ACTU's claims on far-from-modest IR changes do not bear scrutiny

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If the federal government's proposed industrial relations changes are simply "modest", as claimed by ACTU secretary Sally McManus (*AFR* 30 October), Australian employers and their workforces would be intrigued to know what unions would see as their real demands.

Rather than being modest, what is being proposed in a radical makeover of the Australian workplace relations system.

Redefining who is an employee is not modest. Nor is fundamentally redefining who can be a casual. Granting the Fair Work Commission, a tribunal that has only ever regulated employment arrangements, sweeping new powers to also set conditions for independent contractors and an almost open-ended capacity to intervene into commercial arrangements between businesses across Australia's supply chains is certainly not modest.

Giving union delegates new rights to represent workers who don't even want to join a union is not modest. I doubt that many employers would regard the proposal that they be required to allow an uncapped number of their workers with an unspecified period of paid time off work to attend union training as modest. Similarly, expanding union rights to wander around workplaces and to comb through the employment records and personal details of workers without even providing advanced notice is not modest.

Preventing employers from providing regular and agreed casual shifts to school and university students, older Australians and employees who want the certainty of regular work to fit around their family and other commitments is not modest.

Compelling employers to pay a labour hire worker turning up on their first day with a host employer the same amount as a highly skilled worker with 20 years of experience, because of the content of a classification structure within an enterprise agreement that was never meant to apply to labour hire workers, is not modest. It is simply unfair.

Threatening to jail business leaders, owners, and others with management responsibility in a business for breaches of workplace laws is not modest.

Handing an industrial tribunal the power to rewrite how the gig economy works, after it helped get thousands of Australian workers, businesses and customers through the COVID lockdowns and with warnings from gig company operators that what is proposed will drive up costs in some cases by over 60 per cent is not modest. This aspect of the Bill is so lacking in rigour that it is akin to handing the Fair Work Commission a blank cheque that, ultimately, consumers will have to pay.

Tying up business in the uncertainty of endless litigation over court and tribunal decisions to decipher what the unclear legislation actually means is not modest.

Allowing the Fair Work Commission, which has no skin in the game, to determine the wages and conditions of individual businesses under 'agreements' because unions can't get the bargaining outcome they want is not modest.

Letting unions hold the power to block employers from entering into an enterprise agreement, even if their workforce supports it, is not modest.

Putting proposals around discrimination, PTSD compensation and the use of silica into a Bill that also contentiously reworks fundamental aspects of the industrial relations system, and then presenting it to Parliament on a 'take it or leave it' basis is both unnecessary and not modest.

Instead what is proposed is complex and costly. It will create massive job insecurity for hundreds of thousands of Australian workers who are relying on their current working arrangements to deal with tough economic conditions.

The *Fair Work Act* as it stands is roughly 1200 pages long – not easy to navigate and notoriously full of complexity for employers large and small. Even the Department of Workplace Relations has recently fallen foul of the requirements of our system, admitting to wage underpayments to some staff.

Now the Government wants to add into the mix hundreds more pages, complete with 250 pages of explanatory memoranda and a Regulatory Impact Statement that is so vague it is virtually unusable.

All of this will make employing Australians harder and riskier – young and old, full-time, part-time, casual. Surge or seasonal workers will be harder to employ. Experience will count for nought.

The naïveté of union leaders who have driven this agenda is breathtaking. Of course business will try to adapt and find other solutions. Unfortunately this often won't involve

hiring and training more Australians. It will undoubtedly come at the costs of many independent contractors, be they tradies or owner drivers in the trucking industry, who businesses will deem it too risky to engage.

This is not a modest piece of legislation. Instead it is a complicated, costly and unnecessary mess that will do nothing to drive the employment, training and productivity outcomes we all desperately want and need.

We welcome the Government's recent acknowledgement of the need to make amendments to aspects of its proposed changes relating to casual employment, but we need to see the details. The legislation requires a wholesale rethink to address understandable industry concern over problems the Bill will cause for both businesses and workers. Merely tinkering at the edges won't be enough to make the Bill workable.

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