



Dan Tehan MP

FEDERAL MEMBER FOR WANNON



5 January 2012

The Hon Bill Shorten MP
Minister for Employment and Workplace Relations
PO Box 6022
Parliament House
CANBERRA ACT 2600

BY FAX: 02 6273 4115

Dear Minister *Bill,*

Review of the Fair Work Act

I write on behalf of two of my constituents, Leticia Harrison and Matthew Spencer, with regard to the review of the Fair Work Act you announced on 20 December 2011. Consistent with the terms of reference of the review, Leticia and Matthew would like an evidence based assessment of the operation of the Fair Work legislation following their attempts to alter the minimum hour requirements of the Retail Award.

In particular they would like their case to be examined with reference to the extent to which the Fair Work legislation is operating as intended with regard to "effective procedures to resolve grievances and disputes" and "any differential impacts across regions, industries occupations and groups of workers including young workers".

It is their strongly held view that the evidence of their case strongly indicates that the operation of the Fair Work legislation could be improved consistent with the objectives of the legislation.

As you would recall, Leticia and Matthew were two of six students who lost their work after school at the Terang Co-op hardware store in South West Victoria, due to the three hour minimum shift ruling the award modernisation process brought in.

Their manager could not continue to employ them for three hours because the business closed at 5:30 pm and they finished school at 3:30 pm. When the issue was raised with Prime Minister Gillard as the then Workplace Relations Minister she stated "she would act" to fix the problem. The problem is Matthew and Leticia are no longer students and are still waiting for the problem to be fixed nearly two years later and after more than 15 months of rulings and appeals.

Cont./...

As you would be aware the case is currently before the Federal Court with the Shop, Distributive and Allied Employees Union (SDA) having appealed against a Fair Work Australia decision to approve an application to vary the award, with the union having already hinted that if it loses its appeal to the Federal Court it will take the matter to the High Court.


Leticia and Matthew believe this lengthy sequence of rulings and appeals has been an arduous process and clearly shows that the laws in their current state need fixing as it would seem not even the Prime Minister could use them to keep her word.

Put simply, Leticia and Matthew believe the idea students in this country would be discouraged from working before and after school is a national disgrace. They sincerely hope the handpicked panel that will review the Fair Work Act not only agrees but also will do something about it.

For your information, I have attached a copy of Leticia Harrison's statement to Fair Work Australia's first hearing on the "Application to vary the general and retail industry award 2010" and a letter Matthew and Leticia sent to their employer, copied to the then Prime Minister and Deputy Prime Minister, asking for their jobs back.

I look forward to receiving your reply and please don't hesitate to contact me should you require any further detail.

Yours sincerely



Dan Tehan MP
Member for Wannon

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Ref: cdb/dt.mc

FAIR WORK AUSTRALIA

Fair Work Act 2009

**APPLICATION TO VARY THE GENERAL RETAIL INDUSTRY AWARD
2010**

AM2010/16 AND 17

STATEMENT OF LETICIA HARRISON

I, Leticia Harrison, of 242 McCrae Rd Kolora, in Victoria, Australia

1. I am a school student and am currently completing Year 11 at Terang Secondary College.
2. From November 4th 2008 to January 1st 2010 I was employed by Peter Clarke Manager of Terang Home Hardware.
3. I would generally work 10 hours per week. Because of my school commitments I was only available to work from approximately 3.30pm on school days. My employer closed their shop at 5.30pm. As a result, it was only possible for me to work a maximum of 2 hours on school days.
4. I am no longer working for my employer. I am aware that this is because my employer now has to employ me for at least 3 hours each time I work.

5. I enjoyed working for my employer. I think it is unfair that my employer is unable to give me the hours that I want to work because they have to pay me for at least 3 hours per shift.

Leticia Harrison

6. As a result of losing my job I have started a petition. A copy of the petition is attached to this statement. At the time of giving this statement I have in excess of 1500 signatures on the petition.

Leticia Harrison

7. I understand that my employer has been told that they have to pay me some back pay because they did not pay me for the minimum number of hours. I do not want this back pay. I just want my job back.

Leticia Harrison

Signed

Leticia Harrison

Date 19.04.10

23rd March 2010

Dear Charlie

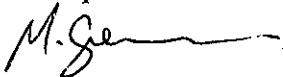
We are writing to you as we have heard that the Fairwork Ombudsmen has asked that you back-pay us for 12 months of work that we have not done. We have decided that we don't want the money; we would rather have our jobs back.

We do not feel that you have exploited us in any way as we had agreed that we would work for an hour and a half after school as it suited with our school hours and the opening times of the Hardware store. We would prefer that the work could continue with the same hours.

Surely if we want to work for an hour and a half after school we should be able to do so, especially when the hardware store is only open until 5.30pm. This job has given us independence, skills and confidence that when we leave school will be valuable to us in finding future employment. We do not want the back-pay and ask that you do all you can to help get our jobs back.

Regards

Matthew Spencer



Leticia Harrison



cc: Prime Minister Kevin Rudd
Deputy Prime Minister Julia Gillard