

SPEAKER'S NOTES - MAY 2005

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Changes to the Senate will mean your rights at work will be taken away¹

- For over a hundred years, Australian workers have been able to rely on basic workplace rights to provide them with decent living standards. This is now under threat.
- From 1 July the Howard Government will - for the first time since it came to power in 1996 - have control of the Senate. Since it will have control of both houses of parliament, it will be able to pass whatever laws it likes, with no checks or balances.
- Because of this situation in the Senate, the Opposition parties - Labor, the Democrats, the Greens - will have no say about these laws until at least the next federal election in 2007.

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- One of the first things that the Government has said it will do with its new Senate power is take away many of your basic rights at work.
- Lots of Australians voted for John Howard and his government last year. But these voters didn't expect them to have a free hand to change whatever laws they liked.
- Today, we're here to talk to you about what we can do in the face of these planned changes.
- Unions are committed to protecting the living standards of working people. We know a lot of people are only just keeping their heads above water and can't afford to go backwards.
 - *With your help, we are determined to make sure we all stick together to defend our rights as well as making sure that others - like our kids, neighbours and friends - aren't taken advantage of at work.*
 - *We don't want Australia to become a country which relies on taking advantage of the weakest in our community. We don't want to become a dog-eat-dog country where anything goes, like the USA.*

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- *Like you, unions want an Australia where you can get a decent job with a good income, where you can go to work each day expecting to be safe, to be treated fairly and to have your hard work recognised. Where you know that when you retire you'll have some money set aside.*
- *We want an Australia where families have some sense of security about their future. Where people are brought to account if they do the wrong thing. For our country to be fair and decent, we need our workplaces to be fair and decent.*
- But the government is about to make it even harder for working families to stay afloat.

¹ It is not intended that headings in **bold** will be read out.

Text in italics is optional. Without optional text the speech takes about 20 minutes.

Who wants the laws to change? Big business

- Not surprisingly, the main driver of these changes is big business.
- It's the job of owners and senior managers to maximise profits for their businesses. To get these profits, they will do what they can to reduce costs.
- Business already has lots of ways to get around providing decent, secure jobs - by making more people casual, by contracting jobs out to companies that pay lower wages, by sending jobs overseas. But they want more.

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- Business is lobbying to take away the basic rights that you rely on at work. They want more power to be able to tell you what to do, and they want you to have less protection and less capacity to stand up for yourselves.

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- The Business Council of Australia, which lobbies government on behalf of Australia's biggest companies, has made its position clear - it has said that the current debate about workplace laws should not get bogged down in the concept of "fairness".
- And the Australian Chamber of Commerce and Industry has admitted that it wants to cut minimum wages.

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- The Liberal and National Parties - and John Howard - are backing these big business demands. They are willing to take away your basic rights at work, and to make it harder for unions to represent you.
- Again, this is hardly surprising. We know how the Howard Government feels about unions.
- We need to make sure that the Howard Government knows what we think about its plans. We will campaign hard to try and convince the Government not to agree to big business's wishlist.

What are the changes?

- So what is the Howard Government planning to do? We don't know exactly, they haven't released the details yet. But we know a few things.
- They have said, as far as possible, they want to get rid of State industrial relations systems.
- The Government will then use its federal system to attack basic entitlements and shift power to employers. There are six key things that they will do:

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First: They want to remove important conditions from all awards

- 1.6 million Australians rely on awards for all their wages and working conditions.
- For millions of others who have some sort of enterprise agreement, awards still underpin important rights like annual leave, parental leave, overtime pay and redundancy pay.
- In 1996, the Government stripped federal awards back to 20 matters. Now they want to take even more out of these awards, like:
 - skills based wage rates,
 - anything to do with transfers or training,

- long service leave,
 - jury service leave,
 - union picnic day holiday,
 - bonuses,
 - minimum and maximum hours of work for part timers,
 - the ability of long term casuals to ask for permanent work,
 - and (possibly) superannuation.
- For those workers who are now in State systems, even more things will be lost when they are dumped into the stripped back federal awards.
 - Business wants the Government to get rid of even more award conditions - like extra pay for weekends and public holidays, overtime pay, and limits on when you can be asked to work.
 - With lower award conditions, it will be even harder to negotiate a decent agreement with your employer.
 - This is a big step backwards for Australian workers.

