



# UNITE

**INSIDE:** Important information for working families about your choice on IR policy.

## Who is better able to protect your rights at work?

**On November 24 Australia will decide**

**WorkChoices has already hurt hundreds of thousands of working families, including:**

- Workers in small and medium sized businesses that have lost protection from being sacked unfairly (nearly 4 million workers).
- Employees on AWA individual contracts earn on average \$106 a week less than workers on collective agreements.
- Workers in cafes, shops and restaurants including large numbers of young workers that have been hit hardest by WorkChoices and have lost up to a third of their take home pay (1.7 million workers).
- Low paid workers that have experienced a cut in real terms to their minimum award wages under the Howard Government's new pay commission (1.5 million workers).

In this edition of Unite we compare the major parties on IR and we look at how workers have been holding up under Workchoices.



**yourrightsatwork**  
worth fighting and voting for

## Worse off under WorkChoices



**"John Howard used to be my hero, I always voted for him. But his new laws have taken away my rights and pay. John Howard's got to go."**

Spotlight worker Annette Harris, offered a AWA that cut her penalty rates and overtime, for a pay rise of 2 cents an hour.

**"Staff can be directed to work on public holidays... 'Family commitments' is not considered exceptional circumstances"**

Telstra management memo to staff about Howard Government IR laws (Daily Telegraph 26 April 2007)

**Technicians at Radio Rentals in SA were locked out of their workplace without pay for seeking a collective agreement.**

The workers had not received a pay rise for three years and their employer used the new IR laws to insist they all sign AWA individual contracts, removing many protected conditions.



## The Federal Election is an opportunity for working families to protect their rights at work and vote against the Liberals' and Nationals' unfair WorkChoices IR laws.

The Howard Government's WorkChoices laws have taken away important rights and conditions such as public holiday pay, penalty rates, redundancy pay, overtime pay and protection from unfair dismissal.

Workchoices is impacting very harshly in the Australian community.

Women now earn less, on average, compared to men than they did when John Howard was elected eleven years ago. Workplace Relations Minister Joe Hockey's claim that the wages gap between men and women has narrowed under the Howard Govt is simply not supported by the evidence.

Research recently highlighted by the ACTU shows the Government's unfair IR laws have particularly hurt women on AWA individual contracts with women on AWAs only earning 81 cents for every dollar

\*Source: ABS 6306.0 Employee Earnings and Hours, Australia, May 2006

earned by men on AWAs while women on collective agreements faring better, earning 90 cents for every dollar earned by men.\*

Women on AWAs are earning on average \$87 less per week than their counterparts on collective agreements and for part-time women, the difference can be as much as \$140 per week.\*

Young people are particularly vulnerable under the IR laws. Many ASU members have voiced their concern for the kind of workplaces our kids will inherit if these laws are allowed to continue.

Even if your employer has always bargained collectively with you the new laws make it illegal to have certain clauses in your Agreement.

At the last election, the Liberals and Nationals did not tell the public about

their plan to introduce WorkChoices and strip away workers' rights but went ahead and did it anyway.

This election is the first chance for the Australian public to tell John Howard and Peter Costello what they think about their unfair WorkChoices IR laws.

This election is a very important opportunity to stop the Coalition from going further on industrial relations if it gets re-elected,

I urge you to look at the policy differences and vote at this election for your rights at work.

### ASU Audited Accounts

The 2006-2007 audited accounts of the Australian Services Union, Victorian Private Sector Branch are now available on our website at [www.asuvic.org](http://www.asuvic.org)

## Bargaining barriers under WorkChoices

National Assistant Secretary Linda White explains how complex and unfair bargaining is under 'Workchoices'.

**Bargaining has never been easy in ASU workplaces but at least in times past it was fairer than it is now.**



WorkChoices has made it increasingly difficult for employees to get a fair deal in enterprise bargaining.

The legislation even restricts employees' right to decide what to bargain for. WorkChoices tells you what you can have and when you can have it. Nowhere else in the world are such limitations on bargaining imposed on the parties.

Even in the USA, where union contract negotiations are extremely difficult, there is no limitation on what unions or employees can bargain for. In Australia we find ourselves tied up in red tape negotiating our way through the government-classified

'prohibited' bargaining items.

Employers, employees and unions face fines up to \$33,000 (organisation) or \$6,000 (individual) if they mistakenly claim something the government has deemed by regulation (not by legislation) to be illegal.

This means a number of issues contained in bargaining agreements are now illegal and must drop out of future agreements regardless of the wishes of the parties.

To claim that the government isn't interfering with the will of employers and employees is ridiculous. WorkChoices has made bargaining more complex and has dramatically slowed the agreement checking process

### What if bargaining breaks down under WorkChoices?

There's nowhere you can go to break a deadlock. Under the old system there was

the possibility of conciliation by the Australian Industrial Relations Commission. Under WorkChoices the only option is to apply pressure through strikes or bans. This forces employers and employees into conflict when an independent third party could have helped them reach agreement.

We deserve a much better enterprise bargaining system where the will of employees is respected. WorkChoices does not put any onus on employers to bargain with anyone. What is wrong with a majority of employees who want a collective agreement having their view prevail? What is wrong with good faith bargaining? It works in other countries, why not in Australia?

WorkChoices tips the balance towards an employer more than any other system in the world. There is only one way to tip the balance back, which is to oust the Government who has given us these laws. If we don't, we ain't seen nothing yet.

