

Industrial Relations

Industrial

Future Direction for Rural Industrial Relations

IN4 FUTURE DIRECTION FOR RURAL INDUSTRIAL RELATIONS

AC 03 That the Industrial Association opposes any increase to the amount of compulsory industrial award redundancy payments as the increased expenditure from this proposal will cost jobs, particularly amongst small business in regional Australia.

AC 95 That the Association continue to work with NFF in opposing unreasonable wage increases and achieving maximum offsets and flexibility in award conditions, whether by negotiating with Unions, and/or arbitration before an industrial tribunal.

AC 97 That the Association continue to represent farmers in relation to all wage claims made through the Industrial Relations Commission.

AC 01 That the NSW Farmers' (Industrial) Association oppose any variations to primary industry awards by an Industrial Relations Commission that would deny an employee the right to work any hours or overtime that might be available to the employee.

Immigration

IN16 IMMIGRATION

AC 00 That the Association seek that relevant Government authorities allow primary producers to SPONSOR non resident (overseas) labour on a job specific work visa when local or resident labour is unobtainable through normal channels.

Industrial Disruption & Secondary Boycotts

IN6 INDUSTRIAL DISRUPTION & SECONDARY BOYCOTTS

That Association vigorously pursue:

- (a) Legal action against the instigators of industrial disruption, and will provide moral, financial and physical support to targets of industrial disruption, particularly where that disruption causes or could cause loss or damage to business.
- (b) Retention of existing common law and Federal statutory deterrents against secondary boycotts and industrial disruption.
- (c) Opposition against any legislated "right to strike" which removes employers' abilities to seek redress.

Industrial Reform

IN1 INDUSTRIAL REFORM

That the Association seek equality of treatment under industrial laws for both employers and employees.

IN1.1 Waterfront Reform

AC 99

That the Association supports the entrance of new stevedoring companies throughout the Australian waterfront as the most effective means of reducing the costs for port customers through enhanced competition.

AC 98

That the Association

- (a) actively support waterfront reform in container handling being pursued by the NFF;
- (b) recognise the inability of previous Coalition and Labour federal governments to make significant progress;
- (c) fully support the need for non-union wharf labourers to work alongside union-member wharf labourers; and
- (d) press for world's best practice in container handling through our ports.

AC 98

That the Association ensure that all sectors of industry dependent on waterfront efficiency share in profits resulting from reform of the stevedoring industry.

IN1.2 National Wage Case

AC 03

Industrial Reform

That the Industrial Association, in light of the Australian Industrial Relations Commission's decision to grant a \$17.00 per week wage increase in the 2002 National Wage Case, consider opposing any increase in wages in the 2004 National Wage Case.

IN1.3 Casual Employment

01 Feb GC

That the NSW Farmers' (Industrial) Association resist any attempt to restrict an employers ability to engage Casual or Temporary labour and the ability of employees to seek casual or temporary position as:

- (a) many employees prefer to work as 'casuals' as they receive a higher rate of pay in compensation for the non-payment of particular types of paid leave;
- (b) agricultural production is inherently seasonal in nature, which means that the requirements for labour vary considerably during each year;
- (c) unfair dismissal laws act as direct disincentive to full time employment they make any subsequent termination for poor performance very difficult to execute.

IN1.4 Paid Maternity Leave

That the Industrial Association only support the introduction of statutory paid maternity leave subject to the following conditions:

- (a) the cost of such leave be funded exclusively by governments through their responsibilities for social objectives not through any industrial jurisdiction;
- (b) the leave is only available to employees who have completed a period of at least 12 months continuous service with their present employer;
- (c) that substantial assistance be provided to small-scale employers to replace employees while on industry leave;
- (d) that suitable taxation incentives be provided to encourage employees to recommence work at the end of the leave period; and
- (e) that suitable assistance (such as 150% tax deductibility) be provided to small-scale employers for any necessary re-skilling or flexibility of working condition that are required for returning employees.

