

**THE HON JULIA GILLARD MP**  
**DEPUTY PRIME MINISTER**  
Minister for Education  
Minister for Employment and Workplace Relations  
Minister for Social Inclusion

**SPEECH**

**LHMU Tasmanian Branch Leaders Conference**

Wrest Point Casino, Hobart

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Let me begin by acknowledging the traditional owners of the land on which we meet and by paying my respects to their elders past and present.

Let me also acknowledge other speakers and attendees here today, including: National Secretary Louise Tarrant; Tasmanian Branch Secretary David O'Byrne; ACTU Secretary Jeff Lawrence; Michelle O'Byrne, Tasmanian Minister for Parks, Heritage, Sport and the Environment, and Lisa Singh, Tasmanian Minister for Workplace Relations and Justice.

Today, as we gather together, we are three months into a new era of fairness at work under the Fair Work Act.

Three months into a new era of decency, after the dark days of Work Choices. Dark days when the working people of this country were facing a future of just 5 statutory conditions, AWAs, no representation, no rights at work.

I want to place on the record once again how enormously grateful I am to the ACTU and its leaders, including Jeff Lawrence who is with us today; to Louise Tarrant and the LHMU – one of Australia's greatest trade unions – to your union's officers, your delegates, your members and activists, for the magnificent support you provided to the Your Rights at Work campaign, a campaign of unprecedented success.

I have no doubt that the horrors of Work Choices would have continued if it wasn't for that fantastic campaign that brought the importance of decency at work to the very forefront of people's minds in the 2007 election.

And as we head into a much brighter future for working people, I want to say to Louise Tarrant, to David O'Byrne, your officials, staff, delegates and members – take a bow. It was your hard work, and the work of all those others around the nation who shared your passionate commitment to justice for working people, that demonstrated that Rights at Work are worth fighting for.

Through Your Rights at Work, the Australian people came to reject Work Choices, because they understood that it failed to recognise fundamental Australian values:

- a fair day's pay for a fair day's work
- the right to safe and fair working conditions
- the right for employees to bargain with their workmates

The Australian people understood that fairness and equity in our industrial relations system shouldn't be sacrificed in order to build a strong and productive economy. We need both fairness and productivity, and we can have both.

So with the Fair Work Act now law, we have legislation that is making a real difference to the lives of ordinary working people – including members of the LHMU.

And the new laws are working as intended:

- Agreements are being negotiated in good faith and approved by Fair Work Australia.
- Where employees want to bargain collectively, they can.
- Good faith bargaining requirements are ensuring that employees are able to be represented and that there is a proper discussion of issues before they vote.
- Where problems occur in bargaining, Fair Work Australia is helping parties deal with them.
- Employees are challenging dismissals that they believe are harsh, unjust or unfair – but we haven't seen a deluge of applications.
- And significant new protections are in place against discrimination in the workplace.

### **A new safety net**

And there is more to come.

Commencing on 1 January 2010, the Fair Work Act will provide for a new fair and comprehensive safety net of employment conditions:

- 10 National Employment Standards that cannot be taken away;
- modern awards with a further 10 conditions, reviewed every four years in light of changing community expectations;
- the right to request flexible working arrangements and extra parental leave for parents of young children; and
- annual minimum wage adjustments by Fair Work Australia, based on a balance of economic and social factors.

Creating 150 modern awards out of the more than 4,000 state and federal instruments that currently apply is not an easy task and has not been without controversy.

But it is a reform that is essential to ensure that the award system is modern and remains part of our system many years into the future.

### **Individual Flexibility Arrangements**

And to be in touch with modern needs, Individual Flexibility Arrangements allow employees to make flexible arrangements with their employer on matters like work and family balance.

For example, parents can seek to vary their start or finishing times to care for children, while others might want the flexibility to undertake volunteer work.

I want to make it clear, because there have been some wrong statements about this matter, IFAs are nothing like AWAs. Very far from it. Strict protections ensure that IFAs can never be used to disadvantage employees.

Every IFA must be genuinely agreed to and can only be made if the employee is better off overall than under the relevant award or agreement. And the Act provides an employee can terminate an IFA at any time.

As I said, we need to balance fairness and flexibility, and individual flexibility arrangements are a part of that balance.

### **Low-paid bargaining – new opportunities**

A new feature of the bargaining framework is the special facilitated bargaining stream for the low-paid.

We know that some workers have missed out on the benefits of enterprise bargaining, with areas like child care, community services, security and cleaning continuing to rely on the basic award rate of pay.

Our low paid bargaining stream will help low-paid, award reliant workers and their employers get the benefits of collective bargaining – better wages and working conditions, underpinned by improvements to productivity and service delivery.

### **A national system**

Finally, the fair and balanced new system we have in place will be a truly national one.

This is a significant step forward as we move towards a seamless national economy, so important for Australia's long-term economic prosperity.

I believe that it will stand with the achievements of previous Labor Governments in developing major reforms and national approaches in areas such as family law and corporations law.

I welcome the Tasmanian Government's intention to introduce legislation to refer its workplace relations powers for the private sector, with effect from 1 January 2010.

