

REWRITE OUR LABOUR LAWS

The Greens' 10 principles for rewriting our labour laws

For decades successive governments have grovelled to big corporations with little regard for workers, leaving too many people in low paid, insecure and unfulfilling work. Long-term job security is a distant memory while insecure work flourishes, billionaires increase their profits as working people experienced the slowest sustained wage growth since the Great Depression and our labour laws continue to breach international law. We need to rewrite our labour laws to protect and improve the lives and rights of working people and reduce inequality.

THE GREENS' 10 PRINCIPLES:

- ▲ 1. Labour laws must reduce inequality in society
- ▲ 2. Workers should be paid and treated equally for the same kind of work
- ▲ 3. Everyone has the right to decent work
- ▲ 4. The rights of workers and unions should be protected
- ▲ 5. End the insecure work crisis
- ▲ 6. Workers should have more power to bargain
- ▲ 7. Migration laws and free trade deals should not be able to undercut local labour laws
- ▲ 8. The composition of the workforce must be reflective of the population
- ▲ 9. The government must not use the law to attack working people and their unions
- ▲ 10. There must be an independent workplace commission and an easy way of enforcing labour laws

1. Labour Laws must reduce inequality in society

- a) The minimum wage is already leaving people in poverty as Australia experienced the slowest sustained wage growth since the Great Depression¹ and it is expected to get worse with the Government's budget forecasting wages will go backwards in real terms. This is simply not good enough. We must increase the minimum wage to a living wage of at least 60% of the full-time adult median wage so workers can afford to meet their basic needs.
- b) Shockingly, our current modern award system does not require award conditions to improve the lives of working people. We need an award system that keeps up with the changing and dynamic nature of work and improves and protects workers' rights, pay and conditions.
- c) 10 days paid family and domestic violence leave must be available to all workers. This will give employees the time and financial independence to seek counselling, medical attention, legal advice, to relocate or any other activity associated with the experience of domestic violence.
- d) Penalty rates are not a luxury. Many low paid workers rely on penalty rates to make ends meet. Penalty rates must be restored to at least pre July 2017 levels and protected in law.
- e) All workers, regardless of their status, should be guaranteed leave to help deal with the challenges of the pandemic, including sick leave.

2. Workers should be paid and treated equally for the same kind of work

- a) Many employers are misusing contractors and labour hire workers to avoid paying minimum wages and provide basic workers' rights. 'Gig economy' and labour hire workers must receive the same minimum pay, conditions and protections as other employees. All kinds of 'workers' should be put on an equal footing, as far as practicable.
- b) Women get paid an average of 14.2%² less than men. This is inexcusable and it is long past time we stopped treating women as inferior in the workplace. Achieving gender pay equity must be a stated object of labour laws, including applying to the making and reviewing of awards.
- c) Our current federal laws and penalties do not deter employers from stealing from their employees. Wage theft has become common practice and low paid workers are left with little recourse. Swift and accessible enforcement mechanisms are needed.
- d) Loopholes that allow employees to be paid less than the legal minimum wage must be closed. Legal minimum rates of pay must not be discriminatory. Minimum standards such as penalty rates, overtime, loadings and allowances must be protected to prevent them from being negotiated out of agreements. Internships need to be properly regulated to stop exploitation.

¹ <https://www.theguardian.com/commentisfree/2021/apr/07/a-rise-in-the-minimum-wage-wont-hurt-australias-recovery-it-will-help-it>

² Workplace Gender Equality Agency, Australia's Gender Pay Gap Statistics, 27 August 2021

- e) To ensure workers' wages are not stolen when a company goes into administration, insolvency laws must be reformed to ensure all outstanding wages are paid as the first priority from a company's remaining assets, ahead of both taxes and secured creditors.

