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THE BLUEPRINT FOR REAL INDUSTRIAL RELATIONS REFORMS

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The head of Australia's national representative group for resources and energy employers will today unveil a comprehensive blueprint for reforming the country's failing workplace laws.

Abolishing the over-complicated awards system, capping compensation for 'Adverse Action' claims, revitalising enterprise bargaining and new individual agreement making options, are all key themes of AMMA Chief Executive Steve Knott's wide-ranging address (https://www.amma.org.au/wp-content/uploads/2022/03/2022-03-31_Steve_Knott_Brisbane_Club_Address.pdf) to the Brisbane Club today.

Mr Knott says it is incumbent upon both the Morrison Government and the Federal Opposition to "do better" on productivity and employment-boosting workplace reforms.

"As Australia edges closer to the 2022 Federal Election we are in an eerily familiar position. Once again, the Coalition is not proposing any meaningful industrial relations reforms, focusing instead on the economically damaging IR policies of the Opposition, such as abolishing the Australian Building and Construction Commission," Mr Knott says.

"Meanwhile, the ALP and the ACTU have seemingly dusted off the playbook from the 'Change the Rules' campaign and are pushing the same divisive, protectionist policies that failed to grab the attention of anyone outside of the union campaign bubble three years ago."

Mr Knott says the major parties should take to the Federal Election workplace policies that promote best practice in employee relations, workplace culture and people management.

Referencing AMMA's Employment Charter, he says responsibility is on policymakers to provide laws that support the competitiveness of Australian enterprise and reflect the contemporary nature of work.

"We believe Australia's industrial relations system should provide a clear safety net with world-class minimum standards and conditions that can be easily understood and adhered to by all," Mr Knott says.

"It should also provide options for employers and employees to negotiate and engage in employment relationships individually and/or collectively, with or without third party representation.

"Individuals, especially those in high paying employment, should have real options to opt-out of collective agreement making processes if they wish to do so.

"We must also recognise and accept that employment comes in multiple and varied forms, all of which are equally legitimate and mutually inclusive in the modern workplace."

AMMA is heavily opposed to announced ALP policies that run contrary to these principles, with Mr Knott taking aim at several of the Opposition's campaign themes including the poorly thought-out 'Same Job, Same Pay' for labour hire arrangements.

"The ALP's Senate Committee Inquiry into Job Security has spent the better part of the past 15 months on an extraordinary taxpayer-funded frolic around the country, hosting an incredible 26 days of public hearings, in order to concoct a make-believe crisis of 'Job Insecurity' in Australia," Mr Knott says.

"The massive beat-up about casualisation, labour hire and contracting reflects nothing more than the union movement's desire to build a brick wall in front of free market competition principles. Such policies will have extremely adverse effects on employment if Labor wins government and implements them."

Mr Knott says there are also serious concerns the union movement will try once again to force "bargaining fees" upon non-union members who end up employed under a union negotiated EBA.

"The ACTU has been attempting to justify this atrocious policy since the early 2000s, and I know from personal conversations there remains great support for this concept amongst influential union leaders," he says. "I'm yet to hear the Opposition, much less the ACTU, emphatically rule it out."

Other key policy positions from Mr Knott's address follow:

Abolishing Awards

"Australia – with our population of 26 million – is the only nation in the world that overlays an industrial awards system on top of its national minimum standards. As a result our IR legislation contains over 2 million words – nearly three times that of the Holy Bible; old and new testaments.

"If these awards made sense and were easy to follow, why are large organisations like our \$1 billion dollar plus taxpayer-funded ABC, incapable of avoiding significant underpayments. It shouldn't be beyond the capability of our policy makers to abolish awards and come up with a simpler system."

Adverse Action

"I often witness judicial officers shaking their heads pondering why the principle of natural justice is reversed in relation to Adverse Action claims; the starting point being that when a matter lands in the Federal Court, the employer is guilty until proven innocent.

"The normal legal principle of innocent until proven guilty must apply. Further, employers should be able to have their costs reimbursed for vexatious claims and there must be an appropriate cap on compensation. Six months' pay would be a logical maximum for adverse action claims."

Enterprise Agreement Making

"The government took a number of sensible changes forward through the *Fair Work Amendment (Supporting Australia's Jobs and Economic Recovery) Bill 2020*. Unfortunately, the history books will show that none of these important reforms, despite being modest in nature and heavily consulted upon, were supported by the Senate and passed into law.

"The enterprise agreement making system is on its last legs and will require a Lazarus-style resurrection to stay relevant in future workplaces. Whichever party is in government after the 2022 Federal Election must commit to re-prosecuting these common-sense reforms."

High Paid Employment Contracts

"AMMA proposes Australia's industrial relations system include a new form of statutory individual employment agreement, known as a 'high-paid employment contract'. This option would effectively allow employees earning above the unfair dismissal threshold of \$158,500 to voluntarily remove themselves from the IR system.

"The system does not allow for such simplicity. Surely adults who are amongst the highest paid in the labour market are capable of making their own decisions about their employment arrangements."

Read Steve Knott AM's full address to the Brisbane Club, *IR Reform in Australia: Dead or Just Pining for the Fjords?* (https://www.amma.org.au/wp-content/uploads/2022/03/2022-03-31_Steve_Knott_Brisbane_Club_Address.pdf)

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