
Productivity Commission Inquiry into the Workplace Relations Framework

Comments from employers and employees in Australian workplaces

Included are only those comments received by 30 July 2015, for which the submitted gave their approval for use of their comments by the Commission. Some comments have been edited to remove information which the Commission considered could enable identification of the submitter.

Comment 1 Employee, Victoria

This is exactly what is leading to worldwide deflation, pay the "lower class" less, the less gets spent. One rich CEO still only buys one coffee, one sandwich. Well paid working class of millions? How many coffees and sandwiches? How many new houses, tvs, consumer goods, at ever increasing prices? We need healthy well paid high end manufacturing "like cars" to truly prosper.

Comment 2 Employer, Queensland

As an employer I would agree that all six suggestions mentioned are relevant and fair. In particular, we have 38 hour weeks, yet when staff go early there is no penalty, however, when they do extra time in a day, I have to pay overtime.

My biggest concern is 'sick days'. I employ 17 staff and a day does not go by without someone taking a sickie. Unfortunately, Doctors are not skilled enough to make educated prognoses and take the easy way out by issuing fictitious certificates. Sadly, when they run out of accrued sick leave, the next measure is to try WorkCover and once again, the Doctor always favours the employee. The accrual time for sick days should be reduced and it should never accumulate year after year. Employers should not be responsible for their staff's lifestyle.

Simple clarity of all rules and regulations would help. Often, interpretation can differ between both parties.

Finally, why do Employers have to jump through hoops so they don't upset employees who really are unskilled, steal, lazy etc etc. We should be able to hire and fire – obviously a good reason would be necessary and fairness would always be applied but with the current system, employees can do and say what they please without accountability. Too many businesses close their doors due to the incompetence of overpaid staff. "Pay peanuts you get monkeys". You get monkeys for the big dollars as well. I have been an employer since 1974 and finally I have had enough. Staff seem to know their entitlements but don't seem to be able to learn any skills at work – they get retrained every new day.

My apologies if the above comes across as harsh but this is a reality in the workplace.

Thank you for the opportunity to air my grievances. Something needs to be done before it is too late.

Comment 3 Employee

I am an AIN in an Aged Care Facility. If penalty rates were abolished there would be 2 main concerns:

1. There would be an impact on myself & most other employees who are permanent part time only. We rely on penalty rates to meet the family budget. Loss of penalty rates would mean that families would be unable to pay mortgage & other bills!
2. If penalty rates were abolished there would be no incentive to work evenings, night shifts & weekends and be away from family. The facility would have difficulty filling shifts. This would impact on the quality of care given to the elderly residents. Thank you for the opportunity to voice my concerns.

Comment 4 Employee, Queensland

I think the framework is biased against employees. It sounds as though it is a given that a way must be found to wring more out of them for less. When you talk about fair and equitable pay it is looking at how low a person can be paid and still be deemed (by some) to be fairly paid. What about the other end of the spectrum. Is it fair and equitable that management be paid up to 100 times what an ordinary worker gets? Is it equitable? And is that they type of thing that is really impacting on a business' s bottom line?

You also want to look at how flexible an employee should be to accommodate an employer's needs/wants. How about an employee's right to be respected and appreciated for what they do? How about telling employers to treat their employees as human beings rather than inputs in a production process that can be increased and reduces at whim. Because with every change in employment, a family's future and viability hangs in the balance. Stress levels about being able to provide basics fluctuate and society in general suffers. Your whole premise is flawed. And biased. And unfair to those who could really benefit, had it been framed correctly in the first place.

Comment 5 Employee, New South Wales

I note the enormous amount of resources used in the current arrangement where each Commonwealth agency (public service) negotiates an enterprise agreement. There would be major productivity savings in the public service in changing to a centralised bargaining model.

Comment 6 Employee, New South Wales

As a Registered Nurse, having worked weekends, public holidays, evening and night duty for most of my career, I believe shift penalties are an important component of fair pay conditions of employment. As an individual I would never be able to bargain for myself and have always accepted the Nurses Association's role in assisting in providing an award pay rate. Penalty rates help to discourage the 'cash economy' of 'tipping' or 'bribing' for better service as well paying staff 'cash in hand' as ways of avoiding paying tax. A weekend surcharge for a nonessential service is a better way to finance shift penalties than by paying a 'tip'. Nurses should never accept a 'tip' and if they lose their penalty rates, patients and their relatives may be more inclined to offer one. Low paid nurses may be tempted to accept a "tip" or a "gift" and this would seriously compromise their professional integrity.

Comment 7 Employer/business owner, Queensland

I find the Supported Wage Assessment process biased, irrelevant, imbalanced, over-simplified, inaccurate and impractical - especially when the employer is in the disability services industry.

Comment 8 Employee, New South Wales

Our population is ageing, and this includes the nursing workforce. In Australia- as you would know- nursing is a specialty that is losing numbers- to other careers, to retirement, to injuries. In other parts of the world this reduction in the workforce is getting to dangerous proportions. What keeps us in the profession? Other than the obvious job satisfaction, the flexibility and rates make the job worthwhile.

I hate night shift. I hate it with a passion. It takes me three days to recover from it. At 41 years old I don't do it gracefully anymore. I feel sick, ache all over, but I have to do four of them a month because I am a senior staff member and we need them on a cardiothoracic and vascular surgical ward because it is my experience that is relied upon when it comes to detecting a deteriorating patient.

I hate missing Christmas Day, I hate working through Easter, I hate watching my friends enjoy dinners out when I am at work. I do it because it is part of the job and I feel at least I

can weigh up the losses by consoling myself with the penalty rates. If you take those away, you will be losing a good proportion of your work force.

If I had a lower paid job I could benefit from Government benefits. I would be able to stop studying for my Master of Nursing (saving me A LOT OF MONEY) and I would no longer miss any of my families birthdays, family events, Christmas Days. Nursing is an amazing profession — but we give and give all day. We are abused, overworked, often threatened, under extreme pressure and it would not be a difficult task to walk away from it all. I have a friend who walked recently to become a carpenter, and she is loving the change, and earning just as much money!

If you take away our penalties I will walk. I am intelligent and not afraid of change. You are considering beating a profession that is already teetering on the edge of extinction. Please think twice about the impact you will have on our health system. Is that the type of hospital you want to be in one day? One with minimal nursing staff?

Comment 9 Employer/business owner, Victoria

Thank goodness this is finally being reviewed. Penalty rates are ruining hospitality businesses, it's completely unfair when the hospitality industry must open on these public holidays to survive. Everyone working in hospitality knows they will be working Fridays, Saturdays, Sundays and public holidays and receive weekdays off, this is the hospitality industry.

Penalty rates are sinking small business owners and their families (and potentially putting the people they employ out of work which effects their family too). Penalty rates encourage minimum wage and paying cash that is below the minimum wage to counter the high costs of operating on weekends and public holidays.

There are also not enough rights for business owners these days as we had a drug dealing chef who was consistently high in our kitchen who took advantage of his rights, we were too scared to fire him due to the consequences of unfair dismissal as we had also discovered he was bipolar and he knew all he had to do was just deny what we saw in regards to the drugs. He ended up leaving but we felt completely trapped as Fair Work advised us to follow the dismissal procedure which took time and strategising to get him to be open to the idea of leaving so we didn't have to live in fear of him resenting us and creating unfair dismissal issues we don't have the time or money to deal with.

We also know that many, many small to medium business owners, especially in the hospitality industry are really struggling, at times not even feeding their own family properly, and going without heating their home during winter because they are trying to not take a wage so that they can keep up their business financial obligations, which includes too much tax, penalty rates for staff for typical hospitality open days/ hours and paying for things like super for young travellers with short visas who have no ties to this country and are very unlikely to even claim their super. The hospitality businesses thriving

seem to be the ones who have an accountant who knows how to work loopholes and the employers have been paying cash in hand to staff who will take it, especially the travellers who don't want to bother with the paperwork. It makes us question why we continue to do the right thing when doing the right thing is killing our business.

Businesses like ours, should be able to survive on our annual turnover of \$1 million + but we are struggling to cover basic costs. Over emphasis on employee rights and taxes are putting good businesses under. There absolutely are people that will abuse a system, regardless of what side they are on, employees cannot be taken advantage of, but neither can employers. Small to medium businesses create good jobs for people, support families and contribute to economic development, there are good bosses, and good businesses out there doing the right thing and living in poverty for it. They need more support and penalty rates are sucking them dry on days that are completely normal and acceptable for a hospitality business to be open. There needs to be more financial support and incentives for people who have the confidence to go into business.

For ever and a day the same statistic has been thrown around of 90% of businesses failing in the first year, why is this, yet we never here the government coming up with any solutions to fix this issue and support the survival of young businesses and the people who have the guts to take a chance. Instead all we hear about is unemployment and worker's rights. There should be greater support in the first three years of a new business. The costs associated with running a business are not sustainable, payroll tax, superannuation and well paid staff. There should a subsidy strategy put in place for the first few years by the government to assist in the payment of superannuation.

Comment 10 Employer/business owner, New South Wales

We are competing with our neighbours who are located in Asia where minimum labour rates, penalty rates, hiring and firing laws don't exist. Every year our standard of living drops. Every year we have to pay more than staff are worth and this prevents us from paying good staff what they are worth. Every year businesses go out of business because they are carrying poor performers. The cost of starting up a business is significant because of employment costs. Every year, Australia's standard of living goes down and every year we lose part of what is still left of our manufacturing sector. The only real business we have is grow stuff, dig stuff out of the ground and tourism - things that cannot be done elsewhere. People are buying over the internet because it is cheaper - cheaper because we cannot produce at the cost of overseas plus freight. This year we have lost the remains of our car industry. We used to manufacture everything. We cannot afford to manufacture anything now.

Comment 11 Employee, South Australia

Millions of Australians could see a lowering in their take home pay/living standards if government and business decide to change penalty rates or the minimum wage. Think long and hard for the future of the many please.

Comment 12 Employer association representative, New South Wales

Business and Compliance

There are a number of tax and accounting compliance requirements which business owners are required to meet, including keeping organised accounting records, lodging and/or paying statements and returns relating to wages (salary, superannuation, workers compensation, payroll tax), GST, income tax etc. From the perspective of business owners who have limited knowledge in these areas, managing these items can be a challenging task and requires spending significant amounts of time. The time and energy spent on business compliance ultimately reduces the time that could be spent on managing and improving the business. Therefore, the importance of making the compliance process as simple and easy as possible cannot be stressed enough.

