

# **UNITED FIREFIGHTERS UNION OF AUSTRALIA**

## **Submission to Senate inquiry into the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007**

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**Brett Baulman  
National Executive Officer**

**United Firefighters Union of Australia  
410 Brunswick Street Fitzroy  
Melbourne Vic  
b.baulman@ufunat.asn.au**

- 1. The United Firefighters Union of Australia (UFU of A) is the peak industrial body representing approximately 14,000 professional firefighters and operational staff. The UFU of A represents the industrial interests of its membership in both Federal and State jurisdictions.**
- 2. The UFU of A is a federation of State and Territory branches overarched by a National Office. Currently, the A.C.T, Victorian and Aviation branches are captured by Federal workplace relations legislation. The New South Wales, Tasmanian, South Australian, Western Australian and Queensland branches operate under State industrial regimes.**
- 3. The UFU of A has members employed in the private sector providing firefighting protection to Australia's military bases and personnel. These firefighters are subject to Federal workplace relations legislation.**
- 4. In all States and Territories the UFU of A has in place industrial and legal instruments pertaining to the employment conditions of its members. These industrial instruments take the form of union collective agreements for Federal employees (including private sector) and State based awards or agreements for state employees.**
- 5. At this point in time Australian Workplace Agreements have been rejected from entering the firefighting industry by our members. Due mainly to high density of union membership in the industry and our member's insistence to bargain collectively.**
- 6. The UFU of A welcomes the opportunity to make a formal submission to the senate inquiry on the Workplace Relations Amendment (A Stronger Safety Net) Bill 2007.**
- 7. The recent amendments to the Workplace Relations Act 1996 (WRA) titled "Workchoices", left many working Australians without a sufficient safety net to guarantee a fair deal at work. The removal of the no-disadvantage test and the subsequent introduction of only 5 statutory minima are manifestly unfair.**
- 8. The UFU of A believes the stripping of the AIRC of its powers to test an agreement or AWA against a relevant industrial instrument was hastily conceived and implemented by the Federal Government. Without due consideration given to those workers that have weaker bargaining positions.**

- 9. The Federal Government's latest amendment fails on a number of grounds. It fails on the grounds of due process, prior to "Workchoices" (pre-reform) the Australian Industrial Relations Commission (AIRC) was required by virtue of the Part VIE WRA to scrutinise, in an open hearing, all collective agreements. A fairness or no-disadvantage test was applied by the AIRC to the agreement and if satisfied, the agreement certified.**
- 10. In relation to AWA's, s 170 XE of the pre-reform Act provided for determination by the Employment Advocate for the purposes of a no-disadvantage test.**
- 11. The employee has limited right to appeal a decision of the Workplace Authority. The costs of such an appeal, if available, present prohibitive costs to ordinary working Australians. The UFU of A believes this role should revert back to the AIRC to consider such matters.**
- 12. Prior to 7 May 2007, employees who have signed AWA's receive no relief from this Bill and may be significantly disadvantaged, in effect creating a two tiered system of standards. The UFU of A believes that the most disadvantaged in this case will be women, juniors and migrants.**
- 13. The Workplace Authority determines whether fair compensation is provided for when employees lose protected award conditions. The UFU of A believes conditions should remain as described, protected.**

## **Conclusion**

**The UFA of A is concerned this Bill does not go far enough in protecting workers in Australia. In particular, the UFU of A has concerns the Bill does not provide adequately for review processes within the reach of working people, should a Workplace Authority decision be deemed unsatisfactory by the employee. The UFU of A has concerns for the workers who have signed AWA's prior to 7 May and have no recourse to review. The UFU of A believes the role once undertaken by the AIRC in these matters should be reinstated and legislation amended to reflect this role.**