



**Parliament of Australia Senate – Enquiry into the Workplace Relations  
Amendment (WorkChoices) Bill 2005**

Submission by Tanya Barton

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I am employed by Marrickville City Council, located in the Inner West of Sydney. I have worked with the Council for 22 years.

I work at the Enmore Children's Centre as the Centre Director.

I feel compelled to make this submission to the Senate enquiry because I have grave concerns about the direction in which our society will be heading if the Government's proposed industrial relations legislation becomes law.

There are 13 of us employed at the Centre. With the exception of casual staff, the workforce of the centre is entirely female. We have 40 children at the Centre each day. We support a community of families that live in the area and use the Centre as a part of their ordinary working lives.

My conditions of employment and salary are set by the Local Government (State) Award. I have looked at the WorkChoices policy and am horrified at the huge number of conditions that will be stripped from the State Award, some immediately, and some over the course of the next few years.

One of the most important conditions under threat is our right to skills based pay. The child care industry is a low paid industry. We have a female dominated workforce and because we work with young children we tend not to attract the same level of respect and value that is attributed to other employees, particularly other professionals. But in local government our wages are somewhat better than in the private sector. This is partly because we have skills based career paths. When skills based career paths were introduced in the early 1990s we got pay increases because, for the first time, our jobs were evaluated on the basis of our skills rather than our bargaining power. We still have problems with pay equity, but I am absolutely certain that things will not get any better if skills based career paths are removed from the award. The individual contracts promoted by WorkChoices will make things even worse.

On the 1<sup>st</sup> of November 2001 I was present at the NSW Industrial Relations Commission when Justice Schmidt handed down a decision approving the inclusion of paid maternity leave in our State Award. There was an extraordinary moment of celebration as the room broke into applause as the Judge gave her decision. The campaign for this entitlement saw women from a diversity of backgrounds from across NSW bring their personal stories before the Commission in support of the argument for paid maternity leave. Initially there was strong resistance from many councils against including this entitlement in the state award. Without the involvement of the Union (the United Services Union), the employer associations (the Local Government & Shires Associations) and the independent umpire (the Industrial Relations Commission) there is no way that this entitlement would now be a common feature of employment in NSW local government. We now have a safety net

entitlement of 9 weeks leave at full pay, or 18 weeks at half pay. You can also use long service at half pay after 5 years at council.

**I AM ABSOLUTELY OUTRAGED THAT THE FEDERAL GOVERNMENT NOW PROPOSES TO MAKE PAID MATERNITY LEAVE A NON-ALLOWABLE MATTER IN AWARDS.** Sure, these provisions might be protected for a few years while we are in "transition". However, if our Award is converted to become an "agreement" I understand that there is nothing to stop the employers stripping this condition away in the future. I was personally involved in this campaign and I can assure you that many Councils only extended this condition of employment to their female workers because the condition was put in the Award. If it comes out of the award this basic right for working families will be seriously eroded.

Because I work in a child care centre I am in day-to-day contact with working parents. The high cost of living in Sydney means that many families must have both partners working in order to keep the household going and pay for the mortgage. Having access to decent Award conditions is crucial in keeping some kind of balance in the strain between a family's work and home life. On reading through the WorkChoices policy I was astounded to see that Awards clauses dealing with work and family provisions are actually "non-allowable" under the proposed legislation. The Local Government (State) Award has a clause which enables flexibility for work and family responsibilities. The clause means that employers are not allowed to unreasonably withhold an agreement for flexible work and leave arrangements to enable employees to attend to work and family responsibilities. How can the Federal Government take these conditions away from Awards and still maintain that WorkChoices provides for a fairer industrial relations system? I am angry about the misleading advertisements that I see on television and hear on the radio that suggest that workers will be better off under the new system. If you look at the truth of what the Government is doing to our State Award, it just does not stack up.

Our State Award provides for 15 days sick leave, which is cumulative and can be taken either for sick leave or carer's leave. The WorkChoices legislation imposes a standard which only guarantees 10 days cumulative personal leave per year. Additional carer's leave is unpaid. This is another loss for working families.

The list of employment conditions that will be stripped away from the State Award is quite extraordinary. In local government we have a real problem with high levels of casualisation. Management are often tempted to try and move employees from permanent employment onto fixed term contracts. Our Award places restrictions on the employment of casuals and the use of fixed term contracts – I understand that the Workchoices legislation will remove these restrictions, making our work less secure. Mandatory employee consultation is also at risk. The State Award makes it necessary for council to consult with employees and the Union before major changes are introduced, like redundancies. Working in a political environment, particularly at the grassroots level like local government, means that consultation is really important. Otherwise employees can become caught in the cross fire in factional wars between the different political interest groups. We need the protection of the award and a decent system of conciliation and arbitration to protect our rights to a fair and decent work place and secure employment.

Basic entitlements such as long service leave and annual leave will also be removed from the Award resulting in the further loss of conditions. Why should our existing leave entitlements in our award be stripped back?

For me, the greatest impact will probably be in my wages. The Award has provided solid general increases averaging at about 3.5 percent a year over the last 10 years. I have no confidence that the so-called "Fair Pay Commission" will act as a truly independent body in maintaining a decent standard of living for Australian workers.

Last but not least I am worried about the loss of union rights from the award. The State Award provides for some basic Union rights such as allowing access to paid leave to attend accredited union training sessions and the Union's Biennial Conference. These forums enable workers in our industry to develop policy initiatives for the improvement of working conditions and learn how to protect working rights won through the Award and local campaigns. By removing rights to paid leave and other Union rights the WorkChoices proposal is a blatant attempt at robbing Australian workers of a truly independent voice and representation.

I urge the Australian Senate to reject the Workchoices legislation.

I would be more than happy to give evidence at the enquiry.

*Tanya Barton*

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