

Submission  
No 16

## INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

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**Theme:**

**Summary**

## Submission to the NSW Parliament Standing Committee on Social Issues Inquiry into WorkChoices laws.

The NSW LHMU is keen to take part in the Inquiry into the Impact of Commonwealth WorkChoices legislation as we watch many low-paid workers – many of whom are immigrants or women - organised by this union.

We believe the women, young people, casual and NESB workers who we organise would have valuable information to give to the Standing Committee on Social Issues inquiring into and reporting on the impact of Commonwealth WorkChoices legislation on the people of New South Wales,

In particular our members and officials could discuss with MPs on the Inquiry the following areas which have been highlighted for discussion by the Inquiry:

- the ability of workers to genuinely bargain, focusing on groups such as women, youth and casual employees and the impact upon wages, conditions and security of employment,
- the impact on gender equity, including pay gaps,
- the impact on balancing work and family responsibilities
- the impact on injured workers,

Already our union has evidence that many of our childcare workers will find that a historic pay equity victory won by the NSW union just a few months ago will be threatened as operators of childcare centres choose to use the WorkChoice laws and deny the significant pay increases awarded by the NSW Industrial Relations Commission.

Up to 15,000 childcare workers – more than 90 per cent of whom are women – could be hurt if WorkChoice contracts become widespread.

Already we have seen the operators of one childcare chain – Childs Family Kindergarens who run thirty-seven centres in this state – give their workers contracts which cut from their weekly pay packets the pay equity wage increase. These cuts will be between \$138 and \$313 a week.

We can also provide some evidence of how union activists in the child care industry were targeted by one childcare company within days of the new legislation being introduced – and then handed a dismissal letter.

One of our members, Jane Lee, is prepared to speak about her treatment to the Inquiry. We attach to this letter a report on her treatment.

Another major concern for our union is the contract cleaning industry where immigrant workers – who are largely casual – now find their job security threatened. Increasingly the contract cleaning industry has moved from full-time jobs to casual jobs.

Now there is extreme pressure on these low-paid workers to not just accept a cut in pay, accept loss of superannuation and other rights but to turn themselves into ‘companies’ and sub-contract to the big players - if they want to keep working.

Just this week the Australian Broadcasting Corporation announced that at its Ultimo office they have sacked the contract cleaner and handed the tender over to another company who has already informed the cleaners – some of whom have worked there for more than a decade – that if they want to keep their job they must become “subbies”.

Almost all of these workers are women and recent immigrants who believe their job security and their ability to maintain a decent standard of living will be threatened – especially because of their inability to negotiate the red tape of ABN numbers.

Our union’s response has been to mount a major campaign with the support of religious, ethnic and other community leaders. This campaign is called Clean Start; Fair Deal for Cleaners.

Sam Magro – a cleaner at Australia Square – is just one of the many cleaner activists who is prepared to discuss how an industry in which he has worked for 17 years has changed.

This campaign – which has received a great deal of attention in the media – seeks to talk with the major property owners, the tenants of major CBD offices and the contract cleaners about adopting a set of principles which delivers a good result to all partners in the property industry.

As the State Government is a major tenant in the CBD we hope to outline the crisis that cleaners face and call on all State instrumentalities to tell the owners of the property that they tenant to adopt the Clean Start principles.

Childcare workers and cleaners are amongst the most disadvantaged workers in this State.

Many of them are keen to speak to the Inquiry about their circumstances but some of them are frightened that they leave themselves open to being targets for retribution... especially if they work in smaller workplaces where the relationship between the boss and workers can often be more intense.

At least some of our childcare members have indicated they would be prepared to speak – if the sitting times are suitable and if they can be guaranteed that their identities will be kept confidential.

We would be pleased to discuss what opportunities are available for confidentiality or in-camera appearances.

The LHMU looks forward to hearing from the Inquiry and is prepared to appear before the Inquiry at a suitable time.

If you have any queries about this letter or any other matter associated with this document could you please contact my colleague Andrew Casey on 02 8204 3006 or 0425 242 691 or e-mail: [andrewc@lhmu.org.au](mailto:andrewc@lhmu.org.au)

In Unity  
Annie Owens  
NSW LHMU Secretary

## **Case Study 1**

Jane Lee has worked 15 years, on and off, for Cubby House Australia in a before-and-after-school care program in the Hills District of Sydney .

For more than ten of those years she was a supervisor of their program at the Kings Langley Public School - working from 7am to 9 am and then 3pm and 6pm. As supervisor she wanted to make sure she provided an effective program which the kids loved - so she found there was never enough time during work hours to do the bookwork. This she did in her own time 4 hours almost every weekend.

Jane a committed unionist was one of the only union member her bosses were aware of in their workplace, she was devoted to her job and devoted to making sure that both her staff and the kids got a fair go.

But then a workplace accident – involving a fractured ankle and six operations - put her on workers compensation, forced her out of the supervisor’s job and onto light duties in the head office for Cubby House Australia.

On day four of the WorkChoice workplace environment were introduced she was handed a letter telling her she was dismissed.

On the first day of the new workplace laws she was given a new job description consisting of 41 points –of which she was only familiar with seven.

After working two days she was handed 2 warning letters on the morning of the third day.

The following day – due to severe anxiety about workplace happenings – she sought medical attention and was put on sick leave.

She was then dismissed for ‘non-attendance at work.’

“ WorkChoices just made it easier for them to dismiss – why would they wait until new laws came in and then change the job descriptions ,” Jane Lee said.

“ They admitted to the organiser that it was WorkChoice that gave them the opportunity.”

CubbyHouse Australia had had several attempts to get AWAS and non-union agreements into their workplace – but failed while the union had the legal right to scrutinize the vote.

“Few signed because they knew that the AWAs and the non-union agreements undermined the pay equity decision the LHMU Childcare Union had won for 15,000 NSW childcare workers.”

Straight after WorkChoice laws CubbyHouse Australia was able to get a non-union agreement based on the WorkChoice 5 minimums into the workplace without having to let the union scrutinize the process to ensure fairness.....and removing the LHMU pay equity victory.

## Case Study 2

Sam Magro, is a 17 year cleaning industry veteran who now works at the icon Sydney CBD office block site Australia Square.

While thousands of Sydney-siders know the building and walk through it everyday Sam is probably invisible to them as he keeps the plaza and food court area clean and pleasant for the people who come to enjoy Australia Square.

Born in Malta he says while he has a full-time job in the industry it has increasingly become casualised.

“ We are always under pressure to do more and more – but I think the pressure is much, much harder on the casuals.

“ Casuals worry about their security more – and so they don’t want to admit boss is pressuring them. Scared they lose their jobs if they talk about the pressure.

“ Latest is for cleaning contractors not to employ full-time worker; not to employ casual worker. They now look to get people as sub-contractors where they have lower-wages and no superannuation and lose lots of other things.”

Sam Magro is now one of the most enthusiastic supporters of the Clean Start: Fair Deal for Cleaners campaign helping organize almost weekly rallies in front of key CBD office blocks.

“ After I finish my sweeping and mopping at Australia Square I want to turn up and shout for change – show I support other union workers.”