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Same work, \$40 less: take it or leave it

Author: Kelly Burke

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AMBER OSWALD is a forthright and enthusiastic 16-year-old who was thrilled when she scored her first part-time job early last month, at a juice bar in Warriewood.

But on March 29, two days after the Federal Government's new workplace laws came into effect, Amber learned that she had been made redundant and then "rehired".

She was now party to an Australian workplace agreement. The contract remains unsigned, despite taking effect from March 27 - day one of the new laws.

Amber saw her new contract for the first time only yesterday, which confirmed that her hourly pay rate had dropped from \$9.52 to \$8.57 and her penalty rates had been abolished altogether, reducing her pay by \$5.70 an hour on Sundays and by as much as \$11.25 an hour on public holidays.

"I'm pretty upset they can do that," Amber said yesterday after finishing a seven-hour shift that would have earned her \$99.89 before tax two weeks ago but now pays just \$59.99.

"I'm doing exactly the same job as before but I'm still young, so they think they can pretty much get away with it."

Amber's boss, who would only identify himself as Andre, said that between 15 and 20 staff at the three NSW Pulp Juice franchise shops had been given workplace agreements.

"If they don't want to sign, they can leave," he said. "It's not about what's fair, it's [about] what's right - right for the company."

He said a previous award became invalid after Pulp was placed into liquidation on March 24, effectively making all the staff redundant.

The AWAs were issued the same day by Pow Juice, which won a licensing agreement to run the three shops, and for whom he worked as a "consultant".

The president of the **ACTU, Sharan Burrow**, described Pow Juice's ultimatum to staff as outrageous.

"The new laws are a Government-sanctioned licence for employers ... to treat people in whatever way they choose, and young people and older workers, particularly women, are the most vulnerable," she said.

A spokeswoman for the federal Minister for Employment and Workplace Relations, Kevin Andrews, said the minister was not prepared to discuss individual cases. But anyone aged under 18 would require a parent or guardian to sign a workplace agreement, she said.

"Any examples of employees feeling they have been treated unfairly can take their claim to the Office of Workplace Services," she said.

A part-time medical receptionist, Rhonda Walke, received a similar assurance from the Liberals' Danna Vale last November. The recently widowed Ms Walke got a comprehensive reply from her local MP, which included assurances that it would be "unlawful for an employer to apply duress in the negotiation of agreements, or to terminate an employee for refusing to negotiate an AWA".

On March 29, Ms Walke was handed a workplace agreement by the office manager, who insisted she sign it immediately. Ms Walke declined, saying she wished to take it home to study it in depth. The following day she told the manager there were several points she needed to clarify before signing. At lunchtime she was served termination papers on the grounds that her reluctance to sign proved she did not wish to become part of a team.

Ms Walke's case, with two other allegedly illegal dismissals involving older women, are now being investigated by the **ACTU**.

Caption :PHOTO: Rehired ... Amber Oswald is unhappy with the new contract she has been offered by her employer, Pow Juice. All penalty rates have been abolished under the contract. Photo: Grant Turner

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