



MEDIA RELEASE

National workplace relations laws need to change

A submission from the wine industry to the Productivity Commission's national workplace relations review has highlighted the need for comprehensive reforms to the federal workplace relations laws.

The detailed submission prepared by the South Australian Wine Industry Association (SAWIA) in collaboration with the Winemakers' Federation of Australia (WFA) contains 22 recommendations.

"We have identified a range of changes that need to be made to get flexibility and balance back into the system, lift productivity and cut red-tape and compliance costs, particularly for many of the small businesses in the wine industry," SAWIA Chief Executive Brian Smedley said.

"For example awards are still complex, inflexible and overly prescriptive despite numerous reforms to the award system over the last three decades. A new approach is required – the award system should be largely replaced by clear legislated minimum standards.

"We need legislative changes that support employers implementing smarter, more efficient and productive work practices. Enterprise agreements should reflect core employment conditions and not be used as a vehicle to ban the use of contractors, casual employees or labour hire staff – a supplementary workforce is an essential part of the modern workplace.

"Employers and employees should be allowed to agree to individualised working arrangements that are stable, meaningful and mutually beneficial. Therefore the Individual Flexibility Agreements (IFAs) must be given wider scope to work as intended.

"We also need a system that caters for the wine industry's seasonal fluctuations. For example, vintage is dictated by weather conditions and as such days and nights of the week have no real meaning. If grapes need to be picked in the coolness of the evening or pressed on a weekend then employees are needed for these tasks. For cellar doors, weekends and public holidays are the peak periods for tourists. Yet, the award system penalises the industry for weekend and public holiday work, requiring penalty rates of up to 250% per hour."

Mr Smedley said other recommendations made in the submission were aimed at simplifying the making of enterprise agreements and restoring the balance in relation to employee protections.

"For example, we need the practice of paying go-away money where an employee has been dismissed for poor performance or serious misconduct stopped – it has become normalised even when claims of unfair dismissal lack merit," Mr Smedley said.

To view the full submission, go to www.pc.gov.au and follow links.

The Productivity Commission's review includes the *Fair Work Act 2009* (FWA), the *Independent Contractors Act 2006*, enterprise agreements, Modern Awards, and institutions operating under the Act, including the Fair Work Commission and the Fair Work Ombudsman. SAWIA and WFA plan to take part in the Productivity Commission's public hearings scheduled for August/September 2015.

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