One of the areas which can be improved to achieve this is the lodgment and payment due dates of items relating to wages and GST. Currently, statement periods and due dates are not aligned which requires business owners to manage each item separately. By aligning all of the relevant periods and due dates, monthly, quarterly or annual figures can be used for all required lodgements rather and remove the need to calculate separate figures. Although payroll tax and workers compensation are administered by the states whereas PAYG withholding and GST are administered by the commonwealth, payroll tax legislation was harmonised between each of the states some time ago now and there is no reason why further amendments could not be made to align reporting and payment dates with commonwealth taxes.

Comment 13 Employee, New South Wales

The facts are these. This government (and many large businesses) want to drive wages down for lower paid workers in the interests of its short sighted and sociopathic Corporate influences. As they lack the imagination of real profit that of making money and saving the world at the same time. Something that seems altogether worthless these days. That will in turn soon enough cause a US style system where violence and theft crimes rise dramatically and the streets become no place to be unless your living on them. Poverty becomes the norm for the majority and suffering of millions of workers becomes their lot in life. You want to find savings? Find it where it can be found like in the gigantic mining sectors, the Religious tax free havens, the Corporate bonuses and the like. If you want generations of suffering and horror then go cut the minimum wage as low it is anyway. If you want to use your powers as intelligent and honourable human beings and keep Australia as the unique wonderful place it is then recommend what I have told you. You

will be judged by your humanity and you cannot wash your hands or claim innocence of anything that you produce or recommend from this Commission.

Comment 14 Employee, Western Australia

I think that penalty rates are a very good incentive to work unsociable hours. People who live off minimum wage find it very difficult and having extra income from working on the weekend or at night can be a huge help. I would personally not work on the weekend if I was not given 1.5 times my rate. Unsociable hours are not convenient, especially if you have a family to support, and the penalty rate encourages more people to work these hours. However, I do realise that for some businesses, such as small businesses, the penalty rate can make it very hard for them to open or offer services after normal hours. It is a double edged sword.

Comment 15 Employee, ACT

A few years ago I was acting EL1 in a federal government department for three and a half years, continually and successfully, I was very dedicated to the job and did great work, but without my job ever being advertised so I could go for it. It was withdrawn from 'wave 1' (an outsourced recruitment process) because it wasn't 'technical', then it didn't get in 'wave 3', then much later it was put in 'wave 5' which was the wrong process and it had to get withdrawn from that, then the Rudd government came in, and there were budget cuts, so I couldn't go for my job, after acting in it for three and a half years. Suddenly there was no job to go for and I had no redress. Jobs are supposed to be advertised after 12 months, but of course this in in theory. This requirement needs to be a lot tougher, otherwise management will just use and dispose of people as suits them at the time, using long-term acting inappropriately. Thankfully under the CSS my super will be at the EL1 level as CSS goes off a 12-month rule. So should recruitment processes. It should be that if you have been acting 12 months and the job has not been advertised, and you are doing the job well, you should be put in the position. Unfortunately I was too focused on the work I was doing and believed it would be advertised eventually. There is no onus on management in this situation.

Comment 16 Employee, New South Wales

From my experience penalty rates are not only compensation for working unsociable hours ie 24/7 they also supplement an ever reducing basic wage. In my workplace, negotiated pay increases over the 10 EBAs to date have been below CPI. That means, for over 20 years, basic pay has reduced substantially compared to the increasing cost of living. Stop treating the workers as a legacy and start regarding them as an asset.

Comment 17 Employer/business owner, New South Wales

I run a small business as an Agent in the TAB. I agree with the cutting of penalty rates or even a reduction in them. Sometimes my employees earn more money than I do. Currently I pay an extra \$2.90 for higher duties on top of the penalty rates which are \$40.62 on a Sunday and Public Holidays are \$45.30.

I am not allowed to close on these days either which means I never get many weekends off or public holidays. I also pay a time and a half rate of \$37.69 for time worked after 9 hours up to 12 hours, then its double time. Penalty rates make it very difficult for my business and if they continue I will be forced to close my doors and there will be one less business opened for jobs.

I hope penalty rates are abolished, if not reduced, to keep small business running.

Comment 18 Employer/business owner, South Australia

I believe I should be able to pay my employees what I want, \$5 an hour for a sixty hour week should be plenty to sustain a life on and it is above the current social security payments. Also it should be optional to pay superannuation depending on whether I have hit my profit margins for the year.

Comment 19 Employee, Queensland

Hands off our working conditions especially weekend and public holiday penalty rates. Our university kids rely on that to help pay their way while studying full time. My husband works overtime and we rely on the present overtime rates to keep our head above water.

Comment 20 Employee, New South Wales

Penalty rates are essential for nurses, there is no way staff will want to work nights and weekends without penalties. it is unfair not to recognise it is a disadvantage to work these times. Sick leave in health facilities will escalate on these days and casual shifts will be impossible to fill.

Comment 21 Employee, New South Wales

Please DO NOT cut my penalty rates & annual leave & loading. I have worked for some years in a state government department, for minimum wages, & can only make ends meet because of penalty rates on weekends & night shifts. If I am forced to work these shifts for regular times wages, my family & I will be living on the poverty line, as will many of my co-workers. The little people need the protections that the current system provides.

Comment 22 Employee, New South Wales

I wish to take a few moments to comment on my dealings over the last few years with the various workplace relations offices relating to my past employment.

I have had two incidents occur, one minor and the other having lasting effects on me both financially and physically.

The latest incident involved a casual employer, who is a doctor, not paying the minimum entitlements relating to my employment. I have been left out of pocket in relation to underpaid travel entitlements (petrol expenses only, no .78 cents per km travelled. Nor was my travelling time paid unless he was in the car with me.) The other member of staff usually drove him and was paid an hourly rate for travel. This issue is minor and really could have been dealt with easily by the staff if the legislation had allowed her to act. If there are minimum entitlements to be paid then the staff should have the authority to compel the employer to pay those entitlements.

My contact with Fair Work to have this sorted out was due to the doctor refusing to respond to my written requests to have the minimum entitlements paid. He also ignored the fair work staff. I will now need to take the matter to a small claims court to have the monies paid. The fair work staff member was lovely to deal with and I can't make any complaint regarding her conduct. The legislation doesn't allow the Fair Work staff to do anything more than contact the employer and when that employer ignores correspondence and phone calls, the staff member is unable to do anything about it due to the legislation restricting the authority of the workplace authority. (There was no other issue relating to this employer. There was no workplace abuse or other improper behaviour from him that would have caused me concern. He's just a little tight with money.)

The second and more serious incident was caused due to the negligence of another member of staff in a general practice I work in some years ago. I have been left with chronic pain and breathing problems as a result of this incident. I have received no workers' compensation relating to this matter. I asked the doctor who employed me at the time to have his insurer reimburse me for the medical expenses incurred. I phoned WorkCover NSW in the last weeks of my employment for assistance in this matter as I was already unwell and was refused assistance as I wasn't the owner or manager of the business. This happened on numerous occasions by different staff members. Written correspondence was also ignored for long periods of time. It was only after the involvement of the local MP and Senators office that I was contacted at all by WorkCover NSW, who then stated that as the insurer declined the claim they now couldn't do anything to assist me. Had they acted when I first contacted them, before the claim went to the insurer my situation may be very different now. Once again, I have been informed that legislation doesn't allow them to act in this matter.

The employer failed to make the necessary notifications to WorkCover NSW at the time of the incident. No action has been taken about that either. The only outcome I have seen from WorkCover NSW was that the air conditioner that wasn't cleaned or maintained for a number of years was cleaned and maintained from then on. This was 18 months after I was ill and left the employment. Nothing has been done about the negligence of the previous 3

years. As this was a general practice, the public frequented the workplace as well as the staff.

While the staff I eventually dealt with were pleasant, I am very displeased with WorkCover NSW overall. I don't blame the WorkCover NSW staff for this situation. The legislation has not allowed them to act. I also am not upset with the call centre staff at WorkCover NSW simply because I believe someone may have given them instruction to not log the incident when it first happened. I spoke to a number of staff members who all gave the same answer. The calls were made over a number weeks so i don't think this could just be co-incidence. WorkCover NSW have acknowledged their failing in this matter. The acknowledgment is really of no benefit to me. I forwarded the letter of this acknowledgment to the appropriate NSW MP responsible for the oversight of WorkCover NSW. I am less than happy with his response. I doubt I will ever have this matter addressed in the appropriate manner as the only option left is to make an application to the WorkCover tribunal. The application must be made by a lawyer. The lawyer is not permitted to take payment from the worker for this application which means she would be undertaking a lot of work for no remuneration. She doesn't have the resources to work without payment for her services. Quite frankly, I don't think it is ok to expect her to do this and not get paid. As the doctor who employed me withheld records until the time for civil action had passed, I have no other avenue available to me.

To be honest, I find it utterly frustrating that the workplace authorities who are employed by government to deal with these matters are given no authority to do so.

The Australian Privacy Commission was able to obtain my records on my behalf. The legislation allowed the staff to act on this occasion. The staff member was lovely to deal with and this was the only occasion I had a successful result.

I would hope legislation is passed to allow the workplace authorities to act in matter when appropriate. As I won't be the only worker to have had this type of experience, I would hope action is taken to correct the problems that have been caused due to the restrictive legislation and see that this doesn't occur again. Consideration may also need to be given to the legislation that governs the WorkCover insurers as well. Employers are required to pay the premiums for this insurance and then the insurer declines the claim and nothing can be done. My incident occurred at the time the NSW legislation changed and I found the insurer involved tried to stall the claim from being lodged until after the changes became legislation. I have no doubt that this insurer had no intention whatsoever to accept liability for the illness I suffered due to workplace negligence.

As a result of the dealings I have had over the last few years, I have come to the conclusion that doctors are above workplace law and not accountable for what happens to their staff in their workplace.

Thank you for taking the time to read this.

Comment 23 Other, South Australia

A lot has been said in the past about the economic loss caused by employees taking unwarranted sick leave. Recently there has been talk about letting first home buyers access their Super to help fund a house purchase drawing criticism from various quarters. Not sure a first home buyer would have that much in Super to help with a home purchase. My suggestion is to allow employees access to a payout for unused sick leave. Generally sick leave is not paid out on termination and therefore employees are tempted to use it incorrectly to gain access to the attached funding by using it as a form of recreation leave. Therefore allow employees to gain access to sick leave in excess of a set limit e.g. 40 days so if they accrue 10 days per year and 5 days are used legitimately each year then after 9 years they will have 45 days and can cash in at year end a week's pay. By this stage an employee starting work at 17 is now 26 and possibly entering the housing market. It will not be enough to fund a house deposit, but such may be helpful, as well as to struggling families. It also has the benefit of enticing younger workers not to take unwarranted sick leave with positive economic benefits and if cashed out during the employee's lifetime has the same effect towards the end of a career in that unwarranted sick leave is not used to simply wind down a balance of leave not paid out at termination, therefore earlier retirements will result allowing employers to replace workers if expansion is not an option. Maintaining a minimal balance ensures enough leave is available for many longer term needs and each employee can choose to cash out or not as their life develops. Of course the flip side is that people may not take leave when needed but the employer still has the power to send unwell/unfit staff home if they consider it correct to do so.

