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Fair Work Bill 2008

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I would just like to note that the member for Ryan made some interesting comments. I was not entirely sure what he was arguing. He was saying that Work Choices was dead and he did not like our bill, but he did not provide any alternative, so I am not entirely sure what he was arguing for. But I am very pleased tonight to be speaking on the Fair Work Bill 2008. I am also very pleased to have in the chamber tonight the member for Wakefield and the member for Adelaide, who I know fought very hard, as I did, against the extreme Work Choices legislation introduced by the Howard government—

Mr Champion —Even before that.

Ms «RISHWORTH» —Even before that, as the member for Wakefield rightly points out. This bill sets the framework for fairness in Australia's workplaces.

At the 2007 election, industrial relations were at the forefront of people's minds. Over the previous years the Australian public had seen the Howard government's systematic removal of the basic entitlements that Australian workers had benefited from for many years. Indeed, some of those rights had spanned a whole century. The Australian people witnessed the stripping away of a safety net for our lowest paid employees, the use of individual contracts to further drive down wages and conditions, and the abolition of unfair dismissal laws—and this was just the start.

The Australian people saw that when it came to industrial relations the Howard government had gone too far with their extreme laws. The Australian people watched as the Liberal and National parties used their numbers in the Senate to push this extreme legislation through and onto the Australia people, who had never even voted for it. In addition, the Liberal government developed a very complex system—including adding policy at the eleventh hour—in a bid to get re-elected. This was only after the Liberal government realised that their extreme industrial relations ideology was not shared by the Australian people. Originally, the no disadvantage test was abolished under Work Choices for AWAs and enterprise agreements. However, just before the election, a new, sham fairness test was introduced. This was policy on the run, creating enormous confusion for businesses and employees all around the country. Unlike the sham fairness test proposed by the previous

government, the Labor government are restoring true fairness to the workplace and delivering on our election commitments.

The bill before us today will create a balance between the rights and obligations of both employers and employees. Importantly, before the election, Labor clearly outlined for the Australian people our industrial relations policy, and this was certainly supported by the mandate of government. Now, with this bill and the bills that preceded it, we are delivering on this election commitment.

The inequity and inefficiency of Work Choices is demonstrated by a story told to me by Lynette and Rob from Hackham. They described an ordeal that their daughter, Julie, went through under the Work Choices legislation. Julie worked as a professional receptionist in various medical institutions for a number of years and, at the beginning of this year, was offered a job at a local clinic in Seaford. This job was ideal for Julie, as it would allow her to care for her children during the day when her husband was at work and enable her to contribute to the family income by working at night. Julie's parents told me that her employer would only give her the job if she signed an Australian workplace agreement, which, despite extreme reservations, she eventually agreed to do.

Julie then found herself being paid at a rate considerably less than the award rate which she had been paid at all her previous workplaces. She eventually appealed to her employer to review the AWA and was shocked to find that it had still had not been presented to or reviewed by the Workplace Authority. Following her complaint, she began to notice her hours being depleted until she was eventually forced to hand in her notice as the job no longer provided sufficient income to support her young family.

The Work Choices legislation did not protect Julie's right to negotiate the terms of her employment or provide her with a true safety net. Julie's story is one of many that occurred as a result of the Work Choices legislation. Earlier this year, our government abolished AWAs and introduced 10 National Employment Standards. The bill before the House today introduces the substantive bill that will replace the Work Choices legislation and add to these two previous bills.

The Fair Work Bill will provide a safety net that cannot be stripped away for any workers. The safety net will consist of the already introduced 10 National Employment Standards and an applicable modern award which will cover a further 10 matters. The modern awards will be reviewed every four years to keep up with community standards. Most importantly, this safety net of both the employment standards and the modern awards will be available to every employee who earns under \$100,000.

