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Media release

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Workers should be free to make cost of living claims irrespective of productivity issues

ALHR opposes the adoption of the ***Fair Work Amendment (Bargaining Processes) Bill 2014***.

"This Bill" says ALHR President, Nathan Kennedy, "restricts the autonomy of workers in the collective bargaining process and tests their claims against possible productivity changes. It does this in two ways:

- (1) by requiring 'improvements to productivity' to be discussed during enterprise bargaining; and
- (2) by restricting Fair Work Commission approval of protected action ballots where applicant claims would have a 'significant adverse impact on productivity'."

"By linking wage claims and bargaining processes to measures of productivity, the Bill operates on an emotional, not a practical or legal level," says Mr Kennedy. "Productivity differs from company to company and from industry to industry and is a measure of factors such as the value of capital utilised, not a measure of how hard the employees work."

"It is quite possible that a claim for higher wages is driven by cost of living issues – like the excessively high accommodation prices in Sydney – which will remain the same irrespective of productivity or lack of productivity within a particular company or industry."

"When the Federal Government lays down even further requirements in what is already a very restricted bargaining process", says Mr Kennedy, "the parties cannot be really autonomous and cannot bargain freely. The Government is putting emotion and ideology above practicality and human rights. It is acting in breach of Australia's obligations under The International Labour Organisation's *Right to Organise and Collective Bargaining Convention*."

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2,600 people, with active National, State and Territory committees.