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THE AGE

Sackings not illegal under new laws, says ACTU

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WORKPLACE inspectors have begun investigating claims that 29 Cowra abattoir workers have been sacked and invited to reapply for their jobs on lower pay.

The Office of Workplace Services arrived at the central western NSW town yesterday and spoke to the employer, workers and the meatworkers' union.

The **ACTU** says 29 workers were sacked last week and invited to reapply for 20 positions on new contracts that involve pay cuts of up to \$180 a week and the loss of performance bonuses. The workers will be paid their entitlements.

Workplace Minister Kevin Andrews said on Sunday that the new laws prevented an employer sacking people to re-employ them on inferior conditions.

But **ACTU** secretary **Greg Combet** said the laws allowed bosses to sack workers for "operational reasons", which at Cowra involved the merging of two production lines.

"Where does it breach the WorkChoices laws? he said. "I'd be happy for Kevin Andrews to show how we can remedy it."

Opposition Leader Kim Beazley accused Prime Minister John Howard of asking bosses to delay sacking workers until after the next election.

"He took the issue of the Cowra meatworks, where a workforce is sacked and then re-engaged at lower wages, and said, 'Oh, that might not be legal under our laws'," he said. "It is absolutely legal under Howard's laws. . . . The message that he is sending them is 'please don't do anything nasty until our election is over' and then whack away."

Lawyer Josh Bornstein, who helped win the Maritime Union of Australia's case during the 1998 waterfront dispute, said the Government specifically inserted clauses in the legislation to allow what happened at Cowra.

"They've complicated the legislation, diluted the protections available to workers, and then turned around and said in fact these workers are protected - it's disingenuous and it's dishonest," he said.

A spokesman for Mr Andrews said employers and workers had to agree to modifying award conditions.

Meanwhile, a lawyer from a firm that helped draft the Government's new workplace laws has described the safeguards for workers as "smoke and mirrors".

Freehills partner Anthony Longland told a business conference last month that award provisions that protected rights such as penalty rates and rest breaks could be overridden by workplace agreements.

Mr Combet said Mr Longland's comments confirmed concerns raised by the union movement.

Freehills spokesman Russell Allen said Mr Longland's comments had been taken out of context. -- With AAP

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Caption :PHOTO: Gary Bryant is one of 29 Cowra abattoir workers who have been sacked and asked to reapply for 20 new employment contracts. PICTURE: LISA WILTSE. CARTOON BY WILCOX

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