



23 November 2017

Mr Mark Ritter SC
C/ IR Review Secretariat
Department of Mines, Industry Regulation and Safety
2/140 William St
PERTH WA 6000

Transmitted via email

Dear Mark,

Re: Ministerial Review of the State Industrial Relations System

The purpose of this submission is to provide Community Employers WA's (CEWA) brief comments in line with the terms of reference outlined in the letter from the Minister dated 3rd October 2017.

CEWA is a registered Employer Organisation with the Industrial Relations Commission of Western Australia, and represents non-government, not-for-profit employers in the community services sector of Western Australia. CEWA has 140 members comprising many of the largest and smaller Community Services Sector employers in WA, and continues to grow in numbers and influence. Our members employ in excess of 24,000 staff and are supported by over 10,000 volunteers. A list of our members is attached in Appendix 1.

Unfair Dismissal

CEWA recommends the inclusion of provisions that are similar to those found under Part 3-2 of the Fair Work Act 2009. These relate to the unfair dismissal of employees and the granting of remedies for unfair dismissal. It would be helpful to also have consistency across State and National obligations and processes.

CEWA notes that the above provisions were placed in the Fair Work Act by a Federal Labor government and provide a fair balance of rights for both the employer and the employee.

Qualifying period

Many organisations in the NFP community Services sector do not have access to qualified human resources advice. Further, claims that address the question of jurisdiction can often involve complex and costly legal arguments.

Given the above, there is a need for an extended qualifying period before an employee has access to the Industrial Relations Commission. In the Federal system, this is currently 6 months for employers

with more than 15 employees, and 12 months for those with less than 15 employees. At present under the WAIR Act, employees can make an unfair dismissal claim during their probationary period.

We would recommend that the State adopt the same qualifying period as exists in the Federal system.

Equal Remuneration Order

In August 2013, the Western Australian Industrial Relations Commission adopted the Fair Work Australia Equal Remuneration Order wage increases for all eligible workers employed under the Social and Community Services (Western Australia) Interim Award 2011 (WA SACS award). However the State Government did not provide additional funding to government funded NFP organisations to meet these legislated obligations.

The impact for many NFP organisations has been significant, due to the 23-45% increases in salary costs over the term of the ERO out to December 2019. The large increases are causing the sustainability of services to come under increasing threat, with many organisations on the brink of winding back programs. Many are reporting losses and drawing on very limited reserves. The potential consequences of this include a systemic failure of some critical services, such as 24/7 crisis accommodation. As a representative body for many organisations, we are very concerned about the short and longer term impact on both service providers and service users.

Whilst we acknowledge that this may not sit directly within your Terms of Reference, we believe it is a significant issue, and one that should be flagged as part of the review. We continue to raise it with both politicians and government departments, and would encourage the secretariat to do the same. Should you require more information or background, we would be pleased to assist.

We thank you for the opportunity to provide our comments on the review.

Yours sincerely,

John Bouffler
Executive Director

Appendix 1
CEWA MEMBERSHIP AS AT 31 OCTOBER 2017

Aboriginal Legal Services of WA Inc	Enable WA
Accessibility WA	Escare Inc
Accordwest	Ethnic Communities Council of WA
Activ Foundation Inc	Ethnic Disability Advocacy Centre
Advocacy South West Inc	Family Inclusion Network (WA)
Advocare	Family Support WA Inc
Albany Youth Support Association	Financial Counsellors Association of WA Inc
Alzheimer's Australia WA	Foodbank WA
Anglicare WA Inc	55 Central
Armadale Community Family Centre	Fremantle Multicultural Centre Inc
Association for Services to Torture & Trauma Survivors (ASeTTS)	Fremantle Women's Health Centre
Asthma Foundation WA Inc	Goldfields Individual and Family support Association
Australian Red Cross WA	Good Samaritan Industries
Avivo	Gosnells Women's Health Service
Baptistcare	Headwest
Beehive Industries of WA	Health Consumers Council (WA) Inc
Black Swan Health Ltd	Helping Minds
Bladder and Bowel Health WA	Holyoake The Australian Institute For Alcohol & Drug Addiction Resolutions
Bluesky Community Group	Hope Community Services
Brightwater Care Group	Identity WA
Bunbury Community Legal Centre	Indigo Junction
Burdekin – Youth in Action	Interchange WA
Cahoots Org	Ishar Multicultural Women's Health Centre Inc
Calvary Youth Services Mandurah Inc	Key Assets WA Inc
Cancer Council WA	Koolkuna (The Eastern Region Domestic Violence Services Network Inc)
Centacare Employment and Training	LAMP Inc
Centacare Family Services	Lifeline WA
Centrecare Inc	Linkwest
Child Inclusive Learning and Development Australia Inc (CHILD Australia)	Margaret River Community Resource Centre
Chorus	Meath Care Inc
Coeliac Western Australia	Melville Cares Inc
Communicare	MercyCare
Community Legal Centres Association (WA)	Metropolitan Migrant Resource Centre
Community Vision Inc	MIFWA
ConnectGroups	Mission Australia
Consumer Credit Legal Service WA Inc	Mosaic Community Care Inc
Consumers of Mental Health WA	Multicultural Services Centre of Western Australia Inc
Continenence Advisory Service of WA	National Disability Services WA
Cyrenian House	Ngala Family Resource Centre
Derbarl Yerrigan Health Services Inc	Nulsen
Desert Blue Connect	
Employment Law Centre of WA	

Outcare
Palmerston Association Inc
Parkerville Children Youth Care Inc
Pathways Southwest
Pat Thomas Memorial Community House Inc.
Patricia Giles Centre
Peel Volunteer Resource Centres
Peel Community Living
People with Disabilities (WA)
Perth Inner City Youth Service
Pivot Support Services
Relationships Australia (Western Australia) Inc
Richmond Wellbeing
Rise Network
Rocky Bay Inc
Ruah Community Services
Sexual Health Quarters
Shelter WA
Silver Chain
South Coastal Women's Health Services
South West Refuge Inc
Southcare Inc
Southern Cross Care (WA) Inc
Southside Care
Starick Support Services
St Bartholomew's House
St John of God Outreach Services
St Patrick's Community Support Centre
St Vincent de Paul Society
Sudbury Community House Association
Swan City Youth Service
Technology Assisting Disability WA
Tenancy WA
360 Health
The Gowrie (WA) Inc
The Salvation Army
The Spiers Centre Inc
The WA Aids Council
Therapy Focus Inc
Uniting Aid
UnitingCare West
Uniting Church in the City
Vincentcare
Visability
WA Blue Sky Inc
WA No Interest Loans Inc.
WANADA
Wanslea Family Services Inc
Westcare Inc
Western Australian Association for Mental Health

Western Australian Council of Social Service
Women's Council for DFV Services (WA)
Women's Health and Family Services
Yaandina Family Centre
YACWA
YMCA Perth
Youth Focus
Youth Futures WA

