



# **United Voice Submission: Productivity Commission Inquiry into the Workplace Relations Framework Response to Draft Report - 25 September 2015**

## **About United Voice**

United Voice is a union of workers organising to win better jobs, stronger communities, a fairer society and a sustainable future. Members work in a diverse range of industries including aged care, early childhood education and care, cleaning, hospitality, healthcare, education, gaming, security, emergency services and manufacturing.

## **Introduction**

United Voice made an initial submission to the Productivity Commission Inquiry into the Workplace Relations Framework and attended public hearings and made oral submissions. United Voice has views on much of the material contained within the draft however we will be addressing our comments on those chapters, recommendations, or observations on issues that most particularly impact on our members.

United Voice welcomes this important inquiry and the opportunity to make a submission.

For more information on this submission, please contact Jacqui Woods

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## Executive Summary

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United Voice welcomes much of the analysis of the Productivity Commission – particularly the view that minimum wage increases do not cause unemployment and that the minimum wage should be tied to median weekly earnings. We have concerns about the proposal to decrease the rate of growth of minimum wages in times of economic contraction and do not believe that this is supported by the Productivity Commission's own evidence. We have grave concerns about the proposal to reduce penalty rates for our members working in hospitality, entertainment, restaurants and cafes and we do not believe that the Productivity Commission's own evidence supports this recommendation. The draft report has failed to make a connection between employment and penalty rates. We also seek to draw the Commission's attention to the critical role that penalty rates play in the lives of workers in those industries. We support some of the recommendations around enterprise bargaining and reject others. We have suggestions that we ask the Productivity Commission to consider with respect to good faith bargaining, arbitration and pattern bargaining. We believe that the Enterprise Contract concept is flawed. We believe that sham contracting and sub-contracting have major negative effects on workers and do not believe there should be a prohibition on terms limiting their effect in enterprise agreements. We support the draft recommendation on migrant workers however have concerns about the recommendation on Transfer of Business.

## Chapter 4 – National Employment Standards

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1. United Voice believes that penalty rates should be paid on all public holidays, not just those public holidays already established. Penalty rates are paid to compensate workers for the disutility of not spending time with friends and family on public holidays, irrespective of how many there are and when they fall.

### Long Service Leave

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2. We do not seek to comment on the benefits of portability of long service leave across the whole workplace relations system. However, we believe portability of long service leave is critical for a number of workers, particularly those who work in contracting industries such as cleaning, security and catering.
3. These workers will often be employed at the same workplace performing the same job for many years. However, they frequently face changes in their employer due to contract changes beyond their control. For example, there are school cleaners cleaning schools in NSW who have been cleaning them since 1993 (or before), when the Government Cleaning Service was privatised. These are regional contracts tendered every five years; in some regions of NSW the contractor has changed over at every tender. In those regions a school cleaner, performing the same job for 22 years, has not had access to long service leave during that period because, through no fault of the employee, their employer has changed up to four times and they have lost their service based entitlements.
4. A number of schemes, both voluntary and government regulated, exist throughout the country to provide for portability of long service, particularly in the construction industry. A number also provide for other industries. Contract cleaning is covered by schemes operating in NSW<sup>1</sup>, Qld<sup>2</sup>, and the ACT<sup>3</sup> – the ACT also provides for workers in security and community services.
5. United Voice urges the creation of a Federal Long Service Leave Corporation similar to that which operates in those States. Under this model any worker employed in the industry is registered with the Corporation and employers pay a levy to be held by the Corporation in trust for that employee, once they reach the relevant threshold. It is a system supported by stakeholders in those industries. It ensures fairness for employees and assists employers in managing accrued entitlements as well as ensuring that incoming contractors are not disadvantaged by retaining employees who are nearing a trigger point for an accrued entitlement.

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<sup>1</sup> <http://www.longservice.nsw.gov.au/>

<sup>2</sup> <http://www.qleave.qld.gov.au/>

<sup>3</sup> <http://www.actleave.act.gov.au/>

## Chapter 8 – Minimum Wages and Chapter 9 – Variations from uniform minimum wages

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6. United Voice supports much of the Productivity Commission's findings on the minimum wage, including that there is an economic and equity rationale for a minimum wage to counter economic imbalance.

### Minimum Wage and Employment

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7. United Voice notes an important finding of the Productivity Commission in the draft report where the PC finds that it is unable to determine the link between minimum wages and unemployment. This is perhaps best summarised in this "Key Point" of the Draft Report that appears at page 286:

*At present, it is not possible to pinpoint the impacts of minimum wages on employment. Economic theory and some international empirical studies suggest that increases in minimum wages can reduce jobs and/or hours worked, but they also indicate that employment gains are possible in some circumstances.*

8. United Voice believes that this finding has not been applied consistently throughout the report. If accepted, then many of the other findings in the report are not able to be sustained on the evidence.
9. Draft Recommendation 8.1 of the report (at page 334) says as follows: "In making its annual national wage decision, the Fair Work Commission should broaden its analytical framework to systematically consider the risks of unexpected variations in economic circumstances on employment and the living standards of the low paid." This recommendation refers back, it would seem, to this paragraph in the draft report (at pages 331-332):

*However, during periods of heightened unemployment and underemployment, there is less doubt that restraining minimum wage growth would yield material benefits through promoting employment. At present the unemployment rate is around 6 per cent and many Australians (including many minimum wage workers in the lowest quintile of equivalised household income) are underemployed. Heightened unemployment and underemployment rates provide stronger grounds to moderate the growth rate of the minimum wage to below the growth in median wages (which ultimately themselves reflect rising trend labour productivity growth in the economy)....*

and also to these sentences (at page 333):

*Given the highly adverse outcomes of unemployment for people's wellbeing, there are, as noted earlier, grounds for the FWC to temporarily adopt a conservative approach to minimum wage setting whenever the economy is weakening. In improved economic circumstances, minimum wages would catch up to restore their long run ratio to median wages.*

10. Whilst this reasoning does not receive much attention in the paper it was emphasised in the oral presentation by the Productivity Commission when the draft report was released and was one of the major items focussed on by the media, for example as set out on the front page of The Australian newspaper below:

*“...However, one of the more radical and controversial proposals would involve imposing a handbrake on the rise in the minimum wage. The move, designed to level the playing field for contract workers, would mean keeping the safety net, but slowing its rate of growth. The Fair Work Commission’s last increase to the minimum wage was 2.5 per cent to \$17.29 an hour.”<sup>4</sup>*

11. As a starting point we welcome the implied statement in that section of the report extracted in paragraph 9 above that there should be a long run ratio of the minimum wage to median wages i.e. that minimum wages should not decline relative to median wages over the long term. As the draft report acknowledges the “bite” of the minimum wage has declined in recent times. It is the view of United Voice that for equity reasons there should be a long term goal of pushing the minimum wage close to the 0.65 ratio occupied by France, as set out in Figure 8.2 on page 290 of the Draft report. In any event, no matter where the ratio is set (which would no doubt be the subject of much debate) the acknowledgement that the ratio should not decline is welcome.
12. However, we believe that the overall recommendation and analysis is fundamentally inconsistent with the general reasoning through the rest of the report and in particular the Key Point extracted at paragraph 7. If there is no reliable and consistent evidence that changes in minimum wages affect employment then there can be no reason to reduce its rate of growth in a time of economic downturn. No particular evidence is given within the paper itself as to why an exception to the important general finding of the Commission should be made in a time of economic downturn. One would expect that a radical and controversial proposal such as the one advanced on the front page of the Australian newspaper would need detailed economic evidence to be presented if policy makers were to support it – particularly when it flies in the face of the general evidence and the Productivity Commission’s own view expressed elsewhere.
13. Further, as the extract from page 333 suggests, if this change in national wages policy were to be introduced, it requires that in times of economic growth the minimum wage would need to grow above the level of median wage growth in the rest of the economy if minimum wages are to retain their relativity to median wages. It is likely that a time of economic growth will be a time of high wage growth across the economy or at the very least higher than in a stage of economic contraction. Therefore, the Fair Work Commission may be granting increases of around 5% to 6% if it was trying to retain a long term relativity. It is our experience that in times of “improved economic circumstances” most commentators call for restraint in minimum wage growth due to their perceived inflationary effects. Other standard responses include the effect on business confidence, the rise in unemployment and the effect on international competitiveness.<sup>5</sup> The draft report fails to grapple with any of these issues or arguments (although they are nearly all spurious and self-serving and consequently quite easily dealt with).
14. Finally, we note that there is a respected body of international research which suggests that a time of weak economic growth is precisely the wrong period in which to reduce increases, in particular above inflation levels, in the minimum wage. Low paid workers spend a greater proportion of their income on goods and services and less on savings so minimum wage increases above the level of inflation to the income of these workers will

<sup>4</sup> Elizabeth Coleman, “Push for overhaul on penalty rates”, *The Australian* (Sydney), 4 August 2015, 1.

<sup>5</sup> A review of any of the public commentary or submissions by employer groups to the Minimum Wage Review provides numerous examples of this line of argument. See for example the submission by AFEI at [https://www.fwc.gov.au/documents/sites/wagereview2011/submissions/AFEI\\_sub\\_awr1011.pdf](https://www.fwc.gov.au/documents/sites/wagereview2011/submissions/AFEI_sub_awr1011.pdf)

either increase or at least maintain consumption levels. This may assist with growth in the domestic economy and actually increase employment.<sup>6</sup>

## The effect of the Minimum Wage

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15. The draft report analyses spread of minimum wages and concludes (at p 326) that “the impact on the living standards of people at the lower end of the household income distribution is likely to be relatively limited.” There is a general finding in the report that minimum wages favour middle income houses.
16. This finding ignores the fact that there are many low paid workers whose wages sit just above the minimum wage and whose incomes are substantially affected by changes in the minimum wage which then flow-on into their Award rate. This applies to many employees who are members of United Voice and work in significant industries in which United Voice has coverage. For example, the minimum wage is currently \$17.29 per hour. The day rate for a Level 1 cleaner under the Cleaning Services Award 2010 is \$18.46 an hour, a difference of \$1.17 per hour. A Security Officer under the Security Services Industry Award 2010 receives \$19.42 per hour, a difference of \$2.13 per hour. A childcare educator working under the most common classification under the Children’s Services Award 2010, a Certificate III qualified worker on level 3.3, is earning \$20.13, a difference of \$2.84 per hour. All these workers are strongly affected by movements in minimum wages. United Voice surveys and conversations with this workforces show that nearly all sit within low wage households.
17. In those industries where there is substantial enterprise bargaining (which does not include cleaning, security and early childhood education for example) then Award wages still play a critical role in maintaining a floor for the bargaining process. Movements in minimum wages that affect that floor will strongly influence wage outcomes in bargains pegged to those Awards.
18. Further, increases in minimum wages may cause a “ripple effect” where minimum wage increases ripple through the wage spectrum and also raise the wages of those earning above the minimum wage. This is obviously the case for those on Award wages as set out in paragraph 16 above. However, it may also be the case for those on non-Award wages or on above Award wages. There is U.S. research<sup>7</sup> to support this assertion as well as some Australian research.<sup>8</sup> Key findings of the Australian research include that annual wage review increases and over-award or agreement wage outcomes have a

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<sup>6</sup> See for example Filion, K, *A Stealthy Stimulus: How boosting the minimum wage is helping to support the economy*, Economic Policy Institute, Issue Brief #255 (28 May 2009) and Daniel Aaronson, Sumit Agarwal & Eric French, *The Spending and Debt Responses to Minimum Wage Increases*, Federal Reserve Bank of Chicago, 8 February 2011.

<sup>7</sup> See for example David Autor, Alan Manning and Christopher Smith, *The Contribution of the Minimum Wage to U.S Wage Inequality over Three Decades: A Reassessment* (February 2015) <<http://www.federalreserve.gov/pubs/feds/2010/201060/201060pap.pdf>> and Arindrajit Dube, Laura Giuliano and Jonathan Leonard, *Fairness and Frictions: The Impact of Unequal Raises on Quit Behavior*, (June 2015) IZA Discussion Paper No. 9149 <<http://ftp.iza.org/dp9149.pdf>>

<sup>8</sup> John Buchanan, Tanya Bretherton, Betty Frino, Michelle Jakubauskas, Johanna Schutz, Garima Verma & Serena Yu, *Minimum wages and their role in the process and incentives to bargain*, (December 2013) Fair Work Commission Research Report 7/2013 <<https://www.fwc.gov.au/documents/sites/wagereview2014/research/report7.pdf>>



limited positive association in some circumstances. When analysing the effect of the minimum wages on households the Productivity Commission should take the potential ripple effect into account.

## Chapter 14 – Regulated weekend penalty rates for selected consumer services

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19. We note that the Productivity Commission largely accepts the evidence that reducing penalty rates will have a significant issue on workers in those industries and that those workers generally do not want to work weekends. We welcome this finding, which as obvious as it may seem to most disinterested observers, is astoundingly not accepted by many employer groups in this space, such as the Restaurant and Catering Association.
20. The payment of penalty rates is currently the subject of a hearing before the Fair Work Commission in Matter AM2014/305 as part of their four yearly review of Awards. In this case a number of employers and employer associations are seeking to reduce penalty rates for weekends and public holidays in a range of industries including hospitality and retail. United Voice is a party to those proceedings.
21. The evidence produced by United Voice before that hearing is publicly available on the Commission's website.
22. The expert evidence relied upon by United Voice in that case can be found here:

<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-expertevidence-UV-040915.pdf>

## Reduction in penalty rates for certain industries

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23. United Voice rejects Draft Recommendation 14.1 as set out below:

*Sunday penalty rates that are not part of overtime or shift work should be set at Saturday rates for the hospitality, entertainment, retail, restaurants and cafe industries. Weekend penalty rates should be set to achieve greater consistency between the hospitality, entertainment, retail, restaurants and cafe industries, but without the expectation of a single rate across all of them. Unless there is a clear rationale for departing from this principle, weekend penalty rates for casuals in these industries should be set so that they provide neutral incentives to employ casuals over permanent employees.*

24. We also take issue with the reasoning that led to that recommendation as summarised in the "Key Points" document set out at page 483:

- *Excessive penalty rates for Sundays reduce hours worked, mean unemployment is higher than it needs to be, and reduce options for businesses and consumers. Trading hours are likely to be lower, and capital underutilised.*
- *Accordingly, Sunday penalty rates in the relevant consumer oriented industries should be set at the Saturday rate.*
- *Lower rates would affect the incomes of employees currently working on Sundays in the relevant industries. However, this would be partly offset by higher demand for labour. Moreover, many only work in these industries early in their careers, and many households where people work on Sundays have above median household earnings.*



25. The finding of the Productivity Commission as set out in the Key Points appears to lie in this piece of reasoning contained on page 516:

*....responsiveness of labour demand to any given wage change. The broad empirical evidence suggests that, with the exception of youth wages, a 10 per cent decrease in wage rates increases the demand for labour (on both a headcount and hours basis) by around 5 per cent (appendix C).*

and again on page 522:

*The Productivity Commission's overall view — informed largely by the reality that labour demand responds to wage rates — is that as there is a significant differential between Saturday and Sunday penalty rates, their greater alignment is highly likely to have sizable employment effects.*

*This conclusion is not underpinned by the simple adoption of any assumption that employment is highly responsive to wage rates, as in Lewis (2014), nor by uncritical acceptance of anecdote or surveys of businesses, though the latter has some value because businesses are the parties that make the decisions about whether to open or employ people. It rests primarily on the significant size of the wage differential between Saturday and Sunday.*

26. This reasoning is not supported by the generally available published evidence or by the evidence summarised within the Productivity Commission's own draft report. The reasoning is utterly inconsistent with the Productivity Commission's own findings with respect to the links between employment and the minimum wage contained within the draft report.

27. Footnote 158 on page 516 attempts to deal with the contradiction between the Productivity Commission's findings on minimum wages and penalty rates as follows:

*This does not contradict the existing evidence that small changes to the minimum wage around their current levels have modest employment effects. That is to be expected given that the changes are small and one of the prime goals of the expert group setting the minimum wage is to avoid any significant adverse employment effects.*

28. The relevance of the second point regarding the composition of the expert panel is unclear as is the link the panel's composition and the effect of its decisions on employment, minimum wages and/or penalty rates. The logic of the first is murky. The finding of the Productivity Commission as set out at paragraph 7 of this document is to decouple the link between minimum wages and employment, not to suggest that there is minimal effect – which is what is stated in Footnote 158. Yet the draft report finds that the employment link is present for penalty rates but not for the minimum wage – with no clear explanation as to how this could be possible.

