

**SUBMISSION OF THE SOCIAL ISSUES EXECUTIVE
ANGLICAN CHURCH SYDNEY DIOCESE
TO THE
Inquiry into *Workplace Relations Amendment*
(*A Stronger Safety Net*) Bill 2007**

The Social Issues Executive of the Anglican Church Diocese of Sydney is grateful for the opportunity to make this submission to the Inquiry.

We acknowledge that the Government has responsibility to ensure that our system of industrial relations is fair to both employers and employees. In exercising this responsibility we urge the government to closely monitor the industrial marketplace to ensure that a principle of fairness prevails and that relationship, family and community time will not be sacrificed in the interests of economic prosperity.

The introduction of the *Workplace Relations Amendment (A Stronger Safety Net) Bill 2007* is an important acknowledgment by the government that the original Work Choices legislation did not provide adequate protection for all workers. We therefore support in principle the amendments.

While we welcome any measures that introduce more fairness into the current industrial relations system, we believe that there remain some areas of concern.

We wish to highlight the situation of employees who were disadvantaged by signing AWAs prior to May 7. We urge Government to address the hardships that have resulted for a number of these workers, who signed AWAs in good faith under the Government's Workchoices legislation, or perhaps signed without any genuine choice at all, and as a result have lost basic award conditions. We suggest that many of those who have been adversely affected are likely to be young and unskilled people who already have minimal social or economic advantages in our community.

While we believe that the Fairness Test will provide some protection for some workers, we note that there are important work conditions (such as adequate notice of roster changes) that are not covered by the Fairness Test and impact on family and community life. We also note that there appears to be a high degree of subjectivity about what constitutes 'fair compensation' for protected award conditions.

We are concerned about the "exceptional circumstances" clause, which may enable conditions to be lost without compensation due to a "short term crisis". While we recognise the need for a realistic understanding of conditions in the marketplace, it is our view that this provision is open to abuse, and we urge that safeguards to protect workers should be rigorously pursued.

We note that award conditions are the standards upon which the fairness test is to be based. We are concerned that over time, the award safety net itself may weaken, and so therefore might the fairness test become flawed or inadequate.

Our final specific concern is that under the proposed system there would not be an appeal process for most determinations under the Fairness Test by the Workplace Authority. We believe that the current shift away from collective bargaining towards individual bargaining, places the onus of responsibility increasingly on individual workers, many of whom have minimal bargaining power or knowledge. It is due to this inherent power imbalance between some employers and some employees that there needs to be ongoing scrutiny and monitoring of AWAs and the application of the Fairness test, so that those who are most vulnerable have maximum protection.

It appears that in the current economic climate of prosperity and competition, there is increasing pressure on both employers and employees to trade away family friendly working hours, which in effect erodes family and community life. Whatever shape our system of industrial relations takes, it should not legitimate or encourage this disturbing trend.

We trust the effort to pass and implement this complex legislation in an efficient and timely manner will not compromise the needs and conditions of any worker, particularly those who are most vulnerable.

Social Issues Executive
Anglican Church Sydney Diocese

Contact:
Lisa Watts
9577 9956
0409 120076
1 King Street
Newtown NSW 2042
Lisa.watts@moore.edu.au