Comment 24 Employer/business owner, Queensland

Unfair dismissal laws discourage employers from employing permanent staff. Holiday Leave, Sick Leave, LSL, Holiday Loading and Super Contributions add about 33% to an employee's wage and further reduce the ability to employ. The result is a shift to casual and temporary jobs.

Comment 25 Employee, Victoria

I object to changes proposed to workplace laws affecting pay rates for weekend and after hours work. Many workers such as myself opt to work weekends to ensure we have enough income to pay rent and bills. It is a sacrifice to be at work when your family is at home, but it is better than having to find a second job and spend even more time away from family. Taking away our right to extra pay for weekends etc. will severely disadvantage people who already struggle with the cost of living. Businesses may save money, but that will not go to creating more jobs, rather it will just fatten their bank accounts at the cost of their workers.

Comment 26 Employee, New South Wales

Ten years ago I started a new job my rate of pay was \$21.50 per hour. Today as of 03/02/2015 my rate of pay is \$21.78 per hour. Each term of government has left people like myself at the bottom. Please, what more can you take away. If you decide to take away penalty rates then that will be about it for me as I see no future in working for nothing.

Comment 27 Employer/business owner, Tasmania

Weekend penalty rates are causing hospitality venues to close this year we can no longer sustain the cost and are forced to close this is also a catering business that takes care of the elderly but can't deliver meals to them due to the cost of wages it would add a \$ 800.00 increase on top of a non-penalty day, time for a change, business has made the comment that it will be able to employ more people if penalty rates were reviewed and I can see this as a real fact.

Comment 28 Employee

The workplace and fair work laws — what a load of crap, all for the boss. Work 100 hours a fortnight no overtime until we work over 100 hours & work 15 hours Monday no extra pay just standard also maybe no extra break, boss time or worker time. Tuesday 4 1/2 hours sent home & no work Wednesday so we stay well under 100 hours. Only paid for hours worked usually only less than 38 hours, only paid for 38 hours super no matter how many hours worked. There are 15 pages of what we must do. So we are ripped off never earn more than \$30,000 per year, only get afternoon tea if we work more than 9 hours that day. Start at 7.30am finish soon or late, never told how many hours we will be needed that day. Must go hard or get yelled at, I am too slow and there is a vacancy right where I am working if I do not go faster. So we start at 7.30am, lunch 12.30 to 1pm, afternoon tea after 4 only if we work to 6pm & as above this might not happen. Worked to 10pm with out another break after lunch. Another time we worked late we got to share a foot long pizza & 1.00 chips for 30 staff, also only a 10 min break. The boss says this is fair. Some weeks we only get 30 hours so we get paid only 68 hours for fortnight. This happens a lot, so also less super. As I say it is all for the boss. Back in the 60's we were paid for overtime at a higher rate and always got paid for 40 hours work & extra hours, also paid meal \$3.50 for tea if we worked 2 hours overtime and we knew we would work back and knew what time we would knock off.

Comment 29 Other, ACT

Dear commissioners if you are discussing to drop minimum wage and penalty rate from the work force please consider dropping all state and federal taxes from all goods, foods and services to lower the cost of living to reasonable levels.

Comment 30 Employee, New South Wales

I depend on my penalty rates to pay my mortgage. Why should I work night duty and weekends, normal people, with normal jobs don't! Night duty takes 10 years off your life! Nurses are the back bone of your work force pay them correctly.

Comment 31 Employee, Queensland

I wish to make a submission regarding the review of penalty rates as someone who has relied upon them in the hospitality industry as a full time student.

I can tell you from first-hand experience that I did not enjoy working until midnight and on the weekend when my friends and family were enjoying their weekends off however this was the only position I was skilled to do (hence the university degree). Penalty rates made up the majority of my wage. They were the only way that I was able to afford to put a roof over my head and food on the table whilst studying full-time. I was working approx 20hrs a week over the weekend (fri, sat & sun) and was left with approximately \$450 after tax to pay for everything plus an extra \$80 per week from Centrelink as student support. This amount of hours is already more than the university recommends to study effectively. As a mature age student, I don't know how I would have survived without the penalty rates as my wage would have fallen dramatically. The productivity commission needs to bear in mind that these workers are some of the lowest paid already and the positions are often filled by university students who are trying to survive whilst studying. If you are going to remove a large chunk of their wage then the Centrelink payments need to be drastically raised so we are not left with a situation where only the rich can afford to study and move forward in their lives.

I can tell you from first-hand experience that these days of trade are also the busiest and most profitable days for restaurants and bars. The workers work harder because they are busier and the businesses make more money because they are busier. This should be passed onto workers to compensate for working unsociable hours. As this job is so physically exhausting with split shifts and running around all night, you cannot work more than 30hrs a week without your work quality being effected. How are you supposed to make up a full weeks wage in 30hrs without penalty rates?

I can also tell you first hand that lower wages won't mean more jobs in the hospitality sector. Too many people behind the bar or on the restaurant floor causes miscommunication and problems rather than more effective service. Staff are perceived as lazy if they have nothing to do which acts negatively for the business' image. Businesses will not put more staff on then is needed for the shifts, they will simply absorb the profits.

And finally, speaking as someone who generally worked unsociable hours. It is not the norm, I did not want to and the only reason I did it was out of necessity to survive whilst studying. I should be rewarded with penalty rates for working these unsociable hours. Everyone who works these hours dreams of the day they have the skills and education to

work Monday to Friday 9 - 5 and afford to live. Nobody thinks these hours are normal and nobody wants to do them without being rewarded.

Comment 32 Other, Tasmania

1. The technological revolution has spurred the miniaturisation of production technology, leading to the emergence of modern cottage industries in the Australian economy - note the growth of 3D printing, internet stores, network selling, local markets and direct mail. Pre-industrially, skilled craftspeople in towns and cities were paid more than (mainly rural) cottage industry workers, but the rural householders appreciated the opportunity to earn extra money and the convenience of working out of their homes, with different family members, such as children, pitching in to help. The current industrial relations framework continues to be relevant to the modern equivalent of "skilled craftspeople", but does not fit modern cottage industries.
2. Australian governments have not been successful in regulating modern cottage industry "workplaces" and reform is needed. Revolutionary change is possible, as evidenced by the progress that has already been made in recognising the contribution of volunteerism through the welfare system. This approach could be extended to the contribution of genuine cottage industries in welfare - as well as in taxation, consumer and workplace law.
3. Current workplace regulation denies the validity of cottage industries that generate only marginal returns, thus signalling entrepreneurial households to scale up activities - often jeopardising household assets and income. Rates of indebtedness and "sexually transmitted debt" for micro-businesses in Australia, especially for past participants of the New Enterprise Incentive Scheme, bear this out.
4. Where household and marginal cottage industry incomes are blended, households with poor financial literacy skills are at even greater financial risk. They are also at risk of breaching laws that ostensibly govern wage and condition arrangements for household "employees". Financial literacy in cottage industries is as low as it is in households generally. No financial counselling service in Australia provides support for cottage industries part of household budgeting programs and there are few software packages that can support these scenarios. The current industrial regulation of wages and conditions in this context is almost meaningless. I submit that cottage industries should not be subject to the same workplace regulation as other, business sectors. Cottage industries are usually marginal; they need regulation that promotes self-determinism, encourages the voluntary undertaking of enterprise despite low returns in the cottage sector, builds the safety and financial capabilities of entrepreneurial households, and allows consumers to make informed purchasing decisions.

Comment 33 Employee, New South Wales

Perm-part time basis, unable to negotiate full time employment because of the amount of casual employees in the same job. Improving the business Need unions to make a

difference. Fairness in setting terms and conditions Casual workers should not be employed on a casual for ever basis. Job security Scale 1-10 about 3 Penalty rates I would have to find another job. Not going to work night shift for the same as someone working day shift. Wages Have to find another job. Wages do not cover current cost of living. Hours of work No say at all, no overtime offered to full time or part time employees. Improving workplace relations No 457 working visas, keep Australian jobs for Australian citizens.

Comment 34 Employer/business owner, Queensland

Fair Work Australia has no interest in workers acting fairly towards employers. It's just not in its genesis or charter. There is no incentive to stop frivolous Unfair Dismissal Claims, it costs just \$67 as I understand to make a claim and on the basis of weighing up legal costs vs settling, businesses often settle. This dishonest behaviour is rewarded and the claims grow. How could the architects of this legislation not realise this? Why didn't they care about what this would do to the business environment? It's negligence. The Fair Work Statement does not mention the obligations of employees to the employer such as acting in good faith, acting loyally, being cooperative and show respect to all in the workplace etc etc

Ever since the Fair Work Australia legislation came in in 2009 we have tried to keep our staff numbers as low as possible. We had the opportunity in 2010 to expand to the vacant shop next door but didn't because of the risk I was saw emerging. We had the business volumes and track record as well as the cash and expertise to make an expansion a success. But the unfair dismissal legislation process appeared to me to be a costly and hugely time consuming risk we should avoid at all costs. The bias apparent in the legislation and the body's charter and the Fair Work statement (no mention of Employee's duties at all how ridiculous is this) was enough for my instincts to say to me, "stay small", "we are not in friendly territory". Business needs good staff and does it's best to keep them but it also needs a certain level of flexibility to act and respond to changes in business environment. It also needs to either train and fix non-performers or have them leave the business.

Workers need security. We all understand this tension and a balance has to be struck that gets it right for the nation. But get this balance wrong, then we don't encourage business managers or owners to take risks, investment opportunities and growth is lost and the workers' security is lost anyway. I think an overly restrictive dismissal regime is contrary to everyone's interests and really naive, uncompetitive and a destroyer of prosperity. I think the 14 staff threshold for Unfair Dismissal which isn't even on a Full Time Equivalent Basis (who thought this was a sensible basis?) for a small business is clearly ridiculous and a big part of the problem. I don't know what the number should be and some science should go into assessing the right level but surely it should be about 50~100. Small business is ill equipped to deal with these kinds of legal based issues and it's just easier and

less headache to employ less people. The Fair Work Australia claim route is well known to be now epidemically 'gamed' by former employees to extract 'piss off' money. All business owners talk about this.

