

OUTLINE OF SUBMISSIONS

THE MITOLO GROUP

- Union Right of Entry – Lunch Rooms not to be the default

Our company has experienced continual and disruptive visits from the NUW over long a period of time. Our workers are clearly upset and frustrated at being interrupted during their unpaid breaks. Their frustration has reached levels where they were forced to compile a petition and file it with the union in request that they don't use their lunch rooms for their membership campaigns. Unfortunately the Fair Work Act doesn't support employee rights in this matter and the union continues to attend our workers lunch areas. Changes to the Fair Work Act gave union right of entry to lunch areas without consideration for employees who simply do not want to be bothered by the unions. Employees appear to have lost their rights in this scenario and are forced to move away from their own lunch areas and sit in their cars because of union presence. The Act needs to be adjusted wherein the employer is able to provide a suitable location for discussions with members or prospective members which isn't necessarily the default lunch room.

- Part time employees – Employers and Employees have lost flexibility

Since the Fair Work Act employers have lost the flexibility of being able to offer additional hours to its part time workforce on a week by week or day by day basis. Additional worked hours outside contracted hours must be agreed in writing or overtime must be paid. This is extremely onerous for employers and offers no flexibility when rostering its workforce. Part time employees are often wanting to pick up additional hours at ordinary rates of pay however, the onerous and inflexible clauses in modern awards have made this almost impossible for employers to manage. Part time employees should be able nominate the right to work additional hours on a day by day basis providing they are paid the same entitlements as its Fulltime equivalent.

Clearly the The Fair Work Act and its Modern Awards are not in tune with Australian businesses and its requirement for a flexible work force. Excessive overtime is being paid simply because Fair Work have imposed an onerous system that doesn't allow part time employees to work outside their contracted hours. In our experience our Part Time employees are requesting to work additional hours without the expectation of being paid overtime that is greater than their full time equivalent.

- Fair Work Commissioners – Limited and no understanding of business sectors

With Australian businesses and sectors closing down and losing work to overseas companies the Fair Work Act and its Commissioners need to be making decisions that support the survival of industries and its businesses. Having lost the battle to keep the car manufacturing industry in Australia it is now time to review the remaining industries and support their survival with changes to the Fair Work Act. These include:

- Penalties (limit penalties for businesses where the majority of its business is performed outside the normal Monday – Friday 9am-5pm)
- Greater flexibility in rostering Part-Time employees
- Greater flexibility for IFA's
- FW Commissioners to have a greater understanding of business sectors and businesses that they are making decisions against or for.