# HOW THE PARTIES COMPARE

Australian workers have a clear choice at this election

*Labor's industrial relations policy is a positive alternative to the Howard Government's harsh and unfair Workchoices regime.*



**Below is a summary of the key differences between Workchoices and Labor's alternative. For more detailed information go to [www.asvic.org](http://www.asvic.org) click on the Your Rights at Work button and download the factsheets.**

## **AWA individual contracts cut wages and conditions**

### **Howard Government's IR laws:**

- AWA individual contracts cut pay and conditions such as public holiday and weekend pay, overtime and penalty rates.
- Employers can make signing an AWA a condition of getting a job or promotion.
- Workers sacked and offered their job back on an AWA that cuts pay and conditions.

### **Labor's IR alternative:**

- AWA individual contracts will be abolished.
- Workers' pay and conditions will be protected including overtime loadings, penalty rates, annual leave, public holidays, rest breaks and redundancy pay.
- Guarantee that workers must be better off overall in negotiations over pay and conditions.

## **Collective bargaining**

### **Howard Government's IR laws:**

- Employers can refuse to bargain collectively with workers, even if that is what a majority of workers want.
- Restrict the right to monitor workers' health and safety by excluding unions.
- Restrict unions' ability to check that workers are being paid their proper entitlements, making it easier for employers to avoid prosecution.
- Individual workers can be fined up to \$6,000.

### **Labor's IR alternative:**

- Workers have a right to bargain collectively, if that is what a majority of employees in a workplace want.
- Workers have the right to join a union and participate in union activities if that is their choice.
- More say for workers through collective agreements.
- No restriction on what the parties can include in collective bargaining agreements.

## **Millions of workers have lost protection from unfair dismissal**

### **Howard Government's IR laws:**

- Over four million working Australians have lost protection from being unfairly sacked.
- Workers in larger businesses can be sacked for 'operational reasons'. For example if the business wants to employ workers, for the same job, on lower pay.

### **Labor's IR alternative:**

- Workers protected from unfair dismissal.
- In small businesses with over 15 workers, protection would apply after 12 months employment and after 6 months in all other sized businesses.

## **Working families under pressure**

### **Howard Government's IR laws:**

- Workers can be put on AWAs with just five minimum conditions.
- More power for employers to dictate working hours.
- Workers must negotiate conditions like overtime pay, penalty rates, public holidays and annual leave entitlements.

### **Labor's IR alternative:**

- At least ten award conditions protected including public holidays, penalty rates, overtime and annual leave.
- More say for workers over rosters and shifts.
- An extra year of unpaid leave after the birth of a child and the right to request flexible working hours until children are school age.

## DON'T BE FOOLED:

The Howard Government has dropped the name Workchoices but has kept the same old unfair IR laws.

# New name for the same old unfair laws: Millions miss out on 'fairness test'

Under intense pressure over its Workchoices legislation the Howard Government introduced the fairness test supposedly to protect workers having Award conditions taken away without proper compensation. Like much of the IR laws its all a bit of a mess. Unite exposes the loopholes in the so called 'fairness test'.

**Recent changes to the laws called the 'fairness test' are not about protecting workers. They are a political stunt and Treasurer Peter Costello has even refused to guarantee that the Government will not repeal or water down the fairness test if it wins the federal election (6 May 2007, Ch 9 Sunday Program).**

The 'fairness test' does not guarantee workers get full financial compensation for losing their penalty rates, overtime pay, public holiday pay, annual leave loading, or other award conditions they lose under the Federal Government's industrial relations laws.

### The so called 'fairness test' is full of loopholes:

- There are around 2.5 million workers who will not benefit from the 'fairness' test because they are already on unfair AWA's that were lodged before 7 May 2007. Also workers earning more than \$75,000 are not covered by the test.
- Workers with family responsibilities are particularly at risk. Employees whose availability to work is restricted due to family responsibilities or other personal circumstances have no guaranteed entitlement to penalty rates or shift pay under the 'fairness test'.
- Non-monetary compensation can be offered to workers in exchange for losing their penalty rates or overtime pay under these changes. And in some cases, workers in country areas or young workers may also not receive proper financial compensation.

### A Step Backwards for Fairness

The 'fairness' test is inferior to the previous 'no disadvantage test' in key ways:

#### 1. No role for the independent umpire (AIRC)

The 'fairness test' provides no role for the independent umpire to scrutinise AWA's. Under the 'fairness test' an individual dissatisfied with the compensation they receive for losing their penalty rates, overtime and other Award conditions has nowhere to go.

#### 2. Fewer workers are protected

Around 2.5 million workers are not covered by the 'fairness test' and receive no protection.

#### 3. A limited set of award conditions are taken into account

The 'fairness test' does not take into account all award conditions when determining if the AWA individual contract is fair. Redundancy pay, maternity leave, and a say on the rosters were previously taken into account in the 'no disadvantage test' but are now not protected and can be abolished with no compensation to workers.

#### 4. AWA's are not checked before they apply to workers wages and conditions

Under the Workchoices system AWA's are checked only after they start to apply. This means that workers lose their award conditions first, and then the 'fairness test' is applied later.

*Just like the Government's decision to stop using the name 'Workchoices' for its IR laws this 'fairness test' is nothing more than a cover up and working families will see right through it.*

*The fact is that the Howard Government IR changes do not adequately protect worker from losing their penalty rates, shift allowances, overtime pay or other award conditions.*

## New fees from 1 January 2008

The ASU Branch Executive has set the level of union membership fees for 2008. This modest fee increase will allow the ASU to run workplace campaigns, recruit and organise workers and contribute to the national campaign to secure fair workplace laws.

	30+ hours per week		Up to 30 hours per week	
	Adult \$	Junior \$	Adult \$	Junior \$
Weekly	9.40	7.20	6.85	5.45
Fortnightly	18.80	14.40	13.70	10.90
Monthly	40.75	31.20	29.70	23.60
Quarterly	122.20	93.60	89.05	70.85
Yearly	488.80	374.40	356.20	283.40