The reality is this kind of legislation will reduce our willingness to employ and give people a go we are not confident of when recruiting. It will also shorten our time as business owners although we are at the peak of our experience and effectiveness. Why? We just don't want the stress of employment issues and have no rights whatsoever when things go wrong. How many more are like us? The FWA legislation is a negative growth cancer that will continue to spread and spread. It's flawed; unwise thinking that seems to ignore basic economics and the good of all. The Australian Govt should keep the FWA, the name at least is good. But make it what the name says - all parties in the workplace should be treated fairly. The employer's rights are nonexistent and there is no throwing out of claims where the employee does not act in good faith.

The way I feel now, a 4th Generation Australian, is this country has the sort of business environment that is criminally negligent for the good welfare of Australians. I know my history and I know why we need workers to be protected and I know there are unscrupulous business owners still out there - fine, throw the book at them. But as a society we don't seem to understand we need a healthy business environment. Somehow we have a huge section of the community that thinks that is just a given. Supporting people to lie and make false claims in a Government funded bureaucracy (FWA) is a perversion that is just criminally negligent to this country.

I saw Noel Pearson say so eloquently on Q & A some months back there needs to be a centre revolution in Australia with a new Accord being struck between labour and capital. So true. I think John Howard unwisely broke the Accord Bob Hawke so miraculously put in place (and I am not a natural supporter of Hawke's side of politics, but credit where it's due) and now we are copping the over reaction from far lessor Labor figures and the Unions with bringing in Fair Work Australia which despite its name is not fair legislation. In this competitive transparent world Australia can't afford this this tired old capital vs labour dynamic we have had since this country started. We need to wake up and see the danger we are in.

We effectively need "The Accord #2". We still have the architects of the Accord alive to call upon to help put this in place. Fair Work Australia should enshrine the Accord that served us well until 2007 and be the mechanism to keep the Accord going forever. My wife and I lived in Singapore in 2001 when I worked for a large resource exporter which moved my marketing job offshore to reduce costs and change poor work culture. What I observed was, there was there was no "them" and "us", just "us" in Singapore. That's what Australia needs to get to. We need to solve this intelligently and fairly, it needs forgiveness and almost a reconciliation process once and for all. We need profoundly different leadership and grace to move us forward. I say grace because a lot of people need to change their old thinking patterns and forget old prejudices. I think it's the biggest challenge we face as a nation and all the other social or economic problems and the high

welfare spend as a result stems from this. Young people are not getting the work opportunities they need to find satisfying and well paid work so they can fulfil their potential and is it any wonder we have the high drug, depression, suicide and alcohol problems we have. The industries that provided or could have provided these opportunities have long since left our shores.

The business environment as it stands will not produce new industries. We need to fix Fair Work Australia and evolve it into a body that will play it's part in facilitating co-operative and cohesive workplaces ie enshrine the principles behind The Accord, not be an agent for dividing us along old class lines as it is now.

Comment 35 Employee, New South Wales

No penalty rates for nurses means making Nursing 9-5. Unless Australia can offer healthcare in that condition please don't consider abolishing the penalty rate for nurses. Those penalty rate is just a form of monetary compensation for nurses who sacrifice their time with their family to work. The government have no appreciation of work done by nurses. Why don't the liberal government and politicians put themselves in a rotating roster? Maybe they can shed some light into the importance of penalty rates for nurses!

Comment 36 Other, New South Wales

The Abbott Government is not interested in creating jobs through its Workplace Relations reforms. Let's face it, they just want to destroy Unionism! They want to bring Australians into line with Americans. You can't tell me that an employer will give someone else a job if penalty rates are abolished and the minimum wage is lowered. Why bother? He/she will simply rub his/her hands together with glee and relish the thought of higher profits with no more outlay! How stupid does Abbott think the workers are?

Comment 37 Employee, Victoria

The productivity commission need to try starting work at 3.30 on a Saturday and Sunday and having one weekend off in every 6 weeks to spend with friends and family who work Monday to Friday and see what it is like and see how they would like it without being compensated with shift penalties. Tony Abbott has absolutely no idea if he thinks weekends don't exist anymore. When are weddings, birthday parties, football matches, grand prix, christenings and the list goes on and on.

Comment 38 Employee, Victoria

I am concerned that workplace laws would be reduced. Why should business owners benefit to the detriment of their employees -by not paying award rates, overtime, penalties,

public holidays, twelve hour shifts. My daughter is currently experiencing this. This will only get worse if we are not careful.

Comment 39 Employee, Western Australia

When if ever is there going to be a productivity review for all politicians. I have yet to see anything that would suggest that any politician is worth what the tax payer pays them. I see no value from my dollar from any politician all I see is revenue raising to fill the government coffers. From which the politicians receive exorbitant and obscene salaries superannuation payouts and allowances and regular increases well above inflation. While we the workers have to fight for every miserable eel dollar we earn and try to save for ours and our children's future only to see every gain we make stripped away in increases to the cost of services and hidden taxes.

Comment 40 Employee, Queensland

Concerned about HR barriers/misintention of legislation impacts of poor policy – suicide.

Comment 41 Employer/small business owner

As an employer with a small business I would like to let you know of our difficulties in trying to survive with the ridiculously high wages we are forced to pay if we need help. Penalty rates kill off most small businesses and after all the financial stress of operating our own business we also have to work weekends and not be able to spend time with family because the worker is more important and we get penalized to the point that we cannot afford help. How fair is it that an individual can't even work for less if they want a job, yet someone can import cheap labour. Most businesses I speak with could grow but choose not to because of high wages and all the other red tape and troubles to employ someone. Big businesses are operating offshore also because of the high costs for staff in Australia. The cost of living keeps soaring and those not working are doing it hard because high wages drive the cost of everything up. If you are serious about job creation and reducing unemployment, then set the minimum wage at say \$17 and allow businesses to negotiate with the workers what their work is worth on top of that. I personally would add bonuses and or commissions on top to motivate workers to be more involved and strive more. Right now there is a feeling of entitlement among workers and you are lucky if they do any work at all which is very frustrating for the employers. At the very least remove penalty rates as if one is in a shopping mall one is forced to be open Sundays and Holidays. It is not our fault and we should not be penalized for having to be open and needing help. Please help us keep operating and provide employment. I personally am frustrated to the point that I want to close.

Comment 42 Employer/business owner, Victoria

I am interested in investigating the opportunity to develop a new Award to support SME and start-up Businesses. The concept would be to provide a vehicle for new and expanding Businesses to adopt a new award with Provisions for any 5 in any 7 day a week without Penalty. Flexible work Practices and Flexi worker provisions.

Comment 43 Employee, ACT

I was offended by the timing of the release of these terms of reference as it clearly indicates intent on the part of the Treasurer to hide them from the general public. I also noticed that apart from public hearings, there was no requirement for the commission to actively seek the views of the public via surveys, focus group or whatever. I therefore decided to make this comment and was then amazed at the questions that followed this comment box on your website. 1. Why does it matter whether I am an employee or employer or whatever? 2. Why are only employers given the opportunity to state the number of employees? Surely this would equally be relevant if an employee etc. commented if the point were to distinguish between size of business?

Comment 44 Other, Victoria

Unemployment

Unemployment, and particularly long-term unemployment, may also HARM CAREER CHANCES IN THE FUTURE, reduce life satisfaction and increase social costs. establishment in the labour market for YOUTH has become more difficult, while OLDER unemployed often have problems re-entering the workforce.

Education contributes to Greater Productivity and Economic Growth besides the intrinsic value of being educated, education is associated with a wide range of benefits to both individuals and society. education contributes to greater productivity and economic growth. moreover, education has spillover effects: HUMAN CAPITAL is at the heart of innovation, and a more educated workforce fosters innovative ideas leading to more and better jobs.

Career Guidance has an Increasingly Important Role to play

Career guidance has an increasingly important role to play in helping workers and employers FIND THE BEST MATCH FOR SKILLS AND JOBS AVAILABLE. Making decisions about careers is a complex process especially as individuals face a growing range of courses and career options in a context of shifting labour market demands and DIMINISHED JOB SECURITY. Moreover, as jobs continue to evolve and career opportunities expand, the expectation that schools would prepare students for one occupation for their entire working life has increasingly been replaced by the idea of lifelong learning and a sequence of career changes and choices people make over a

lifetime. As a result, career guidance is becoming both more important and more challenging.

Vulnerability to Job Loss Increases with Age

Ensuring that mature age people are engaged in MEANINGFUL EMPLOYMENT AND TRAINING and have ACCESS TO A DECENT INCOMES will help ensure that we have a workforce ready for the major demographic challenges that confront us with great intensity in five years' time. People of all ages are living and working in a landscape of profound economic, social, technological, environmental and political change. A significant amount of research has been devoted to the combined impact of population ageing and skills shortages on workforces in Australia and other OECD countries. The promotion in previous years by governments of early retirement has been found by some researchers to have contributed to ageist expectations about the capacity of older workers to remain in the labour force, with a downward negative impact on how workers in their 40s are viewed by managers and supervisors. 62% of working Australians expected to continue holding a job once retired, highlighting the growing trend for RETIREMENT TO BE A PHASED PROCESS rather than a complete exit from the workforce. Ensuring the availability of such transitional jobs is a key strategy for preventing the premature workforce exit of older workers. Research on downsizing in Australia has identified that vulnerability to job loss increases progressively with age, compounded by OLDER WORKERS FACING GREATER DIFFICULTIES in regaining employment.

Past experience suggest that there are at least four areas of concern.

1. older workers (together with new entrants into the workforce) are often considered the most "dispensable" by firms who are retrenching staff;
2. older workers who are retrenched in these cases often become "discouraged job seekers" and withdraw completely from the labour market;
3. older people looking for work are competing with a larger pool of jobseekers and often are disregarded because of age discrimination;
4. the global economic crisis has significantly impacted on superannuation holdings. This loss of value of superannuation holdings has meant that some recently retired people need to return to the workforce for financial reasons, and subsequently have difficulty in finding work.

Together with part-time and casual employment, self-employment is a very vulnerable type of employment during periods of recession. Therefore, older workers are relatively more exposed than other age groups in PRECARIOUS FORMS OF EMPLOYMENT. As a barrier to workforce participation, AGEISM categorises young people as lacking the maturity and experience to be effective employees but ironically disregards the maturity and experience of older workers. Viewed through the lens of ageist perception, the workforce is given A VERY NARROW WINDOW OF OPPORTUNITY IN WHICH TO BE SEEN AS EMPLOYABLE. In reviewing the literature a common thread is the barrier posed to workforce participation by COMPETING INCENTIVES AND

DISINCENTIVES that arising from uncoordinated policy development across different portfolios. A second theme is that a one-size-fits-all approach to policy development and the determination of eligibility for different government services and programs OVERLOOKS THE SIGNIFICANT DIVERSITY within the mature age population especially when little flexibility is allowed in its implementation. There is also a need to DESIGN POLICY FOR MATURE AGE WORKERS THAT SUPPORTS THEM TO TRANSITION EASILY between various configurations of full-time work, part-time work, training, caring and retirement. When effective transitions are blocked, the self-esteem and motivation of mature age workers are affected.