And I congratulate Tasmania's Minister for Workplace Relations, Lisa Singh, for her leadership and vision on this important national project.

Tasmania's vote of confidence in the Australian Government's Fair Work laws is very welcome.

The Tasmanian Government's decision means that employees and employers in Tasmania will no longer have to deal with complex jurisdictional questions about which system they are operating in. The referral will slash red tape and simplify compliance.

Tasmania, South Australia and Victoria have now committed to the national system. Our negotiations with the Queensland and New South Wales governments are continuing in a constructive manner.

Of course, it's early days in the new system and challenges lie ahead, but things are going well. We can safely say the sky hasn't fallen in. The alarmist 'Chicken Little' predictions of some conservative commentators were wrong.

Instead, we see that employees and employers around the country are working through the workplace issues that matter to them.

We are seeing new kinds of cooperation between employers, unions and government.

The LHMU for its part has identified the challenges it expects will affect its members in the years ahead, and has identified how the new Fair Work Act will make a difference. You have major campaigns organised in child care, cleaning, security and hotels.  
Fair Work Principles and Clean Start Campaign

Through the Clean Start campaign, your union has led the way in promoting better wages and working conditions for cleaners across the country. You are fighting for seven fair solutions in

the industry: Fair Treatment, Fair Hours, Fair Workload and Safety, Fair Wages, Fair Leave, Fair Job Security and Fair Rights.

Clean Start is an effective and creative campaign that brings the problems facing workers in the cleaning industry to the attention of building owners and other clients, so they can use the power of their purchasing dollar to make a difference.

The Rudd Labor Government wants to see the last of the unreasonable workloads, lack of time for doing a job properly and the low pay that cleaners have had to endure.

The Australian Government has a lot of office buildings that need cleaning.

I was delighted to announce in July this year that the Australian Government was joining the Clean Start Campaign and that only those cleaning contractors which meet our new Fair Work Principles will be awarded new Commonwealth contracts.

The Principles mean that:

- Suppliers to the Australian Government will have breached their contracts if they contravene the Fair Work Act or do not comply with their award and other obligations.
- Suppliers must also disclose how they will promote fair, cooperative and productive workplace relations, including showing their commitment to supporting apprenticeships and education and training.
- When agencies award cleaning contracts, they will need to take into account staffing levels and ensure appropriate training, supervision, equipment and materials to enable safe and efficient work performance.
- In addition, best practice measures will be piloted between the cleaning contractors, agency clients and unions.

Today I want to announce that I am writing to each State and Territory Government to strongly encourage them to join the Australian Government in signing on to Clean Start.

I will urge my state and territory counterparts to join with the Commonwealth, so that all public money spent in Australia on cleaning services is spent only on those businesses that do the right thing by their employees: who provide Fair Treatment, Fair Hours, Fair Workload and Safety, Fair Wages, Fair Leave, Fair Job Security and Fair Rights.

I congratulate Louise Tarrant and all those in the LHMU involved with this successful campaign and look forward to continuing to be part of it.

### **Child Care reform agenda**

There are also some great developments in child care.

In June last year, I was delighted to help launch Big Steps in Childcare, an LHMU campaign to reform the child care sector.

We share your desire for a stronger child care sector to help give all Australian children a good start in life.

That is why we have put early childhood learning front and centre of our social and economic agenda.

A National Early Childhood Development Strategy – Investing in the Early Years has been developed through the Council of Australian Governments.

The Strategy, announced in July 2009, will provide a comprehensive approach to building an effective early childhood development system in Australia that contributes to the nation's human capital and productivity.

To support our early childhood reform agenda, we must build the supply and skills of workers in this area, and ensure they are rewarded and recognised for their important contribution to the Australian community.

We are developing an Early Childhood Development Workforce Strategy to address these challenges.

It aims to help recruit and retain professional staff; improve career pathways, recognise and support early childhood professionals, and raise the qualifications and skills of those already working in the sector.

The strategy will focus on the wider early childhood development workforce including health, family support, education and care.

We also have key budget commitments to train and retain a quality early childhood workforce.

In the 2008-09 budget the Government provided \$126.6 million over four years to fund three key initiatives:

- \$60.3 million to support around 8000 child care staff per year gain a qualification, by removing TAFE fees for child care diplomas and advanced diplomas from 2009
- \$53.9 million to create additional university places for early childhood education teachers, starting with 500 places in 2009 and rising to 1500 places by 2011, and
- \$12.4 million to reduce the HECS-HELP debts of early childhood education teachers who work in Indigenous communities, regional and remote areas and areas of high disadvantage.

Delegates, the global economic downturn has hurt Australian businesses and employees. These are challenging times.

The Australian Government has been determined to keep Australians in work, and this has guided our decisive and successful action to stimulate the economy and it will guide the way we act in the future.

We have every confidence that our new Fair Work Act has the right policy balance that will aid our weathering of the global economic storm and our recovery from the global economic crisis - a balance of rights with responsibilities, of fairness with flexibility.

I thank the LHMU for its robust support for our new legislation.

And thank you for the great job you've done in representing the interests of some of the most marginalised and disadvantaged workers in this country.

Enjoy your Leaders Conference