



FAMILY FIRST



Steve Fielding Family First Senator for Victoria

**Senator Steve Fielding
Family First Leader**

Second Reading Speech

Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008

17 March 2008

Family First wants to get the industrial relations balance right by making sure that workers and their families are not ripped off, that businesses can be competitive and that the economy can continue to grow.

Back in 2005, Family First was in fact the first political party to expose the holes in the Howard government's Work Choices laws because we understood the effect this legislation would have on ordinary Australians and their families.

That is why Family First voted against Work Choices, because the balance was wrong and workers could be easily ripped off.

In considering the Rudd government's *Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008* Family First is back on the case again, asking the tough questions to ensure that this time we get the balance right.

The transition to forward with fairness bill is principally designed to stop new Australian workplace agreements being made, but it also sets up the arrangements for moving forward to the Rudd government's new workplace relations regime.

Family First has some concerns about the structure of the new workplace relations system as it may not adequately protect all workers and it may not adequately protect family time from the ever-encroaching demands of work. Family First has long been concerned that there are not adequate safeguards in place to help protect family time from the time demands of work. Time is so

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important to family life and many parents struggle to find that time with their kids when they work more hours than they want.

Last year a report by Relationships Forum Australia concluded that Australia's economic prosperity has come at a price. Australia is now the only high-income country in the world that combines long average working hours, a strong tendency for weeknight and weekend work and a relatively large proportion of the population in casual jobs. All this results in relationship breakdown and dysfunction, which in turn leads to health problems, strained family relationships, parenting marked by anger and ineffectiveness and reduced child wellbeing.

The industrial relations system proposed by the government sets 10 basic working conditions which form the National Employment Standards. In addition, the proposed industrial relations system allows modern awards to have up to 10 additional minimum standards. However, the National Employment Standards do not include meal breaks and penalty rates. Instead, meal breaks and penalty rates are left to be bargained for in modern awards. This means there is a real danger that workers and their families not employed under awards will be left exposed because they are not guaranteed meal breaks and penalty rates.

Family First asked at a Senate committee hearing for an estimate of the number of workers outside the award system earning less than \$100,000. These workers would therefore be reliant on the proposed 10 basic working conditions that form the National Employment Standards.

An officer from the Department of Education, Employment and Workplace Relations stated that the number of workers outside the award system earning less than \$100,000 would be 'tens of thousands, and I think 100,000 would be very much the upper limit'. That means that up to 100,000 Australians may fall through the cracks and could be exposed to having their penalty rates and meal breaks stripped away.

There is real concern that the government will not be able to find a way to fill in these cracks. In fact, the Shop Distributive and Allied Employees Association and Unions New South Wales told the Senate committee they were not convinced it could be done.

We know awards do not cover every worker. That is why the National Employment Standards are there to ensure all workers are guaranteed basic working conditions. And those basic working conditions should include meal breaks and penalty rates. Why would any government not have meal breaks and penalty rates as part of basic working conditions for all Australians? Why should we allow working at 2 am in the morning to be treated just the same as working

at 2 pm in the afternoon? Why should any worker have to bargain for a meal break?

If National Employment Standards are designed to be the bare-bones safety net guaranteed for all workers, why would the National Employment Standards not include such basic working conditions as meal breaks and penalty rates?

We should remember that penalty rates were introduced to help achieve the eight-hour day. They were intended to discourage employers from employing workers for more than eight hours a day. They were not introduced to reward workers for working longer or antisocial hours.

Family First is concerned that conditions such as penalty rates for working weekends and anti-family hours, along with meal breaks and rest breaks, can be simply traded away for more money. Penalty rates are about family time, not about money. They were never intended to be traded away for dollars. Working long hours is good for the market.

Working on weekends is good for the market and having temporary work also suits the market. But none of this suits the family, which is why family life is under threat. Family First is concerned about vulnerable workers who do not have bargaining power and who are not covered by awards. Family First is also concerned about the subtle pressures that may convince employees to trade away conditions for money.

Family First was in fact the first political party to expose the holes in the Howard government's Work Choices laws because we understood the effect this legislation would have on ordinary Australian families. Family First voted against Work Choices, and went a step further and introduced legislation to give back to workers and their families their public holidays, meal breaks, penalty rates and overtime and to protect their redundancy, all of which the Howard government had taken away.

There were also questions raised during the Senate inquiry about a key 'flexibility clause' that the government's changes depend on and employers were also looking at depending on. The award rationalisation process involves 'modern awards', and all modern awards will be required to include a flexibility clause. But no-one knows what those flexibility clauses will be and that will not be determined for some months yet. Given that the wording of the flexibility clauses will not be available for some time, it is difficult to make a decision on the legislation before the Senate without being able to consider the nature of such a flexibility clause.

In conclusion, as we stand at the dawn of a new and fairer workplace system, Family First still wants to ensure we get the industrial relations balance right by making sure that workers and their families are not ripped off, that businesses can be competitive and that the economy can continue to grow.

As I said, back in 2005 Family First voted against Work Choices because it got the balance wrong and workers could easily be ripped off. Today Family First will be supporting the transition to forward with fairness bill because it is important to begin the process of dismantling Work Choices. However, Family First will continue to fight to guarantee basic working conditions such as meal breaks and penalty rates for all Australian workers and their families, not just those covered by awards.

Therefore, I now move Family First's amendment to the second reading motion on sheet 5458 revised:

At the end of the motion, add:

“but the Senate notes the Government's proposal for a strong safety net of ten legislated National Employment Standards for all employees is inadequate because it does not provide for:

- (a) meal breaks; and
- (b) penalty rates;

for all workers and their families”.