



17 JUN, 2023

Businesses welcome 'some concessions' in IR changes

AFR Weekend, Australia

Page 1 of 2

Businesses welcome 'some concessions' in IR changes

Labour laws

David Marin-Guzman
Workplace correspondent

Businesses have been given the detail they were requesting about the federal government's second wave of workplace reforms, including some concessions and a narrowing of scope.

Workplace Relations Minister Tony Burke met the ACTU and employer groups on Friday to give them a detailed briefing on industrial relations laws coming later this year, including same job, same pay for labour hire, minimum conditions for gig workers and criminalisation of underpayments.

The whole-day meeting was the next phase of consultation ahead of finalising draft legislation.

Participants were asked to sign confidentiality deeds. However, without revealing the content of the briefing, a source said some proposals were "better than expected" with a "few welcome concessions" while other sections included new items.

Another said the concessions were "refining the barbs" and "there was still a lot more work to be done to make it palatable to business".

"The meeting was "the next level of detail we've been asking for," said Council of Small Business Organisations Australia chairman Matthew Addison, who has raised concerns about the complexity the new laws will add to small business.

"It's a step forward," he said.

The Master Builders Association was not invited to the meeting after CEO Denita Wawn earlier criticised the government's consultation with business on the reforms as a "sham".

Ms Wawn said the MBA had not been notified or told why it was excluded.

"We don't know what the allegations are as they've not been put to us directly nor have we been given an opportunity to respond," she said.

"It's disappointing a decision has been made before basic procedural fairness, which ironically is one of the core elements of the Fair Work laws.

We hope the government will continue to negotiate with us in good faith."

Friday's consultation was understood to be separate from the legislated body that deals with draft IR bills known as the National Workplace Relations Consultative Council and

which includes the MBA. On Thursday, employer groups led by the Minerals Council of Australia issued a joint statement showing "broad opposition" to the laws, saying they would threaten jobs and undermine productivity.

A business campaign against the same job, same pay rules had raised fears about the laws based on how broad the early consultation had been, raising concerns the rules would pay less experienced workers the same as company veterans – measures Mr Burke said he had never proposed.

More recently, business groups have proposed alternatives to the government to limit their scope, with the MCA pushing an exemption for "surge"

labour hire when workers are engaged for fewer than 12 months.

The Australian Resources and Energy Employer Association has proposed a multi-factor test to distinguish labour hire from specialist service contractors, which the government is considering excluding from the laws.

The resources group proposed criteria for tests such as whether an employer is providing only contingent labour; if a contractor's employees are using the host's equipment; if the client is directly supervising the contractor's employees; and whether the contractor has autonomy over their work.

But the Minerals Council and other employer groups oppose a multi-factor test, saying it would be problematic as businesses may still have to engage lawyers to work out if they are covered.

They are pushing, instead, for a "clear and straightforward" definition of a service contractor that will exclude them from the law. Friday's meeting, however, was not understood to be a deal-making meeting.





17 JUN, 2023

Businesses welcome 'some concessions' in IR changes

AFR Weekend, Australia



Workplace Relations Minister Tony Burke and, left, COSBOA chairman Matthew Addison. PHOTOS: ALEX ELLINGHAUSEN