

**Submission
No 15**

INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

Organisation: Transport Workers' Union (NSW Branch)
Name: Mr Daniel Kicuroski
Telephone:
Date Received: 26/05/2006

Theme:

Summary

Friday, 26 May 2006

Inquiry into Impact of Commonwealth WorkChoices Legislation

Social Issues Committee

Legislative Council

NSW Parliament House

Attention: John Young

SOCIAL ISSUES COMMITTEE
29 MAY 2006
RECEIVED

Dear John,

Please find enclosed the submission of the NSW Transport Workers' Union to the Inquiry into the Impact of the Commonwealth WorkChoices Legislation.

A submission was lodged online on Friday, 26 May 2006. The attached document is a hard copy version for your convenience.

Please contact Daniel Kicuroski on (02) 9912 0757 or 0407 072 416 if there are any further questions.

Yours sincerely,

Kate Scott-Murphy

Transport Workers Union

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**Submission of the Transport Workers' Union
to the NSW Legislative Council Inquiry
into the Impact of WorkChoices legislation**

The WorkChoices legislation has the potential to have a profound impact upon millions of working Australians and their families. Rather than providing an analysis of the weaknesses and deficiencies of the legislation itself, this submission will focus upon the current impact that the legislation is having on one hundred working families on the Central Coast. This case in point demonstrates that companies (and clients) can now undermine the wages, working conditions and job security which people have negotiated over many years and which is a fair reflection of their hard work, skill and commitment to their employment.

In March 2006, Gosford City Council and Wyong Shire Council called for joint tenders for the provision of waste and recycling services to those two councils. The contracts are currently carried out by separate companies (SMS at Wyong and SITA at Gosford). Both contracts are due to expire on 31 January 2008, and the deadline for tenders is due to close in the coming weeks.

Council officers responsible for the drafting of the tender documents failed to make any provision for the protection of the employment, entitlements, rates of pay or working conditions of the existing workforce at those two councils. As such (and as has been confirmed by officers of both councils), the minimum standards under WorkChoices are the minimum set of industrial protections which the councils will accept from tenderers. Further, there is no provision to ensure that the existing experienced workforce will be offered employment should their current employer not be successful in the tender.

As such, the situation is that one hundred families could lose the income of the main breadwinner altogether, or if they employed by the incoming contractor could lose over \$340 per week if they are employed at the minimum standard which apply under WorkChoices. The changing of contracts in the waste industry has always operated as a point of uncertainty for waste workers and their families, but the industrial relations changes have meant that the differences between an existing and new contract are all the more stark. Considering that price is a major component in the assessment of any tender, the rates of pay offered to the workforce could well be a decisive factor in awarding the contract currently being considered on the Central Coast.

Gosford and Wyong councils' current waste workers have mounted an ongoing campaign to secure their future. They are currently letterboxing and doorknocking their neighbours (and the neighbours of their councillors), have held community meetings, held protests outside Wyong Council and met with local MP's and councillors to find a way to protect their jobs, entitlements, working conditions and rates of pay. Wyong Shire Council recently supported a motion to amend the tender documents, and Gosford City Council will consider a similar motion. But opposition from councillors who pay lip service to supporting the future of these families have indicated that they will attempt to undermine those decisions.

It should be noted that the Minister for Industrial Relations and the Minister for Local Government have written to all local governments in New South Wales advising that they should not implement the provisions of WorkChoices at least until the conclusion of the pending High Court challenge. The Local Government Association unanimously supported a resolution at its annual conference in Mudgee in 2005 supporting the protection of employment, entitlements, rates of pay, working conditions, the right to participate in a union and the right to bargain collectively when waste contracts change hands. Such provisions are currently in place at Penrith City Council and Canterbury City Council.

An officer of Wyong Council informed members of the Transport Workers' Union that their jobs and rates of pay would be protected by 'market forces'. Yet, according to the Australian Bureau of Statistics, the unemployment rate on the Central Coast is 8% and there are 144 200 unemployed people. In that environment it would be fair to assume that an incoming waste contractor would be able to secure a workforce at a rate of pay significantly below that currently agreed to by the existing contractors and the existing workforce. Members of the Transport Workers' Union fear that, even if they are offered a job with the incoming contractor (of which there is no certainty) that they will be forced to take a significant pay cut (which is allowed under the terms of the tender and by WorkChoices). Such changes would not only affect the one hundred waste workers and their immediate families, but also the Central Coast community as a whole, both financially and socially. Please find attached a petition which these families have been distributing to their local community.

It would be appreciated if some of the affected members of the Transport Workers' Union could be provided with an opportunity to provide evidence to the Committee in person.