29. The only evidence relied on by the Productivity Commission in support of the bold assertion that, in this case, labour demand must respond to wage rates, is taken from the literature review set out at Appendix C. This literature review is entirely concerned with the minimum wage, minimum wage changes, changes in average wages and general equilibrium modelling on the impact of wage changes and not with the impact of penalty rates. The draft report itself recognises the limitations of that literature review in Appendix C when it says at page 843:

*The aggregate responses assessed subsume a vast array of responses by individual firms, their employees and potential employees. These responses are conditioned by many firm-specific and local characteristics that make it difficult to ascertain the extent to which the findings of these studies apply to labour markets in aggregate.....*

30. The limitations acknowledged on page 843 are expanded on in statement of Professor Borland supplied to the Fair Work Commission. This should further alert the Productivity commission as to the dangers of conflating evidence on the minimum wage on employment with that of penalty rates. In particular at paragraph 9 of that statement Professor Borland says:

*In my opinion, the evidence cited by Professor Lewis is of little relevance to the question of how a change in penalty rates would affect employment. The empirical studies cited examine types of wage changes that are very different to changes in penalty rates, and examine effects on populations of workers who are different to the workers who are affected by penalty rates. Penalty wages are an extra wage payment that is paid only on specific days of the week and is paid to all workers covered by awards with penalty wage provisions who supply their labour on those days. This contrasts with minimum wages which must be paid on all days, but which only apply to a subset of workers who would otherwise have earned less than the minimum. It also contrasts with average wages which are a measure of the average total cost of hiring labour across the whole workforce. **These differences imply that estimates of the effects on employment of changes to the economy-wide average wage or to the minimum wage are unlikely to be informative about the effects of changes to penalty rates.**<sup>9</sup> (emphasis added)*

31. We submit that, in fact, there is no evidence available to the Productivity Commission to find that the amendments to penalty rates it proposes would reduce unemployment. In the final analysis we believe that the Productivity Commission has reverted to ideology over evidence. It has retained a belief in an orthodox market economics view of “the reality that labour demand responds to wage rates” despite this being a purely theoretical viewpoint that is not rooted in the reality of the labour market in question. In the inverse of the Keynesian position, the facts have changed but your minds have stayed the same.
32. Had evidence been available to support this contention one would expect that it would have been provided. Employers agitating for this change should be able to provide details of staffing, rosters, wages, operational budgets, profit and loss statements etc to support their view that reductions in Sunday penalty rates will increase employment rather than merely increasing profitability. We have noted that in public hearings questions have been put to our representatives by the Productivity Commission requesting these details. We do not have them – indeed the disclosure of much of this detail was resisted by employer representatives in the Fair Work Commission proceedings. With respect, surely the onus lies on employers, who are making this argument, to produce the primary evidence in support.
33. There is evidence available to the Productivity Commission to examine should it choose to do so. In 2014 the Fair Work Commission reduced the Sunday penalty rate from 175% to 150% for casuals in the employees paid at Level 1 or Level 2 of the Restaurant Industry Award 2010.<sup>10</sup> In response, the peak employer body, Restaurant and Catering Australia, assured the public that this would lead to longer opening hours for businesses and to increased employment.<sup>11</sup> This is the same logic deployed by the Productivity Commission in its draft report. If the Productivity Commission was truly seeking an evidence based approach to this issue surely it would examine whether the alleged effects on opening hours and employment claimed by the industry had been borne out?

<sup>9</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-UV-Borland-040915.pdf>

<sup>10</sup> Restaurant and Catering Association of Victoria [2014] FWCFB 1996.

<sup>11</sup> Jacob Saulwick, ‘Cafe workers to lose some Sunday penalty rates’, *The Sydney Morning Herald* (Sydney), 15 May 2014; Eloise Keating, ‘Landmark decision by Fair Work cuts restaurant Sunday penalty rate by 25%’ *Property Observer*, 15 May 2014 <http://www.propertyobserver.com.au/finding/commercial-investment/retail/31331-landmark-decision-by-fair-work-cuts-restaurant-sunday-penalty-rate-by-25.html>

It is open to the Productivity Commission, with its extensive resources, to conduct such an investigation.

34. Further, the Productivity Commission should look to the effect of recent changes to casual loadings in South Australia. The transitional provisions in schedule B to the Hospitality Industry (General) Award meant that from 1 January 2015 a casual employee had their loading reduce from 150% to 125% in line with the rest of the Modern award. If the reduction in penalty rates has the effect claimed by the Productivity Commission draft report (and some employers in the industry) on employment level and opening hours then that evidence should show up in South Australian figures on casual employment.
35. In further support of our argument we refer you to the report of Professor John Quiggin that we have attached and in particular his statement that: "Changes in penalty rates may lead to changes in patterns of employment, but are unlikely to have much effect on aggregate employment in the café and restaurant industry."<sup>12</sup>
36. In the proceedings before the Fair Work Commission there has been no credible evidence put forward by employers that reducing penalty rates will lead to an increase in employment. There has been evidence that it will decrease labour costs and therefore increase profitability. Where there are decreased labour costs and employers have argued that this will allow them to increase their operational capacity (which we do not accept will always truly be the case) then their evidence has been that they will offer the additional hours to their existing pool of workers. The evidence of those workers is that they cannot afford a reduction in their income and if their penalty rates are reduced they will need to work more hours (where that is possible) in order to reach the income level they had before the reduction. If this is the case, there will be no overall increase in employment but an increase in hours worked for no aggregate increase in wages.
37. Of course it may also be the case that a business is already deployed to its operational limit and there is no ability to either take on more employees or open longer hours. This is the case in much of the evidence that has been heard before the Fair Work Commission (some example are set out in the statements below). It is also possible that an employer may decide to pocket the increased profitability resulting from decreased labour costs without any changes to the service or prices delivered to consumers.
38. United Voice is, regrettably, prevented by the rules of the Fair Work Commission from disclosing transcripts of the penalty rates proceedings to the Productivity Commission. Were we able to we could produce dozens of instances to confirm the summary of the evidence contained in the above paragraph. However, the media have provided some sense of the tenor of the employer evidence in their report of the first week of the hearings:

*...But the case made by retailers and hotel owners is not always clear. During the first week of hearings in Sydney this week, Fair Work Commission president Justice Iain Ross put the Australian Hotels Association's barrister on notice for some flimsy evidence produced during cross-examination. A string of hotel owners had shared similar stories about how they had to limit trading and staff numbers on Sundays because of higher penalty rates. But when it came to testing their assertions, there was in some cases **little evidence to support the claims.** (emphasis added)*

*"I think the quality of the evidence is going to need to lift," an exasperated Ross said after one witness. "Take that on board, but I am putting you on notice now."*

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<sup>12</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-UV-Quiggin-040915.pdf>

*After claiming that a reduction in penalty rates would allow him to hire more staff, it became apparent there was no difference in the number of cooks he employed on a Saturday and Sunday. There were no costings for trading on Sundays and no evidence staffing levels would be any different if penalty rates were lower.*

*"He says on the one hand in cross-examination that he doesn't employ a cook on the Sunday. When I ask him a question he says he employs a cook on a Saturday and the Sunday," Ross said.*

*"At the end of the day I'm left not knowing how many extra shifts would he offer on the Sunday if there was a reduction in the penalty rate. I'm left with a handful of not very much".*

*Under a grilling from lawyers representing United Voice, the union for workers in hospitality, aged care and children's services, it also turned out that some of the witnesses had not done any sums before making submissions.<sup>13</sup>*

## Expert evidence on penalty rates

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39. We note that the Productivity Commission's draft report already accepts the negative effect of weekend work on employees and their preference to not be working on those days, however we ask you to consider the report of Dr Olav Muurlink who finds that "working on weekends is associated with negative consequences to physical health, which in turn spill over to effect the psychological health and social life of the worker."<sup>14</sup>

40. The report from Dr Damian Oliver contains information on the characteristics of workers in the Accommodation and Food Services or Hospitality industry. In particular we refer Dr Oliver's analysis (contained at paragraph 23 of his summary) of the impact of penalty rate payments on total earnings relative to benchmarks:

*Using the median earnings and penalty rate payment data from AWRS, the impact of penalty rate payments on total earnings for Accommodation and Food Services employees is as follows:*

- *Median earnings as a proportion of the national minimum wage decreases from 107% to 70 %.*
- *Median earnings as a proportion of national median full-time earnings decreases from 47% to 31%.*
- *Median earnings as a proportion of average full-time ordinary earnings in Accommodation and Food Services decreases from 67% to 44%.<sup>15</sup>*

## The importance of penalty rates to workers

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41. We also ask that the Productivity Commission read the witness statements of members of the union that were supplied to the Fair Work Commission. These individuals present evidence of the effect that the reduction in penalty rates will have on them economically and also talk about what they have given up in order to work on weekends. Those statements can be read at:

<sup>13</sup> Anna Patty and Nick Toscano, 'Sunday penalty rates are hot reform topic', *The Sydney Morning Herald* (Sydney) *The Age* (Melbourne), 12 September 2015, Business Day 8-9.

<sup>14</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-UV-Muurlink2-040915.pdf>

<sup>15</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-UV-Oliver-040915.pdf>

<https://www.fwc.gov.au/awards-and-agreements/modern-award-reviews/penalty-rates-case/evidence-witness-statements>

42. By way of example, here is an extract from the witness statement of Mary Quirk<sup>16</sup>, a 55 year old Bar Manager at the Coledale RSL in Wollongong:

12. *Except when I am on holidays or sick, I have not had a free Sunday for the last 25 years. I am a Roman Catholic. I am not deeply devout but it is an important part of my life and I would attend church occasionally if I were able to do so on Sunday. I do attend mass occasionally on Saturday evening. I attend mass on Saturday evening about 4 to 5 times a year mainly at Christmas, Easter and if for some personal reason I am sad or having troubles. I find attending mass is helpful in these situations. Working Sundays has meant I have not been able to be a part of my church community as I would have liked.*
13. *I have a very large extended family. I have 17 nieces and nephews and they are all Catholic. There are regular religious family events every year such as first communions, confirmations and christenings. I have missed out on a lot of these events and this makes me sad. I have occasionally called in sick when I have been asked to be a god parent to one of my nieces or nephews. I cannot do this too often as I lose too much income. Sick leave is only paid on ordinary pay. If I call in sick, I lose about \$80.00 a week.*
14. *Both my parents are now dead. Because I was rostered every Sunday for the last 25 years, I did not spend a single mother or father's day with either of my parents when they were alive. This saddens me.*
- ...
21. *I have calculated that if penalty rates are reduced in this way, then I will lose a approximately \$101.00 per week from my weekly take home pay.*
22. *If this happens, then the loss of income will mean that I will have to consider bankruptcy or some form of arrangement such as a debt agreement. I am already having trouble making ends meet and a reduction in my income of \$100 a week will push me over the edge.*
23. *The Coledale RSL is a small club. It would be difficult for me to make up the loss from a reduction in my Sunday rate. I would have to take work from one of the casuals. This would not be fair as I already have fixed full time hours.*

43. The following is extracted from the statement of Sean Davis<sup>17</sup>, a 50 year old Duty Manager at the Grange Hotel in Adelaide. Sean is married and has four children. His wife does full time home duties:

7. *Our financial position is tight. For instance, we haven't had the car serviced for three years. We just can't afford it. Sharon needs new glasses, but we will have to wait for a while before we can afford them. I would like to get a rain water tank. I'd like to buy new pillows for the children, it's a bit embarrassing. We don't earn enough for the necessities. We can't afford to go away on a holiday at the moment; and we haven't had one for a while. We would like take the kids to a movie or to dinner. I would like to be able to buy them some more clothes. But we can't. We are currently significantly in debt.*
- ...

<sup>16</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-WS-UV-Quirk-100815.pdf>

<sup>17</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-WS-UV-Davis-100815.pdf>

17. *I have always worked weekends and public holidays. I try to get these shifts because of the penalty rates I am paid on these days. Being hospitality, these are also the busiest days at the hotels.*
18. *The penalty rates mean I earn more money each week. If penalty rates were changed or abolished I, of course, would earn less. I am only just getting by on my current wage.*
19. *Although I receive penalty rates for working weekends and public holidays, working these shifts comes at a huge cost to me and my family.*
20. *The cost to my family is that I am rarely able to spend quality time with them as I work evenings and weekends. I am usually working when the children are home from school in the afternoons and evenings. On my days off earlier in the week I am often very fatigued and tired and try and catch up on sleep. It is not unusual that I work till well after midnight, get home even later, and then am up by 7.30 am to help get the children to school.*
21. *I am often unable to take the children to their sporting activities on the weekend such as soccer or netball as I am working. The responsibility of running around four children to different sports then falls solely upon my wife.*
22. *I rarely am able to attend any family gatherings or functions, including my own children's birthday parties as these are usually held on weekends or evenings when I am working.*
23. *As a result of working weekends I have absolutely no social life and find it very difficult to maintain my friendships as I am unable to catch up with them on weekends because I am working.*
24. *Working weekend and evenings over a significant period of time can become very mentally debilitating and physically taxing on my body. On occasions I have felt depressed as a result of being isolated from my family and friends and have sometimes found it difficult to cope with the day to day pressures of life.*
- ...
36. *I have calculated I would lose \$4.90 for each hour I work on Sunday, \$19.64 per hour I work on a Public Holiday and \$29.45 per hour on an "other" Public Holiday.*
37. *If this happens, then I do not want to think about what this would mean for my family.*
38. *Normally I use the credit card to pay for things like school camps for my kids or other items that arise that we have not budgeted for.*
39. *If my penalty rates are reduced this will mean I would have to take my kids out of private school which currently costs me \$12,000 per annum. I make this sacrifice because I believe the level of education is better and they offer additional assistance to my children such as extra classes to assist them in learning to read that the public system does not. I also want my children to have a sound education so they can be financially successful in their chosen career and do not have to live week to week on a very strict budget as we do.*
40. *I would also have to stop my children from playing sport such as soccer as I would not be able to afford the fees and the uniform and equipment that is required.*
41. *We would also have to look at reducing our weekly grocery bill.*
42. *Unfortunately for my family we rarely can afford to indulge in luxuries. For me and my wife a luxury that we could indulge in would be going out for a coffee once a week.*



43. *In order to make up the lost income, I have calculated that I would have to work regular fifty hour weeks instead of around the forty hours per week I work now. Also, during summer when there are additional hours I usually earn additional income and this means I can pay down debt or save. If I have to work an additional ten hours a week just to make up the money I earn now, I just don't know how I am going to get ahead or even survive.*
44. *While I would be able to work those additional hours, the impact of doing so would mean that I would rarely see or spend any quality time with wife or children.*
45. *Even if I am available to work additional hours, I do not know if I will be offered additional hours by my employer. If I am not, I would have to leave the industry. This really concerns me as I believe I would find it very difficult to find alternative employment due to my age, the high unemployment rate in South Australia and the fact that I have only really worked in the hospitality industry.*
44. The following is extracted from the statement of Alexandra Kindness<sup>18</sup>, a 27 year old kitchen hand working at the Demedios café in Rockhampton. Alexandra is also a part time student studying a Bachelor of History at the University of New England:
14. *Most of my friends and relatives work between the hours of 9.00am to 5.00pm, Monday to Friday. Working weekends and evenings has a significant impact on my social life. For example, in May 2015, my mother and brother invited me to attend a classic car show in Emu Park. Despite having a great desire to spend quality time with my family, I had to turn down the invitation, as I had been rostered to work that weekend. This is not unusual, and when it occurs I feel disconnected from my family and friends. I virtually have no social life.*
15. *I study remotely, so working evenings and weekends is of no benefit in terms of freeing up my weekday days.*
- ...
21. *I have calculated that if penalty rates were reduced in this way, then I would lose approximately \$50 to \$70 per week from my weekly take home pay, which would cause me financial hardship.*
22. *Other than cancelling my gym membership, I have no luxury costs that can be removed from my budget.*
23. *If penalty rates are reduced in the way proposed by the RCA, I would have work more to make up the loss of pay. I am already studying a reduced course-load, and struggling to balance work with study. I could reduce the number of subjects I am studying this semester, but I would then take longer to finish my degree.*
24. *Further, I would lose by education allowance from the Department of Veterans Affairs if I studied less than full time.*
25. *Since it is difficult to balance work and study while working unsocial hours, I would have to seriously consider reducing discontinuing my degree so I could work enough hours to make enough money to get by. Discontinuing study would drastically limit my career prospects.*
26. *If I stayed with my current employer I would need more shifts. My employer may or may not be able to provide these shifts to me. I already work Friday, Saturday and Sunday, which are the busiest days in hospitality. Since I already work weekends, I would find it difficult to find a second hospitality job.*

<sup>18</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-WS-UV-Kindness-100815.pdf>

27. *I have considered whether I could change jobs if penalty rates were reduced and have arrived at the conclusion that the limited jobs in my town, and the barriers to entry into another industry without direct experience, would prevent me from being able to do so.*

45. The final extract is from the statement of Carol Gordon<sup>19</sup>, a 51 year old receptionist at Elphin Villas in Launceston. Carol is the foster carer for her second cousin Riley, a 13 year old boy with a severe medical condition known as gastroschisis. Carol shares custody of Riley with her mother who is a disabled age pensioner:

11. *I have worked in hospitality since March 2014.*
12. *I have a Certificate in Banking (TAFE) and an Associate Diploma Management (Human Resources) TAFE. These were completed over 20 years ago.*
13. *I worked as a casual for Coles in my 2 final years of Fulltime School, then fulltime in banking in a wide range of roles (retail, business lending, information systems) from the age of 18 to 41, at which time I was retrenched. I took up another banking role 18 months later, resigning 5 years later. I then worked for 3 years in a supply chain position, 30 hours per week, until I was retrenched in July 2013.*
14. *It took me 33 weeks and 62 targeted job applications to find my current employment.*
- ...
22. *Working on weekends has had a negative impact on my social life. For example, I have a group of friends who meet up for a meal every month or so, generally lunch on Saturday or Sunday or dinner on Saturday. Everyone else works Monday to Friday. Our meals are now fitted around my roster. I can only go out with my friends on a free weekend, because Riley wants me to spend my free night with him on weekends I am rostered to work.*
23. *Half of my free weekends include taking Riley to visit his five siblings who live with their grandparents. The drive is an hour, which is quite exhausting. The road is winding because it goes through the mountains, and only has one lane in each direction.*
24. *I am Chair of the School Association for Kings Meadows High School, which has 8 meetings per year, Mondays at 7pm. This also entails attending the South Launceston Development Committee on the third Wednesday of each month (except January) at 7pm. Usually, I rely on the co-operation of the two other people I work the roster with to make sure I am free for these commitments. If they were less lovely people (or were people with my commitments) I would be in a lot of trouble.*
25. *Riley has day admittance to the local hospital every 2-3 weeks for iron and/or blood. On those days, if I am rostered to work that evening, my mother swaps with me at the hospital at 3.00pm.*
26. *I don't use my goodwill with my co-workers to manage my social life, I use it to manage my commitment to my mother and Riley. My friends work around me or I turn up late or leave early.*
- ...
36. *I have calculated that if penalty rates are reduced in this way, then I will lose between \$25.00 to \$40.00 per week from my weekly take home pay on weeks when I work on*

<sup>19</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014305-WS-UV-Gordon-100815.pdf>

*Sundays. If this happens, then even though it is not a great deal, I would have very little margin for error in my spending.*

37. *I manage my spending very carefully. I am a bargain shopper. I buy what most people buy, but through catalogues and in bulk. I anticipate major expenses like replacing the fridge or new car tyres, and I spread the cost over a long period and cut back where I can to meet those expenses.*
  38. *In order to make up the lost income, I have calculated that I would have to work an additional hour on Saturday or Sunday, or an additional hour and a half during the week. Over my usual three week roster, this could add up to an additional 5 hours.*
  39. *Even if I am available to work additional hours, I doubt they would be offered by my current employer. The structure we have sets the hours they open. The manager works from 8.00am until 4.00pm Monday to Friday. Three other workers share those hours. We work weekends from 8.00am until closing. The work is highly seasonal, and there is no additional work.*
  40. *I would struggle to fit in extra work around my caring responsibilities. If I am less available at home, I am less able to support my mother and Riley, and may need to fall back onto government or community services. Where Riley is concerned, I would have to call on the assistance of his Case Manager and Out of Home Care Support. As things currently stand, they only hear from me when they need to know something. My hours have to fit in with the life I have, and my responsibilities to people who need me.*
46. In response to the Productivity Commission draft report, United Voice also asked its members to provide feedback on the recommendations on penalty rates via our website. We received hundreds of comments and a sample of those comments is set out at appendix A. The comments included here are a representative sample from members across the country and from a range of industries and sectors.