AC 04

That the Association lobby relevant levels of government to ensure that rural women are not discriminated against if a national, government funded paid maternity leave scheme is introduced.

Meat Industry

IN13 MEAT INDUSTRY

IN13.1 Meat Processing Industry Inefficiencies

AC 95 That the Association:

- (a) seek the removal of restrictive work practices in the meat industry, including the tally system; penalty payments associated with the tally system; the seniority system used for employment, promotion and retrenchment; and overmanning of inspectors;
- (b) ensure that enterprise agreements in the meat industry do increase productivity and flexibility;
- (c) ensure that enterprise agreements in the meat industry are not subject to union interference and result in genuine productivity increases and greater flexibility of employment;

AC 96 (d) encourage, and seek that the Federal Government pursue, industrial reform in the meat processing industry, including the complete removal of the tally system and the implementation of enterprise bargaining.

Pastoral Industry Award

IN9 PASTORAL INDUSTRY AWARD

AC 02 That the Association investigates ways of improving the shedhand training scheme, with the possibility of

Pastoral Industry Award

introducing a shedhand classification scheme with a pay margin for skills.

AC 98 That the Association oppose all individual and organisational interveners that are not party to the Federal Pastoral Industry Award 1986 from seeking to vary the terms of the Award.

IN9.1 New England Crutch

93 Oct GC That the Association:

- (a) Continue to defend the right of employers to negotiate the rate payable for the New England Crutch (and similar crutches).
- (b) Assist employers to defend AWU prosecutions for allegedly breaching the Pastoral Industry Award in failing to pay the full crutch rate for the New England Crutch.

AC 01 That the Association oppose the adoption of the latest Australian Workers' Union Pastoral Industry Award 'log of claims' by the Australian Industrial Relations Commission.

Rights of Entry of Union Officials

IN3 RIGHTS OF ENTRY OF UNION OFFICIALS

AC 97 That the Association seek that:

(a) union officers' right of entry under Occupational Health and Safety legislation be regulated, such that a warrant from the Industrial Registrar and a suitable notice period be required prior to entry.

AC 96 (b) union officials be required to give at least 24 hours notice of intention to enter a property and that such entry be conditional upon the officer being able to produce current endorsed identification.

IN3.1 Union Dues

AC 99 That the Association oppose any attempt to require the compulsory deduction of union fees through the employer's payroll.

AC 01 That the Association support the Federal Government's legislation which proposes to prohibit trade unions from charging non-members 'bargaining fees.'

Shearing

IN10 SHEARING

AC 06 That the Association lobby WorkCover for a phase out period of at least five (5) years to enable the wool growing industry to phase out the use of "left-hand drags" in woolsheds and to seek financial assistance similar to the ShearSafety Hazard Reductions Grant Scheme to assist farmers in such shed modifications.

IN10.1 Shearers' Rights

That the Association supports the rights of non-resident shearers to shear in Australia provided that they abide by Australian tax laws.

IN10.2 Shearers at Shows

That the Association supports provision for shearers without an AWU ticket to compete at shows.

IN10.3 Taxation Arrangements

94 Feb GC That the Association seek an extension to all seasonal workers in the agricultural industry of the 15% rate of PAYE instalment deductions currently available to seasonal workers employed in the horticultural industry.

State Industrial Relations System

IN2 STATE INDUSTRIAL RELATIONS SYSTEM

AC 06 That the Association lobby the NSW Government to hand over State industrial relations powers to the Federal government.

99 Jun EC That the Association continue to support the retention of a NSW Industrial Relations system which remains separate from the Federal system, providing the following principles are inherent:

- (a) Freedom of association;
- (b) Enterprise Bargaining Agreements can be reached without compulsory third party intervention;
- (c) Right of entry of union officials is dependent upon a request being made by the workforce;
- (d) Unfair dismissal requirements do not apply to employers of less than 15 employees;
- (e) All industrial action is preceded by a secret ballot.

