

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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Dear Sir/Madam



I am writing to you as a concerned citizen in regard to proposed changes to the Industrial Relation Laws. I am appealing to your conscience and economic reason to consider the issues that I have with this proposed legislation.

See the main problem I see is that it gives the employer the option of choosing the individual contract over an award or collective bargaining. Knowing human nature where self-interests prevails, the employer will choose workers that will sign AWAs or individual contract agreements!

Although the legislation says award conditions and pay rates will be maintained, the employer doesn't have to agree to this option. If s/he wants to save money then it will be cheaper to employ workers on individual contracts. The problem is that ultimately power rests with the EMPLOYER. If a worker applies for a job and wishes to maintain award wages and requests this from the employer, the employer doesn't have to employ him/her. S/he can decide to give the job to the worker who will sign an individual agreement that involves removing such things as public holiday pay, sick leave pay, family leave, holiday pay, etc.

Also, cheaper salaries on individual contracts means people have less money to spend on the weekend on socialising and holidays. This will ultimately effect the hospitality and tourism industries as if people have less take home pay, they have less money to spend.

Another issue I have with this proposed legislation is the deceptive message giving in the commercials and handbook. It's the EMPLOYER that has the choices and power not the worker! Since most will decide on individual contracts with their workers, this will create a great power imbalance. The worker will have no choices or options and will be forced to sign the contract if they want the job. The EMPLOYER will be the winner dictating the terms of the working relationship.

With the present system of collective bargaining that has setup current award wages and conditions, every worker gains the same rights and pay rates per job. The problem with this proposed legislation is that with individual contracts, the pressure is placed on the person to try to claim these same pay rates and conditions. This requires confidence and assertiveness. The problem is not every person has this ability to sell themselves and demand the best conditions. The worker can feel intimidated by their employer and therefore lessen their ability to negotiate a fair and equitable agreement. And fear of not getting the job will mean they will sign away a lot of their conditions to ensure the employer gives the job to them.

Another problem with the proposed legislation is that it sides with the business community. Since employers can take the easy solution of the individual contract, business will ultimately save money with cheaper labour.

The legislation seems to denote an attitude that the employer can be trusted and always acts morally and ethically especially towards their workers. There seems to be this idea that an employer can be trusted, is a moral and an ethical person. Since most

will choose the individual contract option, ultimately the employer becomes the 'Industrial Relations Tribunal' since they will dictate the terms of the agreement with the worker. The worker will have little recourse in this process. The Fair Pay Commission will be a 'toothless tiger' since it will not contravene in most individual contracts.

Another concern is that the take home pay will diminish for most workers when employers choose the individual contracts. The worker will be worse off and have less money to support their family. This will have a trickle down effect, deteriorating family life since such things as family leave will be lost. So if the worker has a sick child and needs to go home, if this leave isn't allowed under the individual agreement, then the worker would potentially be forbidden from spending time with his/her sick child.

And I appeal to those of you with Christian and social justice values to understand the social injustice happening here. Workers' rights are human rights!! And diminishing workers' rights will happen when the majority of employers place the worker on individual contracts.

In Conclusion I feel these laws are biased towards the EMPLOYER, not the EMPLOYEE. Because the fact of the matter is that the employer/business has the bargaining power and will choose workers that will sign an individual agreement.

I believe these laws are inequitable. If this legislation is imposed, I believe it will wind the clock back a 100 years in terms of workers' rights and conditions fought hard for. I look forward to your response. Thank you.

Yours sincerely
Bettina Quatacker