## Conclusion

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47. In conclusion we request that the Productivity Commission, in its final report, retract Draft Recommendation 14.1. The only basis on which that Recommendation is made is the alleged employment benefit of a reduction in penalty rates. For the reasons we have set out above we do not believe that this assumption is sustainable. We submit that in order to alter the status quo the onus is on the Productivity Commission to prove the alleged benefits before taking the dramatic step of recommending the cutting of penalty rates in light of the hardship this would cause to low paid workers. Accordingly, and in the absence of any other compelling reason to reduce penalty rates and in recognition, in the Productivity Commission's own report of the "significant employment effects for some people", this should no longer be pursued.

## Chapter 15 – Enterprise Bargaining

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48. United Voice notes the Productivity Commission's concern over procedure, and in particular the statement made on page 551, 'procedure should be a servant, not the king'. By way of information, the Productivity Commission may wish to note the recent decision of a Full Bench of the Fair Work Commission in *Serco Australia Pty Limited v United Voice and the Union of Christmas Island Workers* [2015] FWCFB 5618.<sup>20</sup> Despite

<sup>20</sup> <https://www.fwc.gov.au/documents/decisionssigned/html/2015FWCFB5618.htm>

the title of this case, in this matter United Voice supported Serco, the employer, in its appeal against a decision by the Fair Work Commission to refuse to approve an agreement due to a minor error in its Notice of Representation Rights form. The Full Bench upheld the appeal.

49. We support draft recommendation 15.3 allowing Enterprise Agreements to be negotiated for up to five years. The collective bargaining process takes about three months at a minimum, but usually between six and ten months to conclude (with some taking much longer than that). Accordingly, for many United Voice members, the “bargaining cycle” means every third year at work is dominated, to some extent, by the collective bargaining process, which will extend for most of that year. At the commencement of the collective bargaining process, both parties often take the view that “everything is up for grabs” – that means either party feels free to propose review of any aspect of the existing collective agreement (or matters outside of it). In a fresh negotiation, the fact that an item within a collective agreement might at some point in the past have been included as part of a concessional arrangement (where, for example, something was traded for something else) is usually considered irrelevant. As a result, for many United Voice members, the collective bargaining process can, and often does result in every aspect of a collective settlement being brought into question, every three years, regardless of that item’s history or rationale.
50. We reject draft recommendation 15.4 that the Better Off Overall Test should be replaced with a no disadvantage test. The better off overall test is simpler to apply and is a necessary safeguard to try and ensure that workers are not exploited in the bargaining process.
51. We support Draft recommendation 15.5 restricting the appointment of bargaining representatives to either unions or those who can show they represent at least 5% of the workforce. It is our experience that bargaining can become very complicated when there are multiple persons present who are not actually representative of the workforce.

## **The logic of Enterprise Bargaining**

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52. Enterprise bargaining is not logical in every sector of the economy. Employers in contracting industries are particularly reluctant to bargain for an enterprise agreement due to concerns of increases in costs, thereby creating a class of workers who are stuck on the modern award.
53. For example, in 2012 a major cleaning firm sent this notice out to United Voice members about bargaining and why there were not willing to engage with enterprise bargaining:  
  
[X] believes in fair treatment, pay and conditions for all our staff. X supports the Modern Award, part of the Government’s recent industrial relations changes, as it is the fairest way to make sure all cleaners receive regular pay increases, shift rates, weekend and public holiday rates, casual allowances and improved superannuation. The Modern Award is adjusted every July with wage increases mandated by the Australian Government [sic]
54. The Act’s focus on the “enterprise” is misguided, especially in the industries and sectors that United Voice members work. The focus on the enterprise has an implicit assumption that the economic decision makers are contained at that level and that they have freedom to determine wages and conditions for employees. In many cases the enterprise is a price taker and not a price maker – a third party has effective control over the wages

that the enterprise can pay their staff. There is nothing that can be negotiated at the enterprise level to alter that. This is true of contracting industries such as cleaning and security as well as those reliant on government funding such as childcare and aged care.

55. In undertaking enterprise bargaining United Voice is unable to bargain, or bring to the table third parties who make and affect decisions that impact on our members' wages and conditions. Obviously, any action to pressure those third parties by commercial means is often illegal.
56. The focus on the enterprise fails to recognise the complicated nature of corporate arrangements and the networked diffusion of power and influence. It reflects an antiquated model of employment and decision making that has not applied to Australian economic circumstances for some 20 years.
57. Inevitably the modern award is by default used as an enterprise agreement, to determine the local conditions of wages and employment. However unlike enterprise agreements wage increases do not increase more than the safety net adjustments, any increases in productivity do not increase wages (and there is no incentive on employees to increase productivity) and conditions of employment are uniform regardless of location or specificities of the site.

## Good faith bargaining and last resort arbitration

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58. At page 533 of the Draft Report the Productivity Commission makes the following "Key Point":

*The good faith bargaining requirements appear to be working relatively well. The Fair Work Commission (FWC) has the power to step in as a last resort when there are repeated breaches of bargaining orders.*

59. The Draft report also rejects calls for the introduction of last resort arbitration into the *Fair Work Act*. The following is taken from page 559 of the report:

*Overall, at this stage the Productivity Commission does not accept that greater access to arbitration will lead to improved behaviour across the bargaining landscape. Occasional problems, while painful, do not necessarily require legislative solutions. For the moment, the case for returning to greater FWC control of the process seems weak.*

60. United Voice believes that the legislation should be amended to ensure the Fair Work Commission can make a broad range of good faith bargaining orders to facilitate union and delegate access during bargaining. The good faith bargaining provisions fall short of those in similar jurisdictions. For example, good faith bargaining orders that require active facilitation by an employer for delegates to have on-site communication with workers in paid time during a bargaining process, such as exist in the UK, have not been part of the Australian experience. The role of delegates in the bargaining process is not recognised, unless they are registered as individual bargaining agents (in addition to the union who they might represent). Australian good faith bargaining orders have travelled little further than orders for meetings to occur or for basic exchanges of information.
61. We believe that the Fair Work Commission should have the power to make, inter alia, the following orders:



- that workers involved in the bargaining process have the right to representation by and contact from their union, paid time for delegates to consult one-on-one with workers involved in the bargaining process;
  - paid mass meetings for workers involved in bargaining and the Union; and
  - paid time for delegates involved in bargaining to do bargaining work, including on-site communication and preparation for meetings.
62. United Voice also believes that the Fair Work Commission should have the power to arbitrate the resolution of protracted bargaining disputes, even where both parties do not agree, subject to strict controls.
63. We note that the Productivity Commission indicated that there were few examples of lengthy bargains. This has not necessarily been the United Voice experience. For example, in 2011, the union's Victorian Branch was involved in a dispute with MSS Security during which an agreement was put to employees without the support of the Union on three separate occasions over a dispute spanning over eighteen months. The proposed agreement contained the same basic conditions each time. It was rejected on each occasion, but a majority of employees accepted it when it was eventually put a fourth time. A fairer and more efficient outcome would have been to arbitrate the dispute at the point where it was clear there was no real prospect that an agreement would be reached. In the Northern Territory, United Voice has been negotiating with St John Ambulance NT (the private sector are responsible for paramedics in the NT) for two years and four months and the Territory Fire and Rescue Service for two years and two months.
64. We believe that it is crucial that last resort arbitration does not simply provide employers with a way to avoid industrial action by making a last resort arbitration application. Unions should still be able to engage in industrial action to advance a bargaining position and the legislation must recognise that. Any arbitrated outcome would also need to be subject to a Better Off Overall test for employees. Provided this is clearly recognised we believe last resort arbitration should be available based on a "public interest test" requiring the following considerations:
- the primary objective of promoting collective agreement making;
  - whether there is a history of bargaining at the workplace and, if not, the desirability of establishing a last resort arbitration which will facilitate future bargaining;
  - whether a party has breached good faith bargaining orders;
  - whether all of the bargaining parties were trying to reach agreement;
  - whether a reasonable period of active bargaining has taken place;
  - whether the good faith bargaining process has been genuinely exhausted;
  - the views and interests of the bargaining parties and the employees;
  - the relative bargaining strengths of the parties, and in particular the needs of the low-paid; and
  - the rights of the parties to engage in protected industrial action and that the taking of such action is not of itself contrary to bargaining in good faith or grounds to terminate bargaining and substitute a last resort arbitration.

## **Pattern bargaining**

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65. The draft report seeks feedback on whether there is a mechanism that would only restrain pattern bargaining:



- where it is imposed through excessive leverage or is likely to be anticompetitive
  - while allowing it in circumstances where it is conducive to low transaction cost agreements that parties genuinely consent to.
66. As set out in paragraphs 52 to 57, United Voice operates in many industries where bargaining on the basis of labour costs does not make particular sense – for example cleaning, security, health and aged and disability care. These are sectors where there should be some allowance for pattern bargaining and indeed industry bargaining. Enterprise by enterprise bargaining creates uncertainty and its unwieldiness results in significant expense of time, money and resources for unions and employers alike.
67. We need a scheme that assists workers to bargain at a multi-employer or industry level. The only machinery in the current Act that really facilitates multi-employer bargaining is the low paid bargaining scheme. The low paid bargaining scheme has significant limitations, as United Voice is well aware of having run the first application for a low paid bargaining determination under the Act. The main problem is that despite its existence, the Act still puts a high premium on single enterprise bargaining. Where the Commission has been led to believe that single enterprise bargaining could work or has not been proven not to work, it has generally refused to grant low paid bargaining applications.
68. The legislation should change to make it clear that there are some industries and some groups of workers where single enterprise bargaining is not preferable, and an industry or multi-employer approach is. In these industries, higher level assistance from FWC is required to make the industry bargaining process work.
69. The circumstances in which the Act should recognise that industry or multi-employer bargaining is preferable and warrants higher level assistance from FWC could be:
- where the workers are low paid;
  - where the maintenance of a “level playing field” in relation to wages and conditions is desirable to prevent exploitation arising from competition based on labour costs;
  - where attempts at striking industry or multi-employer deals have proven difficult;
  - where the industry involves a large number of small employers who, on their own, lack the necessary resources to engage in single enterprise-by-enterprise bargaining;
  - where the relative bargaining strength of the employers and employees warrants the Commission’s higher level assistance; or
  - where there is a high level of control, direction or influence by a person other than the employers over the terms and conditions of employment of the workers.
70. Where criteria such as these can be met, the legislation should encourage FWC to grant applications for it to provide higher level assistance to facilitate the making of a multi-employer deal, even where there may be evidence of attempts – even successful attempts – at single enterprise bargaining within the industry. “Higher level assistance” should be defined as such assistance as is necessary to achieve the objective of making a multi-employer deal. It could include:
- calling compulsory conferences and conducting compulsory mediation, including with relevant third parties;
  - orders to require particular decision-makers to attend;

- orders to facilitate communication between bargaining representatives, unions and relevant employees, such as the provision of lists of workers, contact details, arrangements for paid time meetings and site contact;
- orders preventing direct dealing;
- "lock down" negotiations, where parties are required to attend and remain negotiating for extended periods;
- orders to require the provision of relevant information;
- orders requiring parties to exchange information about their respective bargaining positions in standard form; and
- "duty to conclude" orders, requiring parties to conclude an agreement unless there are reasonable grounds not to.

71. Where higher level assistance is not successful, the last resort arbitration provisions should trigger, and FWC should be able to arbitrate the new multi-employer agreement.
72. In the decision of FWC dealing with the application for low-paid assistance made by the Australian Nurses Federation, in coming to its decision to refuse the request for assistance, the Commission was influenced by the view that the number of employers likely to be involved in a multi-employer negotiation would make the process "cumbersome" and difficult to manage.<sup>21</sup> The Full Bench in the original Aged Care decision did not have those concerns, noting that the Commission itself has the power (perhaps duty) to help overcome these problems by assisting.<sup>22</sup>
73. Another useful mechanism to overcome any such problems could be to allow for the initial process to be conducted with a more limited group of employers, by allowing further employers to be "roped in" to the eventual settlement by application. The roping in process should allow FWC to determine quickly whether, because of the nature of the industry, it is appropriate for the further employers who might be subject of roping in applications to be made subject to or transitioned on to the new industry standard. The system should allow for employers should be able to quickly consent to become roped in, or for arguments about their particular circumstances to be efficiently dealt with by refusal or transitional orders.

## Chapter 17 – The enterprise contract

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74. Chapter 17 of the Draft report seeks a response on a proposal for the creation of a new statutory instrument - the "Enterprise Contract".
75. The Commission seeks feedback on this new form of agreement that can adjust or replace the relevant Modern Award or reduce its terms, with the content being determined unilaterally by the employer and not subject to negotiation, a vote of employees or approval of the Fair Work Commission. It would be compulsory to new employees and "opt in" for existing employees, with a one year notice to revert to the Award.
76. United Voice believes that any such proposal should not be included in the Commission's final report.

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<sup>21</sup> *Australian Nursing Federation v IPN Medical Centres Pty Limited and Others* [2013] FWC 511 at [138].

<sup>22</sup> *United Voice and Others* [2011] FWA FB 2633 at [31].

77. First, it is a solution in search of a problem. The system as it stands - with large flexibility in terms of hours, rosters and forms of engagement under Modern Awards, the enterprise bargaining system and individual flexibility agreements - provides extensive opportunity for working arrangements to be tailored at the enterprise in both formal and simpler ways. A low take up rate of formal enterprise bargaining by small business is not evidence in and of itself of the need for a new instrument. It is just as likely to indicate that given the relative simple nature of the operations, their small number of employees and the felicitous arrangements built into modern awards that SMEs feel no need to enter into an enterprise bargain. We note that globally, formal collective bargaining is uncommon in small-business regardless of the labour law framework.
78. Complaints from some small-business representatives concerning the complexity of current arrangements is, in reality, merely a complaint about the existence and level of minimum standards and workplace rights per se. The Commission ought not be misled into creating an additional type of instrument as a solution to “complexity” when it will only serve to undermine the integrity of the safety net and reduce the incentive to conduct proper enterprise level bargaining.
79. Second, it would in effect restore the strangest of creatures that existed under WorkChoices – a statutory “agreement” that can unilaterally be dictated by one party, the employer. This form of arrangements has no appropriate place in a national labour law.
80. Third, the principal purpose for which the enterprise contract would be used is to reduce or remove safety net Modern Award protections determined via a merit based process in the Fair Work Commission. Consistent with the experience of United Voice under WorkChoices, in low wage industries with high net labour costs, Enterprise Contracts would be used exactly as AWAs were under WorkChoices. Industry Associations and consultants would produce templates removing as many Award entitlements and procedural protections as possible. It is naïve in the extreme to think that such instruments are in any way related to the specific needs of the enterprise. They are about the unilateral ability to cut wage costs.
81. Finally, the Commission’s own suggestion of pre-approved template contracts prepared by the Fair Work Ombudsman is antithetical to the role of the Fair Work Commission, and demonstrates that such instruments would not be driven by genuine enterprise level flexibility but as a way of ousting the modern award. The template arrangement already exists in the form of the Award – the creation of another template could be for no other purpose than undermining it.

## Chapter 20 – Alternative forms of employment

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82. United Voice rejects Draft recommendation 20.1 as follows:

*Terms that restrict the engagement of independent contractors, labour hire and casual workers, or regulate the terms of their engagement, should constitute unlawful terms under the Fair Work Act 2009 (Cth).*

83. The reasoning for that recommendation is contained on pages 731 to 733 of the draft report:

*Given the above observations, there is a prima facie case to eliminate terms in enterprise agreements that act to restrict an employer’s prerogative to choose the employment mix suited to their business.*

....