Superannuation

IN7 SUPERANNUATION

Superannuation

AC 03 That the Association support the principle of mandatory employee contributions to occupational superannuation, commencing at 3% of ordinary time earnings, rising to a total of 9% over a period of six (6) years.

AC 02 That any further increases in compulsory superannuation contributions be shared on a fifty percent basis between employers and employees.

99 Jun EC That the Association oppose any increase to the 'Superannuation Guarantee Surcharge Act' rate of 9%, as it represents a significant employer contribution to retirement savings. Employees or the Federal Government should be responsible for making any future contribution increases.

99 Jun EC That Association believes that the following reforms should be made to the current superannuation system:

- (a) Superannuation should be removed from the jurisdiction of both NSW and Australian Industrial Commissions.
- (b) Superannuation Trusts should be prohibited from using any of their funds for political purposes.
- (c) That the benefits of superannuation not be eroded by increased state or federal taxes and charges.

99 Jun EC That the Association support the Federal Government's proposed Superannuation Reforms that will:

- (a) Allow employees earning between \$450 and \$900 a month to receive increase wages in lieu of superannuation; and
- (b) tighten investment restrictions for superannuation funds

99 Jun EC That the Association does not support the principle of allowing an employee unlimited choice to nominate any fund to receive the employer contribution.

Termination of Employment

IN11 TERMINATION OF EMPLOYMENT

IN11.1 Commonwealth Unfair Dismissal Laws

AC 99 That the Association support the removal from the Federal and NSW Industrial Relations Commissions of the jurisdiction for employees of employers with less than 15 workers to claim that they have been unfairly dismissed.

97 May GC That the Association support the exclusions from unfair dismissal laws of new employees of small businesses with 15 or less employees until they have one year's continuous service.

94 Oct GC That the Association, in relation to obligations placed upon employers when making an employee redundant:

- (a) Continue to oppose any weakening of the "15 or more employees" threshold.
- (b) Seek that in the event of an employer's incapacity to pay, due to drought or other exceptional circumstances beyond an employer's control, then the obligations otherwise placed upon an employer following making an employee redundant ought not apply.

Training

IN14 TRAINING

AC 95 That the Association:

- (a) seek to have the rural traineeship program expanded so farmers can be more adequately compensated for time spent training employees;
- (b) support the continuation of workplace shearer training.

Wage Fixation and Award Review

IN15 WAGE FIXATION AND AWARD REVIEW

AC 99 That the Association oppose the introduction of portable paid long service leave for casual workers in the pastoral industry.

The Association seek the elimination from awards of:

- (a) the 17.5% loading on holiday pay; and
- (b) penalty rates.

Workers Compensation

IN8 WORKERS' COMPENSATION

Workers Compensation

IN8.1 Premiums

AC 05 That the Association:

- (a) lobby the State Government to implement a bonus incentive scheme to promote OH&S on farms; and
- (b) highlight to WorkCover incidences of fraudulent workers' compensation claims by employees.

AC 04 That the Industrial Association lobby the State Government for the removal of Superannuation payments from the definition of wages, when calculating workers compensation premiums.

AC 97 That the Association maintains a leading role in the Workers' Compensation Review.

AC 95 That the Association seek a review of the workers' compensation legislation in relation to the increase of workers' compensation premiums for three years after a major claim.

IN8.2 Review of the Workers' Compensation System

AC 04 That the Association lobby for changes to Workers' Compensation legislation, so that payments made to working beneficiaries through a family trust with a corporate trustee, are no longer required to include those payments in the calculation of premiums.

AC 04 That the Association lobby government to oppose Workcover employees entering a property without prior notification if evidence of abuse of this entitlement is given to the Association.

AC 04 That the Association pressure the State Government to change the guidelines of WorkCover so that it should never accept a "self funding" revenue raising position.

AC 03 That the Association put resources into reviewing the Workers' Compensation Act, and to seek changes to workers' compensation laws for casual employees to that they are less biased towards employees and more even handed between employers and employees.

