



**Frame & Truss Manufacturers  
Association of Australia Ltd**

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Committee Secretary  
Senate Education, Employment and Workplace Relations Committees  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Sir/Madam

**Fair Work Amendment Bill 2013**

Thank you for allowing the Frame and Truss Manufacturers Association of Australia to present a submission in to the Fair Work Amendment Bill 2013. For the record FTMA Australia is a national Association representing fabricators of and suppliers to the Australian frame and truss industry, representing 82 Fabricators throughout Australia with members in all States and Territories with 90% of members being small to medium sized businesses.

FTMA Australia has grave concerns for some of the content of the Fair Work Amendment Bill and believes if passed, will have a detrimental impact on our members who are already doing it extremely tough.

All levels of Government recognise that the manufacturing industry, of which the frame and truss industry is part of; is struggling. Many in our industry are working on 0 – 2% profit margin which is not sustainable. What we should be looking at is ways to help businesses and this Bill definitely doesn't do that.

FTMA Australia takes offense that Fair Work Australia implies that businesses are incapable of managing employees in a manner that is beneficial to both employee and business. In today's business if you do not look after the interests of your workers and do not have practices in place to deal with a wide range of issues covered by the Award you will struggle to survive. Associations such as FTMA Australia work hard to ensure our members know their rights and importantly know what they must do to ensure the rights of all employees.

When business in our sector started to slow and businesses had to decide whether to close their doors or reduce hours / days of work FTMA Australia assisted with a Fact Sheet outlining the steps that must be taken to protect workers' rights. Our members want to do what is right by their employees but there is a feeling that the boss no longer has any rights or control over how they run their business and as a result our sector may see businesses closing their doors in the next twelve months.

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### **Proposed changes to parental leave provisions:**

From a personal viewpoint, I am a mother of three children and made choices of when to have our children based on our financial security and work arrangements at the time. This is something families must consider and work around and as an Australian woman I strongly believe that the increasing changes and rights for women having babies is putting at risk a woman's chance of successfully finding work if they are of 'child bearing age'.

If a woman works in an industry or in a role which is 'deemed unsafe' if she is pregnant then, like I did, she will need to consider her working arrangements before deciding to become pregnant. Many small to medium sized businesses do not necessarily have a 'safe' role that a pregnant woman could be transferred in to and therefore why should this be an issue for an employer.

In relation to industrial relations inquiries from members the paid parental leave is one of the most frequent as members are confused with who makes the payments and who qualifies. The proposed changes will add to this confusion.

### **Flexible Working Arrangements**

As stated earlier when work slowed down in the frame and truss industry we developed a Fact Sheet "*So work has slowed down.....what are my options*". Employers worked with their employees to find a way to keep the doors open and every one in a job as it was in everyone's best interest.

This is what good businesses do. They work with their employees and make decisions based on their knowledge of the employee, the work schedule and what the business can afford yet this Bill is taking that decision making process away. It seems the 'request' for flexible working arrangements is more of a demand. The employer should have the right to refuse or grant an employee's request for flexible working arrangements dependent on the impact the change will have on their business.

Where are the rights of the Business owner, the person who has their family's home mortgaged against the business who is working longer hours and in many instances on less money than their own employees! That is the climate we are dealing with in business and this Bill is proposing to take away the managerial prerogative of how their business is run; this is unfair.

### **Right of Entry and use of lunch rooms for Union meetings**

If a business does not have union members does that make the business a good business or a bad business? The frame and truss sector does not have a massive union membership base and in many instances zero membership exists at many plants. Therefore why should the union have the right to hold meetings in lunch rooms, IF the employees do not want to listen to them? Should the employee's lose their rights to access their own lunch room during their well deserved break?

FTMA Australia is definitely not anti-union, in fact we promote communication with the CFMEU, however, we believe it is the rights of the workers not to see an organizer if they choose not to. In this instance unfortunately it is perceived that the Employer is forcing members not to see the union which is simply untrue.

If a majority of employee's wish to see and listen to the union then the majority should be allowed to agree to use the lunchroom, but in the instance that no one or a minority wish to talk and listen to the union then other arrangements should be found.

This Bill talks about Bullying and puts an emphasis on the Employer's responsibilities, whereas it is our belief that the 'permit holders' should also be forced to comply with bullying laws.

### **In Summary**

FTMA Australia is disappointed in this inquiry as we believe it has been rushed through without due input from business and industry which has created a great level of confusion and lack of confidence in the agenda behind this Fair Work Amendment Bill 2013.

Governments must stop using these issues as political footballs in the hope of swinging votes. We all want healthy strong businesses who are economically sound resulting in higher employment and the pendulum has definitely swung towards the employee's making it more and more difficult for business owners to be successful.

Too often I hear the question from members as to what they are doing in business. Why own a business when all the legal responsibilities are on your shoulders, however, all the rights are on the shoulders of the employees. FTMA Australia does not support the mistreatment of employee's and believes our membership has the same view and we work hand in hand to ensure everyone's rights are looked after.

During the next twelve months the frame and truss industry will continue to see a rationalization as businesses close due to the turn down in construction. Let's hope these proposed changes do not force this to happen sooner resulting in people losing their jobs altogether whilst business owners lose a lot more than just their job.

Yours truly

**KERSTEN GENTLE**  
**Executive Officer**  
**FTMA Australia**