



National Farmers'

FEDERATION

**SUBMISSION TO THE SENATE EMPLOYMENT, WORKPLACE
RELATIONS AND EDUCATION COMMITTEE INQUIRY INTO THE
WORKPLACE RELATIONS (RESOTRING FAMILY WORK BALANCE)
BILL**

MAY 2007

Introduction

1. The National Farmers' Federation ("NFF") seeks to provide information to the Employment, Workplace Relations and Education Committee ("the Committee") in relation to the *Workplace Relations (Restoring Family Work Balance) Bill* ("the Bill").
2. The NFF has previously provided submissions to the Committee in relation to the *Workplace Relations (WorkChoices) Bill* that passed through Parliament and commenced on 27 March 2006. The NFF supported the passage of this legislation.
3. The NFF does not support the passage of the Bill.

Guarantee of leave in lieu of public holidays worked, paid at time and a half

4. The current legislation requires that, in considering whether it is reasonable to request or require an employee to work additional hours, employers must have regard to whether those hours fall on a public holiday. It also provides for consideration of the operational requirements of the business, or whether the employer has given notice that the additional hours will be requested of the employee. Importantly, the employee is given equal entitlement to furnish the employer with notice they cannot work. The NFF submits that the existing legislation already provides for a sufficient balance of the interests of the employer and employee.
5. The operational requirements of a significant proportion of agricultural employers include work on public holidays as an inherent requirement of employment – for example, dairy farms must milk on a daily basis, fruit must be harvested at precisely the correct time, and cattle must be moved and fed when and as required. The NFF submits that agricultural employers and employees alike recognise this as fundamental to the nature of working in the sector.
6. The NFF rejects the provisions within the Bill requiring an employer to negotiate with an employee in the event they wish to request an employee to work on a

public holiday. First, employees in the sector are largely accustomed to the need to work public holidays; second, the requirement introduces practical difficulties and red tape. The NFF believes the existing legislation sufficiently provides for agreement between employers and employees, with notice, of days to be worked in addition to ordinary days or hours worked.

7. The NFF supports flexible arrangements at the workplace, agreement making and the role of negotiation between employers and employees. Accordingly, the NFF does not support provisions prohibiting the requirement to negotiate public holiday work out of Australian Workplace Agreements (“AWA”).

Guarantee of meal breaks

8. The current legislation provides for meal breaks after five continuous hours of work. The NFF notes that the Bill merely seeks to prohibit this guarantee from being bargained out of and AWA. The NFF reiterates its support for flexible arrangements between employers and employees and accordingly, does not support these provisions.

Definition of maximum ordinary hours of work

9. The NFF notes provisions within the Bill that seek to define maximum ordinary hours of work. The NFF does not support the definition within the Bill that adds to the existing definition that maximum ordinary hours of work must be between 6:00 am and 12 midnight. The NFF submits that many jobs, such as milking at a dairy, require start times earlier than 6:00am, and this provision would unfairly impose higher pay rates for a part of each and every day.
10. The NFF submits that maximum ordinary hours should be 38 hours plus reasonable additional hours, having regard to the industry standards and the operational needs of the individual business.

Guarantee of time and a half for overtime

11. Further to the NFF's contention that provision in the Bill for maximum ordinary hours of work to be between 6:00am and 12 midnight disadvantaging many employers in the sector on a daily basis, the NFF does not support the introduction of a guarantee of time and a half outside these prescribed hours.

Redundancy entitlements

12. The NFF does not support provisions extending the periods in which employers remain bound by redundancy provisions.

Conclusion

13. The NFF is concerned that the Bill apparently seeks to introduce greater administrative burdens on farming businesses, with little substantive change to the rights or interests of employers or employees. The NFF is further concerned that the Bill seeks to remove flexibility surrounding agreement making.
14. The NFF is further concerned that provisions within the Bill such as the prescriptive further definition of maximum ordinary hours of work will unduly disadvantage many farm employers with employees who start before the prescribed hours. These employees are able to finish their shift early, which would inevitably suit many with children sharing parental responsibilities.