AC 02 That the Industrial Association seek a change to the 'WorkCover Wages Definition Manual' so that payments made as trust distributions to employed beneficiaries, in substitution, in whole or in part, for wages where there is no other form of reasonable remuneration or consideration, including board and lodging, given to the worker, are no longer assessable for the purpose of determining Workers' Compensation premiums.

01 Feb GC That the Association continue to work with WorkCover in order to develop a Workers Compensation Premium Discount Scheme which:

- (a) Recognises the resource limitations (time, finance) constraining small businesses;
- (b) Entitles a successful participant to ongoing (and not limited) premium discounts;
- (c) Does not rely heavily upon consultants to administer or implement the scheme.

AC 99 That the Association seek the following reforms to be incorporated into the Workers' Compensation system of NSW:

- (a) abolish of common law access to claim damages for economic loss (as in South Australia);
- (b) reducing the capital threshold and minimum employee requirements for self-insurance;
- (c) more active prosecution of fraudulent compensation claims;
- (d) curtailing medical costs from being charged at a rate which is higher than either Medicare or private insurance levels for identical cal medical complaints;
- (e) limiting legal costs, which have on occasion been over 50% of the total award for compensation made to an employee.

AC 98 That the Association seek to reduce workers compensation premiums with no excess applying for rural claims.

AC 97 That the Association lobbies the NSW Government and insurance companies to provide members who conduct their businesses in a safe manner with an appropriate Workers' Compensation incentive.

AC 01 That the Association support the State Government's current initiatives to reform the Workers Compensation system providing they are designed to reduce the:

- (a) total cost of the scheme;
- (b) premium levels paid by employers;
- (c) amount of litigation used to resolve complaints;
- (d) excess fees instigated by some legal and medical practitioners.

IN8.3 Workers' Compensation Act Amendments

96 Oct GC That the Workers' Compensation Act be amended to:

- (a) Allow for the payment of no claims bonuses to employers who have experience of nil claims for a given period.

AC 94 (b) Enable self-employed persons to take out workers' compensation insurance for themselves.

93 Oct GC (c) All self-employed contractors (whether or not they in turn engage labour) are able, and obliged, to insure themselves for workers' compensation provided that:

- (i) in any situation in which a self-employed contractor has such an obligation, his principal will be relieved of any obligation he might otherwise have had to take out workers' compensation insurance for the contractor; and
- (ii) measures are taken to ensure that the principal and contractor are not both obliged to take out workers' compensation insurance for the contractor in respect of the same engagement.

(d) Equitably share throughout the community the costs of work-place disease and injury.

(e) Provide for workers compensation premiums to be assessed upon the same basis as workers' compensation payments, to require insurance companies to pay workers compensation claims at the full weekly wage rate upon which premiums are assessed, and not at the minimum award rate.

93 Oct GC (f) Provide where an employee experiences aggravation of a degenerative or gradual onset condition during employment:

- (i) his last employer's insurance company will be required to seek from previous employers some contribution to

Workers Compensation

compensation; and

(ii) the employee's potential compensation will be significantly reduced to account for the fact that the employee voluntarily assumed employment in an occupation which he knew or ought have reasonably suspected would aggravate his condition.

AC 96 (g) Ensure no premium penalty is incurred by an employer for compensable injuries sustained when the employer is not at fault.

AC 95 (h) Exclude from the definition of injuries compensable under the Act stress caused to an employee by legitimate counselling and/or a warning from his/her employer about that employee's job performance.

AC 00 (i) allow employees and employers by mutual consent, the option to choose alternative cover to the current workers compensation insurance, provided the cost of cover remains the employer's responsibility.

IN8.4 Failure to Review and Adjust WorkCover Premiums

95 Jun EC That the Association continue its attempts to ensure that an employer will be refunded part of his workers' compensation premium in cases in which an increase in that employer's workers' compensation premium was based upon an estimated amount of his injured employee's claim, whenever the estimated amount is subsequently proven to be more than the actual amount.