*The effects of these terms, and conversely of prohibiting them, can in part be characterised as redistributive. Where they are included and exercised, the benefits accrue to current employees (who might get extra hours) or potential employees (if more workers are needed). This comes at a cost to independent contractors, labour hire and casual workers, who may miss out on jobs. Alternatively, were these terms to be excluded, workers under alternative employment forms would enjoy increased employment, but possibly to the detriment of current and potential ongoing employees.*

*But, as noted earlier in this chapter, alternative employment arrangements can increase productivity and lower costs, with benefits that ultimately flow to the community as a whole through lower prices. Once these effects are considered, and given the fact that alternative employment arrangements are unlikely to significantly reduce collective bargaining power, there is a sound basis for excluding terms in enterprise bargains that have the effect of limiting the hiring of subcontractors, labour hire workers or casuals.*

84. The first reason for opposing this recommendation is noting that Enterprise agreements are voluntary agreements entered into between employers and their employees. An employer cannot be forced to sign an agreement. If an employer chooses to voluntarily “restrict [their] prerogative to choose the employment mix suited to their business” then they should be free to do so. It is ironic that the draft report proposes to restrict employer prerogative to sign an agreement in order to increase employer prerogative on their business mix. If an employer wishes to retain the prerogative to hire subcontractors, labour hire or casuals then presumably they will insist on that in negotiations.
85. An additional reason is that it prohibits employees from having a say in a matter on which they might have legitimate and relevant views as the introduction of alternative employment practices may undermine their job security, wages and hours of work. Further, it is being proposed without any consideration of licensing or regulation of labour hire companies to give the sort of assurance needed that contracting operates within a robust legal framework.
86. United Voice welcomes the Commission’s acknowledgment that sham contracting disproportionately affects vulnerable workers. We have seen multiple instances of this occurring in the industries we represent, including cleaning and security.
87. Supply chains shift risk from the purchaser of labour to workers at the end of the chain. These workers may be either outside the system of labour laws, minimum wage and employment protections (in the case of independent contractors) or, if they are in the sub-contracted sectors of the economy, labour supply chains are so opaque that workers can be unaware of who their employer is.
88. Subcontracting undermines prevailing industrial standards, and also removes protection from unfair termination of employment. A sub-contracted cleaner or security guard experiences two levels of insecurity – they can be removed from site by a client and/or a principal contractor (neither of whom is their “employer”) without redress. They are also likely to be excluded from any industrial standard that applies on site.
89. Subcontracting in these industries also encourages the prevalence of sham contracting, where workers who clearly fall within the definition of an “employee” at law (and are therefore entitled to legal minimums) are treated as independent contractors. This sham is more likely to occur because subcontracting helps screen the eventual employer from the compliance and enforcement regime through layers of contractual obfuscation.

90. Traditional labour hire, historically used as a temporary, seasonal or specialist supplement to an existing labour force, is more and more being used as replacement labour, to undermine or avoid the prevailing industrial standard. Again, these workers can be terminated without redress by being removed from site by the principal (not their employer) without a reason. At a minimum all labour hire agencies should be licensed.
91. These new forms of employment touch on every sector of our economy and their use and promotion by employers is intensifying. In the cleaning industry, there is a prevalence of sub-contracting along multiple tiers. Each tier reduces the amount of money flowing to workers, which the Fair Work Ombudsman has noted “exacerbate(es) the potential for workers to receive less than the statutory minimum payable...”<sup>23</sup>
92. We do not yet know what the labour market will look like with the introduction of technology-based employment, and ruling out any restrictions or regulation could have unintended consequences in the future.
93. We would like to see the Act contain a definition of what constitutes sham contracting. This would provide better guidance for employers and employees in understanding their rights and responsibilities. In having a definition this would enable the development of clear and consistent indicia for prosecuting sham contracting. Currently in the case law there are a variety of tests for sham contracting, and in the interests of consistent application that there be a clear set of indicia.
94. Lastly, given the focus of the Act on fairness and social inclusion we strongly recommend that where a worker has been misclassified, then as a remedy available that the worker has the right to conversion to ongoing permanent employment.

## Recklessness vs reasonableness test

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95. United Voice supports the recommendation in the draft report that the ‘recklessness’ test in s. 357 of the *Fair Work Act* be replaced with a ‘reasonableness’ test for the reasons set out in the draft report.

## Chapter 21 – Migrant Workers

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96. United Voice supports draft recommendation 21.1 as follows:

*The Fair Work Ombudsman should be given additional resources for investigation and audits of employers suspected of underpaying migrant workers (including those in breach of the Migration Act 1958 (Cth)).*

*The Migration Act should be amended so that employers can be fined by at least the value of any unpaid wages and conditions to migrants working in breach of the Migration Act, in addition to the existing penalties under the Act.*

97. United Voice welcomes the Commission’s findings in relation to the vulnerability of migrant workers. We believe the legislation could go further in cases where there is found to be coercion and slavery-like conditions.

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<sup>23</sup> Fair Work Ombudsman, *Sham contracting and the misclassification of workers in the cleaning services, hair and beauty and call centre industries: Report on the preliminary outcomes of the Fair Work Ombudsman Sham Contracting Operational Intervention*, (November 2011).

98. Issues around supply chains, including the issues previously discussed around sham contracting and the use of independent contractors, have a particularly harmful effect on migrant workers.
99. Exploitation is rife among the young, temporary and migrant labour in contracting supply chains. An investigation by our Victorian branch in one of our major cleaning markets found more than half of cleaners were international students who were unaware of their rights. They were being underpaid by an estimated \$15,000 a year, with cleaners earning illegal rates of pay in one of four buildings reviewed. There were widespread breaches of industrial law, abuse and exploitation.<sup>24</sup> These practices are becoming more pronounced and United Voice is seeing an increase in the systematic exploitation of international students across the cleaning industry in major markets on the eastern states.<sup>25</sup> We believe that these are not isolated incidents but are becoming part of the business model in this industry.
100. There needs to be strong cross-agency cooperation in enforcing visa conditions, particularly in relation to the activities of employers who consistently undermine migrant workers employment conditions. Government policy should recognise and address the concern that one agency's desire to enforce visa breaches may inhibit another agency's ability to prosecute under another jurisdiction. This tension means that vulnerable migrants end up bearing disproportionately any sanctions that are imposed. United Voice is aware of successful models of cross agency co-operation in dealing with slavery and human trafficking through the federal Attorney General's Department. Such an approach is instructive in addressing broader migration issues.
101. Given the number of recent cases coming to light where employers have flouted immigration laws by exploiting workers on temporary visas, a dedicated immigration inspectorate within the Office of the Fair Work Ombudsman is necessary.
102. The role of unions and collective bargaining rights are crucial in empowering workers to make choices and have a better work experience in Australia. To do this, unions need better access to workplaces to allow us to work with people who may be in breach of their visa conditions. This needs to be done without the threat of deportation in order to allow them to create the conditions needed to work legitimately.

## Chapter 22 – Transfer of Business

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103. Section 309, Part 2-8, *Fair Work Act* 2009 ('the Act') notes that the objectives of the Part are to provide a balance between:

- (a) *the protection of employees' terms and conditions of employment under enterprise agreements, certain modern awards and certain other instruments; and*
- (b) *the interests of employers in running their enterprises efficiently;*

*if there is a transfer of business from one employer to another employer.*

<sup>24</sup> United Voice, Victoria (2013) <http://www.unitedvoice.org.au/press-releases/melbourne%E2%80%99s-dirty-secret-orts-and-rip-offs-cbd-cleaning>

<sup>25</sup> Tony Moore, 'Brisbane airport rocked by sexual abuse allegations', *Brisbane Times*, (14/11/2013)



104. For many Australian workers on low or average incomes, their working lives lack stability and security. Part 2-8 of the Act provides some protection and works in conjunction with the Act's National Employment Standards ('NES') and particularly the provisions concerning redundancy pay. The Act's current transfer of business rules play an important role in providing some stability for employees generally in relation to their terms and conditions and the maintenance of the integrity of the enterprise bargaining system. Apart from issues of fairness, providing continuity in employment for employees has significant economic and social benefits.
105. The instruments that will typically transfer will be enterprise agreements. These instruments are of fixed duration and can and should be replaced or varied within the processes established by the Act.
106. For the low paid and employees in industries dominated by labour hire arrangements, there is widespread non-compliance with the Act. United Voice routinely encounters situations where our members are denied redundancy payments and other entitlements as a result of corporate insolvency and fraud ('phoenixing'). Further, a common practical effect of transfers of business, or out sourcing, is that employees' entitlements are reduced to the underlying modern award. The current system provides some legal protections against these practices.
107. The discussion paper has focused on voluntary transfers between associated entities. The groups of associated entities mentioned Bluescope Steel and the Qantas Group, one of Australia largest employer. The requirement for an application to be made to the Fair Work Commission to exempt a transfer from Part 2-8 of the Act is not onerous. The requirement should be viewed in context of the general scheme of protection that Part 2-8 and the NES provide. It is not a desirable social or economic outcome that employees are denied entitlements or continuity of service in circumstances entirely outside of their control and where for all practical purposes their work remains the same.
108. The practical effect of the Draft Report's recommendation 22.1 is that it would allow employers to avoid Part 2-8 by the unilateral categorisation of transfers as voluntary or at the instigation of the employee. The recommendation does not recognise the unequal relationship between an employer and an employee and also that the employment relationship is contractual and voluntary in nature. Such an exemption would render the Part of no practical effect and would essentially be a '*green flag*' to employers to disregard it.
109. One of the useful features of the current transfer rules are that irrespective of whether there is practical compliance with the Part, the onus is on the employer to comply because transfers are by operation of law. An example of where the Part provides useful protections to employees is in maintaining unfair dismissal rights by preserving existing periods of service (for a recent example see: *Watson v Oliver-Ramsay group Pty Ltd* [2015] FWC 221). In these cases, the employer typically treats the employee as a new employee and the Part only comes into play when there is a termination. This reflects United Voice's experience that many of the current '*costs*' associated with compliance with the Act are not being paid by business. Any further reduction in the legal obligation of employers in transfer and out sourcing situations will impact most severely on precarious and low paid workers.

## Appendix A: United Voice member responses to the Productivity Commission Draft Report

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United Voice members have provided direct comments in response to the Productivity Commission draft report. The comments included here are a representative sample from members across the country and from a range of industries and sectors.

As you can see, for a great many working people, the existing safety net of minimum conditions and entitlements is inadequate and they and their families already struggle to make ends meet.

United Voice members are particularly concerned about recommendation 14.1 in the draft report that Sunday penalty rates be reduced to the level of Saturday rates for people working in some industries.

This concern is shared amongst members who work in the hospitality and entertainment industries and would be directly affected, but also by members working in other industries. Members have questioned why workers in some industries are being singled out. They have also expressed concern that any change to penalty rates in one area would soon flow on to other sectors.

United Voice members, along with the vast majority of the Australian population, consider weekends to be important time for rest, relaxation, community and spending time with family and friends. This is just as true for people who work in hospitality, entertainment and retail as it is for the rest of the Australian population.

In contrast to some of the “Key Points” made in relation to Sunday penalty rates, United Voice members often work weekends throughout their careers. For many people, there is limited opportunity to pick up additional shifts if there is a reduction in Sunday rates. If additional days and shifts are available, the prospect of having to work longer hours to receive the same amount of pay is distressing and unjust for people who already work long hours in low paid industries.

### From United Voice members:

I have worked weekends and shift-work most of my working life and I can assure you penalty rates and loadings are fair and reasonable compensation for the disadvantages of working when the majority of society doesn't. It just isn't true to say that we live in a 24 hour society now. I have missed so many social engagements because I have had to work. Weddings sports family and friendly gatherings happen on the weekend. Also there have been negative impacts on my health that I have had to carefully manage.

Although I have days off during the week it just isn't the same kind of restful day like Sunday when the majority of people aren't working. It would be cruel and unfair to reduce penalty rates and it would have a large impact on the economy as many people like me need the extra money just to get by.

- **Kevin, NSW**

Saturday, Sunday and public holidays are times most people spend with family and friends. I work on these days on a rotating basis and the removal or reduction of penalty rates would

be a massive blow to my income. This would prevent me from being able to meet my current financial commitments.

- **Danny, QLD**

I don't work weekends at the moment but my husband does. This is a huge problem sometimes, as we can't attend family functions as a couple, eg weddings, Christmas, birthdays etc. if he has been rostered to work. We can't look after or take our grandchildren away together with us because he can't get the time off some weekends. This puts a significant strain on our relationship because I feel like a single person when attending gatherings by myself.

We are not a wealthy family and work hard for all we have, cutting these penalty rates further will not only put my family on the poverty line but may also shatter our faith in the government to act in a fair manner and ensure all people of this country are treated fairly and with compassion.

- **Renna, NSW**

I have worked every weekend since I joined the workforce in 2005. The type of work I do requires me to work at this time, and whilst my friends and family plan events and parties and important time together on their scheduled time off (AKA the weekend), I can rarely make it and go off to my job instead. I know it's a sacrifice but because I get paid accordingly to do so I grin and bear it. If I was not getting paid for this inconvenience, there is no way in hell I would be working on the weekend. At the end of the day if you don't want shops and restaurants to shut after business hours, you need to realise that they need to get paid more to be there.

- **Jolie, VIC**

I struggle to make ends meet already on the low hospitality pay rates. The only time I would agree to cutting penalty rates is when hospitality wages move up in line with other wages and at least meet the average Australian wage AND every other Industry is OPEN and OPERATING 7 days a week 18 – 24 hours a day.

- **David, QLD**

I am 35 years old and married with three beautiful children. I have just recently migrated to Brisbane from NZ six months ago.

I don't mind working weekends here in Australia because of the penalty rates compared to back in NZ which was a flat rate. Knowing that I will be paid penalty rates, I'm willing to sacrifice some of my weekend with my family just to earn that little bit to help support my family.

Losing penalty rates in Australia will cause a lot of negative impacts for everyone which can also impact on businesses. I plan to build my family foundation here in Brisbane ie, home mortgage, support local sports teams, education and a better future for my children. That little extra will help towards building and making them the future generation of our country.

Please don't remove these penalty rates from us. It will be like you removing food off my children's dinner table.

- **Nathan, QLD**

The idea of dividing workers into two classes when it comes to weekend work is just abhorrent and unfair.

The government needs to police the law in regards to under-paying hospitality workers on weekends so that all places are on the same level playing field. This will make all establishments charge at a rate that will cover the weekend rate so that everyone can survive.

- **Matt, VIC**

I work a whole weekend every second week. This is time away from my loved ones. I appreciate that I get penalty rates for this and would suffer financially if they were taken away. Please don't take the penalty rates away. Many, many people across Australia would come under huge financial duress if they are removed.

- **Graham, WA**

I have been in the hospitality industry almost 30 years as a kitchen hand, waiter, chef and manager.

Like most staff I feel that penalty rates should not be cut. The extra money for weekend work boosts our salary which is already very low.

The majority of jobs these days are casual so employers can already pick and choose when they need staff to work. In turn, if you don't get much work during the week, the higher rates for weekends makes up for lack of hours during the week.

I think we should be compensated for working weekends and public holidays. Why should we not enjoy this time with our families too and be rewarded appropriately for sacrificing this time?

- **Clive, QLD**

The lowest paid workers in Australia survive on penalty payments. They struggle each and every day with finances and penalty rates are the only thing that keep them afloat. Centrelink would have to top up their wages if penalty rates were cut. A lot of people would not work nights and weekends if they didn't get any extra pay. They would dearly love to spend more time with family but to keep the family fed and clothed they need the extra penalty payments.

Cut CEO's wages and payouts then the large companies would be able to easily give all their workers wage increases as well and penalty payments.

- **Tracy, VIC**

I work on weekends. The penalty rates compensate for the sacrifices we make, not to be with our families and enjoying quality time together. The penalty rates make up enough to pay our bills and make ends meet.

- **Catherine, QLD**

I DO NOT agree with cutting weekend rates. Hospitality jobs are one of the lowest paid jobs in Australia and most jobs are also quite hard work. The only reason companies and business owners want to cut rates is because they want to earn more profit and pay staff less, it is greed pure and simple. Very few businesses can't afford weekend wages, and the

ones that can't are because they are either managing the business wrong or they are too lazy to work for themselves.

- **Simon, VIC**

I work at least three out of four Saturdays every month, not because I enjoy having only one day off a week, or because I want to miss out on valuable time spent with family and friends, nurturing relationships that are essential to my well-being and that of my family's, especially my teenage sons', I work those Saturdays out of pure necessity.

Like most people earning very modest wages, I live a very simple and modest life, and due to the increased cost of living, combined with a five year wage recession (a very real and significant reduction in people's disposable income) I am forced to live by a strict self-imposed budget.

Like most people in my position I have crunched the numbers on my penalty rates, I know in no uncertain terms what a difference they make to my quality of life, as things currently stand I must choose between our annual family holiday on the Victorian coast, and saving for a deposit on a house, I choose the latter because I value very highly spending time with my teenage son, strengthening the crucially important bond between us.

Any reduction in my penalty rates would put this precious time at risk, it would undoubtedly reduce our quality of life, and make life significantly harder.

But this is not just about us, this is about our society, a society that has historically been a very egalitarian one.

Any reduction in penalty rates would exacerbate the rising inequality we are now experiencing as a society, an inequality that the IMF tells us is bad for economic growth.

Wilkinson and Pickett demonstrated via 20 years of peer-reviewed social research, in their book – The Spirit Level, that there is a direct correlation with the size of the gap between the haves and the have nots, and the scale and intensity of the health and social problems are society experiences.

Working weekends is undoubtedly a sacrifice, the majority of children's activities, sporting and otherwise, the majority of adult socialising, and the majority of major sporting and arts events all occur on weekends, to pretend otherwise is just dishonest and delusional.