Comment 45 Other, Victoria

The effects of working time on productivity and firm performance: a research synthesis paper Prepared by Lonnie Golden Conditions of Work and employment Series No. 33 International Labour Office Geneva 2012 p. 1

This research synthesis paper attempts to summarize the various effects of working time, in its multiple dimensions, described in the research literature in the past years. It covers the available empirical evidence regarding the effects of both hours of work and flexible types of working time arrangements. It discusses in particular the effects of long working hours and flexibility in the timing of work schedules and their impact on both labour productivity and firm performance via the underlying long-run labour costs. It considers the various dimensions of working time and its features of interest, such as duration, flexibility, variability (unpredictability) and divergence from preferences (mismatches " overemployment and underemployment). It reviews the credible, state-of-the-art research studies, particularly those conducted since 2000, from many countries, As international competition heats up amid globalization, it is tempting for firms to focus only on short-term labour cost reduction. One goal is therefore to present the case for upward harmonization as opposed to a 'race to the bottom' regarding working time practices, policies, standards and regulation. The paper thus concludes that there should be a creative approach to working time arrangements, .. p.7 While additional working hours may reflect a workers work ethic or commitment to the job, workplace, employer or labour force and the hope of attaining higher current or future earnings, at some point, longer working hours inevitably begin to create risks and time conflicts that interfere not only with the quality of non-work life, but also on-the-job performance. In addition, when considered within a longer time horizon and from a broader perspective, productivity and the firms labour costs may be affected in many indirect ways. p.9 Since workers with fatigue cost US employers US\$ 136.4 billion per year in health-related lost production time, \$101 billion more than workers without fatigue (Ricci et al., 2007), shortening working hours specifically in situations where long hours generate greater fatigue or risk of error or accident could deliver a higher level of productivity and lower production costs.

Source: http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_187307.pdf

Comment 46 Other, Victoria

Job Insecurity

Australia leads the world for job insecurity. More Australians than ever can only find casual or non-permanent jobs that don't offer any security. Are they what the economy needs or are they just being ripped off? Nearly 40 per cent of Australian workers are now non-permanent employees. Half of them are casuals and the remainder is made up of self-employed business owners, contractors, and fixed-term employees. The Sydney Morning Herald reports that Australia leads the world in developing a casualised workforce. Spain is the only country to have more casual workers than us. Source: <http://www.smh.com.au/business/a-precarious-life-20120327-1vwhy.html>

Mental health and wellbeing of the workforce

“Developing a Mentally Healthy Workplace: a review of the literature” is a report for the National Mental Health Commission and the Mentally Healthy Workplace Alliance. The report provides practical advice for employers based on evidence. Workplaces that support the health and wellbeing of all employees can reduce absenteeism and presenteeism, and increase employee engagement and productivity.

Source: <http://www.mentalhealthcommission.gov.au> for the full report.

The Australian Workplace Barometer: Report on psychosocial safety climate and worker health in Australia for Safe Work Australia

Research has consistently identified numerous workplace factors that contribute to poor employee health. Psychosocial risk factors found to correlate with employee health outcomes include workload, emotional demands, role conflict, bullying and harassment, feedback, opportunities for development, sense of community, autonomy, leadership, co-worker support, and organisational change (Demerouti, Nachreiner, Bakker, & Schaufeli, 2001; Karasek & Theorell, 1990).

In a major review, the World Health Organisation found that the influence of psychosocial risk at work is of increasing concern globally (Leka & Jain, 2010). Safe work strategies and workplace interventions will be most effective if directed at reducing emotional demands and work pressure, improving work-life balance, and proactively addressing bullying and harassment issues by promoting appropriate workplace behaviour. Organisations and employers will also benefit from addressing levels of organisational reward provided to employees by encouraging employers to consider the importance that respect, recognition, job security, and the opportunity for career development can have on improving employee productivity and wellbeing. These aspects are becoming increasingly

important with growing trends towards casual, contract, and part-time employment and should therefore feature in Australian work health and safety strategy development.

Source:<http://www.safeworkaustralia.gov.au/sites/swa/about/Publications/Documents/748/The-Australian-Workplace-Barometer-report.pdf>

Job mobility and high levels of employee turnover

Australia's job mobility is a long way from job for life- in fact it's closer to three jobs per decade! Today the national average tenure in a job is 3.3 years (3 years and 4 months), based on voluntary turnover of around 15% per annum. If this plays out consistently in the life of a school leaver today, and assuming they start their working life aged 18 (in a part-time role) and are retired from all work by 75, they will have 17 different employers in their lifetime. Based on 3 jobs before upskilling or career changing, this means that they will also have 5 separate careers in their lifetime. What is unique today is that the bulk of the workforce is following the lead of young people with more retraining, career changing, home moving, and shifting from employment to self-employment (and back!) than ever before. Plus with the shift to a more flexible employment market, marked by more temporary staff, contractors, more parents in the workforce seeking flexibility based on their family arrangements, a more empowered and confident workforce happy to leave a job and try for something else, and with technology providing easier opportunities to be a passive job-seeker (through online recruitment, job search apps etc.), we are seeing, and will continue to see more voluntary workforce mobility.

Source:<http://mccrindle.com.au/the-mccrindle-blog/job-mobility-in-australia>

Costs of high employee turnover

The costs and consequences of high employee turnover come under three broad headings: financial impacts on sites and companies (economic capital); workforce impacts (human capital); community impacts (social capital). The OECD has defined "human capital" as: "the knowledge, skills, competencies and attributes that facilitate the control of personal, social and economic well-being" (OECD 2001:18). Companies can contribute to the growth of human capital by developing the skills and competencies of their employees, providing new entrants into the labour market with long term employment opportunities, ensuring a healthy and safe workplace, and supporting education and training initiatives in the wider community (for example, providing scholarships to local schools). Conversely, companies will have a negative impact on human capital development when, amongst other things, they: adopt practices and policies which contribute to the de-skilling of their workforces; tolerate unsafe workplaces; engage in labour practices which discourage people from remaining in the workforce; and concentrate on "poaching" experienced employees from other companies rather than enhancing the skills of existing personnel.

Source:<http://www.csr.uq.edu.au/docs/MCApaperTurnover1.pdf>

Comment 47 Other, Victoria

Different future scenarios require different Australian workforces and workplaces. Respectfully, I suggest that the Commission may like to take a look at the Mega Trends listed in the "It's (almost) all about me Workplace 2030: Built for us" report, by Deloitte/AMP Capital (2013). This report predicts that "the Australian workforce of tomorrow will be older, more female and more ethnically diverse". The Australian Business Foundation, in Alternative Futures: Scenarios for Business in Australia in the Year 2015, September 1999 report outlined 4 different future scenarios. Respectfully, the Commission could consider developing a set of coherent future scenarios of Australian workforces/ workplaces against which to evaluate ideas presented to the Inquiry. This kind of approach may help to reveal new guiding principles and innovative options for the future. This kind of approach may help to reveal changes or recommendations which would be robust to multiple scenarios.

Comment 48 Employer/business owner, outside Australia

I think that the current system is stacked against employers. Of course intransigent employers should be punished but it's not needed to reduce every employer to the lowest common denominator. Considering all aspects, employees should also realise that employment is a privilege not a right and treat it as such. We should to a certain extent ignore public opinion and rather focus on an equitable and workable solution going forward. Evidence ; The closure of the motor industry. There is a place for existing mechanisms , but the space in most cases is occupied by persons interested in justifying their existence ... there is no rational debate. Recently Woolworths were fined \$5000 for asking an applicant for their age and sexual identity. Finally in a 24/7 society with expectations, are penalty and after hours rates still useful.

Comment 49 Employee, New South Wales

For the past three years I have been working to get an apprenticeship but have struggled to. Many people need temporary help and are happy to have me as a trade assistant but securing a permanent position is proving to be nearly impossible and the work shortage doesn't help. I find myself competing against juniors that cost a third of what i do and the desire to hire me just isn't there. I don't mind earning peanuts if at the end I can become trade qualified I have a family to support and all I'm asking for is a fair chance in this not so fair world.

Comment 50 Employer/business owner, New South Wales

A person who used to work at least 3 to 4 shifts during a week has now started university full time and now can only work on the weekends. Why should we have to give her the

penalty rate...these are the only days she could work. She is happy to work without penalty rates but I cannot do that in the current regime.

Comment 51 Employer/business owner, New South Wales

I have a casual employee working for me on Saturday afternoon only. I have requested that person to take on some other shifts without success. Why should I pay this person a penalty rate? This should be their normal working day.

Comment 52 Employee, New South Wales

The Minister keep referring to to plight of business owners and their difficulty paying penalty rates. My 16yr old granddaughter is employed on a casual basis at a pizza place in a small coastal town. She receives \$8 per hour in hand even if she works nights or weekends (the award is something like \$11) she has no protection when preparing meals in the kitchen, some girls have been burnt when carrying huge pots of boiling water. The employers count on these young girls needing the money. If they work a 9 hrs shift on the weekend they only get a half hour break. These employers are exploiting and show no care. So much for caring small business people.

Comment 53 Employee, New South Wales

I am a mother, a wife, a sister, a daughter and a Registered Nurse. Shift work means nights, afternoons, public holidays and missing many meaningful events to look after others, maybe even one of your family members! Without penalty rates our already low staff ratios will be effected and patient care will suffer! This will be due to the removal of penalty rates. Because i for one would not and could not work such hours and days without some sort of initiative, such as penalty rates. I hope when you're enjoying your special occasions, you think of a nurse missing out on there's to look after patient's in a hospital.