3. Everyone has the right to decent work

- a) People deserve more than jobs that pay low wages, don't offer enough hours and are insecure, unfulfilling and in many cases dangerous. The government needs to lead the way with employment-creating programs and public-sector led initiatives to tackle the climate crisis and assist workers and their communities to transition to new jobs and industries, supported by a jobs guarantee.
- b) Australians are both overworked and underworked simultaneously. Underemployment overtook unemployment in 2003 and hasn't looked back³. At the same time many full time workers want to work fewer hours. Un-and-under-employment is too high, especially for young people. We need to work towards full employment with an unemployment rate of 2%.
- c) Abolish Work for the Dole and other discriminatory programs and help jobseekers find meaningful employment.
- d) As we face greater automation and digital disruption we need to ensure workers are involved in the implementation of technology within the workplace so it is used to make workers lives better, not worse.
- e) When the government sends public money overseas to purchase goods and services that could be provided locally, it has the potential to undercut Australian businesses that provide proper wages and conditions. The government should use its spending to create and support local jobs.
- f) Work will be more fairly shared amongst people, more jobs will be created and wages will be lifted by moving towards a shorter working week without loss of pay.

4. The rights of workers and unions should be protected

- a) Workers should have the right to engage in industrial action, including the right to strike, consistent with international law and not limited to artificially restricted bargaining periods. Legislation banning secondary boycotts and strike action should be repealed.
- b) Unions should have enforceable rights to enter workplaces for legitimate purposes, to talk to members and potential members and to represent members.
- g) Unions should have a role in advancing wages and conditions through the workplace commission, including through seeking changes to awards and creating new rights.
- c) Training for union delegates and workplace safety delegates and time taken for related meetings should be held in work time and paid for.
- d) The rights of unions to organise and represent workers should be covered by law.

³ ABS Labour Force, November 2021

5. Insecure work must be outlawed

- a) Secure employment is increasingly unobtainable, with employers allowed to hire workers as indefinite casuals or on rolling contracts without any genuine obligation to provide long term job security. We need to change our laws to tackle rising job insecurity and to ensure casuals and independent contractors are not used to undermine job security. It is time to outlaw insecure work and establish a legislated presumption in favour of ongoing employment.
- b) People need greater control over the hours and arrangements for their work, especially as the pandemic changes the way many people work. We need to give workers and unions enforceable rights to create a better work-life balance for people.
- c) Workers should be involved in decision making and the direction and governance of their workplace. There needs to be a legislated requirement for corporations to have workers or their representatives on their boards to ensure the needs and views of working people are genuinely represented.

6. Workers should have more power to bargain

- a) Workers should be free to collectively bargain at whatever level they consider appropriate and with whoever has real control over their work, whether at a workplace, industry, sector or other level.
- b) Workers should be free to determine what matters relevant to their social, economic and environmental interests they want to bargain about.
- c) Employers are using their power to terminate agreements during bargaining as a weapon against workers, forcing them to accept inferior pay and conditions. It is time to level the playing field and remove the right to terminate agreements as a bargaining tactic.
- d) Attempts by the government to extend the length of 'greenfields' agreement should be opposed as it removes workers' rights to bargain.

7. Migration laws and free trade deals should not be able to undercut local labour laws

- a) Loopholes in free trade agreements that allow employers to circumvent local labour laws, which leads to systemic exploitation of temporary visa workers and local workers being denied job opportunities and training. Australia must stop signing up to these unfair trade deals.
- b) To overcome any labour shortages, skills training of local workers should be the priority. Jobs should be advertised locally first. Temporary working visas should be restricted and used only to fill genuine skill shortages or where international collaboration is important (such as research). Temporary visa holders should not be automatically locked out of the permanent migration program. And as we deal with the pandemic, it is vital that workers and their

representatives be involved in setting the framework for guest workers: the system regulating the use of guest workers should be negotiated between unions, employer organisations and the federal government.

- c) Established Australian rates of pay should be guaranteed. Labour laws must be properly enforced to ensure that local legal standards are being applied everywhere, both for local workers and for guest workers.

8. The composition of the workforce must be reflective of the population

- a) We need new laws to ensure greater employment in decent work with equal pay for people with disabilities, First Nations People, people from non-English speaking, refugee and migrant backgrounds as well as other disadvantaged groups.

9. The government must not use the law to attack working people and their unions

- a) Parliament must abolish the Australian Building and Construction Commission (ABCC) and the Registered Organisations Commission (ROC) and prioritise worker and community safety by reinstating the Road Safety Remuneration Tribunal (or equivalent).

10. There must be an independent workplace commission and an easy way of enforcing labour laws

- a) Appointments to the commission should comprise an equal number of union and employer representatives.
- b) It must also be easy and cheap to enforce labour laws, meaning the current system of enforcement must be overhauled.

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