

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

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

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**Submitter:** Mr Jim McGiveron  
Branch Secretary

**Organisation:** Transport Workers' Union of Australia, Western  
Australia Branch

**Address:** GPO Box 8497  
PERTH WA 6849

**Phone:** 08 9328 7477

**Fax:**

**Email:**

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# Transport Workers' Union of Australia WA Branch

## Submission to the Inquiry into the Workplace Amendment (Work Choices) Bill 2005

A handwritten signature in cursive script that reads 'Jim McGiveron'.

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**Jim McGiveron**  
Branch Secretary

On behalf of the

TWU WA Branch  
GPO Box 8497  
Perth, WA 6849  
☎ (08) 9328 7477

This submission by the Transport Workers' Union of Australia (WA Branch) is made in response to evidence provided to the Senate Employment, Workplace Relations and Education Legislation Committee by Senator Guy Barnett on Thursday 17<sup>th</sup> November 2005.

In his evidence Senator Barnett refers to the AIMS CSCS AND THE TRANSPORT WORKERS UNION OF AUSTRALIA AGREEMENT 2004 – specifically Clause 6.2.1 Cashing out annual leave.

The union is concerned that the full implications of this clause were not explained by the Senator and we make the following explanatory points.

- The clause was included at the bequest of the company (AIMS CSCS) who told the union they had a problem with a number of employees who had managed to accrue significant amounts of annual leave in excess of their normal 160 hours per annum entitlement.
- The union has always been and remains diametrically opposed to the inclusion of conditions that reduce the actual hours of annual leave its members take. It is our firm opinion that employees require at least four weeks annual leave to recuperate from the various stresses that their employment places upon them.
- It is interesting to note that less than 3% of AIMS employees have availed themselves of the entitlement. Most of these employees had accrued annual leave well in excess of the stated 160 hours minimum.
- The clause states that full-time employees are only entitled to cash out part of their annual leave after they have accrued **more than** 160 hours of annual leave.
- Employees who qualify for this entitlement cannot cash out more than 80 hours.
- The employer (AIMS) does not have the ability to offer its employees less than 160 hours annual leave per year as employers will be able to do under the Work Choices legislation.
- Under the proposed Work Choices laws – **as a condition of employment** – the employer will have the ability to offer an employee just two weeks actual annual leave.
- Under Work Choices – the employee can be required – **as a condition of employment** – to trade off the other two weeks in lieu of an **increase in their hourly pay rate**. A practice we also strongly oppose.