Comment 54 Employer/business owner, Queensland

I would like to comment on penalty rates in the Restaurant Industry. This industry employs a large percentage of students and back packers to suit the seasonal changes. The payment of Penalty Rates to employees that only work on a casual basis, (often only working weekend shifts) is unwarranted. Many casual employees ask to work weekends as many work other jobs or study through the week. Some of the women in the workforce can only work weekends when their partner is at home to take care of the children due to the high cost of childcare. Applying Penalty rates means that this industry cannot afford to employ them and therefore it is better to close for the public holiday or weekend rather than lose money. No benefit is then forthcoming to either the business owner or employee. i.e. no tax paid to ATO and everyone is worse off. It is not possible to offset the extra costs by increasing prices or no sales will be made. Only slim margins exist in this industry, often

the owner works over 100 hours per week for "No Pay" just to keep the doors open. Please give due consideration to removal of all penalty rates as they are not sustainable. We wish to employ more people but we cannot afford to do so when we are required to pay the lowest paid employee \$51.75/hr (incl. super) for an unskilled person to wash dishes. On top of this there are work cover premiums to be paid. Essentially the Super we deposit for our short term backpacker employees is mostly lost to the Government as they have to pay an exit fee to receive their Super. Often they do not bother and the monies remain with the super fund. It seems that everyone else is profiting but not the owner of the business, who is the person paying the bills, tax, super, interest, council fees, footpath license, alcohol license, music license, food license etc. etc. etc. Thank you for the opportunity to comment

Comment 55 Employee, ACT

I am a nurse and penalty rates are fair way of rewarding working shift work. night shift is damaging to one's health. Why always focus on wages and never Directors fees or bias in tax system of Privileged top 5%.

Comment 56 Employee, New South Wales

Penalty rates should stay intact and if anything increased. They make up 1/4 of my wage which has a huge impact upon paying bills. I am a Registered Nurse, I work a 24/7 roster. There is no amount of money which can compensate someone being 'forced' to stay awake on night shifts when families are sleeping and it is an expectations that loved ones are looked after. Another concern is from a management point of view, sick leave increases, it will become harder to get individuals to come into work shifts that are typically penalty (which is currently used as a bargaining chip). The rate of burnout is high as it is, coupled with bills that are always on the rise, cost of living, families there has to be some form of compensation for us who are doing the hard yard. Our workload increases also during an afternoon and nightshift, not to mention weekends, we nurses are expected to manage the same work with less support. I can only beg that this aspect of our wages is not touched. The 13,000 nurses who stopped work yesterday and marched should surely be an indication of how important penalty rates are to our livelihood. Thank you.

Comment 57 Employee, Western Australia

Do not act in such a way as to reduce the benefits of working, to reduce pay, superannuation benefits, penalty rates, leave loadings, sick/maternity/annual leave, nor affect someone's right to join a union. Set minimum staffing levels to in healthcare, childcare and in education to give all those that have lost their jobs in those sectors a chance to work again in an area they are much needed in.

Comment 58 Other

CEO packages are a huge drain on productivity. These people regardless of their skills are still JUST employees of the corporation they lead. They should not be able to dictate to shareholders the remuneration they get, it should be controlled by shareholders and not board members. Shareholders need to be informed of the number of ordinary workers that could be employed in place of this one CEO and how insanely these packages have increased in real terms since the 1970s. Packages with bonuses need to be VERY carefully examined as it is easy to make a BS bonus scheme based on something like cutting employees salary costs while not taking in to account total costs to employees such as severance payments and retraining costs to untrained new employees. Bonuses SHOULD NEVER be given for just doing their job. Tax avoidance schemes by CEOs are a drain on our society and help to destroy the BUDGET, these people know what they are doing is unethical and should be individually prosecuted to the full extent of the law.

Comment 59 Independent contractor, outside Australia

The critical consideration in this review will be the role HR plays in the future. To date it has been restrained by industrial tribunals as well as by both employee and employer organisations. Only HR is embedded in the workplace and only HR is in a position to deliver fairness, equity and flexibility finely tuned to the needs of the workplace and its employees. For those workplaces without access to embedded HR services the review should consider how they can be assisted particularly in the area of Best Practice.

Comment 60 Employee, Tasmania

A distinction needs to be drawn between casual employees, who generally can choose the hours and shifts they accept and for whom casual work is secondary to the main occupation (as a student, in other employment, etc); and those in permanent shift work employment such as nurses, police, air traffic controllers, etc. These workers have no choice as to which days and what time they are rostered to work; their work is by its very nature a primary occupation the shift work nature of which forces all other life activities to fit in around the working hours; and this work is in many cases an essential service upon which the entire community depends. Therefore it would be a perverse outcome to strip these workers of the fiscal compensation they receive for the sacrifices they make. On the other hand, casual employees can choose to accept or reject shifts, deliberately work hours outside the norm to fit in around their primary occupation which is not their employment, and are likely to move on to other employment when they complete their studies or gain more experience. For these workers penalty rates make little sense - they are not forced to work these hours and may actually not be able to work normal hours due to their commitments. Therefore casual employees should not be subject to penalty rates; whilst permanent employees should not be expected to work outside of normal hours without them.

Comment 61 Employer/business owner, Northern Territory

I do payroll as part of my job and the complexity of penalty payments is a major headache. It confuses the staff who have to fill out complex time sheets and is time consuming to administer. How about two rates - weekday, weekend and public holiday? Two employees are on an award like this, and it's easy to understand and quick to process payroll Please simplify it, and be great to reduce penalty payments for weekend hospitality so more restaurants would pay for Christmas etc

Comment 62 Union representative, South Australia

"Minister Erich Abetz said on ABC-TV this morning that all people, if they have a query, proposal, with regard to the Review being conducted, or about to be, by the Commission should send in their ideas.

As a former Workplace Union representative in Victoria, admittedly many years ago now, I was part of the negotiations which brought in the 17% Leave Loading for Shift Workers (those working outside the hours of 0800-1800). Prior to its introduction, Shift Workers, particularly those who work Permanent Shifts all year, technically, took a Pay Cut when they went on Annual Leave. This resulted in Shift Workers only taking Leave when actually ordered to by their employer. Shift Penalties are a form of compensation for those who work outside of accepted working hours.

Why was this 17% Leave Loading extended to NON-Shift-workers?

The result is that though Shift-workers get this compensation to maintain the income they have had all year, Day Workers, technically, get a Pay Rise when they go on Annual Leave! That is patently absurd and at some time it will lead to Union demands that they should get this higher pay rate throughout the year.

May I suggest that the 17% Leave Loading be restored to its original purpose: To compensate Shift Workers and make their Leave Pay close to the money they have been paid for the rest of the year."

Comment 63 Employee, Western Australia

A significant impediment to the employment of people with disabilities is that under the workers compensation system, if you aggravate an existing injury - you can end up paying for all of the costs of the injured person. This is a significant risk that employers tend to avoid. A solution might be that the Federal Government provides workers compensation cover for disabled persons seeking employment and charges the employer a similar rate to what the employer is paying for the rest of the workforce. This provides the 'level playing field' that will give the disabled a better chance of getting into the workforce.

Comment 64 Employee, Western Australia

In support of overtime rates. many awards have requirement to work reasonable overtime at employers discretion, so it is reasonable that this work is paid at a higher rate. Most comments on overtime work is by rich people who want poor people to work at low pay rates on weekends and nights to enable them to have a cheaper cup of coffee. I note that there has been no suggestion that banks, Government officers etc extend their operating hours.

Comment 65 Employee, ACT

I think the issues and examples I'd like to provide, cover a few of the areas shown in Figure 1.1 on p.3 of Issues Paper 1. I'm putting my views forward from the perspective of an employee. Not to 'toot my own horn', but I'm what I'd consider a high-performing, diplomatic, valuable and emotionally intelligent employee. Unfortunately though, I've experienced a few poor management and bullying circumstances in the last few years, from senior levels in my organisations (one being an APS government department, and more recently the other being an ACT government department).

As an example, while working in the ACT government department, I undertook the following actions to try and bring my concerns to light and improve the situation:

- Trying to speak to the senior manager (who did the bullying)
- Approaching one level up (branch head)
- Approaching another level up (division head)
- Speaking to Human Resources (in the first instance, who told me to try and see it from the management's perspective and objectively etc).
- Speaking to HR again (who then involved a more senior HR rep, who began to engage with me)
- Lodging a formal complaint with HR
- Formally resigning (as there seemed to be a lack of response; and the bullying and work environment etc, appeared to be condoned; so quitting seemed to be the best option for me, rather than overstaying in a situation that was really bad)
- Seeking an internal review according to the department's Enterprise Agreement (I'm still doing this, even though I've resigned, as I think it'd be important that no one else undergoes the same situation and for there to be an independent review and follow-up action)
- Advising SafeWork ACT (for the same reason, so that no one else undergoes the same situation, and if this might help to have an independent review and follow-up action).

Note on my contact with SafeWork ACT: Following my correspondence with them earlier this year, where I had sent them some documentation, I was quite shocked and disappointed with the investigator/inspector they appointed, was rather unprofessional etc. In his first contact with me over a 20 minute phone call, he basically: asked if I'd ever been

shouted at, and said if that only occurred the one time, that doesn't count as bullying (NB the issue of yelling was not even the crux of what I had lodged in my documentation); and said I'd have to go into his office to explain what I thought was bullying and give examples (NB: I had submitted examples). It's a pretty ironic response to a bullying issue, I think. So I have asked that the matter be elevated to his manager; who has responded that he is now going to take over the investigation from now on.

The main concerns I have with the workplace relations framework, are:

- Whether management and HR provide genuine, immediate responses to an employee once they have raised bullying issues. While I agree that they need to demonstrate objectivity, procedural fairness and natural justice; I'm not convinced that management and HR responses are adequate, if they do not straight away: 1) listen to what is being raised by an employee, 2) let them know that the Employee Assistance Program is available to all staff to provide services for any type of issue (so that it's not trying to 'tell them that they need it', but just giving them the option that it's there as a confidential independent service, if you want to discuss what's happening, but may not have support or confidentiality etc from your colleagues), and 3) undertake to do something about what's been raised, including to independently investigate it (particularly if it's repeated and from a senior staff member, and this can be done without 'taking sides' etc).
- Whether the right people are in HR-related roles. For example, in the previous APS workplace I was in, I was bullied by a general manager who was a designated harassment contact officer. I was pretty shocked at that, and basically had no recourse there. I also didn't receive any assistance from the APS department's HR area.
- Even if good processes and procedures are in place, whether management and HR do follow them. For example, in the workplace I'm resigning from now, I did all the steps above, which seem to be in line with what the procedures are (after having looked through them recently); however the response from management and HR, didn't seem to follow what the ACTPS and ACT government department had established (and have published on the intranet).
- If what's currently under the Fair Work Commission's avenue to provide assistance to employee's, is off-putting. For example, I did contact them, in relation to my experience in the APS department. However, after talking to them on the phone, it didn't seem like there was a 'guarantee' that going through the process would be beneficial for me, result in any change in the workplace, and I also would have had to pay approximately \$60 to have the FWC consider my case. Unfortunately given these factors, I didn't pursue anything with FWC.
- The impact bullying does have on a person's energy levels, comfort and wellbeing in the workplace (particularly if it seems like the executive 'shrug off' what's been raised); their 'faith in the system'; and their disappointment in management and the organisations culture etc.

