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More IR changes 'make bad bill worse'

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The Albanese government has agreed to almost 100 amendments to its shake-up of workplace laws, including surprise new union powers over pay and conditions that employers attacked as "deeply concerning".

Workplace Relations Minister Tony Burke introduced 81 amendments to the Closing Loopholes Bill in the House of Representatives yesterday on top of a deal with the Greens to criminalise superannuation underpayments and stop employers using new arbitration powers to reduce workers' conditions.

However, the bill's broader aims were kept intact including minimum pay for gig workers, ensuring labour hire workers earn at least the same as the direct workforce, jail time for wage theft and casual conversion rights.

Employers said some of the amendments increased complexity and broadened unions' reach, including by expanding labour hire laws to joint ventures and shifting power to unions over pay and conditions.

"The federal government's amendments tabled in parliament today unfortunately do little to allay a raft of significant and growing employer concerns with the Closing Loopholes Bill," Australian Industry Group chief executive Innes Willox said. "In various respects they make a bad bill worse."

The Minerals Council of Australia, which is conducting a \$24 million campaign against the labour hire laws on behalf of big miners like BHP and Glencore, said the amendments extended unions' reach.

"Unions will have even broader powers to seek Fair Work Commission orders to capture businesses in same job, same pay," MCA CEO Tania Constable said.

Mr Burke told parliament the amendments were "practical reforms" in response to stakeholder feedback.

Labor's previously announced amendments for employers exempt service contractors from labour hire laws, aim to clarify that firms can engage regular casuals and limit penalty rates for gig worker laws.

However, the amendments also introduce union powers to rope in mul-

tip labour hire employers at one host site into an existing same job, same pay order and extend the laws to joint ventures or "common interest" employers.

Greens amendments would also change Labor's intractable bargaining laws – which only came into effect in June and allow unions or employers to seek arbitration after nine months bargaining – so that any arbitration cannot leave workers "less favourable" than

their existing conditions. Employers argue it will reverse Labor's recent relaxation of the strict better off overall test for agreements.

Australian Chamber of Commerce and Industry CEO Andrew McKellar said the deal gave unions "an unprecedented and unfair advantage in bargaining" and was "deeply concerning".

"It is a sneaky and underhanded move to placate the Greens in order to secure their support for this latest legislative abomination," he said.

"The amendment, which seeks to change a law that only came into effect

a matter of months ago, will mean that unions can drag out a bargaining dispute, unilaterally force a matter to be arbitrated by the Fair Work Commission, and because of the change, the employer will be worse off than before."

The Greens say the amendments, pushed by the United Firefighters Union, will make sure employers "can't stonewall and delay enterprise agreement negotiations in hopes of pushing it off to arbitration where they can seek to remove hard-won conditions".

Mr Burke said the change merely restored a concept under old arbitration laws that ensured workers' agreements remained in place.

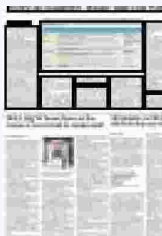
ACTU secretary Sally McManus said "the vast majority" of amendments were proposed by employer groups.

"Big business wants Peter Dutton and the crossbench to block this legislation because they are happy to keep wages low and profits sky-high," she said. "Anything that gets in the way of money-making is labelled 'red tape' or 'complicated'.

"If companies like Qantas and BHP can get their head around introducing complex labour hire agreements to drive down pay, they are certainly capable of understanding legislation that

will make work safer and get wages moving in a cost-of-living crisis."

Australian Resources and Energy Employers Association CEO Steve Knott said the amendments exempting service contractors, which he negotiated, were "substantial concessions".



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What's changed?

Labor's IR bill amendments

Area	Changes	Stakeholders
Casuals	<ul style="list-style-type: none"> Clarification that the laws don't stop employers engaging regular casuals who choose not to convert to permanent 	Australian Hotels Association
Labour hire	<ul style="list-style-type: none"> A clear test to exclude service contractors from 'same job, same pay' laws Stop labour hire workers claiming termination payments at a higher rate if they have worked for another company 	Australian Resources and Energy Employers Association
Gig economy	<ul style="list-style-type: none"> Limit where gig workers can be paid penalty rates, minimum engagement periods and payments between tasks Exclude gig workers covered by minimum conditions from claims they are employees, not independent contractors 	Uber, Menulog, Doordash
Wage theft	<ul style="list-style-type: none"> Criminalising the underpayment of superannuation in the same way as wages 	The Greens
Arbitration	<ul style="list-style-type: none"> Stop employers from exploiting Labor's new unilateral arbitration powers to cut conditions 	The Greens

SOURCE: FINANCIAL REVIEW