

Submission
No 26

INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

Organisation:

Name: Mr Stewart Scott-Irving

Telephone:

Date Received: 24/05/2006

Theme:

Summary

ATTENTION: Jan Burnswoods MLC

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Committee Chair
Standing Committee on Social Issues

24/4/06

Dear Jan Burnswoods MLC,

With regard to;

INQUIRY INTO THE IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION,

I wish to make application.

As a participant in the federal Constitutional Convention, it is documented that I initiated the inclusion of the environment, **both physical and humanitarian**, within the re-drafted Preamble. It was to be significant in OH&S, IR, HR and staff welfare areas.

To me, as an economist, this is sound employment, business and community management practice.

With 3 Unfair Dismissals, contract terminations, permanent and casual employment experience and my establishment and management of small businesses, my credibility would hopefully be established.

I wish to identify the following;

- There is a very fine line between Unfair and Unlawful Dismissal as most laws relating to discriminatory practice are based on the premise, biblically or otherwise, of unfairness.
- The role of states' WorkCover agencies will be increased beyond their already failing capacity.
- As most small businesses have less than 100 employees, the legislation has effectively enabled dismissal without protest or appeal.
- Casual employees in NSW have no effective means of maintaining continuity of employment or a mechanism for addressing OH&S issues and while previously reluctant to claim Workers' Compensation for fear of reduced work, are now threatened with dismissal.
- Further, many contractual elements for casuals are either couched in terms unfamiliar to employees or are only made known at the time of separation.
- Legal processes currently undertaken are taking such a length of time to be heard, that even for employers having in excess of 100 staff, an employee (even with union and legal support) has little chance of surviving financially, psychologically or professionally to hearing date.
- The industrial education and induction of employees is already sadly lacking, and given the predominance of casual and part-time employment, they will be prone to trading away conditions of employment – particularly those which relate to flexibility, safety and mandatory consultation.

The most serious would seem to be that there will be a move away from employee grievance process.

I am willing to make an extended personal submission on either 19th or 20th June.

Respectfully
Stewart Scott-Irving