

[[Major News - ACTU Mentions](#)] [[Next](#)]

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Unions mount IR counter-attack

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· Combet outlines plan to scrap Work Choices · Beazley pressured to back **ACTU**

Trade unions would have wage negotiating and representational rights in workplaces where they had just one member, under an **ACTU** blueprint for radically rewriting Australia's workplace laws to entrench collective bargaining.

The plan unveiled yesterday by **ACTU** secretary **Greg Combet** provides for majority workplace ballots to decide if employees want to be covered by collective agreements as a last resort, but it allows unions to sit at the negotiating table before a ballot is held.

The **ACTU** plan also clears the way for legal strikes in pursuit of industry-wide or pattern agreements and gives the Australian Industrial Relations Commission a major role in overseeing bargaining, which will be opposed by employer groups.

The plan appears to be at odds with Labor leader Kim Beazley, who insisted last week that collective agreements should be negotiated only where a majority of the workers wanted one.

Labor's industrial relations spokesman, Stephen Smith, said yesterday that under the opposition's plans it would not be possible for minority workers to successfully demand a collective agreement.

"They could pursue one, but under our arrangements they wouldn't be successful," he said.

Denying a split between **ACTU** and ALP policy, Mr Smith said the report on collective bargaining released by Mr Combet yesterday was not yet **ACTU** policy, let alone Labor's adopted position.

"I am happy to give it due consideration, and obviously the Labor Party will

bear very heavily in mind the views of the **ACTU** when they adopt them at their congress in October," Mr Smith said.

"We will use it as an important contribution to our deliberations [but] ALP policy will be determined by the Australian Labor Party including and in the run-up to our national conference in April next year."

Both Mr Combet and Mr Beazley have stressed their support for majority workplace ballots to decide if employers have to negotiate collective agreements.

But the **ACTU** wants union members to have a statutory right to representation. Unions would also have a right to initiate bargaining and to be parties to an agreement.

"This approach would still provide for collective agreements to be made without a union," the plan said. "However, where a union has a member, it should be entitled to represent the members and be party to an agreement."

Outlining his vision, Mr Combet said negotiations based on collective bargaining should be allowed without first ascertaining majority workplace support. He called for a "more flexible approach" where employers, employees and unions could voluntarily enter into collective bargaining at any time.

The plan calls for collective agreements to be binding on all employees in a workplace. Mr Combet said individual arrangements such as common law contracts would be available to offer improved deals, although unions and Labor wanted to abolish Australian workplace agreements.

The plan, which will be debated at next month's **ACTU** conference in Melbourne, also provides for the negotiations of agreements covering multiple employers. It proposed empowering the AIRC to determine whether pattern bargaining should proceed and who the bargaining parties should be, even when they are contested.

Controversially, lack of majority employee support "would not of itself" stop the AIRC from issuing good faith bargaining orders because it would be obliged to promote collective agreement making.

A break between the **ACTU** and the opposition on collective bargaining could blunt government attempts to portray Labor as a mouthpiece for the union movement.

In question time yesterday, Prime Minister John Howard accused Mr Beazley of letting the **ACTU** dictate his industrial relations policy.

"Under our policy you have many choices," the Prime Minister said. "Under the Labor policy, what comes out at the end of the process is what will be dictated by the **ACTU**, and the Leader of the Opposition knows it. It was laid down in black and white at the National Press Club today [where Mr Combet spoke]."

Looming above the current IR debate is the High Court challenge mounted by the states to the validity of the federal government's use of its corporations powers to implement its Work Choices legislation.

While hoping the court would judge the government's laws invalid, Mr Combet said if it upheld them it could become a potent future weapon against the Work Choices laws.

"If the High Court interprets the power widely I will ask the unions to support the use by a future Labor government of all the constitutional power available to it to repeal the government's laws and legislate a decent IR system," he said.

But powerful state-based union leaders such as John Robertson in NSW and Bill Ludwig are expected to fight policy proposals to have a dominant national jurisdiction.

Mr Combet, who has previously expressed interest in an expanded role for the federal system, said he supported the state systems but "we have got to get the balance right between the various jurisdictions. I see a continuing role for the state systems and the federal system".

Australian Industry Group chief executive Heather Ridout dismissed the vision outlined by Mr Combet as a return to heavy-handed days of industry-wide bargaining and compulsion.

WISH LIST

The changes to industrial relations laws that **Greg Combet** wants

- *Workplace law to promote collective bargaining and the right to take protected industrial action as the `principle means of determining pay and employment conditions.

- *AIRC required to promote good faith bargaining towards collective agreements, which bosses fear will amount to compulsory bargaining.

- *Employers required to negotiate a collective agreement if supported by a majority of employees.

- *Parties not required to agree on any matter but the AIRC can make `last resort' arbitrations.

- *Union members have statutory right to representation in collective bargaining and unions have right to initiate bargaining.

- *Lift ban on industrial action in pursuit of industry-wide or pattern bargaining.

- *AIRC able to determine whether pattern bargaining proceeds and who the bargaining parties are, even if contested.

- *Allow protected industrial action during term of an agreement where employer proposed `significant organisational change.

- *Make it harder for employers to lock out workers.

- *Scrap employer greenfield agreements and requirement to conduct secret ballots before taking industrial action.

Source: **ACTU**

Caption :PHOTO: **Greg Combet, ACTU** secretary

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