

## **THE FAIR WORK AMENDMENT BILL 2014**

### **Four reasons why Tony Abbott's plans must be stopped**

#### **1. They bring back unfair individual contracts**

The Bill opens the way for the most insidious aspect of WorkChoices – individual contracts that strip protections so they can cut take home pay. Australians emphatically rejected the exploitation of workers and these contracts in 2007.

An analysis of AWAs by the Office of the Employment Advocate in 2006 found that 89% of AWAs removed at least one 'protected award condition'; two-thirds removed penalty rates, shift work and overtime loadings, incentive based payments and bonuses; half removed monetary allowances, public holiday payments or substitute days; one third removed rest breaks or public holidays.

Individual contracts make it easy for employers to exploit the unequal bargaining position between them and their employees. Low-skilled workers, workers in areas of high unemployment, women with caring responsibilities – are most disadvantaged in these negotiations.

Mr Abbott's Bill will allow individual contracts that:

- Give employers the power to pressure a worker to trade off their penalty rates or overtime to meet their caring responsibilities
- Allow workers to receive "non-monetary" benefits instead of penalty rates or overtime. A pizza restaurant worker could be "paid" for these rates in pizza instead.
- Give employers a new and easy legal defence should an individual contract result in a worker being ripped off
- Compel employees to sign a statement that effectively signs away their right to compensation - so even if a court finds an agreement was so unfair that it should never have been entered into in the first place, the worker may never be able to recover their lost wages.
- Are harder for workers to cancel, because all workers will be forced to give 13 weeks' notice

These contracts have *no* outside scrutiny. Even Individual contracts under Workchoice (AWAs) were checked by the regulator and some compensation was provided if the regulator found the worker was worse off.

## **2. Gives employers a veto over lawful industrial action**

The changes will allow employers to prevent lawful industrial action by simply refusing to bargain. This will in effect give the employer a right of veto over employees taking industrial action.

This Bill strips workers of their ability to negotiate with companies that don't want to do a deal. It provides a structural incentive not to bargain and puts employees in a weaker bargaining position.

## **3. Allows employers to write their own Greenfields "Agreements"**

This Bill creates a special rule for a special group of employers, such as those in the mining and construction industries, allowing them to reach agreement with themselves.

The Bill allows these companies to simply write their own workplace agreement if they do not reach agreement with the relevant union within three months. What employer would seek to reach an agreement if they can simply get what they want after three months?

There is real potential for substandard agreements that will undermine the rights of workers across an industry as a whole.

## **4. Makes it harder for workers to be represented at work**

The Bill changes the right of entry rules for workers' representatives making it harder, and sometimes impossible, to have a discussion with their representatives in their own time at work.

A union will not be able to attend a workplace unless the union is already a party to an enterprise agreement or employees request that the union be allowed to attend. This forces individual workers to identify themselves as requesting a visit which is less likely to occur where workers need a union the most – where they are being exploited or bullied.

It also makes it extremely difficult for isolated workers in remote sites to access their union representatives. Employers will no longer be required to assist representatives accessing and staying at these sites – and if they choose to allow access they will be able to charge excessive fees for doing so. For example, the only way to access an offshore oil rig or a remote mining site may be via employer provided transport – that the Union will pay to use at a whatever price the employer chooses to set. It can also be the case that transport in and out occurs only once daily necessitating an overnight stay which can only be provided by the employer – again paid for by the Union at a price possibly far in excess of the actual cost to the employer. If bosses don't have to provide this assistance, then workers at remote and offshore worksites will be disadvantaged.

Finally, the Bill will enable employers to nominate unreasonable places for workers to meet their union representative. Under Workchoices, employers nominated toilets or the HR Managers office. Currently if a suitable venue cannot be agreed, the lunch room is the default location.

These changes could see workers without access to any representation.

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