- **Brad, VIC**

I don't have options whether or not to work weekends, late or night shifts. I would work more early daytime shifts and cut back on these other types of shift if possible. But I understand people don't only need health care during office hours. I sacrifice family time and work odd hours and weekends because in my workplace, I feel it is only fair to share the uncomfortable and inconvenient hours.

Working weekends and other shifts is made more bearable by penalty rates. If the government can ensure people only need health care during office hours, then that would be acceptable to only pay one flat rate. However, I believe that the sacrifices made by people who work to ensure the health and safety of others should be fairly remunerated by extra pay. I don't think it would be worth continuing in this profession if after hours were not remunerated extra.

- **Kerin, QLD**

I need my penalty rates as they are. I am only just surviving on what I earn. If penalty rates are reduced, my standard of living will reduce even further.

- **JJ, VIC**

The weekend is every Australians' time off. If employers expect their employees to give up their weekend, then they should be compensated accordingly.

Weekend rates make a huge difference to my wages. I notice that Parliament does not sit of a weekend, so they clearly consider the weekend to be their time off.

I would also like to point out that cutting pay rates has a negative impact on the economy, look at Europe where austerity measures have been tried and failed since 2008. If people have less money in their pockets, then less money will be put back into the economy.

- **Duncan, WA**

If I lost my penalty rates it would mean I would have to give up where I live as the rate of pay would not cover even my rent let alone bills and food.

- **Martyn, QLD**

As a low income earner to begin with, I rely upon the weekend penalty rates to pay my mortgage. If I lose this my home will be taken from me by the bank, I will not be able to put enough fuel in my car to go from job to job, therefore I will be forced to seek public housing & unemployment benefits. Rather than taking away a tax payer, it would be in the government's best interest to keep people OFF unemployment benefits & continuing to contribute to society rather than being a burden to it.

- **Carola, NSW**

I have worked in hospitality for over five years. In hospitality, your hours are rarely guaranteed, the only thing you know for certain is that you will be working weekends and late nights (often late nights on weekends). I am also a uni student studying a dual degree. Between work and uni, any kind of social life is next to impossible especially as friends work normal week day hours.

I rely on my penalty rates to pay my bills, rent, car, phone etc.

Without my penalty rates my weekly pay would go down approximately \$200. I am a hard worker, everyday of my seven day week is spent either on uni campus or at work. Cutting penalty rates would mean I would have to either get a second job or a new one that could offer more guaranteed and longer hours. I simply don't have the time in the week to do this.

- **Amy, QLD**

As a Manager in hospitality tasked to roster employees on weekends, the only way that I am able to get anyone to cover those shifts is due to the penalty rates that they will earn. Without that incentive there is no reason for employees to sacrifice their time with their family on weekends as they are better off to source shifts through the week and save that precious time to spend with them. Obviously the politicians of today are so out of touch with the average Joe that they can never understand the sacrifices that parents make to work weekends, like missing their kids soccer and sporting events, kids parties, or going camping. If penalty rates are removed it will be extremely hard to find people willing to work of a



weekend. I truly believe the people that do work weekends should be rewarded for their sacrifice.

- **Susan, NSW**

Some people don't like to work weekends. I work one weekend shift a fortnight. The extra money I receive just helps me pay my bills and be able to live and take the stress and worry away just a little. Please don't cut weekend rates. It is hard enough to live now. If you do I may as well work during the week and not miss out on parties, friends, lunch outings and family time. What you are forgetting is we have sick people to care for they depend on us as do their family members.

- **Julianne, QLD**

It is so ridiculously obvious why hospitality workers need to receive penalty rates for weekends.

Weekends are family time. We are giving up precious family time for money. If there were no penalty rates there would be no incentive to work weekends when you can receive the same rate of pay during the week when it is quieter. You deserve and earn the extra pay on weekends and I would become resentful of co-workers who only work midweek when I'm busting my gut on the weekends when it is always busier. I would not be available for work on weekends if I did not receive penalty rates. The question about why are weekends special is ridiculous. Why doesn't Parliament sit on weekends...?

- **Kath, NSW**

We are a young family that already struggle to pay high electricity and car costs, always keeping us level and never able to get ahead to save for a deposit for a home. If weekend rates are cut it would be crippling. I work all week and my girls go to school, my husband works weekends and hardly gets to spend time with his kids but the better pay makes it worth it.

- **Cassie, QLD**

Weekend rates are a very important part of a low income earners wage. Most of these workers are either students or people trying to get by with a second job. The Government want to get people off welfare payments but this will have more people on welfare payments. It is also a way for businesses to make more profit. Just how many more people will be employed? None. When you already have a full workforce working on a weekend you won't need to employ more, you can just save money in wages. I feel that by cutting weekend rates you don't help anyone but the employer. If we exempt some workers what are we saying about our workforce that some are better than others? Then we have a two tiered workforce this won't be good for our country.

- **Lorna, NSW**

I am a mature age student who works on a casual basis. I am not guaranteed ANY hours and my employer does not like to hire many staff as permanent employees. My hours and days of work change every week but during quieter periods of the year, I am most likely only given shifts, often four to five hours, on weekends, as they are the busiest time of the week. I should note that the business makes a great deal of money on weekends, especially over the school holidays.

Consequently, I don't spend much time at home with my partner, who works long hours Monday to Friday. I often also work Friday evenings, so we rarely get to spend an entire day

together. I miss out on social events on weekends because I am either working or cannot stay up late because I must be at work early the next day. I accept this is the reality of the industry, although I also plan to leave it eventually for the same reasons. It saddens me that I miss out on time with my partner, family and friends that I will never get back, but I must support myself through university and this is one of the few jobs that offer the flexibility to do so. I worry about my future if I cannot find work in another industry, because I would like to have children, but wonder if it is worth it if I am never around for them on weekends or public holidays.

It is a substantial sacrifice and the penalty rates I receive for Sunday work and public holidays make me feel that at least this sacrifice is valued by my employer. Unlike full time employees, I do not receive sick leave, annual leave or the right to one weekend off per month. I know if I decline to work weekends, my manager will give me very few shifts and I will not be able to pay my expenses. If my penalty rates are taken away, I will end up working twice as many hours for the same pay. If my hours continue the same as they are – a distinct possibility – my income will drop by about 20% and I am already on a very strict budget. Penalty rates help large businesses respect their employees' personal time; money is what they understand. No matter how 'nice' one's manager is, they usually forget about everything else except about how to squeeze more work from employees when a profit is there to be made.

Banks are not open weekends, most public departments are not open weekends and parliament does not sit on a weekend. Until that time, weekends and public holidays are clearly still meaningful and should be respected.

- **Naomi, VIC**

My wife and I have both worked seven day shift work for many years. She as a nurse and me in a number of industries. The days we have off and the time of day we are working are both constantly changing.

We pay a big price for this, not only physically and health wise, but it affects your emotional demeanour, particularly in trying to get into some sort of regular sleep pattern.

The social effects are obvious. It is not often that we are able to do anything socially because of the infrequency of having time off together.

I therefore ask that in any determination you make, you consider the harsh effects this has on workers, particularly in later years of life, and either provide for decent penalty rates to compensate for these conditions, or an option for employees to choose not to work those hours, rather than them being compulsory in employment conditions.

- **Trev, TAS**

I really need my weekend penalty rates to be able to pay my mortgage and other bills.

- **Stella, QLD**

My name is Barrie. I work a three week, 24 hour a day, seven day a week rotating shift roster. I work afternoon and night shifts mostly. I only do day shifts every third weekend (with only one weekend off a month), 12 hour shifts on those weekends that I do either day or night shift.

I have missed so many things because of my work rosters over the past 25 years. I have missed most of my children's school concerts, most of their sporting events, most of their

birthdays and most of the Christmas times throughout their lives so far. My children are going to remember all the times I was not there for them in their lives. That has already come home to me in recent times.

I work and I work long and hard hours to make my way through life. I have asked for little during that time, considering that it was my lot in life. However considering the sacrifice and distance this has all caused to my family, and me, I'm not convinced it was anywhere near worth it in the end. I don't complain just get on with what I need to do to keep contributing to society through taxes etc and just plain existing.

The removal of penalty rates would see me having to consider whether my current employment is worth it. You get what you pay for right!! I understand that at this time the rate cut is mostly concerning the hospitality industry and that is a shame on all who are considering such changes. How long before it is extended to cover all? It must not be allowed to happen. I'm not what one could ever consider as being rich, I'm just making my way, leave me alone and let me exist please!! I don't have a house in Canberra in my wife's name that I can rent out, to me. I'm still trying hard to pay for the one I live in and I'm 55 years old!

- **Barrie, NSW**

I think it is criminal of the government to consider cutting weekend penalty rates. I work weekends to meet the cost of raising a grandson that has been with me since he was two years old. I am a care-worker for the home care service of NSW and have been for the last 29 years. I need to work weekends just to survive. I also have my 37 year old daughter who is at home with me. She was born with Down Syndrome. I would love to be home on weekends to be with my family but we need the extra money. I am also providing a service to the disabled and the frail aged. If the weekend penalty rates are cut, not many people will want to do this job on weekends.

- **Denise, QLD**

It's really important that people be paid properly for the work they do. It's hard enough to find weekend staff when you have to pay top dollar to get them to show up. If you can't afford to offer weekend rates, don't open your business on the weekend. If it's an essential service, pay the money your staff deserve to spend the time away from their families.

- **Eva, VIC**

Working weekends isn't a choice sometimes, it's a necessity. I work in an aged care facility and have to work weekends. If we are going to cut weekends then shut all businesses down on weekends, and let the people who want these places shut do their shopping from 9am-5pm Monday to Friday and never go out on their weekends off to dinner, family functions, weddings, 21st birthday's etc. Without these people there is no entertainment or places to take your family for the memories that mean so much throughout your life!

The people who work weekend's give up this time so you and your families can participate in these activities, they sacrifice time with their own family and friends so you can have fun! These people should be compensated for the time they miss with their loved ones.

Sometimes these are the only jobs available for students, stay at home mums and people that need that extra money to pay the mortgage, I thought that was supposed to be one of the great Australian dreams, a house with a white picket fence!

So to the Productivity Commission, for the Aussie battlers don't take these penalty rates

away we as Aussies need and bloody well deserve them! I'm pretty sure the government can find other things in our society that needs their attention other than trying to rip off the hard working Australian tax payers. I for one completely support people who work weekends, without them weekends would definitely not be the same!

- **Katrena, QLD**

Please don't reduce weekend penalty rates. Almost all the functions my family and friends have are on weekends - birthday parties, children's sporting events, BBQs, picnics, and get-togethers. My partner works very long hours during the week. When I had to work weekends we hardly saw each other, which caused a great strain in our relationship. As an employee, I have had to work regular weekends in the past and you can't say no, if you need to work, you must work the hours your given. I hardly saw my husband, missed out on almost all the family get-togethers - birthday parties, weddings etc - and could not enjoy the privilege of watching and cheering on my kids in sporting triumphs or supporting them through their disappointments. I couldn't attend friends' gatherings, BBQs etc which eventually they stopped inviting me to. Working weekends can cost people a lot in their family and social lives surely this deserves some compensation.

- **Alison, VIC**

The working people who get penalty rates are the lowest paid worker's in the community. I earn \$30,000 a year. I am, and workers like me, are 'the working poor.' In other words the owners will be getting our penalty rates and stuffing them in their pockets, and taking out of the most poorly paid people in the country. And by the way poverty is a crime against humanity.

- **Brian, NSW**

My weekends are family time! Myself and my partner are raising our grandson who attends school Monday to Friday. My partner's older daughter who has down syndrome works Monday to Friday in a sheltered workshop. If we were called on to work on the weekend our family time for that week is gone. I think for a sacrifice like that an appropriate compensation, like penalty rates, is a must.

We go out as a family on weekends and we spend some of our hard earned money. We visit shopping centres, cafes, restaurants and entertainment venues. In all of these places there are much larger crowds on the weekend which would suggest a greater turnover for the business owners. This being the case why would we even consider surrendering our weekend and penalty rates? On public holidays most places our family visits charge a surcharge to cover the extra cost of staff so again I ask why would we even consider surrendering our weekend and penalty rates?

- **Michael, QLD**

I work weekends and it's incredibly inconvenient. The only reason I work Sundays is to get the 1.5x pay rate otherwise it's a complete waste of my social life, and time with family or friends.

- **PW, VIC**

Many of the people work weekends need to be fairly compensated for the inconvenience of missing out on family time, sport and community events. If employers put their prices up to cover the costs then the market would decide if their model was commercially viable. Profits for the employer should not be made at the expense of the lowest paid workers e.e.g. 7-11

where a billionaire owns the company and widespread exploitation of the most vulnerable has made him and the franchisees wealthy. Country students do not have the luxury of not paying rent at commercial rates or cheaper registration or cheaper food/electricity and gas. They rely on penalty rates to survive whilst juggling their studies.

How is it fair that my midwife friend's penalty rates will be protected but her hospitality worker son's penalty rates are set to be reduced? The inconvenience is the same and his living costs will not be reduced because he is a shift worker in the wrong category.

- **Edilia, NSW**

I'm a solo mother of two school aged children. If I work weekends, I'm missing out on quality time with them which it is important as I'm their only family. But in saying that if it wasn't for higher paying income on the weekends I wouldn't be able to survive. I only work occasional weekend s. I try to balance work and spending time with my children. I'm only casual an only getting one or two shifts a week so the higher pay on the weekend is a good top up.

- **Ange, QLD**

Weekend penalty rates are an essential part of supporting weekend workers from nurses and ambos to waiting and bar staff!! Take that away and you take away dignity and respect for the working people giving up their weekend.

- **Tom, VIC**

I think they should be increasing the rates for weekend pay as people give up so much family time to help their employer make a decent profit. INCREASE not DECREASE.

- **Colin, NSW**

I am an Early Childhood Educator and I treasure not having to work weekends and being able to choose to catch up with family and friends, enjoy recreational activities, do housework or paperwork, chill out, destress or go away on weekends. For those who work on weekends I believe they are sacrificing a lot and definitely deserve to be paid penalty rates. In fact they rely on penalty rates to survive ie to pay for basics such as food, accommodation, transport and bills for themselves and their families. If workers were no longer paid penalty rates or were paid less penalty rates then many of them would be earning a base wage that would be below the poverty line. People fought for a long time to obtain penalty rates and I believe it is their right to be compensated for working on weekends. Thus, I wholeheartedly support the retention of penalty rates.

- **Kym, QLD**

I support my wife who has bipolar disorder and cannot work herself. Weekend penalty rates enable us to be independent financially and also compensate us for missing out on time when our families come together after finishing the working week.

Penalty rates also incentivise us to support our business during their busiest trading periods. They also reward us for contributing to the financial success of our companies during their busiest trading days.

- **David, NSW**

Saturday is kids sport, dance, music, other activities, a day for parents to watch their kids play or to play sport themselves for recreation. Kids' birthday parties are always on a

Saturday because the majority of people work week days, school is Monday to Friday, office hours are Monday to Friday, most bank hours are Monday to Friday, Parliament sitting days exclude weekends. Other industries are Monday to Friday so they can enjoy those things with family, friends and associates. Sunday is family day, church service day, relaxation day at beach, dine out, have a coffee.

I appreciate those that give up their time on weekends to provide the privileged ones who get to have their weekends with their wonderful services so they in turn can provide a home, food, sports, extra-curricular activities that they can afford, birthday and Christmas presents.

So to those out there that think it is ok to not pay a higher price for these services we enjoy on weekends, I think you should go and volunteer to swap places with those they wish to rob of these well-deserved penalty rates.

Do businesses not know that most of their staff spend most of their money that keeps business afloat? So less money in everyday, hardworking Aussies pockets means less money circulating through the economy.

- **Christine, QLD**

I struggle to earn enough to get by and working weekends is the only way. Please leave them alone.

- **Troy, NSW**

It's all good and proper for people who work weekdays 9-5 to have their weekends off, but for those of us who work in places which don't close for the weekend, weekend rates are the only reason we sacrifice spending time with our families and friends who get those days off. The only way I can afford to live is off the little bit of extra money I get working on a Sunday afternoon, which means I miss out on spending time with my dad who works 6 days a week 12 hours a day as a mechanic. I hate giving up that time, but if I didn't I'd have to find an extra few hours in the week to make up for what I gain on a Sunday on top of doing my masters, which already takes up 20 contact hours alone. Please keep my weekend rates.

- **Gaby, VIC**

I have spent the last 30 years working a rotating seven day shift. 30 years of missing my children's sporting events, birthdays and other special events. 30 years of my wife effectively being a single mum to my children on weekends. 30 years of missing sporting events that I would have otherwise attended. 30 years working so that others may enjoy their weekends.

Those that work weekends deserve recompense for doing so. I urge you not to take this away.

- **Garry, NSW**

How would you feel if somebody cut your families budget or worse still, did it to your son or daughter who was barely scraping through to pay for their degree?? I think it is disgusting this is even a possibility. As a single parent, the thought of not being able to feed my children and provide for them is sickening. Hands off our pay!!

- **Errin, Qld**

I work at the airport as a barista and have done for nearly six years. Only managers get weekends off and my roster is Friday to Monday 20 to 24 hrs a week. How can I possibly live on those hours without penalty rates?

- **Mark, NSW**

I work at night, I work weekends. My wife and kids work in the day and go to school in the day. If we cut penalty rates do we start sending our kids to night school or school on the weekends? We do not live in a 24/7 society. How many cars do you think I see on the road on my way home from work at 3am? Not freakin many. Why? Because everyone is at home snug in their beds. Penalty rates are well deserved.

