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SUBMISSIONS RE THE WORKPLACE REFORM BILL 2013

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Date: 17 January 2014

Filed on behalf of: The Australian Rail, Tram and Bus Industry Union of  
Employees, West Australian Branch

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***Introduction***

1. The Australian Rail, Tram and Bus Industry Union of Employees, West Australian Branch (“the Union”) makes these submissions in opposition to the *Workplace Reform Bill 2013* (“the Bill”). Outlined below are the Union’s reasons for opposing the Bill.
2. The Union’s is opposed to the Bill given it seeks to:
  - a. Limit the Western Australian Industrial Relations Commission’s (“the Commission”) exercise of jurisdiction when arbitrating wage claims.

***Limitation of the Commission’s jurisdiction***

3. Section 4 of the Bill proposes to delete s26(1a) of the *Industrial Relations Act 1979* (WA) (“the Act”), and proposes to insert s26(2a) into the Act (“the Amendment”).
4. The Union submits that the Amendment limits the Commission’s exercise of jurisdiction and discretion when arbitrating wage claims. This is as the Amendment seeks to impose the State Wages Policy into the Commission’s consideration, thus overriding the Commission’s proper purpose of effectively resolving industrial disputes.

5. Further it is submitted that the imposition of the State Wages Policy will restrict the Commission's ability to determine wage claims on their merits.
6. The imposition of the State Wages Policy, which will cap wage increases to the Consumer Price Index Growth, is unreasonable as:
  - a. It revokes the entitlement of employees to share in the growth of wealth in the overall economy, which they have assisted in creating;
  - b. Denies employees their share in the productivity improvements they have assisted in creating; and
  - c. It does not consider the full merits and industrial realities of a wage claim being brought before the Commission.
7. The Union submits that the purpose of the Bill is to implement a "one size fits all" approach when awarding wage increases through arbitration. This approach diminishes the ability of employees to obtain fair and equitable wage outcomes.

### ***Conclusion***

8. For the foregoing reasons, the Union submits that the Amendment is in all circumstances unreasonable and unnecessary. Hence the Union submits that the Bill should not be passed.

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