

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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Introduction

The Australian Greens Victoria (AGV) welcomes the opportunity to make a submission to the Inquiry. In doing so, its first recommendation to the Committee is that it should recommend to the Senate that it re-commit the Bill to a proper Senate Inquiry with at least 30 days of public hearings over not less than two months, so that at least some of the thousands of organisations and individual Australians who have made submissions can have the opportunity to present their case to a proper Inquiry.

The Australian Greens is a political party that forms part of the Australian Greens. It has comprehensive policies on the industrial relations, which are consistent with its general principles Social Justice, Sustainability and Democracy.

The AGV calls upon the Senate to reject the so-called WorkChoices Bill. The Bill represents the single largest re-distribution of power from employees and their unions to employers and the State since Federation. It has more to do with settling old scores and destroying perceived enemies than with any economic or even public policy considerations.

While the Bill includes literally hundreds of pernicious provisions and is highly complex, the AGV wishes to draw the Senate's attention to the following general points;

Fair Pay Commission

There is no proper rationale for removing the AIRC's power to arbitrate wages and salaries. The only probable explanation is that the Government, by changes of personnel in the Tribunal, legislative criteria



and procedure and removal of the independence from the wage-setting tribunal, that the Government wants to achieve its objective of reducing minimum wages. Women, the young and the poor are all disproportionately dependant on Award wages. These are the people who will suffer from the changes.

Unfair Dismissal

The very idea that the industrial rights of employees should be dependent on the size of their employer is self-evidently unfair. The Senate should seek the restoration of rights for probationary and all casual employees to challenge unfair dismissal. Studies have indicated that sexual harassment is more prevalent against new employees and employees in small business, The idea that “unlawful dismissal” laws through Federal Court will protect these employees is ridiculous. The “operational requirements” provision which will allow contrived redundancies leaves very little chance for justice for employees.

Collective Bargaining

The primacy given to AWAs, and the option for non-union collective Agreements will put Australia in direct and fundamental breach of its obligations under ILO Conventions. There must be no statutory scheme for individual contracts, especially where employees can be denied the opportunity to collectively bargain by being forced onto such Agreements. Employers should be required to collectively bargain in good faith with unions which represent employees, and industry-level bargaining should be permitted.

Industrial Action

The secret ballot provisions are absurdly complex and there is no evidence that they are necessary. In the current context where the decision to participate in industrial action is already guaranteed by law to be an individual decision, it is absurd to deny that individual right by requiring a collective vote to authorise it. Industrial action should be permitted in support of multi-employer claims, and pattern bargaining should be permitted. In many industries, pattern bargaining supports quality, safety and work-standards, and in this respect it should be encouraged. The Ministerial power to cancel bargaining period by fiat is totally inappropriate.

Trade Unions

The entire Bill is hostile to trade unions. The AGV's policy proposes that it should be an aim of public policy to promote the growth and development of trade unions. For example, Trade Union Training should be supported by Government as part of our education system, and the law should ensure that unions have sufficient legal capacity to represent employees, prosecute breaches of Awards and Agreements, enter premises for the purposes of recruitment and inspection.

Ministerial Power

The power for the Minister to arbitrarily deny employee entitlements in Awards and Agreements by making regulations declaring any matter to be "non-allowable" or "prohibited" is wholly inappropriate, as is the Minister's power to terminate a bargaining period.

Recommendation

The AGV recommends that the Senate reject the Bill.