

MEDIA RELEASE

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Minister Cash urged to fix dysfunction in the Fair Work Commission

AMMA has today released a detailed record of the dysfunction and political in-fighting plaguing Australia's so-called independent workplace relations tribunal, in [a letter](#) urging Minister for Employment Michaelia Cash to launch a full investigation into the Fair Work Commission's (FWC) structure and approach to administering Australia's workplace laws.

The resource industry employer group's correspondence to Minister Cash raises a number of serious issues which are seeing the national tribunal 'failing to support the interests of employers and employees in contemporary Australian workplaces'.

"All evidence points to the FWC being highly dysfunctional, not serving users well and appearing to pursue political agendas rather than assisting constructive workplace relations outcomes for employers and employees," says AMMA chief executive Steve Knott.

"We are seeing FWC members, many with trade union backgrounds, operate outside of long-standing conventions and issue decisions at odds with long-standing industrial principles.

"The dysfunction is becoming personal with senior members of the tribunal attacking the decision making of their peers when reviewing controversial or contentious decisions.

"AMMA's analysis of several significant FWC decisions reveals a toxic culture of conflict between key FWC members, on open display for all to see in competing judgements. This comes at significant cost to users of the FWC, namely employers, employees and the taxpayer."

AMMA's concerns about the operation of the FWC, highlighted to Minister Cash, include:

- Entrenched dysfunction that is blurring the line between respectful, constructive, collegiate differences of opinion and outright denigration and hostility.
- The propensity of the FWC's President to intervene in high profile industrial disputes which many believe is beyond the accepted precepts for the head of an industrial relations tribunal.
- The need for the Coalition Government to urgently redress the imbalance in FWC appointments following the former Labor Government's six year bias towards trade union appointees with little to no business experience.
- Increasing incidences of individual FWC members handing down decisions which directly contradict established Full Bench principles and approaches.
- The growing number of successful appeals against some tribunal members who have a record of handing down contentious decisions, leaving taxpayers to foot the bill.

Mr Knott says the examples in AMMA's [letter](#) 'not only challenge the credibility of the tribunal in its role as independent umpire, but threaten to further diminish employer confidence in our workplace system'.

"A review of the FWC should examine the merits of having a specialist appeals body of industrial relations jurists; something found in other international employment systems such as the United Kingdom," he says.

"These concerns are not solely for industrial relations specialists, but are at the heart of growing our economy through making Australia a more positive and rewarding place for employment."

Replacing the Fair Work Commission with a set of 'modern, balanced employment institutions' is one of the 5 key workplace reforms identified by resource employers in a 2016 survey. [Click here](#) to learn more.

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