

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

## **Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005**

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## SENATE SUBMISSION

### **Ethnic Communities' Council fears Industrial Relations reforms will leave ethnic workers worse off**

The NSW Ethnic Communities' Council (ECC) fears the Federal Government's new WorkChoices reforms introduced in Parliament on Wednesday will adversely affect ethnic workers and new migrants, many of whom are employed in low skilled, low paid jobs or receive government welfare payments. The impact of the legislation on ethnic community is something which has to date escaped media scrutiny.

Due to language difficulties or lack of formal education, many people from non-English speaking backgrounds work in those sectors of the economy that lack the industrial muscle or the opportunities for productivity increases to secure improved conditions through enterprise bargaining. These people are entirely dependent upon the award conditions currently determined by the Australian Industrial Relations Commission. We fear that in the future, the new Fair Wage Commission will not provide these people with the minimum wages necessary to maintain reasonable standards of living. Keeping minimum wages low appears to be purpose of the new Fair Wage Commission. Otherwise, what's the point of setting up this new body to do the same job currently done by the AIRC?

We are also concerned about the ability of employers to take away basic award conditions for public holidays, rest breaks, penalty rates, and overtime loadings in AWAs and agreements offered to workers on a take it or leave it basis. Though this will eventually affect all people who switch between jobs, the most immediate impact will be felt by new entrants to the workforce such as immigrants looking for work. While the laws may require employers to lay down on the negotiating table the award conditions that will be stripped away, this will make little difference in reality. When you work in a low-skilled sector and Centrelink is threatening to take away your payments, what choice do you have but to accept what the employer is offering? Language barriers will be a further disadvantage for those bargaining individually for an agreement.

Taking away the ability of workers to claim unfair dismissals for businesses with less than 100 employees will also mean hardships for many in the ethnic workers, many of whom work for small employers. These people are already much more vulnerable to harsh or unfair treatment by employers compared to their counterparts in larger companies, which are generally subjected to much more public scrutiny and have better HR functions. Given the unlawful dismissal provisions remain unchanged under WorkChoices, it is likely many sacked employees will try to file their claim as an unlawful dismissal on certain discriminatory grounds rather than as an unfair dismissal. However, it will be much more expensive for the sacked worker to lodge a unlawful claim in the courts rather than in the AIRC which currently deals with unfair dismissals.

We are concerned that many in the ethnic community will not understand the complicated changes to their working conditions. For such a fundamental change to the industrial relations system, it would have been appropriate to provide information about WorkChoices in different languages. Instead, the Government produces a 68-page booklet which is beyond the reading ability of most Australians, not to mention Australians from non-English speaking backgrounds. Other advertisements about WorkChoices on television or newspapers are one-sided and totally uninformative and do not assist people to understand changes to their rights.