

# **Submission to Senate Standing Committee on Education, Employment and Workplace Relations - Inquiry into the Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008**

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Unions NSW supports the Workplace Relations Amendment (Transition to Forward with Fairness) Bill in particular the provision to abolish the unfair and inequitable Australian Workplace Agreements. There are however some areas of concern Unions NSW wishes to raise.

## **ITEA's**

Unions NSW believes ITEA's are unnecessary. Clearly, the Australian community has rejected the notion of individual statutory contracts and the argument remains unclear why they are needed during the transition to forward with fairness particularly in workplaces where other relevant industrial instruments are in place.

## **Award Modernisation**

In making the comments below, Unions NSW notes that the ministerial request to the AIRC states that the process is not intended to disadvantage employees

Affiliates of Unions NSW believe that insufficient consideration in the award modernisation process is being given the importance of the role of former State awards (NAPSA's) in setting wage and conditions for many Australian workers. Consequently, there should be scope in the legislation for the AIRC in the review process to consider state differentials. This should include provisions that have been contained in what were formerly State awards that are not proposed to be in modern awards. eg provisions flowing from the NSW Secure Employment Test Case 2006.

Also the uncertainty in the legislation surrounding state enterprise awards which have now become NAPSA's which have been key elements of the NSW system needs to be addressed.

To assist in achieving this outcome it is Unions NSW's position that the review should involve representatives from State tribunals who have an understanding of the state awards, their history, function and utility. This should not be difficult as some of the members of the Industrial Commission of NSW also have a dual appointment to the AIRC.

Similarly, State branches of unions who are the parties to these awards should also have a role in the process.

As a final comment, Unions NSW also believes that the timetable to complete the review is ambitious and should be reviewed.