laws against employees by dismissing them without a reason or stripping away their rights and entitlements.

The impact from the federal Government's *Work Choices* will be to reduce the living standards of working families in your electorate, take away their job security and destroy the protections and safety nets fought for and built over the past 100 years.

This legislation undermines our beliefs of fairness and equity; a belief that everyone is entitled to a 'fair go'. Under John Howard's brave new IR world everything is up for grabs and this is not good for families.

Queensland families will be concerned about their job security under these industrial relations changes as there will be no unfair dismissals for many workers who work for an employer with fewer than 100 employees; and for those whose employers have staff numbers greater than 100, if the employer chooses to terminate the employment contract for economic reasons, it is the employee who must prove there was no economic reason and that it was an unfair termination.

In addition to these job security worries for families, all agreements will no longer be subject to the No Disadvantage Test. This is where agreements are compared to the provisions of the award that would otherwise apply. Instead, all they are required to do is meet the 5 minima.

The only legally enforceable minimum conditions are annual leave, personal leave, parental leave and ordinary hours. Basic entitlements as well as control over hours and rosters will be able to be negotiated away in the agreement making process.

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.

Current award conditions for working on a public holiday, entitlements to rest breaks, annual leave loading, incentive-based pay and allowances can also be modified or completely removed from an agreement by the employer.

The federal legislation makes it okay for these AWAs to be made a condition of employment for promotions, job transfers and accepting new employment. It forces employees to enter into individual agreements on terms dictated by the employer in order to obtain employment or advancement in employment.

The impact of this for families is that some employees will be forced to work longer hours to maintain their income. This will reduce the time that they can spend with their families.

Furthermore, the entitlement to existing overtime penalty rates has been effectively removed for many employees. The federal legislation gives employers the ability to make agreements with employees that average a 38 hour working week over 12 months.

Where such an agreement is in place, employers might be able to insist on an employee working 50 hours one week by claiming that these extra hours are just part of the ordinary working week averaged over a year.

For workers with family responsibilities who make averaging agreements with their employers, there are questions as to whether this provision could possibly erode their right to refuse to work overtime on the basis of family responsibilities. This is because an employer might be able to claim that the hours an employee is being asked to work are ordinary hours of work averaged over the year.

The Queensland Government recognises the importance of balancing work and family which is in part due to the increasing numbers of women entering the workforce.

AWAs often do not contain family friendly arrangements, as research conducted by the federal Minister's own department shows - 93% of private sector employees on AWAs had no additional family friendly rights in their individual agreement.

ABS statistics shows that 73 % of part time workers are women. A comparison of wages for women on individual registered agreements versus collective registered agreements confirms that women are better off on collective agreements.

Women fare much better under union collective agreements when compared to non-union agreements and individual AWAs. The ABS data shows women on union collective agreements receive higher hourly rates of pay than employees on non-union individual AWAs:

- 31.5 per cent higher for those in part time work;
- 23.4 per cent higher for casuals; and
- 7.4 per cent higher for full time permanent employees

If women are already impacted on negatively when there was a safety net there is a very real danger that this will be compounded under the new legislation.

To help Queensland employees, the Queensland Government has set up an advisory service - '*Fair Go Queensland*'. It provides fair and balanced advice in relation to the federal Government's legislation.

The dedicated hotline is assisting workers and their families wade through the complexities of the new federal workplace laws. Queenslanders are able to phone 1300 737 841 to find out in more detail how the changes will affect them, or to report unfair dismissals and unfair treatment.

In addition to establishing the hotline for employees and employers, there is a new online tool called the *Compare What's Fair* calculator. This is a very useful guide to help workers compare current award entitlements against a proposed AWA. They can also check if they will lose any current rights or entitlements under a proposed AWA. For employers, the calculator helps them ascertain whether or not they are offering a fair equivalent to the award package. The online calculator can be accessed from the Department of Industrial Relations Wageline website at [www.wageline.qld.gov.au](http://www.wageline.qld.gov.au).

We have also produced a booklet which answers some of the many questions Queenslanders will face under the new federal legislation. The booklet is available to key stakeholders and through the DIR website to help Queensland employees and employers understand the new federal workplace laws.

The Queensland Government is committed to helping workers in this state and their families and encourages your constituents to contact the hotline to report unfair practices and obtain up to date information regarding these new laws.