

Submission
No 6

INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

Organisation:

Name: Mrs Bridget Chojnacki

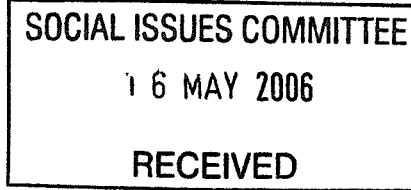
Telephone:

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Theme:

Summary

16 May 2006



Mrs Bridget Choinacki

Mr John Young
Legislative Council Standing Committee on Social Issues
NSW Parliament
Macquarie Street
SYDNEY NSW 2000

Dear Mr Young,

Re: Submission to the Legislative Council Standing Committee on Social Issues

Inquiry into Impact of Commonwealth Workchoices Legislation

I am writing to the Committee on Social Issues, following my personal experience of the detrimental impact of the Federal Government's introduction of the Workchoices Legislation.

I commenced employment with my former employer, Homedeal Pty Ltd (which trades as Your Home Consulting) on 24 October 2005 in a full time capacity as a Consultant. As a Consultant, my duties included meeting with clients, designing their home lighting, quoting, finalising plans and payments, liaising with electricians and wholesalers, upselling electrical items eg, alarms, hometheater, internal vacuum systems and so on. I also was a back up in the main office which included all areas of office duties from switch to archiving.

I was engaged on an individual contract, but as a salesperson, this contract was underpinned by the Shop Employees (State) Award. This meant I had the right to seek assistance from the New South Wales Industrial Relations Commission in the event I was terminated unfairly.

I completed my three month probationary period without incident. Following this, I took a period of authorised unpaid leave, to prepare for my wedding day in New

Zealand. I returned to work after my wedding and honeymoon of two weeks, and had to complete a great deal of work that was not attended to due to my absence on authorised leave.

During this time, I provided an incorrect quote to a client. This honest mistake cost the Company about \$500 - \$1000. It should be noted, however, that my mistake was made in the context of \$30,000+ of sales that I secured for the Company, a very heavy workload, and my having just returned from leave.

I note that I was never given a performance counselling for this mistake, and nor was I offered any retraining. However, once the Company became aware of the mistake, I was instructed by management that I was no longer authorised to do any consulting work. Instead, I was required to only do paperwork at the Company's head office.

On 29 March 2006, approximately one week after I was taken off my consulting duties, I was terminated from my employment. The reason relied upon by the Company was my 'inability to perform the duties of the position'. However, I believe the Company's real motive for terminating me was that I had asked for a pay rise due to the increase in workload and extra clients added to my books.

29 March 2006 was two days after the introduction of the Federal Government's Workchoices legislation. I am certain that the Company waited until the introduction of this legislation, to ensure that I was not able to pursue an action for unfair dismissal in the NSW Industrial Relations Commission, as to the best of my knowledge, the Company employed less than 101 employees. I believe the reasons why they waited were, I had never made any mistakes, I was a good worker, I was always at work on time and left after hours, so they would not have been able to let me go with out reason. They waited so they could let me go without reason and have no fight on their hands about it as they were covered by the new Workchoices legislation.

I believe that I was unfairly dismissed. I had worked through my probation period without incident. My one mistake was not characteristic of my work performance. I would have considered a warning and some additional training to have been a

sufficient way to address the mistake. Instead, my former employer chose to exercise their new found rights under the Workchoices legislation by waiting to terminate me so that I was not able to contest the termination in the Industrial Relations Commission.

The termination of my employment just after my wedding had a big impact on my personal life. I was without work for 5 1/2 weeks as it was Anzac Day and Easter which meant employers waited until after this time to hire new staff. After coming off such a high from being married, it became very depressing for me not having money coming in. As you can imagine the bills we had after the wedding and only had one income, we found this very tough and taxing on both of us.

With the assistance of my Union, the SDA, I was able to reach a satisfactory resolution with my former employer. However, if my employer had not agreed to a negotiated settlement, I would have had nowhere else to go. I certainly could have not afforded the cost of running an action in the Federal Court.

Since my termination, I have found new employment. However, this employer also employs less than 101 employees and this makes me very nervous that the employer has all the rights and I have very little. Having to move from job to job is very difficult and when you are at the stage of applying for a house mortgage, or any loans to survive for that matter, employment history plays a big part in getting that secure loan.

Bridget Chojnacki