

**MASTER BUILDERS AUSTRALIA INC
SUBMISSION TO AUSTRALIA SENATE
EMPLOYMENT, WORKPLACE RELATIONS, SMALL BUSINESS AND
EDUCATIONS LEGISLATION COMMITTEE
RE VARIOUS BILLS TO AMEND
WORKPLACE RELATIONS ACT**

1. Workplace Relations Amendment (Australian Workplace Agreements Procedures) Bill 2000

MBA is a member of the Australian Chamber of Commerce and Industry. MBA supports the submissions made by ACCI in relation to this Bill.

There has been a limited uptake of AWAs in the building and construction industry. Where interest in adopting AWAs has been expressed the complexity of the system has been a major deterrent to parties pursuing the matter.

AWAs are seen by some participants in the industry as the means to introduce more flexible employment arrangements. The requirement that AWAs be offered in similar terms to all employees is, however, a deterrent to those flexibilities being able to be achieved.

2. Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2000

MBA supports ACCI's submissions in relation to the proposals contained in this Bill.

MBA understands that the underlying principle of the current award provisions is to allow a party in circumstances where genuine negotiations for industrial agreements are taking place to take protected industrial action in furtherance of claims. However, the current system is open to and has been abused by trade unions, in particular the CFMEU.

In the recent Victorian building industry dispute, the CFMEU, on its own evidence in proceedings before Commissioner Merriman, claimed to have issued 2853 separate bargaining notices in Victoria alone. The further evidence was that most, if not all, of those employers had also been served with notices of intention to take industrial action.

Although ultimately industrial action was only directly taken against a minority of employers who had been given notice, by acting in this way the CFMEU was able to create a situation whereby it could have taken protected industrial action against employers in circumstances in which:

- employees of the particular employer were never consulted;
- no negotiation between the CFMEU and the employer had occurred; and
- there was never any intention on behalf of the CFMEU to negotiate an individual workplace agreement with the employers affected, the intention always being that the industry would be bound by a common agreement achieved as a result of pattern bargaining.

Restricting a union's ability to create situations in which it has a blanket right to take protected industrial action essentially across an industry will assist and encourage genuine enterprise bargaining.

3. Workplace Relations Amendment (Tallies and Picnic Days) Bill 2000

MBA makes no comment on tallies as they are not a feature in this industry.

MBA supports the prohibition on union picnic days being included in public holidays in the award. In contrast to all other public holidays provided for in the National Building and Construction Industry Award union picnic days are not days of general community significance.

The lack of significance of union picnic day is highlighted by the fact that under the National Building and Construction Industry Award, which applies in all States of Australia, a union picnic day is only recognised as a public holiday in New South Wales. Even then there is a provision which allows for an employer to hold a regular picnic for their employees on some other day other than union picnic day and that day may then be taken as a holiday in lieu of the union's picnic day. The status of the union's picnic day is thereby further diminished. Quite simply union picnic day is only in the award in relation to New South Wales to bring that State into line with the number of public holidays which exist in other States covered by the award.

4. Workplace Relations Amendment (Termination of Employment) Bill 2000

MBA generally supports the submissions of ACCI.