# Submission

to

## Senate Employment, Workplace Relations and Education Legislation Committee

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

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**Submission no:**   82

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**Submitter:**   Mr John Rouw
Solicitor

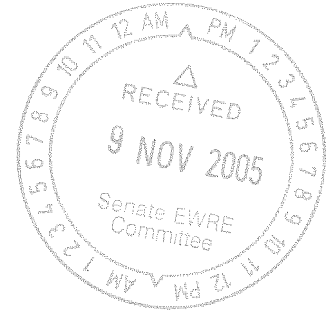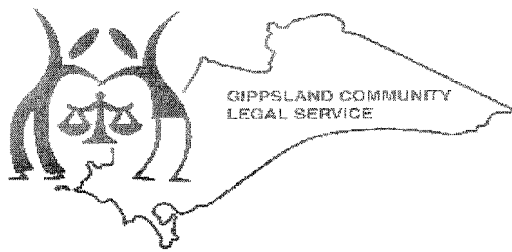**Organisation:**   Gippsland Community Legal Centre

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9 November 2005

Secretary
Senate Employment, Workplace Relations and Education Committee
Department of the Senate
Parliament House
CANBERRA                    2600

**By email**

Dear Secretary,

**Work Choices Bill 2005**

The Gippsland Community Legal Service (GCLS) would like to thank you for the opportunity to make a submission to the inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005.

*Who we are*

GCLS is an independent, non-profit, generalist legal service. GCLS's mission is to ensure access to justice for all members of the Gippsland community by providing legal advice and advocacy, empowering individuals and groups through community education, and advocating for law reform to remove systematic injustice. GLCS has a focus on disadvantaged and special needs groups that include youth, people who have a physical disability or mental health problems, and people in remote areas.

GCLS is a member of Victoria's Federation of Community Legal Centres (FCLC) and the National Association of Community Legal Centres (NACLC).

*The Inquiry*

GCLS expresses its concern at the arbitrary terms of reference relating to the inquiry in to this significant package of proposals and the short period of time allowed for submissions on it. GCLS reserves the right in a democracy to make submissions on all aspects of the bill.

*Submission*

GLCS wishes to highlight the following concerns:

- That the bill is predicated on consciously taking advantage of the often-weaker bargaining position of many workers and working families. It has the potential to harm, in particular, those disadvantaged by such difficulties as lack of education and training, language skills, confidence, and job opportunities in their communities, including rural and regional areas. An employment relations system should have as a key focus the protection of the vulnerable instead of allowing employers to take advantage of vulnerability.
    - Refer to, eg, Part VIA Minimum Entitlement of Employees. GCLS, which assists disadvantaged clients terminated in unjust circumstances, is concerned at the

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program in
partnership with the local
community"*

removal of unfair dismissal mechanisms for nearly 4 million Australians; and at the ease with which employers will be able to terminate for "operational reasons".

- That the bill represents a failure of leadership on the part of the Federal Government and sections of the business community in that it seeks to have Australia compete in a global race-to-the-bottom on wages and conditions instead of promoting innovation and excellence.
    - Refer to, eg:
        - Part IA The Australian Fair Pay Commission. GLCS is concerned, for example, that the Government intends for this institution to allow minimum wages to be eroded in real terms
        - Part VI Awards. GCLS is concerned, for example, that such progressive developments as minimum hours for casuals and rights to convert from casual to permanent work and to part-time work after parental leave will be eroded.

- The bill emasculates the Australian Industrial Relations Commission (AIRC), which has represented a neutral umpire within the context of disputes between employers and often otherwise relatively disempowered employees.
    - Refer to, eg, Part VIIA Dispute Resolution Processes. GCLS is concerned that the AIRC role's in agreement making and disputes will be cut.

GCLS wishes to reiterate that, drawing on its experiences working with disadvantaged members of community, it is concerned that the negative impacts of the Work Choices bill would be felt most keenly by those not in a position to deal with those impacts.

Please don't hesitate to contact us if you wish any further information.

Yours Faithfully,



Gippsland Community Legal Service