

Democrats Record

AUSTRALIAN DEMOCRATS ACTION PLAN
DEMOCRATS RECORD
WORKPLACE RELATIONS

The Democrats Record on Workplace Relations

"The Australian Democrat senators have played a significant and responsible role in the shaping of workplace relations legislation."

**Professor Ron McCallum
2005**

The Democrats have always held the middle ground in the vexed area of industrial relations, sympathetic to workers legitimate needs, but sensitive to business requirements. The Democrats have extensive experience in negotiating effective outcomes in the balance of power.

Because the Coalition and Labor are each beholden to business and the unions respectively, and are always at ideological loggerheads over IR, and because the Greens are further left than Labor, only the Democrats can be trusted to ensure a fair and balanced position can be negotiated in workplace relations law in the next term of Government.

Our track record shows that the Democrats have played a responsible fair and effective role with respect to industrial relations.

In the period 1996 until the Coalition Government gained control of the Senate In July 2005, 13 bills were not passed, but because they repeated previous bills, those 13 in fact reflected just 4 proposals. Significantly, in this time 18 IR bills were passed, the majority of them only after fair and balanced amendments negotiated by the Democrats. Of the 18 Bills that passed:

- 1 was a Coalition/Labor bill opposed by the Democrats;
- 6 were passed by the Coalition/ Labor/Democrats; and,
- 11 were negotiated and amended by the Democrats and opposed by Labor and the Greens.

The most significant of the Bills passed before July 2005 was the bill that became the Workplace Relations Act 1996. That bill proposed a second radical overhaul of IR, building on the 'first wave' reforms of the Labor Government in 1993. The Democrats negotiated 176 amendments to restore a much fairer balance between the rights of employers, employees and unions.

The Democrats-amended Workplace Relations Act 1996 proved itself a significant success, with wide community acceptance. Australia had lower unemployment, an increase in employment, low interest rates, higher productivity, greater flexibility, much higher real wages growth and much lower levels of industrial disputation than in Labor's time.



Other ACTION PLANS are available online at
www.democrats.org.au

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"Over the last eight years, the Australian Democrat senators have played a significant and responsible role in the shaping of workplace relations legislation. In October 1996, the Australian Democrat senators put forward significant and necessary amendments to the Howard Government's Workplace Relations and Other Legislation (Amendment) Bill 1996. These amendments were accepted by the Government, and their acceptance brought about a far more balanced set of new workplace relations laws, especially in the area of Australian workplace agreements than would otherwise have been the case. In participating in Senate inquiries, in discussing issues with employers and employees, and in proposing amendments to Government legislation, their role in workplace relations legislation has ensured a more moderate approach to federal workplace relations legislation."

Ron McCallum

Professor in Industrial Law, University of Sydney, 2005

However, since the Coalition Government took control of the Senate in July 2005, all Workplace Relations Bills have passed, with very few amendments, despite business, union and community concern at many of the changes. Many of the provisions the Democrats previously rejected have now been introduced, resulting in an unbalanced, harsher system and community opposition.

The Government's WorkChoices Bill has resulted in a national system forced onto resistant states; the individual to be fostered over the collective; individual wage and conditions fostered over family-oriented wage and conditions; disputes going to the courts instead of the tribunals; capital and corporate interests dominating; greater ministerial intervention; and labour and unions' rights and freedoms being heavily restricted.

Any redeeming features of WorkChoices were overwhelmed by the negatives. The Prime Minister failed to provide any empirical economic evidence to support the drastic changes. He failed to provide genuine choice, and he refused to give a guarantee that no workers would be worse off because he knew that poor, disadvantaged or powerless workers would be worse off.

For these reasons the Democrats could not support WorkChoices. We are not opposed to IR reform so long as it is moderate, steady, considered and fair; and that it delivers productivity efficiency, jobs growth and competitive gains that accord with the values and goals of a civilised first-world society - fair and just pay and conditions and treatment. Our record proves this.



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Over these years of Coalition government the Democrats have negotiated:

- 176 amendments to the 1996 Workplace Relations Bill, restoring a much fairer balance between the rights of employers, employees and unions (overturned by WorkChoices in 2006);
- While rejecting attempts by the Government to abolish unfair dismissal laws for small business, we supported changes to unfair dismissal laws in 1996 and 2001 which resulted in improved processes, reduced litigation and reduced delays, and addressed small business concerns without impairing employees' substantive rights. Federal UFD applications were reduced by 50% after the 1996 reforms and a further 12% after the 2001 reforms;
- The introduction of incentive based payments to allowable award matters, and deleting tallies (2001);
- Negotiated the full shift of Victorian IR to the Federal Regime on a fair basis, replacing two IR systems with one (1997 and 2003);
- Secured an important win for casual workers by ensuring access to unlawful dismissal redress, and improving continuity of employment provisions (2003);
- Enabled the Australian Industrial Relations Commission to have discretion in respect of transmission of employee conditions in transmission of business, while ensuring that overall workers' wages and conditions were not disadvantaged (2003);
- Reconfirmed that the AIRC can make interim orders regarding industrial action (2003);
- Rejected the Government's Building and Construction Industry Bills but passed legislation to help clean up corruption and crime in the building and construction industry, while still protecting civil liberties. The Democrats ensured that new regulatory powers must be used responsibly and there were reasonable grounds for information gathering. Other amendments we supported included whistleblower protection for employees of registered organisations; increasing existing WRA penalty provisions three-fold across all industries; and a provision to ensure a person who is convicted of a criminal offence and receives a suspended sentence is disqualified from holding union office for 5 years (2004);
- To exclude provisions relating to changing the role of union involvement in OH&S while enabling administrative provisions desired by business and unions to pass (2004); and,
- Helpful technical amendments in a number of bills.

Democrats Record

The Democrats have consistently opposed:

- The entrenchment of age-based rates, supported by the Coalition and Labor;
- Repeated attempts to exempt small business from unfair dismissals;
- Adding unworkable new provisions to existing secret ballot laws for protected action.

The Democrats have consistently supported:

- A single national unitary IR system negotiated with the states;
- A single national independent IR regulator, distinct from a strong AIRC;
- Statutory individual agreements as well as common-law individual agreements, collective industry awards and collective enterprise bargains.

Go to www.andrewmurray.org.au (Legislation: Minority Reports: Senate Workplace Relations Committee) to read our Minority Report damning the WorkChoices Bill.

Go to www.democrats.org.au to read our action plan for A More Balanced and Fairer Workplace Relations System.