



GET THE FACTS

INDUSTRIAL RELATIONS OMNIBUS BILL



OVERVIEW

All Australian workers, including those we have relied on to keep us safe during the pandemic, need the protection of our workplace laws. The working people of our country have already sacrificed the most and have paid the highest price:

- » With almost a million unemployed and 1.4 million underemployed;
- » Many have exhausted all their sick leave, annual leave and long service leave; and
- » 3.3 million people have raided their super account.

Any changes to our workplace laws must not leave workers worse off. Changes should focus on tackling the biggest problem facing working people as exposed by the pandemic - the unacceptably high number of casual, insecure jobs. Over half a million casuals lost their jobs in the first wave of the pandemic, at great personal cost to themselves and their families.

Unfortunately, the Fair Work Amendment Bill fails these tests. The Government's changes will make jobs less secure, and they will make it easier for employers to casualise permanent jobs and allow employers to pay workers less than the award safety net. This is the opposite of what the country needs.

This fact sheet covers some of the more significant aspects of the Bill and its impact on Australia's workers.

BARGAINING CHANGES

- The proposals would remove requirements for employers to properly explain new agreements, give employees copies of the entire new agreement including policies contained in it, or even provide the agreement in a language that all employees can read and understand.
- The role of the Fair Work Commission to properly examine agreements to assess whether workers are better off will be weakened under the changes.
- The government is proposing to double the timeframe for the employer to issue the NERR at the start of bargaining from 14 to 28 days, which could see further delays to the resolution of bargaining.
- It means workers may vote for agreements that cut rights and conditions without realising it.

CASUALS

- The Bill includes a new definition of "casual employment" that is likely to make insecure work more prevalent. A worker would be defined as casual, based purely on what their employer says at the time they sign their contract, no matter whether they have the expectations of a permanent employee (such as an inability to turn down shifts) during their time with the employer. This means that employees will not have access to paid sick leave, annual leave and redundancy payments even where they are a long term employee.
- Casual conversion provisions that fall short, providing too many opportunities for an employer to decide not to offer permanent employment to long term casuals.
- APS employees are excluded from the casual conversion provisions. Despite the increasing use of long term casuals in the APS, the Bill does nothing to create pathways to permanency for APS casuals.

CHANGES TO AWARDS

- The Bill proposes to change certain awards so that part time workers who work additional hours would no longer be paid overtime.
- There is also a proposal to change those awards so that employers can issue new directions to employees about what work they perform and where they perform the work.
- Although CPSU awards are not currently included in the list of 12 affected awards, the Minister can add to the list at any stage by changing the Regulations.

WAGE THEFT

- The Bill would introduce new wage theft laws which would override the stronger protections that are already in place in some states. This would weaken the punishment for wage theft in the jurisdictions where it is already a crime.

GREENFIELDS AGREEMENTS

- New provisions for greenfields projects (e.g. large construction projects) could see workers subject to agreements that they have not agreed to for up to 8 years.

THE BETTER OFF OVERALL TEST

- The government was seeking to introduce a new loophole for enterprise agreements to be approved that do not pass the BOOT, so that workers' pay and conditions could fall below the award.
- This loophole would have seen agreements approved that last for years into the future, well beyond the COVID-19 recession.
- The government has now dropped this provision from the IR Bill, but many proposals remain that will take employees backwards.

CONCLUSION

- Australian workers deserve the protection of robust and fair workplace laws. The current Fair Work Act is inadequate to promote fair enterprise bargaining where there is genuine impetus for employers to negotiate with their employees. The FW Amendment Bill does not address this issue, but further entrenches the inequality of bargaining power inherent in the current system.
- Too many Australian workers work in insecure jobs, and that number is increasing. The pandemic has exposed the urgent need to arrest the increase in insecure employment, but the FW Amendment Bill exposes casual employees to even greater insecurity and uncertainty.
- Australian workers have already paid too high a cost during the COVID-19 pandemic. The proposed amendments would see workers pay again. This is not what Australian workers deserve, and it is not what is needed to promote Australia's economic recovery.

TOGETHER WE ARE STRONGER.

Only union members working together can ensure that our voices are heard in opposition to the bill's attacks on workers' rights.

Join today at cpsu.org.au or call 1300 137 636 for access to advice, support and representation when you need it.

