



Steve Fielding Family First Senator for Victoria

MEDIA RELEASE

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FAMILY FIRST'S WORKPLACE CHANGES

Family First is looking at the Government's workplace changes through the prism of families. My concern is how these changes will affect Australian families and what is in the best interests of families. For this reason, Family First has not focussed on structural issues such as a establishing a national industrial relations system or Fair Pay Commission and making changes to the Australian Industrial Relations Commission. Family First does not oppose these.

Family First believes the new workplace laws have some potholes and wants to fill those potholes with commonsense changes. Family First does not believe the Prime Minister's remark that business ought to be able to run "24 hours a day, 7 days a week, 365 days a year without penalty as to the time of the day or night they run" is good for families. Nor does Family First believe that the rate of pay for working at 1am ought to be the same as the rate of pay for any other time. 'The Fielding 10-point plan' is a package of amendments to improve the legislation, ensure family life does not suffer and guarantee fair and reasonable conditions for all workers – not just those on awards - particularly those least able to bargain for themselves.

Item	Issue	Response/Family First Amendment
Ensure people do not have to work to get paid on public holidays	<p>The legislation does not guarantee that all Australian workers will continue to be paid for public holidays such as Anzac Day and Christmas Day</p> <p>The legislation will also ban State and Territory Governments from ensuring workers get paid for public holidays [7(C)(3)(f)]</p>	Ensure workers are not docked pay because they do not work on public holidays

38-hour week	<p>The legislation allows the 38-hour week to be averaged over 12 months.</p> <p>A worker could be signing themselves up to an agreement where they work 76 hours a week for the first six months and not at all for the second six months, and it is legal and the worker doesn't know it [91(C)(2)]</p>	Average 38 hour week over one month unless agreed differently
Penalty rates and meal breaks	<p>The legislation does not guarantee penalty rates or meal breaks for all workers [101B(1)(b)]</p> <p>Note: without penalty rates, working at 1am is treated the same as working at 1pm and a Saturday or Sunday is treated like a weekday.</p>	To make awards the basis for these conditions
Matters which will be 'off limits' for employers and employees ("prohibited content")	<p>The legislation says there will be matters which are 'off limits' for employers and employees to discuss. But these items will not be listed in the legislation. They will be in regulations which are easier to change and receive less scrutiny by Parliament [101D]</p>	<p>The matters which are 'off limits' should be listed in the legislation. And if the government wants to change them it should do so via legislation. Family First also believes that employers and employees should be allowed to negotiate dismissal arrangements and union meetings if they want to.</p>

<p>Forcing workers to sign individual agreements</p>	<p>The legislation allows an employer to make signing an individual agreement (AWA) a condition of employment and states that this is not duress.</p> <p>But, in August, the Prime Minister said: "it is now and it will remain in the future unlawful to effectively threaten a person with the sack unless they sign an individual contract". [104(6)]</p>	<p>This section of the legislation should be removed</p>
<p>Funding of secret ballots</p>	<p>The legislation forces unions to have secret ballots before they can strike and is also says unions have to pay one fifth of the bill.</p> <p>Family First does not oppose secret ballots but, if the government is going to force unions to hold them, the government should pay all the bill [109ZG]</p>	<p>Require government to pay the bill for secret ballots</p>
<p>Unfair dismissals</p>	<p>The government says big employers with over 100 staff should be subject to unfair dismissal laws. It also says that employees who are retrenched shouldn't be able to claim unfair dismissal. So the government has created a new condition that big employers can sack people for "operational requirements". However, the definition is so wide that big employers could use it to get around unfair dismissal laws altogether.[116(4)(b)(i)]</p>	<p>The term "operational requirements" is too broad and should be replaced with the word "retrenchment"</p>

Meal breaks	The legislation does not guarantee meal breaks for all workers [170AB(c)]	To make sure meal break provisions in awards/agreements are comparable with the basic condition in the legislation which is an unpaid break of at least 30 mins after 5hrs work
Unfair dismissal laws	At the federal election everyone thought Government policy was to exempt small businesses employing 20 or fewer people from unfair dismissal laws [170CE(6)]	Ensure unfair dismissal exemption applies only to small businesses with 20 or fewer employees
Discrimination against thousands of unincorporated small businesses, family farms and sole traders	The legislation forces thousands of small businesses, family farms and sole traders in the federal system to become incorporated in five years to stay in the system which will impose big costs of them. Ninety per cent of farmers and one third of restaurants are not incorporated.[Division 7/Miscellaneous]	Before the end of this five-year cut off period, Parliament needs to know how many small businesses, family farms and sole traders are still unincorporated.

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