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EWIN HANNAN
WORKPLACE EDITOR

Proposed "same job, same pay" laws could be subject to a transition period as employers ramp up opposition and the ACTU accuses big business of turning a blind eye to companies gaming the system to cut wages.

Employer lobby groups representing manufacturing and resource sector firms on Friday joined the Business Council of Australia in opposing the government's "same job, same pay" policy cracking down on worker exploitation by labour hire firms.

In a new discussion paper, the Department of Employment and Workplace Relations asks stakeholders whether the changes the government wants legislated in spring should be subject to a transition period before they commence operation.

While big business wants to confine the policy to monetary base rates of pay and not broader and undefined "conditions", the department is considering the merits of calculating the labour hire worker's pay based on a "full rate of pay".

It cites the example of "Jane", who is entitled to the same pay as an employee at a food production company. She is rostered to work a three-hour night shift. The award that usually applies to her work provides a penalty rate of 50 per cent for the first three hours of a night shift on a base rate of \$21.97 an hour.

However, the enterprise agreement applying to the major food production company where Jane is working provides a higher base rate of \$25 an hour plus 55 per cent penalty rates during night shifts.

According to the government, Jane's pay for her night shifts must be calculated with reference to the rate of \$25 an hour plus a 55 per cent penalty rate, pursuant to the host employer's enterprise agreement.

Calling the proposed changes the "wrong measures for the wrong times", Australian Industry Group chief executive Innes Willox said "careful consideration needs to be given to the inevitable increase in costs".

"Industry can't be treated like a magic pudding that can keep meeting the costs that will inevitably flow from the government's reform agenda," he said.

ACTU secretary Sally McManus hit back at the BCA's bid to limit the changes and its claim that the changes risked compromising the enterprise bargaining system and bogging the courts down in claims.

"When two workers are working alongside each other but getting different rates of pay for the same work because their employer has been 'clever' enough to use different companies to employ them – Australia has a problem.

"But according to big business, 'There is nothing to see here', she said.

"When big business profits are skyrocketing and workers' wages are going backwards because business has worked out how to game the system to cut wages and job security, Australia has a problem.

"The BCA says it doesn't know what the problem is that needs fixing.

"But it's pretty simple: restoring fairness to Australian workplaces."

Steve Knott, chief executive

of the Australian Resources and Energy Employer Association said the "same job, same pay" policy would "greatly disrupt longstanding workforce practices in some of the most productive and highest national revenue-producing projects in the country".