

Monday, 11 July 2022

## **Submission: *Industrial Relations and Other Legislation Amendment Bill 2022***

The Queensland Independent Education Union (QIEU) welcomes the opportunity to provide feedback regarding the *Industrial Relations and Other Legislation Amendment Bill 2022* (the Bill) [1], under consideration by the Education, Employment and Training Committee of the Queensland Parliament.

### **About QIEU**

The QIEU, and its federally registered counterpart, the Independent Education Union of Australia - Queensland and Northern Territory Branch (IEU-QNT) represent ~16,000 teachers, support staff and ancillary staff in non-government education institutions in Queensland and the Northern Territory and consistently engages in debate concerning educational and industrial issues through its Education and Industrial Committees and through its national counterpart, the Independent Education Union of Australia, which receives input from teachers in all States and Territories.

As a union of education professionals in the non-government sector, our interest in the changes proposed via the *Industrial Relations and Other Legislation Amendment Bill 2022* [1] primarily concerns their impact on working conditions for our members, and their capacity to have their industrial interests represented by appropriately registered employee organisations.

We are however, also broadly supportive of the proposed amendments relating to minimal entitlements and conditions for independent courier drivers as an important signal to employers that exploitation of contract workers is not acceptable practice.

### **Comments regarding changes related to workplace sexual harassment**

1. Our union supports legislative changes that will align the definition of sexual harassment with the federal *Anti-Discrimination Act 1991*[2].
2. This change is consistent with the goal of preventing and eliminating sexual and sex-based harassment, discrimination, bullying and other unfair treatment in employment.
3. Similarly, we support the proposal that sexual harassment and sex-based harassment, should be included in the definition of 'industrial matters', in order to allow the QIRC to exercise its conciliation and arbitration powers.

### **Comments regarding changes related to registered organisations**

4. Our union strongly supports legislative changes that will increase clarity and consistency in relation to the definition of an organisation of employees.

5. This is an important change, with significant relevance to our members and has a direct impact on their capacity to organise around industrial issues and have their collective interests fairly and transparently represented during enterprise bargaining negotiations.
6. It is also essential that member interests are protected by putting in place measures that require integrity, accountability and transparency of the employee and employer organisations.
7. It is entirely appropriate, and desirable, that all employee and employer organisations with the power to represent industrial interests are regulated under the Industrial Relations Act.

### **Comments regarding changes related to public holiday entitlements**

8. Our union supports the proposal to amend subsection 31(3) of the *Industrial Relations Act* to clarify public holiday entitlements for workers on leave.

### **Comments regarding changes related to parental leave provisions**

9. Our union strongly supports the proposed changes to parental leave entitlements to remove all gendered language, allow greater flexibility for employees, and extend the right to request part-time work to parents/carers of older children.
10. The proposed changes are consistent with both international best practice and the broader goal of supporting greater participation of women in paid work [3-6].
11. We also strongly support the extension of provisions for parents of stillborn infants as an essential, compassionate provision that will better support bereaved parents.

### **Comments regarding changes related to gender pay gap**

12. Our union commends the Queensland Government for taking steps to compel both employers and employees to pay explicit attention to gender equity through the proposal to require dissemination and discussion of pay gap data.
13. A requirement that Certified Agreements include information about how equal remuneration will be achieved in practice is also a significant step toward elimination of the gender pay gap.
14. We would however, stress the need for provision of additional educative materials and/or programs for employers, to ensure that the proposed amendments do not become a point of intractable dispute between employees and employers.

### **Comments regarding changes related to minimum entitlements and conditions for independent courier drivers**

15. Our union strongly supports the establishment of minimal entitlements and conditions for independent courier drivers that will see their pay and conditions align with equivalent award employees.
16. The proposal to introduce a new Chapter of the Industrial Relations Act that will allow the QIRC to make determinations regarding minimum standards of work for

independent courier drivers is an appropriate step to address the ongoing exploitation of these vulnerable workers.

### Comments regarding changes related to general rulings

17. Our union queries the necessity of the proposed section 459A, given the discretion which already vest in the QIRC by virtue of s459.
18. We further question its necessity in light of the fact that an exercise of the discretion provided by the proposed s459A would have the potential to deprive certain employees of an increase similar to other Queensland employees.

### Concluding Comments

Our union thanks the Education, Employment and Training Committee for the opportunity to engage in consultation regarding the Industrial Relations and Other Legislation Amendment Bill 2022.

We are broadly supportive of the proposed legislative amendments, which are consistent with improved industrial conditions for workers across a broad range of industries.

We look forward to the opportunity to participate in further discussions as the Bill is progressed.



Terry Burke  
General Secretary  
Queensland Independent Education Union  
Monday, 11 July 2022

### References

1. *Industrial Relations and Other Legislation Amendment Bill 2022*. 2022.
2. *Anti-Discrimination Act 1991*. 2020.
3. Baird, M., et al., *Women and the Future of Work Report 1 of The Australian Women's Working Futures Project*. 2018, University of Sydney: Sydney.
4. Diversity\_Council\_Australia, *Future-Flex Mainstreaming Flexibility by Design: Redesigning work to make flexibility standard business practice in Australian retail workplaces*. 2016, Diversity Council Australia: Sydney.
5. Fair\_Work\_Ombudsman, *Best Practice Guide - Work and family. The right to request flexible working arrangements*, F.W. Ombudsman, Editor. 2013, Australian Government: Canberra.
6. Cooper, R. and M. Baird, *Bringing the "right to request" flexible working arrangements to life: from policies to practices*. *Employee Relations*, 2014. 37(5).