

AUSTRALIAN GREENS DISSENTING REPORT

1.1 The government claims the Fair Work Amendment (Bargaining Processes) Bill 2014 makes improvements to our workplace relations laws by amending the Fair Work Act 2009 to:

- provide for an additional approval requirement for enterprise agreements that are not greenfields agreements;
- require the Fair Work Commission (FWC) to have regard to a range of non-exhaustive factors to guide its assessment of whether an applicant for a protected action ballot order is genuinely trying to reach an agreement; and
- provide that the FWC must not make a protected action ballot order when it is satisfied that the claims of an applicant are manifestly excessive or would have a significant adverse impact on workplace productivity.

1.2 Substantial evidence to the committee showed that this bill represents a substantial attack on the rights of Australian workers and their capacity to take lawful industrial action and collectively bargain.

1.3 Numerous submissions to the committee from registered organisations and others outlined the dangers of this bill.

1.4 In a submission to the committee the Australian Council of Trade Unions (ACTU) summarised these concerns in the following manner:

The outcomes that the Bill seeks to engineer are twofold: - A reduction in the incidence of lawful industrial action; and - A reduction in the likelihood that bargaining will result in the approval of a collective agreement.¹

1.5 The ACTU went on to outline in some detail how the legislation would breach Australia's obligations under international law, including the Freedom of Association and Protection of the Right to Organise Convention and the International Covenant on Economic, Social and Cultural Rights.

1.6 The government has failed to make the case for these changes to our workplace relation laws.

1.7 Industrial action is at one of the lowest levels in last the fifty years and no substantial evidence was provided to the committee that showed why further restrictions on lawful industrial action are needed.

1.8 The Australian Greens are also concerned by the practical retrospective effect of the legislation in relation to the "greenfield" provisions.

1 Australian Council of Trade Unions, *Submission 9*, p. 4.

Recommendation 1

1.9 The Australian Greens will not be supporting the bill and recommend the government not proceed with the legislation.

Senator Lee Rhiannon

Australian Greens