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Second: They want to change the way that minimum wages are set to make them lower

- For more than 100 years minimum wages in Australia have been set and regularly increased by the independent umpire, the Industrial Relations Commission.
- The minimum wage in Australia is currently \$12.30 an hour, or \$467 a week (full time).
- The Howard Government has opposed every application by unions to increase minimum wage rates. If the Government had its way, minimum wages would be \$44 a week lower than they are now.

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- Now the Government wants replace the current system with one that's politically driven and designed to make sure we have lower minimum wage rates. It will probably set up a 'panel of experts' made up of right-wing economists to decide what minimum wages should be.
- Business is also pushing Government to scrap the current system of different minimum wage rates for different types of work. They want just one minimum wage for all jobs.
- This will create a US style system, where the minimum wage is just \$5.15 and hasn't increased in 8 years. Having an underclass of working poor makes it harder for everyone to maintain their living standards.
- To stop this, we need the independent Industrial Relations Commission to set decent minimum wages.

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Third: They want individual contracts to undercut existing rights and conditions

- In 1996 the Howard Government introduced AWAs - individual contracts designed to undercut awards and collective agreements. AWAs now cover about 400,000 Australians, and can be forced on to all new employees.

- So over time - particularly in workplaces with high turnover - employers can gradually shift the majority of people on to AWAs, even if there is a collective workplace agreement in place.
- AWAs take away your ability to negotiate collectively with your boss. They're often used to make it easier for employers to have more control over working hours, and to get rid of payments like overtime and weekend rates of pay.
- Now the government plans to make it even easier to force people on to AWAs, by making sure that you can be taken off a collective agreement at any time and put on to an AWA. Business also wants AWAs to be able to lock employees in for up to 5 years (currently it's 3 years).

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- The more people are on AWAs, the harder it will be to hang on to your own wages and conditions. Because if you lose their right to negotiate and bargain collectively, this will mean a drop in living standards across the board.

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Fourth: They want to keep unions out of workplaces and reduce negotiating and bargaining rights

- As well as representing their members, unions strive for better wages and conditions for all working people, through awards and collective agreements.
- Union members still get the best deal - they earn an average of \$125 a week more than non-union workers. Negotiating collectively with their employer delivers this better result.
- So the Government and big business want to make it harder for unions to do their job.

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- The Howard Government is already trying to pass laws that will make it much harder for unions to visit your workplace. They want unions to give 24 hours written notice of their reason for a visit, and want to let managers restrict where the union can talk to you.
- Employers will be encouraged to monitor union discussions, and will have the right to know whether you are in a union or not.
- And worst of all, unions won't be able to visit a workplace more than once every 6 months (if they talk about recruiting while they are there).
- The Government also wants to make it harder to legally take industrial action, like strikes, if negotiations just aren't giving working people a decent outcome:
 - Complicated secret ballots before all strikes,
 - Limits on how long you can be on strike and what you can take strikes for, and
 - Making it much easier to apply to end strikes,
 will all make it harder to stand up for your rights when you really need to.
- And the Government wants to increase penalties for unions and workers in respect of their complex new laws.

- The Howard Government says that it doesn't want unions 'interfering' in workplaces - but this means is that they don't want unions 'interfering' with employers' demands on you.
- We need unions to be able to represent you, at your workplace, without the fear of heavy fines. Unions don't just represent their members - they fight for everyone's basic work rights.

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Fifth: They want to abolish redundancy pay and unfair dismissal protections for everyone who works in a small business

- The Howard Government is determined to take away all unfair dismissal protection for people working in small businesses - around 3 million Australians.
- If these people are sacked unfairly, or not even given a reason for being sacked, they will have no protection under federal law.
- The Government is already trying to pass laws that would take away the right of everyone working in small businesses to get redundancy pay - leaving them with nothing if they get sacked for no fault of their own.
- The Howard Government obviously thinks your job security should be totally disposable, and that anyone who works for a small business isn't entitled to even the most basic rights.
- We have to wonder if they are going to stop with small business - or will they deliver another free kick to their big business mates by getting rid of unfair dismissal laws for everyone?

