

## Coalition Members' Dissenting Report<sup>1</sup>

1.1 The majority report's analysis of the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022 is deeply flawed. It fails to take into account the negative human rights impacts of this bill, across a number of areas. We do not agree with the majority report of the committee and provide this dissenting report.

1.2 The majority report takes at face value the government's assertions about the impacts of the bill, rather than effectively analysing its potential human rights impacts. The analysis of the bill is highly subjective.

1.3 There are a number of specific areas that the majority report does not consider.

### ***Right to an adequate standard of living***

1.4 Under human rights law, according to advice provided to the committee in 2015, nations are 'not to unjustifiably take any backwards steps that might affect living standards'.

1.5 The question of whether or not this bill will result in a negative impact on living standards is subjective. The government says that the bill will lead to an improvement in living standards – we strongly disagree. In our view, the bill will result in declining living standards due to the impact of multi-employer bargaining.

1.6 The very likely increase in industrial action will lead to a loss of productivity in the economy and reduced investment by businesses. This reduction in investment will put downward pressure on employment and wages growth. This will directly affect the right to an adequate standard of living.

1.7 This issue was not identified in the advice provided to the committee, and is not discussed at all in the 'Committee View' section of the majority report. This is a substantial problem with the report.

### ***Right to work***

1.8 The committee was advised in 2015 that Australia is obliged under human rights law 'not to unjustifiably take any backwards steps that might affect the right to work'. The committee was further advised that there is 'a right to decent work, providing an income that allows the worker to support themselves and their family'. It is plain that this legislation will reduce the right to 'decent work' and is an

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1 This section can be cited as Parliamentary Joint Committee on Human Rights, Coalition Members' Dissenting Report, *Report 6 of 2022*; [2022] AUPJCHR 53.

unjustifiable backward step that will negatively affect the right to work. This is the case for two reasons.

1.9 Firstly, the increased level of industrial action that will flow from this bill will lead to reduced economic activity and employment. Australians who are seeking employment will be negatively affected by this, impacting their human rights.

1.10 Secondly, there will be employees who are deprived of work in their workplaces due to industrial action that they do not support. It is likely that businesses will be forced to reduce the available working hours for their employees due to the disruptions caused by this bill. These disruptions will affect employees who do not wish to be part of industrial action, as the impact on affected businesses will be such that they will be required to change their operations in a way that will affect all employees.

### ***Right to equality and non-discrimination***

1.11 The 'Public Sector Guidance Sheet' on the Rights of Equality and Non-Discrimination published by the Attorney General's department states that legislation which draws a distinction based on a person's place of residence may breach human rights laws.<sup>2</sup>

1.12 This legislation specifically focuses on location as one of the tests for engaging multi-employer bargaining.

1.13 For instance, a person who lives in one town may be affected by this law because they are drawn into industrial activities taking place in that town. This is the case because the 'common interest' test in the legislation includes location as a criteria. A person living in a different town may not be affected by the law because the 'common interest' test has not been satisfied in their location.

1.14 As a consequence, there will be different outcomes for these two individuals based on where they live. The first individual will suffer the negative consequences of the law, while the second person will not. This is inconsistent with the right to equality and non-discrimination.

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2 <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/rights-equality-and-non-discrimination>.

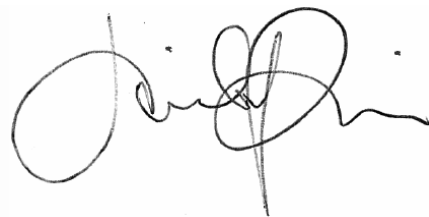
1.15 We strongly disagree with the majority report on this legislation, which fails to consider numerous human rights issues. For these reasons we provide this dissenting report.



**The Hon David Coleman MP**  
**Deputy Chair**  
**Member for Banks**



**Senator Matthew O'Sullivan**  
**Senator for Western Australia**



**Senator Jacinta Nampijinpa Price**  
**Senator for the Northern Territory**