IN8.5 Excess

AC 96 That the Association seek that the current Workers' Compensation requirement that a \$500 excess be paid by employers whose premiums are over \$3,000, be re-adjusted to apply to premiums of over \$4,000.

IN8.6 Premium Ratings

01 Feb GC That the Association seek that the period of time for phasing in any increases in Workers Compensation premiums (while removing cross-subsidisation) be directly related to the success of:

- (a) the removal of journey claims;
- (b) the establishment of the rural Premium Discount Scheme;
- (c) reduction in the cap for spreading large claims across the whole scheme;
- (d) reductions in the period of time on WC; and
- (e) reductions in the magnitude of payouts.

01 Jan EC That the NSW Farmers' (Industrial) Association support the proposal to adopt the ANZSIC system for WorkCover Premium Rating and the removal of cross-subsidisation in premiums, subject to a phasing in of any increases over a reasonable period.

IN8.7 Occupational Health and Safety Regulation 2001

01 Feb GC That the NSW Farmers' (Industrial) Association:

- (a) Continue to oppose aspects of the Draft Occupational Health and Safety Regulation 2001 which will place overly complex, expensive and unsustainable requirements upon Employers in regional and remote NSW;
- (b) Investigate the possible financial implications of such regulations;
- (c) Develop proposed amendments to the regulations which will eliminate or minimise any adverse consequences upon primary producers.

IN8.8 Fraudulent Claims

AC 01 That the Association support an increase in:

- (a) the investigation of claims, and
- (b) penalties that can be awarded against fraudulent claimants of Workers Compensation benefits.

Workplace Bargaining

IN5 WORKPLACE BARGAINING

97 Apr EC That the Association:

- (a) Lobby the Federal Government to expand access to workplace agreements (and Australian Workplace Agreements) and make them available to unincorporated employers.
- (b) Continue to pursue enterprise bargaining as an alternative to (or replacement for) centrally-fixed award rates and conditions of employment.
- (c) Oppose current award conditions being made the "safety net" of minimum conditions for enterprise agreements; and
- (d) seek that the minimum conditions for workplace agreements be restricted to an hourly rate of pay no less than the base rate specified in the relevant award; with 4 weeks annual leave per year of service accumulating up to six years and 2 weeks sick leave in each year of service; 12 months unpaid parental leave; family/carers leave in accordance with principles stipulated by the national test case; superannuation consistent with the Superannuation Guarantee legislation with all other terms and conditions remain negotiable between employer and employee.

AC 97 That the Association request that the NSW and Federal Governments make available to all farming businesses easily accessible individual workplace agreements.

Workplace Bargaining

That the Association seek:

- (a) there being no compulsion in any awards or agreements unless the parties agree to be bound;
- (b) there being no impediments to enterprise agreements between employers and their employees;
- (c) any enterprise agreement system:
 - (i) be open to both the unionised and non-unionised workforce;
 - (ii) not requiring union involvement, with no outside interests involved in enterprise agreements unless invited by a principal party;
- (d) enterprise agreements being allowed to be kept private and confidential without access by third parties, unless agreed by the principal parties;
- (e) there being provision for penalties against employers and their employees for breaching enterprise agreements.

Workplace Safety

IN12 WORKPLACE SAFETY

IN12.1 Occupational Health and Safety

AC 06 That the Association lobby the Federal and State Governments to standardise all occupational health and safety regulations by merging all nine (9) occupational health and safety regimes in Australia, in one federal system.

AC 06 That the Association lobby WorkCover to have the occupational health and safety requirements for livestock transport reviewed in order to include a more practical approach to use of safety equipment.

05 Oct EC That the Association:

- (a) lobby fuel companies to help subsidise the costs involved in modifying overhead tanks to comply with distributors' demands; and
- (b) investigate incentives for compliance with OH&S.

