



13 May 2024

FWC

Comments – Draft Modern Award Delegates’ Rights Term

The LAA offers these comments on behalf of our membership regarding the Fair Work Commission’s Draft Modern Award Delegates’ Rights Term.

The Laundry Association Australia (LAA) represents commercial/industrial/public sector laundry operators and textile suppliers across Australia. Apart from being a \$1.2 Billion industry, we also employ around 13,500 staff. It would be true to say that without the work of professional laundries, Australian hospitals, hotels, hospitality, aged care and other sectors, literally could not remain operational.

General Comments

Firstly, we make the following points as general comments about the draft:

- The draft imposes additional costs on our businesses that bring with it no productivity increases and indeed will reduce workplace productivity. These imposed costs will result in higher prices we will have to pass on to our customers, that will therefore generate higher costs in tourism, health, aged care, hospitality, food production, manufacturing and other supported sectors. This will result in higher inflationary pressure.
- The draft also should have more support for employees and small businesses, rather than focus solely on delegates and registered organisations. This includes the need for delegates to also be bound, like the employer, to not knowingly or recklessly make a false or misleading representation to employers or their employees. Employees should also have an opt out right, where they can refuse communication with delegates.
- These measures should only be enacted when a threshold percentage of union membership numbers is achieved, and only for those that have not opted out of communication.

Specific Comments per Sub-Clauses

- X.2 (c) it is recommended that the definition of **eligible employees** be expanded to include words at the end of the definition as, ‘and whom have not opted out of communication with the delegate/s’. This would be a legitimate exercise of freedom of association. This is in addition to the prescribed arrangements under X.9 (c).
- X.5 (b) consultation about changes to rosters or hours of work. the roster changes every week or every month depending on the volume and seasonal

nature of the business, it is going to be very difficult to consult for every minor roster change , it is recommended that, like X.5 (a) the consultation to be limited to major roster and hours of work change.

- X.6 (b) communication during the working hours. What are the limitation to this given this represents a reduction in productivity? Does the FWC suggest that Delegates can stop workers from working, get everyone together and communicate? How often for how long? It is recommended that the sub-clause be modified to take out ‘during work hours’ otherwise it is inconsistent with the more realistically detailed X.(9a)(iii).
- X.7 needs more clarification for small businesses, as workplace facilities may not be available either. It is recommended that the following additional words be included, ‘...., unless the employer does not have them, and in the case of small businesses, only if they are available.’ This is necessary as the legitimate work of the business shouldn’t be disrupted by union activity.
- NOTE 1 should be replicated so that such false or misleading statements must not be made to employers or their employees.

The LAA remains available for any questions or clarification that you may require.

Yours sincerely,



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