

## **Individual Agreements Will Disadvantage Nurses and Midwives**

I am a registered nurse who would like to express my lack of confidence in the choice that some workers in the health care industry will have over a range of their conditions. In particular the format and content of agreements they will be asked to enter into.

The bargaining capacity and the ability to negotiate an individual agreement are subject to economic, political, cultural and societal factors. These factors have a greater or lesser impact depending on, among other things, a person's sex.

The Australian Bureau of Statistics (ABS) data released early in 2005 indicates that:

- Women covered by collective agreements have an hourly wage rate 11 percent above women on registered individual contracts.
- Casual workers on AWAs are paid 15 per cent less than workers on registered collective agreements.
- Permanent part-time workers are paid 25 per cent less on AWAs.
- Permanent part-time employees on "award only" conditions earn an average of 8 percent more than AWA workers.
- Employees already on AWAs report finding the intensity of work more difficult to deal with and have greater difficulty balancing work and family commitments than other workers

Approximately 282,000 people are nurses and midwives working in the Australian health care sector. These professions have a large casual and part-time workforce and are predominately female. Thus, the data released by the ABS has implications for nurses and midwives.

The ABS data indicates that the future salaries and conditions for many nurses and midwives are likely to erode if they negotiated through individual AWAs. In my opinion this erosion will not be comparable to professional groups where the number of male workers is higher.

## **Acknowledge Fair Pay and Conditions for 24 Hour Services**

Nursing and midwifery are professions that frequently support 24 hour 7 day a week services and are compensated through penalties, overtime and allowances. A concern I have regards the proposal to replace the no-disadvantage test with a "fair pay and conditions" standard because there is not acknowledge of compensation such services.

Reduction of employment conditions from 20 to five minimum standards, risks conditions like weekend, shift and public holiday rates; overtime; redundancy pay; allowances; and casual loadings as they are not considered a minimum standard. To ensure that fair pay and conditions are maintained for this group, additional standards, above the minimum five, are required.

## **Control Loss over Hours of Work and the Impact on Families**

I am also concerned about the proposal to remove the right of 95% of the private sector workforce from unfair dismissal laws. For nurses, this will constitute the bulk of the aged care industry. As I understand the proposed changes, these people will no longer have access to a low cost, independent remedy should they be dismissed unlawfully.

Nurses working in the aged care industry are currently paid 23% less than their public sector counterparts. They are also often part-time employees. An expectation that they will have the financial resources to engage in legal action should they be unfairly dismissed does not acknowledge that financially many will not be in a position to do so.

In addition, by reducing the scope of the jurisdiction of the independent umpire, the Industrial Relations Commission, I believe that some people working in organisations of less than 100 people, who claim to have been sacked unfairly, will potentially be denied an opportunity to appeal.

As I understand the proposal, although sacked workers on individual contracts could still sue employers for breach of contract by pursuing expensive legal remedies, but those on awards or enterprise agreements will have no recourse.

Many people are dependent on their employment to meet living costs such as mortgage repayments I believe that under the proposed legislative changes the potential risk will exist for some workplaces will become places where people are fearful of their future employment, where they are too worried to raise legitimate concerns, and where they are stressed about the future of their family income. In such circumstances I believe that employees will place the need for an income over family needs.

Under the proposed legislative changes, as I understand, employers will be able to exercise an unparalleled and unfair say over your 8-ten hours a day at work. This could occur if employee:

- Are coerced onto individual contracts
- Lose the ability to get a ruling from the Commission when concerns are expressed about legitimate unresolved workplace grievances
- Are sacked if an employment issue leads to a dispute with the employer– without appeal to a fair process, or the protection of legislation.

If this occurs, and there will be a potential for this in some workplaces, the impact to families especially children will be detrimental.