

Pru Goward  
Sex Discrimination Commissioner  
Human Rights & Equal Opportunity Commission  
GPO Box 5218  
Sydney2001

Dear Ms Goward,

I welcomed your presentation at the Community Forum "*Striking the Balance: Women, men, work and family*" at Niagara Park on August 4, 2005 and the importance you attached to balancing work and family responsibilities. Unfortunately I didn't get the opportunity to develop my comments more fully however I am forwarding them in writing.

This question "men, women and family" is very much an issue of our industrial relations system and its culture and it needs to be a central issue in the current debate on proposed changes by the Government to the industrial relations system.

The quality of family life is affected by many issues including a decent standard of living i.e. living wage, adequate family time together and being able to enjoy that time e.g. holidays/ sharing interests etc and parents being able to share the responsibilities of caring and providing for the needs and the all-round development of their children.

While it is important to hold forums to discuss policy, this will be an empty exercise unless a vigorous and successful action is taken to ensure that enterprise bargaining takes place within a framework that protects families and family life.

I am concerned that the Employment Advocate Office is ratifying individual contracts which provide for an all inclusive rate that abolishes the employee's rights to paid annual leave, sick leave, public holidays and all other leave entitlements. The wage rate in these contracts purport to compensate workers for the loss of entitlements which I very much doubt.

Other issues which concern me is that the "no disadvantage test" is to be abolished which can only mean that employment contracts will be able provide a package of wages and conditions less than the award.

The stripping back of legal protection for workers will put those workers with limited or no bargaining power at the mercy of the employer. These workers would currently be the low paid workers and the casually paid, of whom many are women.

These workers, faced with the demands of work and family and having little experience in complex negotiations with their employer, are at a great disadvantage.

Women, who rightly or wrongly, have the main responsibility for caring and providing for children have limited, if any, time at their disposal to understand the complexities of

the proposed IR changes - the difference between an individual contract and EBA and an award and are therefore very vulnerable in negotiating an employment contract.

Regulations should be established so that all workers, including women, have adequate time to study an individual contract that the employer may propose and to compare it with their entitlements under the appropriate award. This should include time to consult with a union or a bargaining agent as well as their family so they are able to make an informed decision.

Unless these issues are addressed the quality of family life will suffer and the policies which are being advanced by yourself and others are unlikely to see the light of day.

Enterprise bargaining must exist within a civilized legal and democratic framework.



Finally, I strongly support the recent decision of the Industrial Relations Commission which extended unpaid maternity and parental leave and which will greatly benefit families and enhance family quality of life. I hope the Government does not capitulate to the pressures of the employers who are motivated by self interest.

I hope you share these views and that you will use your position of influence to ensure that these concerns that have been raised are addressed.

Yours sincerely



Audrey McDonald

15 August 2005