I would like to say though, that after my experiences in the APS and ACTPS, that I'm still a pretty tough cookie and: Want to contribute Am optimistic about my work and career Know I will find a good job, employer and workplace.

Comment 66 Other, New South Wales

There is a need for policy incentives to eliminate the need for employees to travel. The technology for teleconferencing has arrived but our work practices have barely moved. With policy incentives for business, we could dramatically reduce the need for travel between home and workplaces. Taken to its logical conclusion, people should be able to work from home; many workplaces, in city metropolitan regions in particular, are about information handling rather than physical product creation or manufacture. It is these businesses that need to be incentivised to adopt smarter business practices which get their employees off the streets. The Federal NBN is an important element of this strategy but there is much that Governments at all levels can and must do now to enable smarter information-based business practices. Tax incentives would seem a simple, efficient and effective associated policy mechanism.

Comment 67 Other, New South Wales

I am a former military officer (ADF) who was compulsorily retired in 2000 on then prevailing age grounds following a long and distinguished military career. Immediately following that "retirement", I completed a period of postgraduate further education to prepare me for a second career in the private sector. Despite my possession of considerable accomplishments, broad and deep relevant experience for all positions for which I have applied and current educational qualifications, I have been singularly unsuccessful in every application for private sector employment. Over a period of ten years, I have applied for more than 300 different positions. Notwithstanding possession of the required selection criteria, most employers or their agents barely, cursorily, or don't even bother, to consider my applications. Job applicants in the older demographic are plentiful but not considered for recruitment. It is a wasted resource. Why is it so? How can it be resolved so that age is removed from the job competition process? Medical evidence-based health condition should be adopted in its place. But, how to practically enforce such a policy? Older workers are being relegated to unpaid voluntary roles. While older workers are happy in such roles, there is an expectation that's where they belong rather than in the paid workforce. Experience has a value which appears to be discounted in an older employee. How to put a stop to discounting experience in the case of older employees in contrast with leveraging the same or lesser experience in the case of a younger worker. There is a psychology in play with prospective employers and their appointed recruitment service agents that regards older workers as undesirable, risky, less productive and tired when being compared to younger candidates for the same role. Theirs are false assumptions; nothing could be further from the truth. The policy challenge in an ageing workforce is to eliminate age discrimination and in its place incentivise employers to engage and retain older workers. Perhaps a policy imperative which prescribes the average age for every

business unit workforce to reflect that of the population at large might be a good start. Tax penalties, or incentives, for deviation would be a relatively simple means of enforcement.

Comment 68 Employee, New South Wales

My experience in workplaces in Australia is good . I work in aged care ward and staffing is often a problem as we do not have a ratio of 1:4. We have patients with increased medical and physical demands. When it comes to penalty rates , we deserve our penalty rates as we do a rotating roster and do all the shifts rostered. We are missing our family life and missing our days with kids. During weekends as there is less support staff nurses have increased responsibilities and are very busy. Hence we need the penalty rates

Comment 69 Other, Western Australia

Nobody ever built a business without the input of a workforce. Entrepreneurs invest their ideas; shareholders invest their money; workers invest their time and expertise. Let's stop the 'them vs us' war, and transfer workers from the liability to the asset side of the ledger, and include them in profit sharing.

Comment 70 Employer/business owner, New South Wales

Unemployment:

Youth unemployment in particular must be addressed in Regional Areas, and Unemployed people in Regional Australia between 18-30 years should be encouraged to seek unskilled work in industries where there are labour shortages.

Also in the age-group mentioned there has to be more focus and funding for pre-apprenticeship courses for those who are seeking apprenticeships, as well as more course options available to those seeking trade courses.

Underemployment & Job Creation:

I endeavour to make employment opportunities for people in my business. I am willing to train and walk with people in bettering themselves. I would like assistance through more leniency in taxation and the payment of BAS.

Fair and equitable pay and conditions for employees:

Being a business that does not have a large income I offer what I can pay. Claiming fair and equitable pay can be so broad. I like the ability to agree with an employee as to rate of pay and hours worked and not being hamstrung with legislated pay and conditions. However, I am also flexible with families and children, giving school holidays off. I have bought uniforms for the staff and give them other incentives but if I am locked into set

wage structures I cannot do any of this. My employees would say they are happy as I give opportunities to earn more through commissions.

Maintenance of relevant safety net for employees:

safety nets in regard to keeping an employment position open for 2 years is impossible in my business. By legislating you are creating a burden for employers that they cannot bear.

Small Business:

Small business, which I am a part of, needs grace and support. Yes we should not abuse the workers, yes we should pay them fairly, yes we should treat them well and care for them, this is all a part of respect for human life. yet there also must be respect that the employer is trying to give them the best opportunity possible, if this is the case and not endeavour to squeeze the business for all the employee can get.

Productivity:

Business productivity depends a lot on employee productivity. Productivity is hampered by poor communication, poor attention to detail, poor customer consideration, poor work ethics. the advent of the mobile device, Facebook and other such apps, sees a lot of distraction at work. My employees are asked to sign an agreement not to use office computers for Facebook and such. However, I notice mobile phones are still much in use. By creating a good work atmosphere, regular office meetings, regular down time events, respect from employees toward myself and their colleagues are much improved. I find greater productivity from new Australians that I do from the home grown. with new Australians there is less expectation of benefits and more gratitude for benefits.

Business Investment & Competitiveness:

The government's commitment to cutting the company tax rate from 30% to 28.5% is welcome and should create employment in Regional Australia and will help out many small businesses, however it should be noted that to create business investment growth in Regional Australia, it should particularly target the restructuring of the Manufacturing Industry so that new competitive industries are formed to replace the old markets. The Free Trade agreements while welcome must balance positive foreign investment with the national interest.

Fair and Equitable Pay from Employees & Bargaining:

The independent umpire and the BOOT (Better Off Overall Test) must be retained to keep a fair standard of enterprise bargaining that will benefit both enterprise and employees, enterprise bargaining on penalty rates can be discussed with employees representatives and employers representatives and a determination can be made from the BOOT test undertaken by the independent umpire.

Productivity however must be addressed in large scale enterprise agreements as well as ways to incentivise employees for their efforts in increasing productivity.

Ability of business to and the labour market to respond to changing economic conditions:

Our business and employees must be fluid. when we become entrenched in ideas and attitudes we die. Changing economic conditions has been the norm in the last 6-8 years, especially with the GFC. this has impacted on how we do business. good cash flow is a must.

Red tape and compliance burden for employers:

Unfair dismissal is a major issue for medium, large employers. If you look at the stats, you will see most are settled at mediation and that is because, employers pay ""go away money"". This is in our cases unfair, has we try to resolve all issues with staff, but you will get staff who continually break employment laws leaving you with no alternative to dismissal, only then to realise that you have to pay them to leave you alone, after going through considerable administration costs to respond to in many cases lies and misleading statements. In our experience, the only 'unfair'" part of this process is the way the employer is dealt with

Red tape is the biggest burden I carry. My industry is picked over and picked over and picked over ad nauseam. The amount of time we have to apply to being compliant depletes the time we have to make the business financially viable.

Comment 71 Employee, New South Wales

I am a registered nurse in a public hospital. but I also work alongside ambos and police If penalty rates are cut this will affect peoples: income, obviously thats the point, but the biggest impact of all is who's going to want to work those crappy shifts for stupidly low pay. In some of the most least attractive jobs to begin with.

Comment 72 Other, South Australia

Please look at the incomes of top executives as well as the minimum wage, some top level people get enormous incomes compared to the average person, and the statement that pay peanuts get monkeys does not ring true, look at the efforts of volunteers in disasters, they put lives on the line for no money.

Comment 73 Employee, Western Australia

I work for an international company who pays their Western Australian workers 30% less than those in the eastern states. Could there be something in the Fair Work Act 2009 can will bring our pay up to that of those who do the same work as us in other states or

Australia. We are greatly disadvantaged in that we are unable to pay as much tax as the other employees and wish to put this matter to right. I am looking forward to your assistance in this matter, please?

Comment 74 Employee, Western Australia

Ours is a national company in which we already are paid 30% less than our eastern states counterparts for exactly the same work and we live in the most expensive state in the country. I am on approximately \$18/hr with a minimum of 38 hr per week and without penalty rates I would leave the industry. Not only me but 90% of us would find it impossible to continue. We looked after the recent G 20 in Queensland; we are responsible for major infrastructure; government and private; major telecommunications; defence sites; emergency security situations; public protests and gatherings; concierges in many corporations. Female shift workers Nurses etc.. are a soft target and are stuck in their careers mostly by choice or desire, however I and my colleagues come from a diverse background and can either return to any previous occupation or as I would up-skill to another similar role with an annual salary of \$81000 plus 14% superannuation. Your actions if unfavourable would be a catalyst for us to move on and leave a gaping void in this sector. My hope is that you will leave penalty rates alone now and for ever.

Comment 75 Employee, New South Wales

I am concerned that the Commission will recommend reducing penalty payments. As nurse who has worked 15 years or more in various health positions the penalty fees has kept my sanity in forgoing a social life, family time and connections and learning possibilities. Currently I still do evening and Sat work for the ARCBS. At this time in my life I would love to have me time but ballroom dancing classes, Mah-jong lessons, card afternoons, Pilates and Tai Chi, certain languages classes, (Italian and French), learning Sax with the town band is all not possible due to the hours I work and the times they are on for the community. Traveling to Wollongong from Howlong to visit children on weekends is out when I have to work Sat. Fishing and weekend outings are out as the ARCBS is increasing pressure to work Sat. At this time in my life after sacrificing many days foregoing family days I am still in the system. You dishonour our time serving the community with all those sacrifices we made and still make by taking away those penalties. Please hold our sacrifices with esteem by retaining our penalty rates and value what we give up to assist the community.

Comment 76 Employee, New South Wales

I am shocked that the minimum wage is so low that it disadvantages the disadvantaged. Those that want to work have to accept any job available. Especially if you are a single parent or rurally isolated. In many cases child care costs or lack of public transport or high cost of private travel is challenging for those people on the minimum that are rurally

isolated. Australia has a system where the well-off can legally exploit their fellow citizens at the same time ease their conscience with government endorsement.

