

Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

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“TWU WORKING FOR ITS MEMBERS”

File Number KJL: 05/270

9 November 2005

Secretary
Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005
Senate Employment
Workplace Relations & Education Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

RE: Workplace Relations Amendment (Work Choices) Bill 2005

In relation to the above the Transport Workers Union of Australia (Queensland Branch) (TWU) would like to submit the following:

The Bill that is being proposed by the Howard Government is a disgrace to all Australians and threatens the livelihood of those workers and to family life as we know it.

The thrust of the proposed bill is in the view of the Howard Government a system that will provide “on balance” a better workplace. The words “on balance” are words that need to be looked at very carefully in their interpretation that “on balance” when conditions are reduced the only possible outcome is a reduction in wages and conditions.

There has been no justification for any changes of this kind.

I have set out below some headings that this submission makes reference to;

A Unitary System:

The TWU is strongly opposed to the unitary system jurisdiction in Australia. The TWU is opposed to the slashing of many and most hard earned conditions of employment from the seven (7) jurisdictions that have been fine tuned over 100 years of conciliation and arbitration. From the Harvester Decision in 1907 to this proposed bill, this bill is a “slash and burn” exercise by the Howard Government. For the workers of the country it will mean that this the lucky country is now the death of a lucky country.

Unfair Dismissal Provisions:

What the Government in proposing to exempt corporations with 100 or less employees from the provision of the new Act. This is a serious error. There are and will be employees, that the decision to terminate their services, was and is harsh, unjust and unreasonable and they should have the legal right to be able to argue their case in the Commission.

There is also the provision that corporation's employing staff with up to and including 100 employees, the probationary period be extended from 3 months to 6 months. One must question the need for this provision. How long does it take for the employer and also the employee to assess whether they wish to be employed by that employer and whether that employee is the most suitable for that position. Case Law in all jurisdictions has spelt this out, that 3 months is ample time to assess the position.

There is as well another provision that corporations with over 100 staff can access the unfair dismissal provisions as long as they have been employed for 6 months. This goes hand in hand with the probationary extension period as to further exempt employees from accessing the unfair dismissal provisions of the proposed Act.

The TWU is not being confused with the government rhetoric that unlawful provisions are protected. We know they already are

Right of Entry Provisions:

This provision is a clear breach of the Freedom of Association clause of the current *Workplace Relations Act 1996*. Unions are being put on a leash to stop them from operating lawfully and being able to organize is we say unfair and undemocratic. In genuine cases union must have the right to represent its members. Access to employer's premises twice a year is not conducive to sound industrial relations and human resource practices that are advocated by responsible governments.

The right of entry provisions are being curtailed by this Act. The only object of this provision is to deny Australians of their right to representation.

On the issue of workplace health and safety, with the abandonment of the right of entry provisions to the level proposed in the bill, will in our view, be detrimental to sound occupational health and safety management in a workplace, for an ideology of the Howard Lead Coalition Government to simply curtail the activities of registered industrial unions of employees.

Certified Agreements:

The TWU does strongly object to the lodgment of CA's to the OEA for their approval. This process has proven flawed in the filing process for AWA's, with the very liberal interpretation of the no-disadvantage test being applied by the OEA.

This type of action will reduce the bargaining process that has been in place for about 9 years.

Australian Workplace Agreements – Deletion of the “No-Disadvantage Test”:

This union is not supportive of AWA's. With the “no-disadvantage test” being abolished from the proposed Act makes AWA's an instrument that will give the unscrupulous employers even more power over its employees. The “take it or leave rule” will come into operation and dominate the employers thinking.

The Minimum Wage:

The Australian Fair Pay Commission is under the chairmanship of Prof. Ian Harper, that in turn, is under the chairmanship of the Prime Minister, Mr. John Howard. The Government is saying that the minimum wage will not fall below that of the 2005 Safety Net Decision. Our question is how often will the Safety Net be reviewed.

From our limited understanding of this provision the Safety Net will eventually lag behind the consumer price index and lead to a reduction in overall wages and accordingly the standard of living.

Reduction to Conditions of Employment to a 4 primary conditions

The 38 hours per week in the norm in most awards throughout this country. The other three conditions are already enshrined in statutes of the States and Commonwealth.

Employment and unemployment

This system being proposed by the Howard Government is not a fairer system as is advocated in the advertising materials. The system being proposed will only lead to a reduction in overall wages and hence a reduction in family life styles.

The system is not a simpler system. The Bill is 678 pages long with the explanatory notes being nearly 600 pages in length.

CONCLUSION:

The economy is in a growth stage at this moment and there is no reason why it cannot continue. This proposed Bill will not help grow the economy any further. The Bill in our assessment will not reduce unemployment, it will also not increase employment opportunities. In terms of employment it will make some elements of the workforce more transient and this process will lead to a reduction in wages.

The TWU would be prepared, if given the opportunity, to speak to this submission during your formal inquiry process

Yours faithfully



HUGHIE WILLIAMS
State Secretary