

Submission  
No 9

## INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

**Organisation:**

**Name:** Mr Phillip and Ms Amber Oswald

**Telephone:**

**Date Received:** 26/05/2006

---

**Theme:**

**Summary**

Phillip and Amber Oswald

26<sup>th</sup> May 2006

The Hon Jan Burnswoods MLC  
Chairperson  
Standing Committee on Social Issues  
Legislative Council  
New South Wales Parliament House  
Macquarie Street  
SYDNEY NSW 2000

LEGISLATIVE COUNCIL  
COMMITTEES

26 MAY 2006

RECEIVED

Dear Ms Burnswoods,

SUBMISSION TO THE NSW LEGISLATIVE COUNCIL INQUIRY  
IMPACT OF THE COMMONWEALTH WORKCHOICES LEGISLATION

We jointly write the Standing Committee on Social Issues regarding the above inquiry and thank the NSW Government for the opportunity to explain how the Howard Government's aggressive workplace laws have already had a major impact on our lives.

I am the father of Amber, 16 years old, who commenced employment at Pulp Juice Bar, Warriewood Square on 15 March 2006. Amber's employer was Pulp Juice Bars Operations Pty Ltd. When Amber commenced employment as a casual employee she was told by her Manager that she would be paid the following rates of pay:

\$9.52 per hour	weekdays
+ 25%	Saturdays
+ 50%	Sundays

Amber accepted these rates of pay and did not receive a pay slip.

Amber and I subsequently confirmed that the rates of pay offered by the Manager were correct and consistent with the Pulp Juice Bars Operations Pty Ltd Enterprise Agreement 2004-2005 for a 16 years old casual employee.

The Pulp Juice Bars Operations Pty Ltd Enterprise Agreement 2004-2005 is a certified agreement made by the Australian Industrial Relations Commission.

Amber and I subsequently became aware, despite never receiving formal written notification, that her employment with Pulp Juice Bars Operations Pty Ltd was terminated and that a new owner now operated the Pulp Juice Bar at Warriewood Square. A meeting was apparently convened in the city, which Amber could not attend because she was at school.

I understand that Pulp Juice Bars Operations Pty Ltd ceased operating the Pulp Juice Bar at Warriewood Square on Friday 24 March 2006 and that a new owner, Pow Juice Pty Ltd, commenced operating the Pulp Juice Bar at Warriewood Square the very next day on Saturday 25 March 2006.

Amber's first shift working for the new owner, Pow Juice Pty Ltd, was on Wednesday 29 March 2006.

Amber did not personally receive a new offer of employment letter addressed to her by Pow Juice Pty Ltd but her Manager advised that she was still employed there.

Amber heard that the employment conditions were going to be different with Pow Juice Pty Ltd. I tried to find out what the new conditions were. I was told by Andre Dowling from Pow Juice Pty Ltd that the new agreements were not there yet, but interim agreements were at the store.

I picked up a welcome letter from Pow Juice Pty Ltd from the store. The letter did not have Amber's name on it, nor did it have any hourly rates filled in on it.

I was told that Amber's flat hourly rate was the "WorkChoices Rates - Level 1 (Shop Assistant)" for Amber's age. That rate was \$8.57 per hour, almost \$1 per hour less than Amber's existing weekday rate and substantially inferior to her existing weekend rates.

The welcome letter requested that I read, understand and sign the Australian Workplace Agreement.

Amber had not seen a copy of the AWA at this stage.

Amber continued to work for Pow Juice Pty Ltd trading as Pulp Juice Bar at Warriewood Square without signing any of the documents.

I made numerous efforts to find out why the rates were so different but did not get a satisfactory answer from Amber's new employer.

Amber and I have subsequently seen the AWA. It provides for a flat hourly rate of \$8.57 for all hours worked by a 16 years old employee.

If Amber had signed the AWA and I had witnessed her signature as an appropriate person authorising Amber's consent, Amber would have received \$40 less pay for every Sunday shift worked compared to her existing wages.

Amber did not sign the AWA.

Amber subsequently sought the advice and assistance of the Shop, Distributive and Allied Employees' Association. In conjunction with the NSW Branch SDA Assistant Secretary, Bernie Smith, Amber took her case to the Australian Industrial Relations Commission.

The employer was forced to accept that the pre-existing Agreement applied to Amber's employment in the Australian Industrial Relations Commission and undertook to pay wages and conditions in accordance with that Agreement. The employer also agreed to make arrangements to back pay Amber for any shortfall in wages due to the difference between the existing Agreement and the AWA.

It was only the action of Amber and her union that saved her legal minimum rates and conditions under the existing Agreement. The new laws allow for it to be all taken away.

I suggest to the Committee that Amber's experience demonstrates the following:

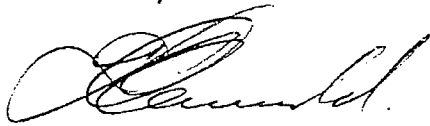
- If the new employer had made an employment offer to Amber contingent on accepting and signing the AWA (and had applied proper legal process) Amber would be either worse off in her wages or without a job. This is no choice for a young worker nor for their parent;
- Most young workers do not have the knowledge or experience to deal with an employer who introduces substandard terms and conditions into the workplace;
- WorkChoices gives legal support to the stripping away of many of the most important conditions of employment for young workers, such as penalty rates and loadings for weekend and night work (the only times outside school hours that most young people are available to work); and

- I am perturbed that as more employers legally utilise the full force of these harsh laws, more young workers will be exposed to reduced wages and conditions; Amber's experience demonstrates that there were employers willing and prepared to cut wages and conditions with the support of the WorkChoices legislation the moment the legislation came into operation on 27 March 2006. If the employer had not "stuffed" the process, it is likely that this would be the reality for 12 young workers at Pulp Juice Bars today.

I urge the Committee to recommend and for NSW Government to adopt any measures available to provide more protection to young workers from these laws. Government has obligation to protect and shield the vulnerable in our community. It is important that the first experience of young people in the workplace is not similar to that experienced by Amber.

Amber and I wish Committee members the very best in their deliberations.

Yours faithfully,



Phillip and Amber Oswald