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Finally: They want to reduce the powers of the independent umpire - the Industrial Relations Commission - to settle disputes and set minimum work standards

- For over a hundred years, state and federal Industrial Relations Commissions have been able to settle disputes, and to make awards to set decent workplace rights for all Australians.
- Industrial Relations Commissions have provided an independent forum where working people can take disputes if things go wrong.
- Now the Howard Government wants, as far as possible, to get rid of all State Industrial Relations Commissions and to take powers away from the Australian Industrial Relations Commission.
- The Government doesn't want the federal Commission to set minimum wages, to fix industrial disputes, or to consider new award conditions.
- Taking away the role of the independent umpire is a recipe for more disputes and lower workplace standards.

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What will all of this mean for working people in Australia?

- They will lose basic rights at work.
- Power will shift to business at expense of working people.
- It will be harder to get ahead.
- Many people will be working harder and longer for less.
- This will all impact on the Australian way of life that we value.

What unions are going to do about this - our principles

- Unions are committed to campaigning against these changes and to protecting your basic rights at work.
- We want the Howard Government to understand that working people are opposed to its plan to reduce living standards, and that you know the Government is about to give another free kick to big business.
- We will campaign for:
 - A strong safety net of decent minimum wages and conditions.
 - Your right to reject individual contracts and bargain collectively for fair pay and conditions.
 - Your right to join a union and access the benefits of union membership.
 - A strong, independent Industrial Relations Commission to set fair minimum wages and conditions and to settle disputes.

What you can do - information campaign

- Working people and concerned community members everywhere need to send a strong message to the Howard Government that Australia doesn't support their plan to attack basic rights at work.
- Winning in the court of public opinion is critical to this campaign.
- With the backing of strong public support, the union movement has been able to achieve great results in other big campaigns:
 - Like getting compensation from James Hardie for asbestos victims.
 - Like getting sacked waterfront workers their jobs back in the face of guard dogs and security guards in balaclavas.
 - Like making sure Ansett workers got most of their entitlements.
- The Government knows it has to get re-elected in a few years and it spends a lot of time and money monitoring what Australians are saying - like what they say on talkback radio, and what they write to their local Members of Parliament about.
- So the first thing we need to do is make sure as many people as possible know what is really happening. Talk to your workmates, family and friends - make sure they know what the Howard Government has in store for them.
- Secondly, you can visit the ACTU's website, which has more campaign information you can use and distribute. You can also register your interest there to receive campaign updates.
- Thirdly, you can tell your local Liberal or National Party member of parliament that you oppose these plans. The ACTU's website has information that will help you do this.
- Fourth, there will be a national week of action starting on 27 June. Get involved in your local activities - we'll keep you updated closer to the time.

- Finally, the ACTU is planning to run a series of paid advertisements to boost awareness of this campaign. Television advertising is very expensive, and you can contribute by making a donation to the ACTU's campaign fund.

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You will have to stick together at your workplace

- But probably the most important things you can do are in your own workplace.
- Not all employers will use the new laws that the Government will give them.
- Workers who stick together and make sure their employer keeps dealing with them as a group, will be in the best position to resist these changes. Our commitment to sticking together - bargaining together - has to stay strong.
- You need to make sure that your workplace is fully organised and able to defend itself against any new laws.
- You and your workmates can also sign a workplace petition and ask your employer to sign a Rights at Work charter. You can get these on the ACTU's website or we can give you copies.

Beyond your workplace

- If your workplace has strong union membership then you might be able to help others to organise their workplaces.
- We have to try and protect as many workers as possible from having their basic rights taken away. Not just ourselves - also other workers, who might be our kids, our wives or husbands, or our friends.
- You need to think about the people you don't know, who might work at the place down the road that competes with your employer's business. Ask yourself whether they are able to defend themselves against these laws.
- The most vulnerable workers will be unorganised workers - those left to bargain individually with their employer without union support. Even reasonable employers will be tempted to cut working conditions if they know they won't be met with any resistance.
- Of course, even some employers of organised workers might become a bit gung ho and want to use the new laws. We have to be prepared for this. We have to be ready to negotiate with employers in a more hostile environment.

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Conclusion

- This is one of the toughest challenges the Australian union movement has ever faced. We will need to have a disciplined, focused and well resourced campaign to make sure we get the best possible outcome for working Australians.
- Our campaign won't end when the laws are passed. We will make sure that people know that their workplaces are changing for the worse because of the Howard Government's decision to support big business demands.
- We will do everything we can to campaign against these laws, and we will need your help.
- Your rights at work are worth fighting for. It's a fight we have to win.