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THE AGE

Bosses can block promotions unless staff sign AWAs

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EMPLOYERS can withhold promotions from their staff unless they agree to sign Australian Workplace Agreements, the Federal Court has found.

The decision means any employee in Australia could be forced to sign an **AWA** unless they plan to stay in their current job at their current level until they retire.

The Federal Court ruling was based on the case of Arne Bishop, a landscape gardener working for Landscape Direct on an Australian Defence Force site in Canberra.

When Mr Bishop's boss asked if he would like to fill in as a site supervisor, he agreed, receiving a \$2.18 per hour pay rise to do so. Two months later he was offered the job permanently, but was told he had to sign an **AWA**. He refused on principle, but continued to fill in as supervisor.

Six months later Mr Bishop was asked to reconsider. He again refused to sign an **AWA**, and weeks later he returned to his old position, relinquishing the promotion and the pay rise. He quit the firm soon after.

"This exposes the piffle about choice that big business has been spouting," said Unions NSW secretary John Robertson.

"It again shows that all the power lies with the employer."

Under workplace law it is legal to make new employees sign AWAs, but illegal to apply duress to make existing staff sign them.

Critics of the new laws say that as up to a quarter of the workforce changes jobs each year, and new employees can be forced to sign AWAs, they could become the dominant method of employment, effectively sidelining unions from negotiations.

Mr Bishop's lawyers argued that by offering the promotion and pay rise on

the condition that he sign an **AWA**, Landscape Direct had applied duress.

But, in his findings, Justice Rodney Madgwick said, "Merely to remind an employee of his or her weak economic position or of the consequences of not entering into an **AWA** is, of itself, unlikely to constitute the application of duress."

Mr Bishop's lawyer, Phillip Harris, said he was not surprised by the result. "It means any worker is locked into their present position if they want to avoid an **AWA**," he said.

Table :

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AC NIELSEN/AGE POLL
VOTERS' VIEW VOTING INTENTION
PARTY TOTAL TOTAL TOTAL TOTAL TOTAL BY AREA BY AGE
Election 23-26 20-23 18-20 15-17 City Rural 18-24 25-39 40-54 55+
Oct Mar Apr May Jun
2004 2006 2006 2006 2006

Labor 38 37 38 40 36 38 33 43 38 36 33
Liberal-
National 47 43 43 41 41 40 43 35 37 38 51
Democrats 1 2 2 2 2 2 2 2 3 2 2
Greens 7 8 10 11 11 12 8 12 15 10 7
Independent 2 5 4 3 6 5 7 5 4 7 6
One Nation 1 1 1 1 1 <0.5 1 0 1 1 1
Other 4 3 3 2 3 2 5 3 3 7 1

TWO PARTY PREFERRED
Labor 47 50 51 54 51 54 47 57 57 52 43
Liberal-
National 53 50 49 46 49 46 53 43 43 48 57

PRIME MINISTER HOWARD'S PERFORMANCE
Approve 56 49 53 54 52 48 55 52 53 57
Disapprove 35 44 42 38 41 34 33 40 40 36
Uncommitted 9 8 5 8 8 8 12 7 7 7

TOTAL TOTAL TOTAL TOTAL TOTAL BY AREA BY AGE
Election 23-26 20-23 18-20 15-17 City Rural 18-24 25-39 40-54 55+
Oct Mar Apr May Jun
2004 2006 2006 2006 2006

OPPOSITION LEADER PERFORMANCE
Approve 32 30 39 39 38 42 49 38 37 39
Disapprove 54 57 51 48 47 49 31 47 53 52
Uncommitted 14 12 10 13 15 9 20 15 10 10

PREFERRED PRIME MINISTER
Howard 59 52 54 54 53 56 56 51 53 56
Beazley 27 32 34 33 33 34 34 37 32 30
Uncommitted 15 16 12 13 15 10 9 12 15 14

Which of the major parties, Coalition or Labor, would be best at handling
industrial relations?
Coalition 30%
Labor 50%
Both <0.5%
Neither 6%
Don't know 14%

Do you support or oppose the changes?
Strongly support 7%
Support 19%
Neither support
nor oppose 14%
Oppose 20%
Strongly oppose 37%

From what you have heard about the industrial relations changes do you
think you personally will be
Better off 6%
Worse off 27%
Make no difference 64%

*ALL FIGURES ARE IN PERCENTAGES
THE ACNIELSEN/AGE POLL IS CONDUCTED ON THE TELEPHONE STATEWIDE. INTERVIEWS
WERE CONDUCTED ON JUNE 15-17 2006 WITH 1425 ELECTORS. THE MAXIMUM MARGIN
OF ERROR TO APPLY TO THIS SAMPLE IS APPROXIMATELY 2.6%. UNCOMMITTED VOTERS
(8%) WERE REDISTRIBUTED. FIGURES MAY NOT ADD TO 100% DUE TO ROUNDING.
ON IR CHANGES

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