AC 05 That the Association:

- (a) strongly express to the State Government that the Occupational Health and Safety Act 2000 and proposed amendments to the Act have led to a decrease in willingness by farmers to employ staff especially the unskilled;
- (b) investigate making alliances with unrelated industry bodies such as mining, manufacturing, tourism etc in order to lobby more strongly against the unreasonable requirements of the Occupational Health and Safety Act 2000.

AC 05 That the Association lobby the state government to amend the Occupational Health and Safety Act 2000 in the following manner:

- (a) the legislation takes in to consideration the unique features of farming businesses
- (b) removal of the requirement for workplaces to be 'risk free'.

AC 05 That the Association lobby the government to take in to consideration the large geographical areas associated with farming work when determining reasonable levels of employee supervision required.

01 Feb GC That the NSW Farmers' (Industrial) Association support the concept of Employer consultation with Employees over OHS matters, subject to the following principles:

- (a) The consultation process takes into account the resource limitations (time, money) of small business, particularly those engaged in primary production;
- (b) Allows for the prosecution of Employees who wilfully neglect OHS procedures that were established as a result of consultation;
- (c) Retains the ultimate responsibility for determining work practices with Employers and not workplace OHS committees.

AC 99 That the Association increase its efforts to promote safety awareness on farms through education and training.

AC 95 That the Association, in co-operation with NFF:

- (a) Encourage greater member and Branch participation in the Farmsafe program.
- (b) Actively scrutinise (whether through consultative committees or otherwise) the formulation of any industry safety standards (eg: codes of practice) for on-farm activities.

AC 01 That the Association support an extension to the ROPS rebate until 30 June 2002 in order to allow primary producers an adequate opportunity to access the scheme.

04 Feb EC That the Association work with industry to design and manufacture an effective, lightweight, sun smart, cool motorbike and horse helmet that meets OH&S requirements.

04 Apr EC That the Association follow up on members' concerns about their inability to apply, in a practical manner, the current OH&S requirements on farmers.

AC 04 That the Association investigate OH&S training for uniformity of cost and quality of course content, for courses conducted throughout NSW.

IN12.2 Safety Guidance Information

96 Dec EC That, whilst the Association continues to oppose safety guidance material being given force of law, the Association:

Workplace Safety

- (a) Endorse the development of safety guidance material for the rural industry.
- (b) Be actively involved in the development of safety guidance material for the rural industry.
- (c) Recognise that any safety guidance material for the rural industry is formulated as if (although for guidance only) it may have de facto force of law, and may ultimately be referenced in legislation.

IN12.3 Plant Inspections

AC 99 That the Association object to the State Government's possible introduction of a Plant Regulation Act in which plant and machinery sold through machinery dealers and at farm clearing sales must be inspected and issued with a Plant Hazard Report before being eligible for sale.

IN12.4 Health Insurance

AC 99 That the Association lobby the Federal Government for apprentices who are over the age of 18 to remain covered by their parents' private health insurance until they have completed formal training.

IN12.5 Workplace Fatalities Bill

AC 05 That the Association continue its opposition to the Occupational Health and Safety Amendment (Workplace Deaths) Bill 2005, and specifically seek to have the bill amended in the following manner:

- (a) sharing of responsibility for safe work practices between employers, employees and trade unions; and
- (b) removal of criminal liability for employers and focus on risk management rather than risk elimination.

AC 05 That the Association demand that members of Parliament not be exempt from the Occupational Health and Safety Amendment (Workplace Deaths) Bill 2005.

05 Feb EC That the Association oppose the introduction of the Workplace Fatalities Bill.

05 Feb EC That in the event that the Workplace Fatalities Bill is introduced the Association pursues the inclusion of the following:

- (a) provide that prosecutions can only be launched when managers or directors act recklessly and endanger the life of another;
- (b) give the right of prosecution only to the Crown and Work Cover Authority;
- (c) require the burden of proof for criminal proceedings to be borne by the prosecution;
- (d) ensure the right of appeal; and
- (e) remove the incentive for trade unions to bring prosecutions.