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PM's unfair advice offer - Few workers benefit: union

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PRIME Minister John Howard's proposal to provide free legal advice to some workers fighting unlawful termination cases could apply to just four people a year.

That was how many employees launched unlawful dismissal cases in the Federal Court in 2004. So far this year, just two people have launched claims.

This compares with the 20,000 people who put unfair dismissal claims through the Industrial Relations Commission over the past three years, a process Mr Howard will abolish for four million workers.

An unlawful termination only applies where a worker can show he or she has been sacked for discriminatory reasons such as race, gender, religion or pregnancy but does not consider whether the sacking was fair or not.

Previously a worker who was unfairly dismissed would take their case to the Industrial Relations Commission, which would deal with the matter directly.

This will now no longer apply to the four million or so employees of small to medium businesses or anyone who has held their job for less than six months.

Under Mr Howard's proposal, these workers could get some taxpayer-funded legal assistance via a four-step process.

First they must be means tested, then have that certified by the Industrial Relations Commission, then take their case to the proposed Office of Employment Services where they will be provided with up to \$4000 worth of legal advice from a private lawyer nominated and paid for by the Government.

Then the worker will have to pursue his or her case in the Federal Court.

ACTU secretary **Greg Combet** said the process was ridiculously convoluted and would be available to a handful of people.

A typical unlawful dismissal case costs more than \$20,000 and runs for 12 months.

``This proposal is a complete con job," Mr Combet said.

He said the criteria were so strict and the time and money costs so prohibitive that it was simply not an option for the vast majority of workers.

State Industrial Relations Minister John Della Bosca agreed.

``The standard advice will be: `You've got no rights and no prospect of reinstatement.' It's a job that could be done by an answering machine," he said.

Meanwhile, the Federal Government has said it will seek \$200,000 from Labor and the **ACTU** in legal costs after their failed bid to have the Government's workplace advertising campaign declared illegal.

The ALP and unions had argued the \$20 million campaign had not been budgeted for and was overtly political but a majority of the High Court ruled the Government had not broken the law.

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