- **Craig, QLD**

Work takes up a big chunk of my life. I work weekends and also on-call. Weekends are an important time for me to enjoy my children, grandchildren and friends. It makes them bearable to have penalty rates. If they were removed I wouldn't want to work the extra time. A lot of people rely on these rates. We already have unpaid overtime. I don't want to lose any more entitlements.

- **Jane, NSW**

I like many others work shift work and rely on my weekend rate of pay as it is a trade-off for all the special times I miss with my family. I don't need a government trying to cut my weekend rates. The cost of living has gone up beyond my pay increases that I receive. Anytime you want to come and see how hard it is to live week to week come and step into my shoes - I invite you to come and discuss it with me. Do not cut weekend penalty rates.

- **Glen, VIC**

If weekends are just the same as weekdays then stop all religious services and move them to midweek and see what happens. When employer groups increase the hourly rate of pay by 50% and take a reduction in their large salaries then change weekend rates.

When you work and everyone else is off your pay rate should be higher, go back to when nothing opened on the weekend and that will solve the problem, or is it that employers can make a profit and want more but don't want to pay for it?

- **Matthew, NSW**

My weekends mean everything to myself and family as we all live in regional areas and work away from our hometowns so they are important for us as a family to spend that time together to keep the family together.

I support penalty rates for people that only have employment on the weekend in these areas as well because there is no other employment for them to work in and not enough employment for them to work during the week and this is their only income.

The government does not look at producing employment in smaller regional towns.

- **Cheryle, QLD**

We need to have weekend penalty rates in order to survive in this country. I work two jobs now please don't make me work three jobs, I couldn't handle it.

- **Goran, NSW**



My partner and I both work weekends and night shifts and our penalty rates bump up our wages for the fortnight. We are already in the low income category even when penalty rates are paid. We miss out on being with our family and friends, meals together, and weekends away as our working weeks don't correspond and our employers are inflexible! Employers ask for flexibility and Australian workers are available 24/7 and yet the Liberal and National parties and their friends in the Productivity Commission and employers do not feel that it is fair that these workers including myself receive fair compensation for what we give up! Also clients rely on people working weekends as they need showering, toileting as well as a sympathetic ear. I work hard physically and mentally and I am worth my penalty rates. No I will not work on weekends if no penalty rates are paid. Fair go Productivity Commission, fair go!

- **Melinda, NSW**

Why should weekend pay be taken away when so many employers barely pay their employees a decent wage anyway?! By taking away the right to weekend pay, you're taking away Australians' rights to pay for education, living and personal growth to independence.

- **Jean, VIC**

I work in hospitality at an airport. I work every single weekend and have done for six years. I've missed out on social and family events just to pay my mortgage and stay on top of my bills. If they take this away be prepared for a lot of sick calls because no one should have to work for less on weekends.

- **Margaret, QLD**

I work for the government in a job that is classified as a physical worker. The pay isn't great and that is why I need the penalties to make my wage half decent. I miss out on social events and can't commit to regular activities such as playing a team sport. I wouldn't want to work weekends if there were no penalties as it wouldn't be worth it.

- **Debby, NT**

Many young families are only able to make ends meet by taking on after hours work. Often in addition to other work or study. Cutting penalty rates will significantly penalize those least able to afford the loss of income.

They sacrifice family or social time to meet financial obligations, to put themselves through university, to gain financial independence.

My husband was a tradesman when our children were small and we would not still have our home had he not worked overtime. Long days and long weeks were required to keep on top of our bills along with a significant skill at juggling finances. Sundays and holidays became special family times even though they were brief. Our home was and is modest but it is ours. Our children have grown up with a sense of security and belonging as well as a great work ethic. Attacking penalty rates will probably benefit the business sector; I doubt it will provide more employment but it will place an increased strain on our young families when already they are under enormous financial and social pressure. For the sakes of our children and families leave penalty rates alone.

- **Sara, QLD**

I have been a hospitality worker for 38 years and a hospitality teacher for 22 years. I am appalled at the notion of cutting weekend and other penalty rates! Over the years, both as a

worker (chef, restaurant manager, waitress, bar person, caterer, cake maker) and a teacher, I have sacrificed family time, social occasions, including Christmas Day and New Year's Eve, to work in my chosen industry, which I am truly passionate about.

Hospitality workers are being picked on despite the fact that most of us receive minimum basic wage rates, and the only saving grace is the miniscule penalty rates on weekends and public holidays.

We are also the only industry I know that has suffered a reduction in penalty rates over the last 20 years. When I first worked in hospitality, the rates were time and a half on Saturdays, time and three quarters on Sundays and double time and a half on public holidays. But that was eroded some years ago to time and a quarter on Saturdays and time and a half Sundays. Many employers get away with paying double time on public holidays. No other industry has gone backwards like this!

My own children have also worked in hospitality as casual workers to support themselves whilst studying other disciplines at university. Often they have also given up family occasions including Xmas Day and other public holidays, nights and weekends to reap the meagre penalty rates hospitality workers receive.

Yes we are in a 24/7 industry, but until schools run 7 days a week, and sporting events like the AFL footy games are played on weekdays, it is not just to punish hospitality workers and erode the penalty rate scales.

- **Julie, VIC**

Weekends are a time for people to relax and enjoy time relief. A time for work-related stress relief. To remove a staple weekend is to me the same as putting everyone on rotating rosters. Without rates there's no reason employers wouldn't force more people into weekend work. The rates also give people an opportunity into honest second employment to supplement income, especially seeing as finding any permanent work is near impossible.

- **Corey, NSW**

My husband works long hours Monday to Friday. I work weekends. We sacrifice our time for our children. I wouldn't work weekends without penalty rates. I sacrifice family time to help support my family. With my income and my husband's we are not entitled to any benefits like family payment and we are proud. Our teenage children work because they understand the value of money and nothing is free and they will never get Centrelink. Good workers will be lost and I'll get Centrelink without my work for my family and my mortgage.

- **Jay, QLD**

I have cherished being able to be present with my wife and children come weekends after their week at school and my week at work at a time that is so crucial to that bonding, socialising and good character building in a loving homely environment that only a child's parents can truly provide. My heart goes out to those whom are not able to experience that environment at that crucial time of the week because of their work commitments that provides life's essentials for a family to flourish.

If that commitment entitles you to be recompensed for, what has always been considered, family orientated leisure time (weekends) then please don't allow this to vanish, diminishing the already weakening family structure because of financial needs to support a family.

- **Ken, TAS**

I go to university throughout the week, work on assignments in the evening, and then work my part-time job on the weekend. Why shouldn't I receive a high pay rate when I am working during the only time I would have available to see my parents, my extended family and my friends?

- **Natalie, VIC**

Without weekend rates, skilled staff would leave for better paying posts in hotels and resorts. No new workers would stay working the long hours for less money. No, I would not work weekends here, but would work elsewhere for better wages. If weekend rates are cut, then how many are going to keep working at these jobs? As a former waiter working past midnight, I had to have reliable transport to and from work. There is no bus service there, so every dollar counts to get ahead by working the weekend rates.

- **Henry, QLD**

I am a security guard working in the industry for over 20 years and I am proud of it. If my weekend rates are cut I would be affected tremendously. My life would have to change completely meaning staying home more, spending less on food and reducing living expenditure by 40%. Bills still have to be paid and with minimum wages, I don't go very far especially if my salary is cut as proposed by the government.

My self-esteem and morale will be affected knowing that I would have to work on a reduced salary and keep the performance at the same level. My private life and friends would be affected too as I may not be able to interact as often as I would like too due to less money in my pocket to spend with them and in going out.

I always worked hard for my family and for self-satisfaction but I have also struggled financially many times. Truly, if my salary rates are cut I would have to contemplate to change my current job where I only work Monday to Friday and if I did stay I am sure my working performance would not be at the same level as it is now.

Our industry is already working on minimum wages so why should I have to work for even less money and still have the same responsibility to perform in my job? I am sure the economics of the country would suffer too as people will have less money to spend. Very disappointed with the current Federal Government. We moving close to slavery if this country keeps going the way it is now. I strongly reject the recommendation to cut the weekend rates.

- **Giuliano, NSW**

I see people around me who give up time with their families to make a living working hours that others do not wish to work, nor have to. They should be paid penalty rates for working late at night, or on the weekend. Penalty rates were hard fought for and should not be taken away by the government or anyone else. If employers are offering a service at these times their employees should be rewarded accordingly.

- **Leanne, VIC**

I would not work weekends if my penalty rates are cut. The company I work for has a problem finding staff to work normal weekday shifts, if the weekend rates are cut this will make the situation even more difficult. After working five day shifts, penalty rates are an incentive to work weekends. Many cleaners are only on low wages and part time hours.

They rely on weekend shifts with extra rates to give them a living wage, this extra rate is compensation for missing out on time with family and friends. We as a country do not want to create a society of working poor, we need to be paid a living wage and weekend rates are an important part of our society.

- **Dann, NSW**

I worked shift work for over thirty years in the disability field. I missed out on weekends, Xmas, public holidays, birthdays and socialising with friends and family. I relied on the extra dollars so it was catch-22. Looking back I did a good job – but at what cost? When Politicians cut rates to the lowest paid workers whilst they enjoy extended breaks, subsidised perks whilst being wealthy in their own right, it shows how out of touch they are.

- **Susan, WA**

I am standing for keeping our penalty rates as I have worked in the hospitality and retail industries most of my working life. I think that it's one of the worst cuts any government can do to its working class people. We need these rates to help us with paying our rents and utilities, not to mention anything to do with children if we have them, like health, school, clothes and just basic food on the table. We give up our weekends so that they can do their weekend football or dancing of which we miss. We miss being able to go out at night with family and friends to celebrate their birthdays etc. and usually end up serving or cooking for them at the cafe or restaurant .

I would like to know how businesses that trade on the weekend aren't making enough profit! As I know exactly how much they are raking in, if they have excellent service, now for them to have that, they need to pay for it. We are far from being a third world country, and a little equality within our ranks is called for here.

Now for the paramedics, nurses, and police. As a citizen, I want to know that they are going to be there if and when I need them, they are a very real need in our communities, and we as part of that community have a right for them to be there. It's our tax dollars that is spent for this service, for everyone, not just a few, this segregation that this government is trying to create in our societies is morally wrong, and everyone knows it. We need a strong and healthy society in Australia to enable us to grow and have a strong future.

- **Jacqui, NSW**

I think it is disgraceful to cut penalty rates as most people I know working weekends are doing so to support families and buy an education. It appears again the Government is targeting those least able to afford pay cuts.

- **Fiona, VIC**

As a youth and disability worker, I work weekends only to supplement my income. I would not want to work all weekend when I could spend it with family and friends.

If we have no incentive to work Sat and Sun my fellow employees will not be wanting to work them, and casuals will not choose to work them. It would also make my yearly income go down by a third approximately. I wouldn't be spending as much money and then what happens to the economy?

- **Alex, NSW**

I totally rely on my weekend penalty rates to make ends meet. My husband has a heart condition and many other health problems and requires a lot of medications which cost me on average around \$400 per month.

I have rent and bills to pay and unwell parents in another state.

I work very hard for my money and this penalty cut would most likely put me over the edge, I have health issues myself and could not fathom the thought of having to work a second job.

- **Janet, QLD**

I don't think it's fair if you cut penalty rates. These extra rates pay my rent here in Sydney. I'd rather be buying my own home and paying it off but that's not possible.

- **Karie, NSW**

I am an over sixty year old woman trying to keep above the bills that constantly go up but not my wages. How would they like it on one wage of \$22 an hour and weekend work to keep up with the rise in everything but our wages. I worry that after two years I and most of my age group will be asked to leave because of our age. This is very physical my job most of the new younger people starting don't last more than a year or two. We work all hours from 6am to 7pm plus and weekend work. I would like to help my grandchildren and my children but I work all over the day with no way to plan my week because you are tied up for the whole day. My retirement is so hard to do with the bills so high and now I have to work until I am 70 years old. I would like to have some time off when I can enjoy life and be able to still do for myself and not need someone to look after me.

- **Margaret, NSW**

Weekends are for family and friends to spend time together. Should an employer wish to take this precious time away then they must pay for the privilege.

- **Glenn, TAS**

To anyone who works a "normal" work week there is nothing better than the anticipation of a coming weekend off. It is when family's get together, housework is caught up on, socialising is done, hobbies are pursued and some much needed rest and relaxation is achieved. It is a necessity, and for those that have to work weekends or unsociable hours, life is so much harder and it takes its toll physically and mentally. For this reason at least, a higher wage for these hours is some compensation, but also in many cases the only thing that makes the job worth doing and the unpleasant hours bearable.

- **Jacqui, QLD**

Weekend employee work hard they don't give up the weekend because they want to . So why should they give up the penalty rates.

- **Cheryl, NSW**

I have worked in the hospitality industry in Australia for a number of years now. It has always been a requirement to work over the weekend, particularly Saturday and Friday evenings. I have a 3 year old child and for the first couple of years of her life my partner did not work so we were dependent on my income alone. The hospitality industry is heavily casualised, whilst this does mean the hourly rate of pay is higher it also means that hours fluctuate.

Much of my time would be filled with counting the hours each week to make sure there was enough for the rent, bills, food etc. We were able to cope through this period only because of the penalty rates from working the weekends. However, it was always a struggle to get to full time hours, there was very little left over once we had paid for everything. To think of not having been paid penalty fills me with dread as to how we would have coped. I feel for all those workers who are dependent on that additional income.

In the hospitality industry if you are fortunate enough to reach full time hours you then have the threat of being put onto a salary. Once this happens the expectation is that you work many more hours than the full time salary you are paid for and without additional pay for weekends and evenings. I have had this experience and did not have time and energy to see my daughter over a busy summer period. In order to maintain a work life balance it was necessary to go back to casual work counting the hours. Penalty rates meant that the difference between the salary rate of pay and not quite full time casual work was marginal.

I find myself in very different circumstances now as my wife works nearly full time. I now can only work part time with child care duties filling the remainder of the week. I am still dependent on hospitality work for income and do wish to work as much as I can. The problem now is how to manage our time as a family. I still work the weekend whilst my wife works normal office hours. Penalty rates over the weekend mean that I don't have to work too many hours and can justify the time I spend working over the weekend when many other families can get 2 days to spend together. We have only managed to have the one day a week, and that has been difficult to maintain with my employer. Without penalty rates obviously I would have to work more hours. In addition, the removal of penalty rates mean that it is cheaper for employers in the hospitality industry to open, the dis-incentive to open is removed and the need to keep hours suppressed over the weekend is partially lifted. I would be under more pressure to work both days of the weekend and have the need to work further hours. The strain on my family from this would be difficult to cope with, we'd become like 2 single parents in a marriage! Already you give up on many occasions to share with family and friends (birthdays etc.) and to have that sacrifice cheapened by the removal of penalty rates is distressing.

Due to out of office hours working week, the fluctuating nature of employment in a casualised industry and the resulting financial and time pressures on families I would see a decision to remove penalty rates as detrimental to the quality of life of myself and many of my fellow workers in the hospitality industry.

- **Harry, VIC**

If you work weekends you deserve weekend rates otherwise why go? Some of us have no choice but to work weekends. To make ends meet we sacrifice time with family and social events to work. Some of us put our hands up to work for weekend rates just to help make ends meet.

If the Government and Employer groups want productivity then cutting weekend rates will do them no favors

- **Jo, NSW**

Regardless of the line of work, to the people who are willing to work, giving their weekends away so that others may enjoy their weekend after working hard during the week, I say a Big Thank you. Yes most of us look forward to our weekends and for those who do work weekends, some may not realise but the workload is at best heavier, hence more customers with expected faster service pace.

I work in aged care rotating with other carers who have younger families. I have had my turn



and my weekend shifts are made special for these aged residents some of whom may not receive visitors. Growing old is a circle of life and not a disease. It takes special people who truly care to give their time just to make weekends special. If no appreciation is shown or without any incentives, don't expect a full weekend roster with some industries.

- **Emily, QLD**

I occasionally have to work on Saturdays. My 8-year old daughter really hates this. She says "people don't work Saturdays mummy."

The last time I had to work on a Saturday was just after the Productivity Commission's report was released. My daughter and I saw a news report which said one third of workers do work Saturdays. I said, "See darling, one third of people DO work Saturdays". She is learning fractions at school and said 'Yes mummy, but that means two thirds don't.'

I support penalty rates for weekend work as a form of compensation for time away from family, friends (and 8-year old daughters!). I appreciate those workers who work weekends so that I can eat out with my family, take my daughter to an entertainment venue. These staff are missing out on time with their families and deserve to be fairly compensated

- **Rachel, ACT**

I am a part-time aged care worker and i really rely on my weekend penalty rates to, not only to pay my rent, but just to live. When the banks and all the government agencies extend their working hours to weekends then maybe it will be time to talk about cutting penalty rates. Who is going to look after the aged if no-one wants to work on the weekend? We are already in a very low paid industry. Give us a fair go. Christmas Day and all the other public holidays are just another working day for us. I would like to have my weekends free to spend with my family but I can't afford to.

- **Carmen, QLD**

Don't cut weekend penalty rates because people who work weekends deserve to be compensated accordingly. Weekends are important to the wellbeing of individuals so if one is required to work on weekends one should get paid extra as they miss out on socialising and family time. I work Saturdays and am grateful for the extra pay I receive as I miss out on a lot of social and community activities.

