



National Office Bulletin

RTBU Members' Newsletter 3/2005

IR Reform: The Shape of Things to Come

In this edition of *your* RTBU National Office Bulletin:

- **The Federal government steps up its anti-worker and anti-union crusade**
- **Key features of this anti-worker and anti-union legislation outlined**

A lot has been said recently in the media about what the Federal Government intends to do with industrial relations legislation when it gains control of the Senate in July. There is absolutely no doubt that they intend to make life for workers and unions very difficult.

But Prime Minister Howard and company have not been simply sitting back waiting for July to come around. Consistent with past practice, the recently re-elected Howard Government has hit the ground running on industrial relations matters.

Since its re-election in October 2004, the Federal Government has introduced 8 pieces of legislation into Parliament on industrial relations. Not unexpectedly, each piece of legislation is designed to either remove existing entitlements enjoyed by workers or undermine the bargaining strength of workers seeking to negotiate a reasonable enterprise agreement.

Some of the highlights of this anti-worker and anti-union legislation include:

1. Broadening the legal right of an employer to deny a union officer entry to the workplace regardless of the fact that the members want to see their full time union representative.
2. The right of a union officer to enter a workplace for membership recruitment purposes is to be restricted to once every six months.
3. Banning employees in a company of less than 20 employees from exercising their current right to pursue an unfair dismissal claim in the Industrial Relations Commission when they believe they have been unjustifiably sacked.
4. Remove the current entitlement of employees in a company of less than 15 employees to the minimum entitlement to severance pay if made redundant. This severance payment was part of the outcome of the ACTU test case on redundancy that was before the Industrial Relations Commission prior to the last election.

5. Remove the capacity of a union to have an agreement that contains a bargaining fee provision certified by one of the State Industrial Relations Commissions.
6. Impose further restrictions on the right of building and construction workers to take industrial action including a significant increase in the amount and type of penalties that can be applied and broadening the range of people who can seek to prosecute these workers. Importantly, railworkers employed in maintenance activities (excluding rolling stock) can be caught by these provisions
7. Make it easier for an employer to seek the suspension of a bargaining period. In other words if a union is taking protected industrial action and it begins to have the desired effect, the employer could seek to have the bargaining period suspended and if it is suspended the industrial action is no longer protected. In other words it is designed to undermine a union enterprise bargaining campaign.
8. Permit a party other than the employer to make an application to have a bargaining period suspended based on a claim that this third party has been adversely affected by the taking of protected industrial action. In other words, a person who has nothing to do with either the employer or the union can “butt in” and attempt to undermine the union in its negotiations.
9. Override the recent industrial manslaughter laws introduced in the ACT so that they cannot be applied to the Commonwealth as an employer.

This is not an exhaustive list of the action being taken by the Government but it gives you a good idea about what it is up to and a good idea of what is to come.

At present, of course, the Government doesn't have control of the Senate and these types of provisions are unlikely to be passed in their current form. But, everything changes after July and it is odds on that these provisions and others will be put back before Parliament and end up in legislation.

This Government will strip the industrial relations system of any form of fairness and stack the deck more in favour of the employer than is currently the case. Workplace Relations Minister Andrews has a problem with “fairness”. He thinks it leads to “regulatory excess and inefficiency” (whatever that means), relying on the views of big business for support. He also refuses to give a guarantee that workers will not be worse off under the Government's proposed changes – no prizes for guessing why.

The RTBU will continue to keep you apprised about what is happening in this area. You won't hear the full story from the government or the bosses or the media. These changes are designed to negatively affect your rights and your capacity to deal with your employer. Harking back to the 19th century, the Government wants a situation where the bosses are the “masters” and you are the “servants”. And, as history has shown, it is only when workers stick together and support one another that they can expect fairness and dignity.