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Accepted: Ian West MLC

S106/101

CS156

**Inquiry into the impact of the Commonwealth WorkChoices legislation  
Draft questions for hearing on 28 July 2006**

The Construction Forestry Mining and Energy Union makes these comments in response to questions asked by the Committee:

1. Could you describe the activities of your organisation? What is its member base?

- Building and construction workers in the public and private sector.
- In excess of 20 000 members in NSW.
- In excess of 100 000 nationally.

2. Can you comment on the effect that you believe the Commonwealth WorkChoices legislation will have on the ability of workers to bargain, particularly with respect to groups such as women, young people and casual employees?

- Significantly reduces bargaining, particularly where workers right to collectively bargain is not recognised. Employers able to make employment condition of AWAs. AWAs override awards and collective agreements.
- No protection against unfair dismissal, workers at the whim of their employer.
- Union Right of Entry severely restricted in terms of holding discussions with employees once AWA and non-Union agreements are in place.
- Complicated and onerous process if workers want to collectively take protected action i.e. secret ballots.
- WorkChoices strips away conditions in Awards that limit the period of casual employment and regulations prevent such matters (a feature of Awards in the building and construction industry). The legislation specifically makes "non-allowable" casual conversion clauses (s515 of WRA).

3. What do you think will be the effect on workers' bargaining position with respect to wages, conditions and security of employment?

- Downward pressure on wages and conditions, particularly as employees are forced to take AWAs.
- Increased casualisation of employment.

4. What impact do you believe the legislation might have on rural communities?

- Downward pressure on wages and conditions, particularly as employees are forced to take AWAs;
- Increased competition with imported labour.

5. Can you comment on the impact the legislation may have on gender equity, including pay gaps?

- Women may be placed in further precarious position, particularly in jobs that are characterised by high use of casual work.

6. **How do you think the legislation will impact on the balance between work and family responsibilities?**

- Increased pressure on workers to work longer hours, incursion into family time and weekends, particularly as penalty rates are eroded.
- Use of non-union agreements and AWA's to undermine conditions successfully negotiated in enterprise bargaining arrangements.

7. **How might the legislation affect injured workers?**

- Uncertainty about protections in NSW Law such as the protection for injured workers;
- Easier for employer to sack without reason, thus easier to circumvent the protections for injured workers in state legislation; and
- Employers less likely to provide suitable alternative duties or employment. .

8. **What impact do you believe the legislation will have on employers and small businesses?**

- Employers have already started taking advantage of the increased powers they have;
- Even those employers who want to do the right thing by their workforce, will be forced to compete with less scrupulous competitors.

9. **What would you like to see come out of this Inquiry?**

- Rejection of WorkChoices.

10. **Union Representation**

- Workers should have the right to be represented by trade unions.
- Right of Entry by authorised union officials is very important.
- Important for compliance with laws and industrial instruments.
- WorkChoices seeks to significantly limit the capacity of Unions to access their members and other workers.