Comment 77 Employer/business owner, New South Wales

We are a small association of 43 members, all of who operate a TAB Agency in S.A. - 30 of whom employ casual staff for average hours of approx 20 max. It has taken us over 3 years and legal expenses of over \$25000 (some waived) to get nowhere. We were about 3 hours away from having our agreement approved in April 2013, when the ASU objected to it. We have no staff who are members of the ASU - we have not heard from the ASU in the 12 years our Agencies have been commissioned. This has dragged on, we have had hearings in front of Commissioners who have no idea what we do and have not even been into a TAB. All the while we have the ASU opposing our agreement that had 100% of casuals vote "YES" and 100% of Agents who employ casuals in the Association participating. Our Agreement was based on the Misc Award with a base rate of .50c over the award rate on advice from a solicitor. We employ approx 45 staff between us all and we pay \$5 in subs weekly. We are your classic case of where this system and its red tape is anything but fair. We lodged this back in January and we are still awaiting a decision. We will be forwarding a formal submission. It reads like a Yes Minister episode.

Comment 78 Employee, New South Wales

"I would like to add that nursing remains a heavily female dominated profession. Would penalty rates be threatened if it were a male dominated industry? Are we considered the easiest to pick on. Is it that the countless activities that registered nurses do, every day, are so easily overlooked, difficult to document and perhaps invisible, that it will only be when we are not there that politicians will care.

I would also challenge the economic idea that our penalty rates needs to be removed. We contribute to the economy through our consumption of goods and utilising services. We are not on welfare benefits. We are critical to the wellbeing of the community. If we measure our society by our health and educational standards, then I would anticipate a significant reduction in standards, as nurses move away from shift work in hospitals and into other areas of health without shift work, if this proposed removal of penalty rates occurs.

I work both in the hospital sector and the community. Nursing staff that dislike or cannot work shift work move to those areas, and don't begrudge their lack of penalty rates, because they will see their families every Christmas, can plan for weekends and don't lose a week doing night shift. This does not apply to any nurses delivering their specialised skill and care in the hospital sector.

Locum medical officers can earn the equivalent to my fortnightly wage in a weekend, before heading back to their Monday - Friday jobs. Is this fair or reasonable?

Finally, I am not asking for a pay rise. I am personally satisfied with my wage, but without penalty, this would not be the case.

Comment 79 Employee, New South Wales

I have three degrees connected with my nursing career. I love my job, and I consider myself to be highly capable and competent professional. I serve the people of my community well, striving to provide care that is of a high standard - 24 hours a day. My job is important. The public that serve with my skill and knowledge expect that when they are sick, and turn up at 2.00 am to the emergency department, they will receive exceptional care. Penalty rates ensure that that skill is available 24 hours a day.

This is not a pub, night club or ritzy restaurant. The hospital system deals with lives. The public have the right to good care. The skilled staff that provide this skilled care have the right to be remunerated for losing time with the families, for increasing their own health risks by doing shift work and for maintaining their skill base, in the erratic and difficult culture that shift work provides.

Finally, penalty rates allow me to adequately support my family, so that we can contribute to the wider community through use of other goods and services, keeping others employed. Without them, my capacity to care properly for my family will be significantly reduced.

Please acknowledge the important contribution to health care that qualified, skilled registered nurses make, and support my penalty rates.

Comment 80 Employee, New South Wales

The relative power of workers to employers is unbalanced and it needs to favour workers more. Wages and conditions must improve or the economy is at risk of deflation and social instability.

Comment 81 Other, New South Wales

Many studies have shown people who work night duty, suffer higher rates of heart disease & cancer. On average live 10 years less than those who work 9 to 5. This must be considered when looking a rate of pay. Also consider social & family events missed as a result of working.

Comment 82 Employee, Western Australia

With the increase in labour hire or contractors in the white collar industries, especially the Government sector. There needs to be a provision for at least sick leave to be taken. While casual workers are paid a higher rate to cover leave etc, contractors through agencies are not, depts offer at level jobs so you are paid the same as a direct employee or direct contractor however, no sick leave or holiday pay is included, so if a worker is sick he or she does not get paid, and during public holidays workers miss out and can lose two or three days pay out of a week or fortnight. Given the large portion of labour hire contractors, some form of buffer needs to be included to at least cover sick leave through labour hire firm.

Comment 83 Employee, New South Wales

If this move goes ahead the community will suffer as there will be less nurses willing to give up time with their families to work every weekend or night shift, which is what so many of them do now. We are already so short of nurses, this is an insult to the nursing profession.

Comment 84 Employee, New South Wales

Nurses NEED penalty rates! Do you work during Christmas lunch? Do you have to work when your family is having a get together? Have you ever known that horrible post night shift insomnia? Nurses miss out on a lot, that the regular '9-5ers' take for granted, we do this job for the love, but we deserve compensation for missing out on time with our loved ones to care for yours. It's simple, don't take away our penalties. Ever.

Comment 85 Employee, Queensland

6 months is long enough to be a casual employee. surely an employer can work out if an employee is a team player or not. do you get holidays and sick pay cause if you do then that's nice but casuals like me on 35K net per year don't get that privilege and then there is the recruitment company bludging their lot too.

Comment 86 Employer/business owner, Queensland

I am extremely upset to hear that you have increased wages again and have not removed ridiculous penalty rates!! Not only were we struggling before with ridiculously high wages and super, but now you have insured our closures. Thank you very much!!!

Comment 87 Employee, New South Wales

As a nurse of over 30 year's experience It concerns me greatly that our penalty rates are under attack. Whilst I am not ever likely to work shift work again I feel I need to voice my

concerns for my colleagues. It is very difficult working 3 different shifts in a roster and our only compensation is penalty rates which 'softens the blow'. Not many nurses would choose to work weekends and public holidays if it was not for that compensation. I am not sure how management would then be able to provide 24 hr care. I think government need to value our nurses more as our current health care system relies heavily on nurses goodwill and the many hours nurses work unpaid.

Comment 88 Employee, Victoria

After 30 years in the medical science sector I have been greatly disappointed with the career progress for women. I was a senior member of staff when I had my children in the late 90's but as I wanted to work part time for a short time I was demoted and I have never had the opportunity to regain my seniority or full time work. In a female dominated organisation the majority of men occupy senior roles as there is no encouragement to transition women through their child rearing years. This is a great waste of training and ability.

Comment 89 Employee, Western Australia

Talk about dumbing down education, I think the whole nation is being dumbed down in terms of job creation. Too many casual jobs in the hospitality industry. Why doesn't some government get back in to manufacturing in our own back yard instead of feeding emerging nations like China and Vietnam. We sell ourselves short by selling our natural resources and have nothing left for the future.

Comment 90 Employee, New South Wales

I have undertaken internships where the tasks I was carrying out could have very easily been done by a paid employee. I was not gathering any new experiences or skills through being at the workplace, and was treated like free labour. There was one in which I was filling shoe orders and packing boxes all day, and others in which I have known I was hired as an intern after someone had been made redundant. There are many workplaces who use interns instead of paid employees under the guise that the interns are being paid in 'experience'.

Comment 91 Employee, Western Australia

This is a brief comment as I will lodge a more detailed submission. There needs to be an introduction of legislation in relation to unfair dismissal and general protections similar to s550 of the Fair Work Act as there is currently no protection or legal remedy for subcontractors, labour hire, joint venture, recruitment agency workers to take legal action against a third party responsible for contravening/breaching the Fair Work Act. The only remedy is to take legal action against your direct employer who has played no part in your

unlawful dismissal. Under s550 you are able to take legal action against a third party if there is a dispute about wages, pay etc but there is not a similar avenue for unfair dismissal or general protections.

A brief example is - a subcontract grader operator is working for a major construction co on a civil job and is unfairly dismissed by the major construction co and the grader operator's direct contractor employer is notified. Grader operator complains to the union who contact the major construction co and the union is told that he is not one of their employees so it has nothing to do with them (even though they are the one's who have breached the Fair Work Act). The union then contacts the direct contractor employer in regard to the complaint of unfair dismissal and the direct contractor is liable and has to pay compensation for the unfair dismissal.

My case is that I was an employee of a joint venture between [Company 1] and [Company 2] and our machines were not being serviced or maintained properly and I had brought this up with my [Company 1] site supervisor and civil superintendent. I was not happy with the lack of action and I made a phone call to the [Company 1] Head Office Manager of the Maintenance section and informed him of the maintenance concerns I had, and a harassment issue. There was also safety issues involved. The Manager was not very happy that the issues were not being dealt with on site by the [Company 1] Workshop Superintendent or Manager and advised he would have somebody on site the following day to sort the issues out and that person would contact me and speak to me on site. He made phone calls to the relevant managers on site and 'heads rolled'. At the end of the day after getting my timesheet signed I was advised by the [Company 1] site civil superintendent that he was sorry to have to let me go but that "I should not have made the phone call and should have let the issue go". I was not to come to work the following day and I had a flight booked home on the morning plane.

[Company 2] was not advised of any of this and they received notification that I was being demobilised from site as I was no longer needed as the job was coming to an end. [Company 2] only became aware of the goings on when I called them.

I have a workplace right "where a person has the capacity under a workplace law to make a complaint or inquiry to a person to seek compliance with that workplace law" as [Company 1] have a duty to provide us with a safe work environment and machines to operate. The Fair Work Act 2009 prohibits a person from taking adverse action against another person because that person has a workplace right" As employees we are very reluctant to take legal action against our direct contract employer as they have not contravened the Fair Work Act and we like working for them but that is the only option under the current legislation. This is very unfair that contractors, labour hire, recruitment agencies, joint venture partners etc who have not contravened or breached any Fair Work unfair dismissal or general protections provisions are being made liable for a third party's contravention of the Fair Work Act.

I have contacted the union, an employment law lawyer, govt depts. and lodge a complaint against the JV with the Fair Work Commission. I did not proceed with any action against

the JV past the first stage of the Fair Work Commission hearing (I only lodged the complaint so that there would be a record and to voice my concern about having to take action against my employer and hoping that the Commissioner may be able to advise of other options to take action against [Company 1]).

This is a very big problem within the workforce as companies employing subcontract, joint venture, labour hire etc works are constantly contravening the Fair Work Act as they are well aware that they are protected from any legal action. I urge you to implement a provision similar to s550 of the Fair Work Act which applies to or covers unfair dismissal or breach of the general provisions by a third party. It is an extremely stressful and depressing ordeal dealing with govt departments when trying to find out what legal rights you have, only to find out that you have no legal avenues available to take action against the responsible third party.

All the legal advice I received advised that I had been unfairly dismissed and had a case to answer but the only remedy was to take action against my employer - how do you and the courts legally hold (and I morally hold) a company responsible for the actions of another company??? There is a massive legal loophole in the Fair Work Act 2009 which allows third parties contravening the act to remain unaccountable for their actions and to be able to continue their unlawful behaviour.