- **Paul, VIC**

Weekend penalty rates make a poor / bad situation less intolerable. For the majority who don't work weekends they have little concept of the social exclusions it places on you. Most of the general public celebrate life's occasions on the weekends. Weddings, milestone parties and other events take place on Saturday or Sunday. Missing these can be painful and depressing enough but to suffer this for reduced or no extra penalties would hurt considerably. Would I still work weekends? Not if I could avoid it. Perhaps a change to the office wing of the organisation. At present I get four clear weekends off in 12. These are very special to spend time with my wife. As it is she is a "widow" of sorts for many functions because I HAVE to work. Leave penalty rates alone.

- **Boyd, QLD**

I have three grandchildren working their way through Uni. They work weekends and couldn't pay their rents without penalty rates. They would be forced to pull out of Uni.

- **Lurline, TAS**

I am already on a minimum wage. My only wage is from my part time job at 50 hours per fortnight. I haven't been able to increase my house. I work weekends as a necessity to pay my bills and rent. Each day and night I feel anxious and sick when I think of my working time coming to a close. I have a few more years before retirement. It is impossible to save already but without weekend penalty rates I would soon be in dire straits.

The unemployment numbers are terrible. If people need to work on a weekend they deserve to be paid penalty rates. Monday to Friday children are at school, parents who have a paid job work and weekends are the only time to see each other and catch up and show your family you love them. Working on the weekend you miss this and this time will not be able to be recovered. Leave the weekend as it is and start looking further into the injustices in the corporate area.

- **Genevieve, NSW**

Our weekends and overtime rates are what makes our pay. If not for that we would be classed as very low income earners and many would then be better off on unemployment benefits. Is that what the government wants???

- **Patricia, QLD**

With longer weekday working span of hours, weekends should be family time and cutting back penalty rates will just encourage employers to extend weekend hours.

- **Renee, VIC**

Family life is what holds our community together. Without a strong family life children and future generations suffer and so will our society. My husband is a shift worker and we have two young children who greatly miss him while he is working. However the penalty rates he receives as part of working nights and weekends have brought us out of years of debt and into a better financial position for our children. What do we believe is important if we decide to take parents away from their children to work weekends and take away their opportunity to compensate for lost time in financial means.

- **Kate, NSW**

I would be extremely upset if weekend rates were removed. Currently I pick up a lot of extra shifts on the weekends because my husband has started university full time at the age of 35. He has had to cut back on his work hours to keep up with university so I choose to work on the weekends because I know through the penalty rates it will be worth it in the long run. I miss out on spending time with him, my friends and family on the weekend whilst I am working but I know that by working these two days will definitely take the stress off my husband so that we can still afford our mortgage and plan to have a baby soon. If weekend rates were taken away I would not like to sacrifice my family time to go to work on the weekends if the incentive of extra money was not there. I looked back at last financial year and noticed I worked a total of 30 weekends. I know I nearly got burnt out but my husband is the priority at the moment and I know that we are both working to have a better future together. This would not be possible if weekend rates were cut.

- **M, QLD**

Until such time the entire community works a 7 day week, i.e. no distinction between a 'weekend' and a 'work' day then it is appropriate compensation in the form of a higher hourly wage rate be paid for those who work after hours or weekends.

Captains of industry, company senior management, professionals and trades people either do not work on weekends or expect to be very well paid for giving up leisure time.

Historically, those most vulnerable to exploitation are the ones who suffer economically and have to bear the calculated lie; loss of their income is for the good of industry.

- **Anthony, QLD**

I wake up at 6am on Saturday and Sunday to serve people breakfast. I don't get to enjoy my weekends. How dare this government even try to take away penalty rates.

- **Lyndon, ACT**

Weekends are an important time to ensure our mental health. It is an important time to be able to catch up with family and friends.

There have been times when I have worked shift work on weekends and was not able to make our Friday and Sunday family gatherings. I was not able to meet friends and socialise. My amount of sickness went up during this time. Although never diagnosed I am convinced I was suffering from depression.

Time to socialise and connect with our family and friends gives substance to our lives and is important for our mental health. Working shifts that prevent us from seeing our loved ones and friends leave us feeling disconnected from society.

As a parent to be, I look forward to being able to spend weekends with my child...

- **Allan, VIC**

I give up spending time with my friends and family when I have to work weekends. I can't attend concerts or football games on weekends. We work so others can enjoy eating out or going to events, so why shouldn't we be paid penalty rates for this?

- **Helen, QLD**

Penalty rates(casual loading) make the wage I earn more reasonable, but still not enough for my family to live off. I work days and my wife has to work nights and weekends in hospitality so we can afford to pay our mortgage and bills.

If we were to lose our penalty rates, it would mean a huge drop in our quality of life. It means we would have no money to spend on anything outside bare essential items, which is very bad for our economy! It would also mean I would have to find a second job - not that there are many jobs out there! - to hold onto our house.

When you cut wages, it starts an economic spiral that only makes things worse on the way to the bottom, which is mass poverty for the working class! It will put many more families at the doors of Centrelink offices needing welfare to scrape by!

- **Jay, VIC**

I have weekends off – and the majority of Australians still do. Weekends are special days when you can meet with friends for lunch and arrange to have family occasions. If you work on weekends, you don't have this time that you know that you and your friends will be generally available to get together and you should be paid a premium because you miss out on occasions when others are available to get together.

- **Sarah, NSW**

I believe weekends are time to recoup from the rigours of the normal working week (Monday – Friday) whether it includes overtime or not. They are also time to spend with family, social and recreational activities etc. Therefore I believe penalty rates should apply to compensate.

- **Michael, TAS**

Working on the weekends I missed out on every family gathering. Not having weekend rates would mean struggling to have a decent living. I am a single working mother and just wanting to provide for my family.

- **Sharleen, QLD**

I think it is unfair for you to cut our weekend rates. Some people rely on that small bit of extra cash to help them get through life. By taking that away, you are taking at least \$40 out of my pay check each week.

- **Emma, NSW**

I work as a radiographer. If you or your family or child need an x-Ray , ultrasound or CT at a weekend or late at night, because you are sick or injured, we are there for you. I give up my weekends, evenings and nights for you. I pay for this, my family pays for this. Penalty rates are a fair exchange.

- **Nick, QLD**

The many sacrifices made with family time. Missing that personal contact time with your children, being able to sit down and take the time to advise and communicate on life matters and their growing up issues from a young age, teenage to early adult years. Missing out on family gatherings, family events, Birthdays, Christmas and Easter and public holidays with a loss to individuals of being able to spend quality time. Having a partner who misses you when she comes home, eating alone night after night. Not enjoying or having a great deal of time to enjoy in together and Shared Time. Sacrificing intimacy and both enduring sleep disturbance due to shift working time. The Sacrifices to your own body clock and your body comes at a big enough cost let alone your partner and families. These are just a few of the Sacrifices made let alone taking away what has already been fought for over decades for the losses to the shift worker!

It is Easy for business to suggest taking away from workers to make more profit at the suggestion of watering down regulations at the expense of the worker! Not on! The worker should be compensated a lot more for night shifts and weekends and for the amount of loss to our lives! Penalty Rates are Not for SALE. They are OUR compensation for LOSS and that which we sacrifice in so many ways!

- **Alexander, QLD**

Penalty rates compensate workers for the loss of their weekends, public holidays and nights when they could be with families.

- **Barry, ACT**

I moved to Wollongong for university this year away from my friends and family. There is a horrifically high unemployment rate here, I live out of home and I don't qualify for

government assistance. I finally found work, after seven months of looking, with an employer who didn't rip me off and refuse to answer my calls or roster me on again after a few shifts. However there are limited hours available in a city that had few industries besides hospitality and a dying steel works. I have classes throughout the week, limiting my availability for weekday shifts that aren't available to me anyway. I rely on weekend penalty rates. I wouldn't be able to survive without them.

- **Gwyndolen, NSW**

Please don't eliminate penalty rates. I am a Support Worker in Disabilities. Not only will this affect my standard of living but it would adversely affect the clients I work for. It would no longer be feasible for me and many of my colleagues to work weekends or 24hr shifts therefore leaving clients to with less quality of care and less passionate skilled workers.

- **Maureen, QLD**

If I have to work on weekends – away from my family and friends - this deserves more money as compensation. No one would choose to work weekends unless they have to. Workers have less and less choice of 'normal working hours' so the least they can expect is to be paid more for working hours outside the norm. Most people doing these weekend shifts are on minimum wage as it is, which is ridiculously low and not keeping up with inflation as it is.

Families cannot survive properly on these wages as it is. This affects peoples' physical and mental health which the government ends up having to pay for indirectly anyway. It's not fair or just and doesn't make economic sense when you look at it logically with heart in the long term. Please keep this at the forefront of your mind.

The statistics show the rich clearly make more than their fair share. The gap between the rich and poor needs to be reduced not helped to become even bigger.

- **Claire, VIC**

Weekends are for family and friends, if we have to work weekends workers should be compensated for their time lost away from the normal hours Monday to Friday!

- **Peter, NSW**

If the employer chooses to open at times when penalty rates are paid to those who work, then that is their decision. They also receive remuneration (profits) for that time and so should the employee. As for emergency after hour workers – without them people would die. They work very long hours and give up valuable time that could be shared with their families. This time is used to sleep so they can be fresh and able minded to work the next shift and so the cycle goes on. They should be compensated for this as their job does not allow for them to pick and choose what hours they work. I ask the Productivity Commission to consider all assets of all areas not just the requests of the employer.

- **Lesley, QLD**

I don't work on weekends any more. However, I did work every second weekend. While I have retrained and now don't have to work on a weekend, employers should realise that the higher weekend rates were the only reason any employee works on a weekend. It costs more for childcare (if you can get childcare), you miss out on all the children's sports days and life is very difficult for both you, your children and your partner.

Why is it acceptable for employers to insist that employees must work on a weekend but they don't want to pay more? It is not often that an employer will inform an employee that they have a choice whether they wish to work on a weekend.

- **Theresa, NSW**

Penalty rates are a must for people who have to work outside the normal working hours. Note the word "penalty" – these people are working during undesirable hours and deserve to be paid accordingly. Many have families who are home at that time and have to go the extra mile to ensure they are cared for etc. Without penalty rates there is little incentive to work in certain industries and productivity will decline at a great cost.

- **Josephine, QLD**

If it was not for weekend rates, most people would not be able to afford food, bills, kids' sports and many more things.

For me, when I had my job which was part time two days during the week and a Saturday or Sunday and public holidays. That was the only job I could get at that time. If I did not get penalty rates, then Centrelink would make up the difference putting more pressure on the Centrelink system and more public money being wasted because companies are scamming our system to the fullest.

Make corporations pay for the hard work we do. To have a job is precious and those hard workers are being deprived of their valuable contribution to society by keeping those companies/corporations in business.

We all have supported them so they have become known and successful and now they want to push us out and/or deprive us of our mutual commitment in building a strong service, etc.

- **Kim, VIC**

I have two jobs as I am a widow and have a mortgage, car payments, insurance, phone etc to pay each fortnight. I recently got myself a casual weekend job doing dishes and clearing tables at a cafe near my home so I could eat and put fuel in my car as the rate of pay is a pittance for what we all do so I had to do something. Please don't cut the penalty rates or I'll be starving by the end of the year. And so will my animals.

- **Patti, NSW**

I work the weekends because my business requires this of me. Weekend revenue far exceeds average weekday takings. Weekend work is much more demanding and hard for families but the extra money earned from weekend rates helps.

- **Jonathan, QLD**

I used to work weekends before I married and had children. I was paid penalty rates which compensated me and it was my choice to work. I cannot imagine working weekends now as my weekends are hectic with my children playing sport. I know how much they miss out on as my husband does work weekends so he misses most of the sporting activities, family gatherings, Father's Day, Christmas Day, the list goes on. I believe there has to be an incentive to compensate for missing these moments as well as family and friends gatherings. The times spent with family can never be replaced but as a society we need to look after the people who have to work these unsocial hours to care and cater for us.

- **Sheryl, QLD**

If people aren't compensated for losing valuable time with families, we have stabbed Australian families in the heart.

- **Peter, NSW**

Weekend rates should stay. I don't work weekends but appreciate the people that give up their time to wait on us, cook for us, entertain us. Without these people it would change our lifestyle and our great weekends so I take my hat off to these people. They miss out on time with their partners and kids. So they earn the money they are paid.

- **Narelle, QLD**

If I drop in wages due to my employer taking away weekend pay rates I could not survive with price increases on bills eg. water, electricity, council rates, phone, petrol and food etc. I would just about be living on the streets with my family and I would be working for such a minimal wage.

- **Darren, NSW**

I put myself through university working in the hospitality industry with penalty rates. Weekends were the only times I could work as I attended university during the week. Working weekends meant that I was unable to spend time with family and friends which penalty rates compensated for. I support people who have to work weekends receiving weekend rates. Flexibility should work for employees also – if employees are prepared to sacrifice family time and work week ends they should be compensated.

- **Lisa, VIC**

I am a parent separated from my partner with whom I have a daughter. My daughter lived with her mother and the main reason this happened was that I worked shift work. I worked in corrections for 25 years. If I had had to rely on the rostering system I would have been lucky to see my child four or five times a year

To achieve reasonable access to my child I spent most of my spare time frantically swapping shifts and seeking roster variations. Aside from the stress of relying on the goodwill of others to make "normal" arrangements possible, other factors like fatigue management and interrupted sleep patterns become a decided risk.

This is just one aspect of the strain shift work places on a person's life and it's only reasonable that people who are placed in this sort of position purely because of their occupation should be compensated.

Another consideration is that, with a lot of jobs, it could be advantages to the employer to have the duties of these positions occur outside what are considered "normal" hours? I predict that the abolition of penalty rates will see a dramatic rise in the number of positions made shift work, simply because the only reason these positions are not shift positions is the necessity to pay penalty rates

The social impact of an increase in the number of people working shift work would be very bad for the community

- **Ian, QLD**



The weekends are for relaxing, so more money should be paid for those working during time they deserve off!

- **Jessica, WA**

Yes, weekends DO matter – lots of affected workers lose quality time with kids and spouses doing weekend work just to stay solvent!

- **Graham, NSW**

I worked shift work. Had it not been for the fact I worked weekends and shift work, my wife and I wouldn't have ever been able to buy a home.

Do not take away penalty rates and weekend payments from my fellow Australians. Our children would often ask their mother, 'how come next door's dad is home on weekends and our dad is at work?' But it was one sacrifice I made to ensure they had a roof over their heads and food on the table.

- **Barry, VIC**

Weekends are family time and individuals expected to work weekends should be financially compensated. Employers will find it even harder to operate on weekends if there is no incentive for staff to work at those times. Penalty rates help families keep their budgets balanced. Less income means less spending and the economy shrinks.

- **Tim, QLD**

Most events happen on Friday nights and the weekend, people who have to work on the weekend often don't get to enjoy going out for a drink on a Friday or Saturday night, or going to balls and functions because we're working or have to wake up early for work. I have to work Friday nights until midnight for usually 7-10 hours and Sunday morning for about 8 hours. Constantly I am having to decline social events and gatherings, family dinners, or opportunities to network with people in my desired field unless I choose to sacrifice one third of my weekly pay. If I'm lucky I can swap for another shift but it's very uncommon for people to want to work at these times because they've usually made plans themselves.

Supporters of cutting weekend rates argue that cutting weekend rates will save businesses money, while in actual fact it would cause them more problems. Cutting weekend pay may save on monetary costs, but it would add a lot of non-monetary costs especially in the retail business. First of all, as I mentioned, it's very uncommon to find someone who wants to work on the weekend, that's part of the reason why weekend rates exist in the first place. Workers are paid a higher rate on weekends because that time is considered more valuable to them than weekdays, so they expect to be compensated more for that time. If there is no extra incentive to work on weekends, businesses would find themselves short-staffed, or only the poorest performing employees would work on weekends as better-performing employees would have leverage to be given the more desirable weekday shifts.

Secondly, if weekend rates do get cut and a person is forced to work weekends just to make ends meet, that employee may feel cut off from society because they are working while everybody else is socialising or advancing themselves. And on top of that, they are paid exactly the same as employees who are able to attend those social events. There are numerous studies in business that show when employees within an organisation feel they are not being compensated as fairly as other people in the organisation, that employee will very quickly become de-motivated, costing the business again in lost productivity. No matter

how hard they crack the whip, the result will be the same with every single employee, it's just human nature. Businesses may actually lose business on the weekends because they don't have the necessary staff to provide good service to the customer.

In saying this, I do not believe dismissing a review of weekend rates is necessarily the way to go. I just believe that the Coalition has not thought out the full effect that cutting weekend rates would have on businesses, and as a result has misinformed business owners that it is a good idea.

- **Spencer, QLD**

When the rest of the world works 9-5, and uses the weekend to relax and catch up with friends and play sports, working a weekend is a penalty and deserves special rates for working those hours.

- **Briony, NSW**

People who do work on weekends are often people who can't work during the week due to study or they are people who have insecure and casual work so some of their shifts may be on the weekend. Welfare benefits are very low and living and education expenses are high so a lot of these people actually rely on penalty rates to make ends meet. If penalty rates are taken away a lot of these people will have to quit studying or may even become homeless.

These people also forgo relaxation and socialising time by working weekends to make ends meet and get an education or look after their family so it won't be just the people who miss out on penalty rates but their families as well.

We can't do this to people!

- **Aksamseddin, VIC**

When you make plenty of money, you tend to forget the less fortunate. Penalty rates aren't for everybody but for some, it is fair compensation for working weekends or night-shift. When you've finished your working week, open your eyes and see the people just starting theirs. The guy that greets you as you leave the building, or the young girl at the local takeaway store, or video store. These people should be at home with their loved ones just like you. Cutting penalty rates is not fair.

Now flip the coin. I work in essential services, but I would rather to be home with my family. My boss has to pay penalty rates to attract me to weekend and night work – because that's how he manages to be with his family.

