



**Community and Public Sector Union
State Public Services Federation Group**

Submission

to

Senate Education, Employment and Workplace Relations
Committee

**Inquiry into the Workplace Relations Amendment (Transition to
Forward with Fairness) Bill 2008**

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CPSU (SPSF) Group Submission to the Senate Education, Employment and Workplace Relations Committee regarding the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008.

1. The Community and Public Sector Union – State Public Services Federation (CPSU-SPSF) represents workers in State Public Services. Many of our members in Victoria, in Higher Education, and other areas have their employment regulated through the Federal industrial relations system

Support for the abolition of AWAs

2. Our member's vigorous opposition to the regime created by *Workchoices* motivated their participation in the *ACTU Your Rights at Work* campaign.
3. We opposed *WorkChoices* because it offered Australian workers little choice. The word "choice" implies one has the ability to select what is preferable and the right to choose one from another. The choice offered to Australian workers by *Workchoices* was of the "take it or leave it" variety. This lack of choice reached its apogee in the provisions dealing with AWAs.
4. The experience of statutory individual contracts by our members under the Kennett Government in Victoria and Court Government in Western Australia was universally negative.
5. Under statutory individual contracts our members experienced a reduction of wages and conditions and a lack of 'choice' or flexibility in the determination of the terms of those contracts. Against the empty rhetoric of choice, the individual contracts were never separately negotiated but were provided as templates to be applied to workers in

identical terms without negotiation, on a “take it or leave it” basis. Further, appointments, promotions and wage increases were tied to workers ‘accepting’ individual contracts. Our member’s rights to freely associate and collectively bargain were violated.

6. There are strong reasons to abolish Australian Workplace Agreements. All available research from academics, the Australian Bureau of Statistics and evidence provided to the Senate Estimates Committee supplied proof that these Agreements unfairly impacted Australian workers, especially young workers, women, unskilled, low paid and those in essentially un-unionised sectors.
7. The Howard Government’s justification for AWAs was based on supposed improvements to labour productivity. The improvements forecasted by proponents of AWA were never confirmed by economic research. A body of scholarly opinion strongly supports the contrary view: that union negotiated collective agreements are more productive than regulation through individual contracts.
8. We therefore support the abolition of Australian Workplace Agreements as presented in the Transitional Bill.

Support for the end of the “Fairness Test” and comment on the foundation of some AWAs

9. We also support the abolition of the so-called Fairness Test and the re-introduction of a more effective No Disadvantage Test. We support the Transition Bill’s provisions that end the ability to use individual agreements to undermine standards set in collective agreements and awards.

10. *WorkChoices* and its Fairness Test resulted in confusion for both workers and employers. Its administration has been slow and haphazard, leaving workers and employers unsure of what is lawful employment practice. It is safe to say that the *WorkChoices* system lacked transparency and was unworkable. We suggest that more resources be dedicated to the implementation of a quick, efficient and transparent application of the test.

11. We are concerned that the current iteration of the Transition Bill allows the continuation of many Australian Workplace Agreements which contain minimum standards as applied under the *WorkChoices* AFPCS. We submit that all Agreements that remain alive should be subject to the newly proposed ten National Employment Standards. We suggest these rights should be available to all workers and the Bill be altered to grant all workers these rights and protections.

Support for the end of Award Rationalisation Taskforce and replacement by the Award Modernisation Process

12. We also support the ending of the Award Rationalisation Taskforce and its replacement with the award modernisation process. We see this as an opportunity to create a relevant, modern award system. This also provides the Australian Industrial Relations Commission with an opportunity to review award classification structures in a non-gendered work value basis.

Conclusion

13. While the CPSU-SPSF has made few suggestions we recognize that these are transitional arrangements and we support the Bill. We look forward to participating and consulting with the Federal Government in constructing the new Fair Work Australia industrial system.