

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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This submission is made on behalf of the Uniting Church in Australia NSW Synod, which encompasses all Uniting Churches in NSW and the ACT). In September this year the Synod at its annual meeting considered the proposed changes to workplace relations legislation and opposed some of the proposed directions. This was communicated to all members of the Australian Parliament.

An examination of the WorkChoices bill shows that our concerns have not been addressed. We support the national Uniting Church submission to the Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005, which explores Uniting Church concerns in some detail.

Some of the matters of particular concern to the NSW Synod are

- The proposed Fair Pay Commission – it is clearly inferior to the AIRC process with regard to qualifications, process, parameters, accessibility and accountability
- The ability of AWAs to remove award conditions; even when an agreement is terminated, only the APCS will apply, not the award.
- The abolition of unfair dismissal protections for workers where there are less than 100 employees, and the expansion of the concept of “operational reasons” for termination where unfair dismissal law continues to apply
- The overriding of state legal protections for workers

In addition, as the national submission points out, some aspects of the bill appear to create difficulties for the church as employer.

These matters and other matters are explored more fully in the national submission from the Uniting Church in Australia

Yours sincerely

A handwritten signature in blue ink that reads "Jim Mein". The signature is written in a cursive style and is positioned above a horizontal line.

Jim Mein
Moderator, NSW Synod

INDUSTRIAL RELATIONS

203/05S

Resolved

That the Synod

- (i) requests the Moderator to write to the Prime Minister, Premier of NSW and Chief Minister of the ACT, and the Leaders of the Federal, NSW & ACT State/Territory Oppositions, with copies to all NSW/ACT Members of Federal and State/Territory Parliaments, and peak bodies representing employers and trade unions clearly stating that the synod affirms the following guiding principles relevant to the current debate on workplace relations which are consistent with the Synod's 'Church as Employer' principles adopted in 2001:
 - (a) The right to work and the receipt of an adequate and fair remuneration is a fundamental aspect of human dignity, respected as such in the Judeo-Christian tradition and in the international human rights instruments.
 - (b) All Australians share rights and responsibilities. Rights include the right for workers to be remunerated in a fair, just and transparent manner and the right to have open access to collective protection. Both employees and employers have the responsibility to carry out their duties in a responsible, ethical and lawful manner.
 - (c) Legislation governing industrial relations should have due concern for the needs of families and individuals in society who are poor, lesser skilled, legally vulnerable and economically disadvantaged.
 - (d) Any employee has the right to choose collective bargaining as the means of protecting their well being; this must be undertaken in a personally responsible manner and with adherence to orderly and safe legal and social behaviour.
 - (e) An employee has the right of access to membership of associations and unions to advocate minimum rights and advance labour benefits.
 - (f) Changes to workplace relations can affect the health of workers, families and the community.
 - (g) Governments have a responsibility to ensure that there is a statutory body to oversee industrial

relations, and that this body ensure that workers receive a living wage with regular increases that, at a minimum, compensate workers for increases in the consumer price index.

- (ii) rejects the general directions of the Federal Government's proposed changes to workplace relations legislation including the following:
 - (a) An Australian Fair Pay Commission to replace the wage setting role of the Australian Industrial Relations Commission.
 - (b) The increased use of individual contracts (Australian Workplace Agreements) instead of awards and the erosion of award conditions, and therefore the increased reliance on individual workers negotiating their own pay and conditions no matter how ill equipped they are to do so; considering the lack of reasonable leverage available for an individual employee under such negotiation conditions.
 - (c) The abolition of unfair dismissal protections for workers in organisations with less than 100 workers.
 - (d) The overriding of most state awards and worker protections in state industrial relations law such as the requirement that casual jobs after a set period be converted to permanent positions.
 - (e) The removal of legislative protections that ensure independent contractors receive remuneration and conditions at least comparable to employees doing similar work.
- (iii) declares that it will continue to follow the 'Church as Employer' principles and work with employees and unions to oppose the erosion of workers' rights and protections, noting that it will be more difficult to do so if the government's proposed workplace relations changes are implemented.
- (iv) commits itself to praying for the Australian Government, Opposition, all Members of Parliament, employer bodies and trade unions, and for all workers, that they may continue in their contribution to the making of Australia as a just and fair society which upholds and respects human rights and the associated responsibilities for all.

(formal majority)

