

Government drops worker prosecutions

By **MISHA SCHUBERT**
and **MEAGHAN SHAW**

THE Howard Government yesterday dropped prosecutions against 75 workers who faced \$20,000 fines for striking over housing infested with fleas and polluted by sewage at a Queensland coal mine.

The backdown sparked claims it was running scared of bad publicity.

The backdown came as the workforce watchdog issued a pre-emptive bulletin to head off further disputes about the new workplace laws at Easter, confirming that staff can refuse to work on public holidays if they have "reasonable grounds".

But it conceded that workers in seven-day-a-week industries and staff given adequate notice of a shift could still be forced to work public holidays.

The Government began proceedings against the coal mine maintenance workers last month — a year after they had resolved the dispute over their uninhabitable temporary accommodation with Eagles Engineering.

Workplace Minister Kevin Andrews said yesterday the Government was withdrawing its action, and all other prosecutions begun under the old workplace laws.

"We've decided to draw a line in the sand and to say to employers and employees there's a new system operating," he told ABC radio.

But ACTU secretary Greg Combet said Mr Andrews caved in after the union movement made public the Government's "disgusting prosecution" against workers in outback Queensland.

"They are absolutely panicked at the prospect of any more bad stories coming out

about their industrial relations laws," he said.

In a further sign of the sensitivity to public concern about the new industrial laws, Mr Andrews said a team of "new specialist investigators" in his department would help to prosecute any breaches. But his office was later forced to clarify that the specialist team was not new — the "small, existing" group had always helped to enforce workplace laws.

In a second concession, the Government is considering exempting higher-income workers from new rules that force companies to keep records of employee hours.

Mr Andrews confirmed the new record-keeping rules were designed to protect low-income workers, and could be scrapped for staff on big incomes.

¶ I will give employers and employees real flexibility. ¶

KIM BEAZLEY, Labor leader

ACTU president Sharan Burrow attacked the move. "The minister will look at an imposition of documentation on employers but he won't look at the damage that's being done to the lives of working Australians and their families," she said.

Meanwhile, Labor said last night that if it wins government it would allow unions to strike deals with companies for paid staff leave to attend union training.

Revealing more of his plans to rewrite the workplace laws, Opposition Leader Kim Beazley also pledged to scrap fines of up to \$33,000 for banned content in industrial awards.

He said he would scrap the workplace minister's sweeping veto powers over every employ-

ment contract. "I will give employers and employees real flexibility to negotiate and agree on whatever terms and conditions they want in their agreements," he said.

Mr Beazley said Labor's proposed unfair dismissal tribunal would be forced to settle 90 per cent of cases in 90 days, and would be told to speed up investigations into disputes to minimise disruption to business. The tribunal would focus on reinstatement, not compensation. Claims would have to be lodged within 21 days of the sacking.

The Labor leader said it was vital to restore protection against unfair dismissals, saying he would not allow a permanent underclass to develop.

The Government's plans to police its new laws would allow for two types of inspectors.

Specialist workplace investigators in the Department of Employment and Workplace Relations would probe and prosecute "systemic issues" such as mass stoppages across numerous companies — an event Mr Andrews' spokeswoman conceded was rare.

Meanwhile, the 200 inspectors at the Office of Workplace Services would continue to investigate and prosecute smaller-scale disputes.

Asked to clarify when workers could be forced to work public holidays, OWS chief Nicholas Wilson said there were 10 factors in the legislation that could be taken into account.

"Probably what it comes down to is whether the employee has had some prior notice of whether they might need to work on that day and whether the employer's business is such that would require people to work on public holidays," he said.