I want to highlight to the House just how important this is. Over the years, the award system has provided industry standards on pay and conditions. However, as jobs have evolved there have been some cases where employees have slipped through the net. Howard's Work Choices laws further put many low-paid workers at a disadvantage. I know that the member for Kingston will know this job particularly well, having been a trolley collector in

the past. Trolley collectors are an example of a group of workers who work for private firms who contract their collection services out to shopping centres. During my campaign, and since being elected, I have conducted many shopping centre stalls and listened to residents. During these stalls I have been regularly approached by the trolley collectors in the car park, who have told me of their plight. Some of these workers told me that they are paid \$7 per hour. These are not part-time rates; these are casual rates, so there are no holidays and no sick days. Further, these workers have told me that they have no tea breaks, no lunch breaks, no rostering provisions and no overtime. Many of these workers have no choice but to work over 14 hours per day, seven days a week. Some people listening to this might think that they are junior employees who do get lower rates, but they are not. These are adults who need to put food on their family's table. This situation should be unacceptable in Australia today.

Our government's Fair Work Bill not only provides a safety net for these workers but also provides facilitated bargaining by Fair Work Australia for these lowest paid workers who have not had prior access to collective bargaining. The Fair Work Bill focuses on enterprise bargaining and, in particular, good faith bargaining. Evidence clearly shows that productivity growth is best achieved at the enterprise level. Under the new legislation, enterprise bargaining agreements must be lodged with Fair Work Australia, who will consider a number of aspects, including whether each employee covered by the agreement will be better off overall than the safety net.

The legislation also expands on the matters that can be included in enterprise agreements. One of the anomalies of the previous government's Work Choices legislation was that, while they were spruiking the virtues of deregulation of the labour market, employment conditions and pay, they sought to overregulate anything that might benefit workers by excluding many provisions saying both to employers and employees that they could not be put into their enterprise agreements because it was prohibited content. In fact it did not matter whether an employee or an employer was happy to put up with this; if it was put in an enterprise agreement, they would be fined. This added extra regulation to employment contracts and was just to push the ideological agenda of the previous government, which was stripping employees of their rights and certainly did not make sense.

The new legislation before us today also includes reforms for unfair dismissal. The Howard government implemented an ideological policy that they had been trying to implement for some time. However, under Work Choices they went a lot further and that was to remove natural justice for those employees who had been unfairly dismissed from their workplace. They did this by stealth. Firstly, they introduced an exemption for unfair dismissal for those who worked in a company that had fewer than 100 employees. But, secondly, they allowed for other companies to unfairly dismiss employees for operational reasons, therefore providing a complex and incredibly unclear criterion in order to dismiss a worker. Both these mechanisms provided no consideration as to how long an employee may have served the company.

Our new system will restore fairness while still providing employers with the flexibility to determine if an employee is right for their business. Exemptions from unfair dismissal will occur for the first six months of employment if the employee works for a business with more than 15 people. A 12-month exemption will occur for those who work for a business with less than 15 people. This will allow time for both employees and employers to work out whether they are a good match for each other.

The same unfair-dismissal provisions will for the first time apply to casuals who have been working on a systematic and regular basis. Certainly, in my line of work, I have often seen people who had been regular casuals and who had been acting as if they were part time but who could be cut at any time. I am very pleased that casual workers will now have similar protection that had not been previously available to them.

Finally, I would like to mention the creation of Fair Work Australia, the new one-stop-shop workplace authority. It will replace the numerous industrial relations bodies that currently exist. The new Fair Work Australia will set minimum wages, vary awards, ensure good faith bargaining, facilitate bargaining for the low paid, approve agreements and resolve disputes and unfair-dismissal matters. Fair Work Australia will also conduct mediation and conciliation. This will be a very important body to help resolve issues in the workplace and ensure industrial calm throughout the country.

This government is rebuilding an industrial system in this country that is fair for both employees and employers—a system that promotes cooperation and provides balance. I was pleased last week to hear members on the other side indicate they will not vote against this bill. I assumed that that would mean they would support this bill. However, at the same time we saw the Leader of the Opposition at the Press Club last week three times refuse to answer the question of whether or not a return to individual statutory contracts would be part of future Liberal Party policy.

Furthermore, we have seen in this debate over the last two days many opposition members talking up the golden years of Howard's industrial relations. So we have not yet had an acknowledgment from many on the other side that they got it wrong—that their ideological agenda was unfair and not popular with the Australian people. What will the Liberal Party's policy be at the next election? Who knows! It is the Labor government's policy that is quite clear: a national, simple and fair system with no individual contracts, a safety net for workers and an independent industrial umpire. This bill puts in place this fairer system—one that aspires to the sentiments of our national anthem: advance Australia fair. I therefore commend the bill to the House.