2008

The Parliament of the
Commonwealth of Australia

THE SENATE

Workplace Relations Amendment (Transition to Forward with Fairness) Bill 2008

(Amendments to be moved by Senator Murray on behalf of the Australian Democrats in committee of the whole)

(1) Schedule 3, page 108 (after line 7), after item 1, insert:

1A  After paragraph 21(a)
    Insert:
    (aa) monitor pay equity;
    (ab) hear individual complaints of pay inequity;
    (ac) provide simplified proceedings for the conduct of matters arising under paragraph
        (ab) which comply with sections 108 and 109.
        [monitor complaints of pay inequity]

(2) Schedule 3, page 108 (after line 7), after item 1, insert:

1B  Paragraph 22(1)(a)
    After “conduct”, insert “annual”.
        [annual wage reviews]

(3) Schedule 3, page 108 (after line 12), after item 2, insert:

2A  Section 23
    Repeal the section, substitute:

23  AFPC’s wage-setting parameters
    (1)  The objective of the AFPC in performing its wage-setting function is to ensure that a
        safety net of fair minimum wages and conditions of employment is established and
        maintained while promoting the economic prosperity of the people of Australia, having
        regard to the following:
            (a) the need to provide fair minimum standards for employees in the context of living
                standards generally prevailing in the Australian community;
(b) the capacity of the unemployed and the low paid to obtain and remain in employment;
(c) economic factors, including levels of productivity and inflation, desirability of attaining a high level of employment, employment and competitiveness across the economy;
(d) relevant taxation and government transfer payments;
(e) the needs of the low paid.

(2) In performing its functions under this Part, the AFPC must have regard to the following:
(a) the need for any alterations to wage relativities between awards to be based on skill, responsibility and the conditions under which work is performed;
(b) the need to support training arrangements through appropriate trainee wage provisions;
(c) the need, using a case-by-case approach, to protect the competitive position of young people in the labour market, to promote youth employment, youth skills and community standards and to assist in reducing youth unemployment, through appropriate wage provisions, including where appropriate junior wage provisions, taking into account:
(i) the extent of labour market disadvantage faced by young workers; and
(ii) the work value of young workers at different ages; and
(iii) the promotion of skills development and training of young workers to reduce their labour market disadvantages; and
(iv) the desirability of minimising discrimination on the basis of age in wage rates only to the extent necessary to further these objectives; and
(v) the structural efficiency principle; and
(vi) that 18 years of age is considered an adult;
(d) the need to provide a supported wage system for people with disabilities;
(e) the need to apply the principle of equal pay for work of equal value;
(f) the need to prevent and eliminate discrimination because of, or for reasons including, race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

(3) For the purposes of paragraph (2)(f), trainee wage arrangements are not to be treated as constituting discrimination by reason of age if:
(a) they apply (whether directly or otherwise) the wage criteria set out in the award providing for the national training wage or wage criteria of that kind; or
(b) they contain different rates of pay for adult and non-adult employees participating in an apprenticeship, cadetship or other similar work-based training arrangement.

[AFPC’s wage-setting parameters]

(4) Schedule 3, page 108 (after line 12), after item 2, insert:

2B Paragraph 24(1)(a)
Before “the” insert, “subject to paragraph 22(1)(a),”.

[annual wage reviews]

(5) Schedule 3, page 108 (after line 12), after item 2, insert:

2C Paragraphs 103(1)(b) and 103(2)(b)
After “economy” (second occurring), insert “and society”.

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(6) Schedule 3, page 108 (after line 12), after item 2, insert:

2D At the end of section 104

Add:

(2) In taking into account matters required by subsection (1), the Commission must conduct periodic gender pay audits and work value tests before setting the FMW.

[gender/work value audits etc]

(7) Schedule 3, page 108 (after line 12), after item 2, insert:

2E After paragraph 150B(1)(h)

Insert:

(ha) investigate, research and regularly publish pay equity outcomes for all ITEAs and collective agreements;

[employment advocate function—publish pay equity outcomes]

(8) Schedule 3, page 108 (after line 12), after item 2, insert:

2F At the end of subsection 150B(2)

Add:

; and (c) the principle that men and women should receive equal remuneration for work of equal value.

[equal remuneration for work of equal value]

(9) Schedule 3, page 109 (after line 4), after item 7, insert:

7A After Subdivision A of Division 2 of Part 7

Insert:

Subdivision AA—Indexation of minimum wage

181A Indexation of minimum wage

(1) This Subdivision provides for the indexation of the minimum wage, in line with the Consumer Price Index, to start on commencement of this section.

(2) The indexation factor is to be worked out in accordance with section 1193 of the Social Security Act 1991.

(3) The rounding of indexed amounts is to be worked out in accordance with section 1194 of the Social Security Act 1991.

[indexation of minimum wage]

(10) Schedule 3, page 113 (after line 20), after item 40, insert:

40B Subsection 337(4)

Repeal the subsection, substitute:

(4) The information statement mentioned in subsection (2) and paragraph (3)(a) must contain:
(a) information about the time at which and the manner in which the approval will be sought under section 340; and

(b) if the agreement is an ITEA—information about the effect of section 334 (which deals with bargaining agents); and

(c) if the agreement is an employee collective agreement—information about the effect of section 335 (which deals with bargaining agents); and

(d) must be appropriate, having regard to the person’s particular circumstances and needs, especially if the employee(s) whose employment will be covered by the agreement are women, persons from a non-English speaking background or young persons; and

(e) any other information that the Employment Advocate requires by notice published in the Gazette.

[improve genuine consent for vulnerable workers]