

Serious structural issues continue at Fair Work Commission

TODAY'S appointment of yet another Deputy President to the Fair Work Commission shows the government is ignoring the serious structural issues plaguing Australia's workplace tribunal, says resource industry employer group AMMA (Australian Mines and Metals Association).

Despite ongoing concerns with the tribunal, AMMA welcomes the appointment of respected workplace relations official John Kovacic as a Deputy President of the Fair Work Commission.

"John Kovacic is well known to AMMA and well respected by industry through our work with him on a wide range of domestic and international matters. We congratulate him on his appointment and look forward to working with him in his new role," says AMMA chief executive Steve Knott.

"There are however, serious structural issues plaguing the Fair Work Commission that the government will not acknowledge, let alone rectify. Following today's appointment, we note the Commission now has one presidential role for every one commissioner.

"With 23 commissioner roles and 23 presidential roles, there are simply too many Chiefs and not enough Indians at the Fair Work Commission. This has the business community concerned.

"The government appears to be loading up on senior members in anticipation of a much busier and more activist tribunal.

"This reflects the Labor Government's ongoing obsession with imposing third party processes directly between employers and their employees."

AMMA has also been a consistent critic of the lack of commission appointees with private sector business experience. 18 out of 27 appointees to the federal industrial tribunal under the current Labor Government have had trade union backgrounds or ALP affiliations.

"AMMA is aware that many highly experienced and legally-qualified IR practitioners from the private sector have applied to join the tribunal, but have been consistently overlooked for FWC appointments," Mr Knott says.

"It is inconceivable that Minister Shorten's 'merit-based' selection process can only find one suitable private sector applicant with proven business experience for every three ex-union officials and ALP affiliates appointed to the Fair Work Commission."

While members of the federal industrial tribunal strive to maintain a high degree of independence and objectivity in the course of their duties, the following business impacts have been inescapable:

- The endless stream of union/Labor linked appointees has undermined employers' confidence in the system; and
- The greatly enhanced role of the Fair Work Commission under the current system has seen those partisan appointments have greater impact on business outcomes than ever before.

"For the Fair Work Commission to be a modern and independent industrial tribunal, it desperately needs members with real business experience and a more productive and efficient leadership structure," Mr Knott says.

MEDIA ENQUIRIES: Contact AMMA media manager Tom Reid on 0419 153 407