

WORKCHOICES

the facts

1. Unfair dismissal

- ▶ Workers employed by businesses with fewer than 100 staff lose the right to unfair dismissal protection. This means employees are no longer allowed to seek reinstatement or compensation if they are sacked because of harsh, unreasonable or unjust treatment.
- ▶ People employed by companies with more than 100 staff will not be regarded as unfairly dismissed if employers state their sacking was for "operational reasons."
- ▶ All employees keep the right to claim unlawful dismissal. If they are sacked on the basis of discriminatory grounds such as race, religion, gender, pregnancy and union or political affiliation. However, these claims have to be fought in court with costs for the employee potentially nearing \$30,000.

2. AWA Individual Contracts

The laws allow employers to:

- ▶ Ask workers to sign AWAs which cut take home pay and remove family-friendly clauses such as public holiday entitlements, paid maternity leave, overtime and shift allowances.
- ▶ Make signing an AWA a condition of getting a job or a promotion.
- ▶ Divide staff by only offering pay rises to those who sign AWAs.
- ▶ Once an AWA is signed a worker can never go back to working under the award.
- ▶ An AWA does not have to include pay increases.

3. Change the way minimum wages are set

- ▶ For more than 100 years minimum wages in Australia have been set, reviewed and increased by an independent body, the Australian Industrial Relations Commission. This system ensures that low paid workers and their families are not left behind.

- ▶ Under the Federal Government's IR changes, the independent umpire – the Industrial Relations Commission – no longer sets minimum wage rates.
- ▶ Minimum wages to be set by a so-called "Fair Pay Commission" tasked only with ensuring the economy is competitive – not with balancing the dual needs of a strong economy and wage fairness.

4. Award safety net replaced with just five minimum conditions

- ▶ A minimum wage based on job classification starting at \$13.75 per hour.
- ▶ Four weeks paid annual leave, of which two weeks can be cashed out at the request of an employee.
- ▶ Paid personal/carer's leave, including sick leave, of 10 days a year, plus a further two days of unpaid carer's leave if you have exhausted all your paid leave.
- ▶ Parental leave of up to 52 weeks unpaid after the birth or adoption of a child for the primary caregiver.
- ▶ A standard working week of 38 hours, averaged over a year, but not tightly enforced.

5. Australians' access to unions restricted

The new IR laws will affect everyone's right to get help when they need it most. The Government has made it harder for unions to protect and represent employees by:

- ▶ Employers have the right to refuse to bargain collectively with workers and unions even if that is what a majority of employees in a workplace want.
- ▶ Making it harder for employees to ask unions to make workplace visits.
- ▶ Making it harder for unions to legally take industrial action when negotiations break down.
- ▶ Gives the Government harsh new powers to fine workers and unions. (\$33,000 for unions and \$6,000 for workers).
- ▶ The Workplace authority is not interested in workers rights.

6. Powers of the independent Industrial Relations Commission weakened

- ▶ The Government has weakened the powers of the independent umpire in the workplace by stopping it from setting minimum

wage rates or considering new award conditions.

- ▶ The Australian Industrial Relations Commission loses its power to set minimum wages, hear test cases, alter awards and arbitrate disputes.
- ▶ The Australian Fair Pay Commission will not be required to consider fairness when setting minimum wages. Nor will it set wages in the context of living standards in the community generally.
- ▶ Excludes the State Commission from any role in industrial relations relating to corporations.

7. The Fairness Test

- ▶ There are around 2.5 million workers who will not benefit from the 'test' because they are on already-registered AWAs & Agreements or earn more than \$75,000 a year.
- ▶ Workers with family responsibilities are particularly at risk. Employees whose availability to work is restricted due to family responsibilities or other personal circumstances have no guaranteed entitlement to penalty rates or shift pay under the 'fairness test'.

The United Services Union's position is that the Howard Government's WorkChoices does not apply to Local Government.