Penalty rates are a necessary evil, it's the cost of doing business. As for the employers, if you don't want to pay penalty rates to your staff, be prepared to do the work yourself! You can't have it both ways.

- **Tony**

Weekends should be for family and friends. If you have to work, you should be compensated.

- **Therese, VIC**

Weekends are family time and individuals expected to work weekends should be financially compensated. Employers will find it even harder to operate on weekends if there is no incentive for staff to work at those times. Penalty rates help families keep their budgets balanced. Less income means less spending and the economy shrinks.

I worked Sunday nights at a nursing home for 10 years so I could afford to pay the bills. I certainly would not give up my weekends if there were no penalty rates.

- **Karen, QLD**

I don't work weekends so I am one of the lucky ones but I know lots of people who have no choice but to work weekends either by bosses making them work weekends or they need to work the weekends to make their wages higher so they can survive with their families. They also miss lots of family time due to having to work these weekends, so they should get some benefit out of missing their kids growing up. I know you people wouldn't miss out on your families' special moments. Please don't take penalties rates away from people who need it the most

- **Kim, VIC**

Weekend rates and other penalty rates were earned a long time back after the movement of united workers. Before it was not fair and injustice was happening with workers from bosses. Does the government want to go backwards by cutting down these penalty rates? Please don't follow some few countries where workers are not treated fairly.

- **Umesh, NSW**

It's totally unfair to cut penalty rates. Our weekends with family are precious too and we should be compensated fairly. We sacrifice time with our families to make ends meet.

- **Anne, QLD**

Penalty rates are the reason I was able to afford to pay for food and rent during my tertiary studies. I studied full time during the day at a school that was two hours away from my home, which equalled four hours of travel per day because I couldn't afford to move any closer to the CBD. Weekdays were solely dedicated to study and school, so weekends were the only time I could bring in a little extra money.

I worked both Saturdays and Sundays, which meant I had ZERO days off per week, but I suffered through just for my weekend penalty rates. These penalty rates allowed me to earn enough to buy groceries for the coming week. I needed that money. Had I been paid the weekly hourly rate, I would've earned half as much and this could potentially have forced me to give up my studies to find a full time job so I could support myself.

Secure full time jobs are becoming rarer with every passing year. The job market is full of casual and part time positions that lack stability and future career options and this makes those workers more vulnerable than their full time co-workers. Please, do not cut penalty rates, it would be a low blow to the already vulnerable young workforce. Working weekends is hard work, you're often forced to get up at ridiculous hours, stay late and work long hours all whilst sacrificing valuable time that could be spent connecting with friends and family. Australia, you need to choose between open businesses on weekends or penalty rates, you can't have both.

- **Nikita, VIC**

I've just started a new job and I don't get penalty rates on weekend anymore and it actually sucks. Considering I miss out on family events, catching up with friends, and other occasions, I think I should at least get paid a little bit extra to sacrifice my social life to work weekends.

- **Narise, WA**

I'm a single parent & have been working in aged care for over 20 years. My children are grown up now and I missed out on precious time sharing weekends, Easter and Christmas with them to work weekends and night shifts. To make ends meet with the penalties it helped us have a better lifestyle with small luxuries. If penalties are stopped I have no desire to work weekends and neither will a lot of carers and the care to residents will decline.

- **Sharyn, QLD**

Weekend is family time, if we have to work in the weekend. We should have double pay.

- **Phonesavanh, QLD**

Family time is too precious to be working. We work 40 hours a week. We deserve penalty rates when we sacrifice our well-deserved weekends to work.

- **Gillian, VIC**

I don't work weekends very often but when I do I want something worthwhile for missing out on family time and rest and being able to recuperate for the next week's work as I am a labourer.

I support people who have to work weekends and want things to stay as they are now.

- **Bevan, NSW**

There are very few times when families can get together, but weekends are one of those times. It is when children play sport and families picnic in the parks afterwards. If people want to eat out or shop on the weekend they should have to pay more to compensate those who are giving up their own family time.

- **Mai, QLD**

I work every Saturday and Sunday in my job. My ordinary rate of pay alone would not be enough for my family to meet our commitments. I rely on the extra rates the weekend penalty rates provide.

If the weekend penalty rates are removed then there would be no incentive for me to work weekends any more.

- **Allan, NSW**

I have children who work weekends and receive penalty rates, one of whom is also studying. We have very few family meals together due to weekend work. To take away penalty rates is just a way of creating a poor generation of workers as well as depriving families of weekend time together. Do not cut penalty rates, it is disgusting.

- **Sue, VIC**

Working weekends means that I miss out on many activities. Socialising with family and friends, spending the weekend playing with my kids or taking them places doesn't happen

often. I am a shift worker, my job needs someone working 24/7 365 days a year, so I could be working any day any time, for an eight hour block. If I didn't get paid extra to work weekends I would find another job, and the healthcare industry would see people leave.

All people who have to, or who are encouraged to, work weekends should get paid a penalty rate for that until every job has Saturday and Sunday as just another day.

I also doubt that the government will stick to their 'promise' of not taking penalty rates from healthcare or emergency services. So if penalty rates are removed from one area of workers, it won't be long before they start removing them from other areas that must have someone working.

- **Lisa, QLD**

I'm against weekend cuts. Some people have to work longer hours these days to make ends meet, and sometimes that means working weekends when you'd rather be at home with family & friends. So cutting back, means their livelihood. I don't work weekends, but feel for the people who do. The cuts must not go ahead.

- **Rhonda, NSW**

Many people rely on penalty rates simply to remain out of debt, and many students rely on penalty rates to facilitate the continuation of their studies. Please protect penalty rates.

- **Jean, VIC**

People rely on their penalty rates to help make ends meet and for all the extras that families find they have to cover costs for.

- **Anthony, NSW**

I have experienced working weekends on several occasions, and more than likely wouldn't consider it if I wasn't paid penalty rates, as I'm sacrificing my weekend with my family and friends to work. I have also worked night shifts over the weekends, that is hard, as then you are sleep deprived due to extra activity with people having to mow lawns etc. I would not work weekends anymore if the rate was the same as the week rate. Why would anybody give up a weekend to work for the same monetary value?

- **Denise, QLD**

Weekend rates are needed in my family to survive. We have many household expenses and require this money to make it through each fortnight. Both my husband and I work weekends and miss out on doing things as a family and spending time with our children. How can the government be so mean with their big pay packets and the average worker will suffer again when they are just trying to make ends meet.

- **Nui, NSW**

Weekend work takes a toll on your family life, social life and even your well being and there needs to be a financial reward towards you and your family for that sacrifice. Only people and their families who regularly work such shifts will completely understand and agree.

- **Sally, VIC**

People are struggling to pay their mortgages, their rent their bills. The cost of stress affects

the human form manifesting in illness such heart attacks anxiety, mental health and other forms of illness. Our hospitals testify to the truth and to these effects. The cost of living far too high. Penalty rates help cut some of our bill and lower our stress a tad. If we choose to forego our precious weekend to keep up with our bill payments it should be our choice, not expected in any job description. Carers are needed 24/7 to meet the growing demand of aged care and the NDIS. These carers and low income workers need to be protected as our incomes are low and our work can be challenging it can be draining. Our weekends are for our families and our time is our time. Our rights are vital to our well-being and health. Penalty rates stay.

- **Tania, NSW**

In my workplace we rely on weekend workers so our clients can get the support they need to function soundly. If weekend rates were cut in aged care, we wouldn't have anyone that would wilfully put up their hand to work the shifts needed. I certainly wouldn't as I would lose the precious time I have with my family as one particular member has limited time left and my children are more important to me as they are young and miss me enough. But also the fact that if I was rostered on I would lose that money needed to pay for my home, car and the special foods that I have to buy for my daughter's diet needs. It would be in fact disastrous to lose that weekend rate that we as workers depend upon to get us by.

- **Melissa, QLD**

I work on the weekend. I give up spending special time with my children and grandchildren. I miss watching grandchildren at their sports events. If my weekend rates were cut I wouldn't see myself giving up my time to work I would rather go to the games of football I currently miss. Without these rates we would find it hard to pay our and have those little extras in life.

- **Maria, NSW**

Working on a Sunday is more about what I am asked to give up not the job I am doing. I do community work. Using my own car, during the week I am in a small area covering about six suburbs. I shower clients, give medication, clean, take clients shopping and provide respite for clients. I travel on average 20km per day starting at 8am and finishing about 3pm.

On Sunday I do a split shift starting at 6:30am – 11:00 and then 2:30pm – 5:00pm giving clients showers and medication. I travel about 80km on the weekends. The “break” between my shifts once you take out travel is two hours to do things with family and friends. There is no quality time spent in that two hours as I'm watching the time. I give up quality time with family and friends, miss out on special occasions because I'm helping people in the community that can't look after themselves.

- **Sean, QLD**

I want to tell the government the following: First we need to stop cash payment in jobs in market. Secondly, we need to control the cost of rent. How can we survive in Australia if we have no weekend rates? How could I feed my two kids and my wife and myself?

- **Vipul, NSW**

I personally have weekends off. However my daughter works weekends so she can earn extra. This means she misses out on quality time with her son but the extra money helps them survive financially.

- **Deborah, QLD**

Keep our weekend rates. I used to work weekends and sometimes missed out on big events such as weddings and 21st. The extra pay helped to soften the blow on those occasions.

- **Sharron, NSW**

It's bad enough that we have to work weekend and public holidays. This not only affects us but our families as well. We are unable to attending our children's sporting games, friends' birthday parties, long weekend celebrations.

As big retailers chase the almighty dollar and try to open 24 hours they forget that these stores need to be staffed. I don't see them giving up their weekend, public holidays or family and friend get-togethers. I don't really see them giving up anything as they line their own pockets.

If they are going to take away penalty rates then, wages should be increased by at least the percentage that they are taking away.

What the government should be looking at is shutting the doors at reasonable time as it was like when I was growing up. Shops closed at 12pm on Saturday, pubs and clubs closed at 12am and didn't open again till Monday. If you ran out of something you went without or used the local corner shop.

Let's stop chasing the almighty dollar and start worrying about families and then maybe we wouldn't have so much trouble with our young children, Parents would be at home looking after them and spending time with them instead of having to work all the time.

TIME FOR A CHANGE.....not time to get rid of penalty rates. LISTEN to the workers not the BIG COMPANIES.

- **Debbi, NSW**

When I worked as a chef I relied on the overtime and weekend rates to increase my low pay. Working weekends is tough work as you miss out on so much such as family events and birthdays, even Xmas day.

- **Euan, VIC**

I agree with giving people a pay rise and don't cut there weekend rates as it is hard to work weekends. If you have a family and if your kids are young, they want you with them. I did work weekends once with a young family because it cost too much to pay someone to look after my kids so me and my husband decided to work it this way: one work Monday to Friday and the other worked a casual job for two hours at night and also when the kids were at school I worked during the day and it involved weekends and it was not much pay as we had to make ends meet, as we had bills to pay and house, and we needed to feed and clothe the family. And there was not much left over to go out to the movies or dinner as the houses or renting is dear enough, let alone food and clothes or outings. But people have to work weekends to make ends meet, so please don't cut the rates as we need nurses, doctors, room attendants, cooks and entertainment. And no, I would not work weekends if they cut my rates. I would get a job Monday to Friday if I can. You don't have a life with less pay.

- **Brenda, QLD**

I work Saturday mornings to make up that little extra in my pay packet per fortnight. I sacrifice this time to make the couple extra hours I do to meet ends meet. I give up my family



time which restricts my children from attending sports on the weekend due to my working hours. If penalty rates are abolished then there is no doubt in my mind that my availability will no longer include Saturday mornings nor will it include late afternoon evening shift. If a company looks after their workers then you will have dedicated staff but if we get penalised for doing what we do best and sacrifice that family time for no recognition, then I'm out altogether.

- **Barbara, QLD**

When I work weekends, I miss time with my family and access to social activities such as markets and theatre events that only happen at the weekend. Its also much harder to arrange social activities to catch up with friends, most of whom have weekends off and work during the week and kids are in school.

If I didn't receive weekend rates, I wouldn't be prepared to work those hours.

I totally support people working weekends receiving weekend rates as they shouldn't have to sacrifice their time with family and friends and work at inconvenient times without receiving compensation for that.

- **Cathy, NSW**

Weekend rates absolutely matter and cutting them means the government is going to leave my family at risk.

- **Eyassu, VIC**

I work shift work and yes I miss a lot of time without my family due to shift work, but I have a mortgage to pay and bills so I rely on shift penalties, how dare the government do this.

- **Sandra, QLD**

I am in support of people who earn weekend penalty rates, especially those working in retail, hospitality and entertainment. I am because I understand what it is to struggle financially as a young person who is also spending time during the week studying or training. It is often young students and trainees working in these industries. My brother worked as an apprentice carpenter during the week and worked weekends in hospitality just to get by. There are so many young Australians in similar situations who rely on weekend penalty rates to pay their bills, rent, putting just enough fuel in their car and if there is some left over they'll buy food. This situation is far more common than people who don't rely on penalty rates can know.

Weekends are important days, they are worth more to us than Monday to Friday because it is the time of the week that our families and friends are free. It is a time to relax and recharge before another week.

Don't take away our weekend. Support those who serve us on the weekend by maintaining penalty rates at their current levels.

- **Sally, NSW**

Weekend rates are important to me and many others who work weekends should be rewarded financially for doing so. Weekends are family time weather you are a parent, grandparent or working grandchild it may be the only time that you are able to spend time together as a family and Government expects employees to work weekends for normal rates. I have been working weekends for 25 plus years and have missed many family

occasions, those weekends I missed I will never get back but being compensated with weekend rates made it a little easier. Being compensated for working weekends should continue as weekends are important to myself and my family.

- **Lindsay, QLD**

I work in hotel services and I am worried about losing my penalty rates when I do weekends or overtime. This is why I give up my weekends and family time to work for that little, extra bit of money I can make and that money helps me financially. If you took this away for a flat rate, I feel like we have lost out big time and a big increase in the finances. You would find out that no one would be wanting to work on weekends or do overtime

- **Judith**

I've been a shift worker since the age of 16 (some 32 years ago now) so I know extensively the sacrifices that are made for shift workers both personally and within a family environment. I have worked as a baker for most of that time but also as a public servant (12yrs).

Penalty rates have a twofold purpose; 1. it recognises my effort and worth by having to adopt a different working lifestyle to the majority of the labour force and friends, 2. it helps to compensate the quality time that I missed out on with my family and for them having to put up with my moods depending on how much of my sleep was broken.

- **Martin, QLD**

This will kill weekend sports events, by making the working week a seven day working week and having staff start their working week say on a Wednesday etc. No one will want to work on weekends if there is no benefit. Just go back to having shops close on Sundays and half day Saturday and bring families back together. I say a very big "NO".

- **RON, QLD**

If you expect workers to work on the weekend, pay them more!

- **Nick, VIC**

Why should we be expected to work nights and weekends if we aren't going to be paid extra for it? After all would you? By working weekends we lose the time we could be with our family doing things together and also the time we can catch up with friends. If you weren't going to be paid extra for it, why would you work weekends? Not me.

- **Julia, QLD**

I've worked the weekends for 10 years straight now and haven't had a problem with it. If penalty rates are cut it will mean I have to work extra hours during the week to make up for it. That means cutting into someone else's hours which is not fair. Me doing the weekend work helps fellow workmates to have quality time with their families. My family has flown the nest now and look after themselves. So cutting the penalty rates is taking away the quality of living from me (because I choose to work the weekends) and also disrupting the quality of life of young and old families that don't have a choice. And no, I would not work weekends otherwise because without the penalty rates there is no incentive money-wise.

- **Geraldine, QLD**

I work in security at an army base in Victoria. These bases are manned 24/7. As it is I risk long term health effects by having to work rotational shifts in what is a fairly low paying job already, now you want to remove penalty rates? That would probably put me close to the poverty line and unable to pay my mortgage. Leave penalty rates alone, I certainly don't want to work weekends for bugger all.

- **Mick, VIC**

In the current position I'm in, I do not work weekends but I have in my previous careers. The extra penalty rates made going to work and missing out on things with family and friends justifiable. The extra income also enables you to do less and have more quality family time. Weekends use to be the only time I could get family to look after my child as I was a struggling single parent. With the penalty rates it made it possible for me to make a small income to support my family without having to put my child in day care.

- **Jess, QLD**

Don't take our penalties. I am single with a mortgage to pay and those rates help me to survive. I couldn't do it otherwise - I would have to sell my home.

- **Sharon, QLD**

Weekend rates are essential or else we will all work on weekdays. If weekend rates pay the same, no need to work overnight shift such as nurse or doctors. So we have less incentive of protection in our society such as security guards etc.

- **Kevin, NSW**

Not many staff where I work want to work the weekends at the moment so if the rates were cut they would have a big problem with staff.

- **Paula, QLD**

At the moment in my job I don't work weekends or shifts but I have done in the past. People don't work weekends by choice, they know they will be making sacrifices, usually by giving up family time, special family gatherings, kids' weekend sports and then there are the Public Holidays.

If you give up this time the only reason you want to do it is because you receive extra pay in the form of penalty rates. Ask yourself if you were a nurse would you want to work Saturday overnight in A & E for the same pay as Mon to Friday 9-5pm? Not many people would.

I appreciate the sacrifices that people make by working weekends so I can go out for lunch or dinner on Saturday or Sunday, that there is a doctor available to tend to my sick child on the weekend when the surgery is closed – and I am thankful for that.

Working weekends/shifts/Public Holidays is not the same as regular hours, and never will be.

Pay penalty rates – or as I like to call them: "Thankyou Rates."

- **Sheelagh, QLD**