

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

Submission no: 59

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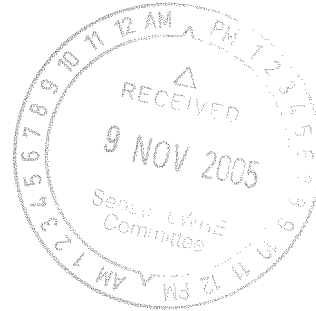
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THE UNITING CHURCH IN AUSTRALIA
QUEENSLAND SYNOD
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The Secretary
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Dear Sir or Madam,

RE: Inquiry into the *Workplace Relations Amendment (Work Choices) Bill 2005*

I write to express my support for the submission from National Assembly of the Uniting Church in Australia. Due to the short amount of time allowed for submissions to this inquiry and the length and complexity of the legislation, the Uniting Church justice agencies took the decision to submit one major submission on behalf of all Synods and agencies. It received contributions from the across the country including the Queensland Synod and represents our position.

In addition to our support for the National Assembly I would like to make a few submissions. The Uniting Church has a two-fold responsibility:

1. The Church has always had a role as a voice for the poor and marginalised. It believes Christ calls us to play a role as an advocate for those who are voiceless. It is therefore important in relation to legislation which will affect the lowest paid in our community that we seek to respond; and
2. The Church is a major employer. In Queensland it is the second largest employer in community services after the government and, therefore, has a significant role in the employment situation of many Queenslanders. The Church has a policy of ethical employment which will be affected by such legislative change and therefore will have a significant impact on the Church as an employer.

It is with that in mind that we make the following submissions:

1. We are concerned about the exemption of businesses with less than 100 employees from unfair dismissal laws. We have two concerns about this:
 - a. It will limit access to an affordable legal process for unfair dismissal and make compensation almost impossible for the vast majority of employees; and
 - b. It will create a two-tiered system for unfair dismissal laws. Further, there has been no reason nor any research provided as to why the figure of 100 employees was chosen as the cut-off.

2. We are concerned about the changes to the system for setting the minimum wage. While the AIRC has been responsible for setting the minimum wage, the test has been related to what was fair and equitable for the employee, particularly in relation to providing a reasonable wage for living. The Fair Pay Commission has as its mandate economic prosperity. One of the key measures of economic prosperity is low inflation. The experience of Great Britain has been that as a result of focusing on economic factors the minimum wage is incapable of keeping up with inflation.
3. We are concerned about the emphasis on individual agreements between employers and employees. While not all employers actively seek to exploit their employees, it is important to protect employees from that risk. We believe the reduction in the conditions determined by the AIRC, the elimination of the “no disadvantage test” and the ability to cash in entitlements such as annual leave creates a greater level of inequality in the system. It has the potential to create two problems:
 - a. It can limit an employee’s bargaining power by removing the built-in safeguards; and
 - b. It can create a “working poor”. Where a job does not provide a reasonable standard of living, the unemployed may take a job anyway under the threat of losing welfare payments.
4. Finally we are concerned about the impact the Federal changes will have on employees who remain under the state system. It is unclear to what extent this will create inequities within the system due to the diminished role of the Australian Industrial Relations Commission (AIRC). It remains beholden upon the Federal government to make arrangements to avoid inequity arising within the system because it is the Federal government who is making the case for change.

These four issues have the potential to create an industrial climate which is driven by market forces and the economy. Christian teaching has always believed there is more to life than wealth creation and pointed to Christ as the source of meaning and purpose. A continued focus on wealth and the economy is likely to have two serious consequences:

1. The inequality between rich and poor will grow. Those who have skills which are in demand will be able to negotiate their own terms while those who are unskilled will be forced to accept whatever terms they are offered. As a church we believe we are called to be a voice for the voiceless, particularly the poor and marginalised. We do not believe that the rights of those who are on low wages should be sacrificed for the good of some perceived economic good nor do we believe any job is better than no job. This sort of philosophy inevitably leads to exploitation.
2. The sacrifice of family commitments in order to work longer hours. While the government has constantly reiterated that it is unlawful to sack a worker on the basis of “family commitments”, as was outlined above, it will be increasingly difficult to challenge such a termination. The offer of \$4000 for legal advice is unlikely to go very far in such a situation. The erosion of penalty rates will also mean that people are not compensated for working at times which are unsociable.

All of these issues are explored more fully in the submission from the National Assembly.

It has been extremely disappointing that the government has limited the time for submissions and hearings for the Senate inquiry into this important legislation. We believe there are serious problems with the legislation that need to be changed in order to provide greater protection for the poor and marginalised in society. As a major employer in Queensland, particularly through our agency UnitingCare, who employs 15,000 Queenslanders alone, the Church continues to uphold its policy of ethical employment. This will become increasingly difficult under this new legislation. While the government continues to assure us that no employee will be forced to change their employment conditions, in our highly transient workforce this protection will not last long.

I call on the committee to extend the time for this inquiry so proper time can be given to the full implications of the legislation. I also ask that the government take serious consideration of the issues raised in both this submission and the National Assembly submission. Once again, I commend the National Assembly's submission to the committee.

Yours faithfully,



Rev Dr David Pitman
Moderator
Queensland Synod
Uniting Church in Australia

