

Our rights are not

FOR SALE

The Federal Government plans to trade state funding for workers' rights, and the attacks have only just begun, writes AEU Federal Secretary **Rob Durbridge**.

The Federal Government's industrial relations agenda is waiting for no-one. TAFE teachers have joined university staff as the Federal Government demands that they are offered Australian Workplace Agreements (AWAs). The "Skilling Australia" Bill requiring this was introduced into Federal Parliament in May.

The Commonwealth is not waiting for control of the Senate or for the outcome of legal challenges to its ability to use the corporations power to override States' rights. Instead State and Territory Ministers are being told that they must sign an "agreement" to implement the Commonwealth's plans or they will miss out on the 30 per cent of TAFE running costs provided by Federal funds. The Commonwealth will require that every year State Ministers report on the progress they have made to implement the Commonwealth's objectives, outlined in a state vocational education and training (VET) plan, in order to be eligible to receive annual funding.

Sweeping new industrial relations requirements on employers include offering AWAs, more authority for college directors, performance management systems for promotion and underperformance, and the rewriting of workplace policies where

they are inconsistent with the Commonwealth's aims.

The plan includes the introduction of "genuine competition" and more "user choice", as well as more commercial activities. This is privatisation by any other name. Requirements in state awards for time-based training are to be removed in favour of competencies, and national licensing requirements on that basis will be pursued. Private VET providers are to be allowed to operate in public TAFEs on a commercial basis.

By attaching conditions to the money the Federal Government grants to states, it has pursued its agenda of reducing union influence and dismantling collective bargaining. TAFEs and universities have already faced the ultimatum put by the Federal Government—the money or the morals.

To get Commonwealth funds universities must deny the thousands of academics and general staff who have chosen to join unions the services and support they need. Higher education employers must offer individual contracts which can override certified agreements, remove security from employment and undermine staffing standards—all of which will affect the quality of education.

Educators in TAFE and schools can now see exactly how the Howard

Government intends to attack education, regardless of the rights of the states. They will tie critical funding to the achievement of their political ends. The achievement of those ends would harm the quality of public education we provide.

The state and territory governments must resist these demands; as their employees we must not allow them to trade off our rights. It is now clear that the Howard Government will use funding and the corporations law to create a centralised federal industrial relations system denying workers many of the rights we have won.

For our students, families and communities this will be bad news. Many workers face being left out in the cold, without the protection of state awards and industrial commissions, and our ability to get together to negotiate and campaign collectively will be undermined. Federal awards and agreements are to be pared back to the basics, excluding many of the gains we have made on staffing and job security.



W www.aeufederal.org.au/Campaigns/workersrights.html
http://actu.asn.au/work_rights/

While most education workers are not employed by corporations, the risks still exist that the states could end up in protracted argument about who is covered by the new regulation, creating industrial havoc. Education could end up being a bargaining chip in a game involving taxes, health, education and industrial relations.

Education workers have a responsibility to educate ourselves, colleagues, parents and our senior students about the government's industrial relations agenda before it's too late. Pressure must be put on the state governments, our employers, to resist the federal government's conditions.

Solidarity with other union members is necessary to ensure that we stand together against the government's agenda to divide and conquer. The AEU will join with other unions to ensure that all workers are represented in the debate.

The whole community can now see that the Federal Government has planned an intervention to regulate employment, not to deregulate or provide choice. It is designed to strengthen managerial prerogative at the cost of the rights of employees; it is to create a nanny state for employers, to turn the clock back to the master-and-servant laws which existed before workers formed unions to win their rights.

In that sense it is a classical battle, one the AEU cannot afford to lose in the interests of the students and parents who choose public education, because we are the strongest advocates for their interests, as well as for our members who work in public schools and TAFE colleges. ■

ROB DURBRIDGE is Federal Secretary of the Australian Education Union.

WHAT'S AT RISK?

The Federal Government's IR agenda includes attacks on many of the current protections for workers.

● **The award safety net:** In 1996 the Workplace Relations Act limited federal awards to 20 "allowable award matters". In 2005 the government plans to limit them to only 16 or fewer subject matters and limit the scope of those that remain. For example, topics such as long-service leave, superannuation rights, transfer and relocation provisions, career paths and incremental structures for wages, notice of termination and jury service are likely to be cut from awards.

● **The minimum wage:** Setting of the national minimum wage is likely to be taken away from the Industrial Relations Commission and handed to a special tribunal with orders to keep the wage down. The architects of this system admire the USA, where the minimum wage is currently around US\$5 an hour.

● **Power of certified agreements:** As well as limiting what can be in awards, the Howard Government has already legislated to ban some things from being included in federal certified agreements. With control of the Senate, they are likely to ban a whole lot more.

● **Collective bargaining:** The rules for collective bargaining will be changed to strengthen the hand of employers, undermine the rights of workers in the bargaining process and make it harder for unions to get involved.

The Federal Government is already actively promoting the use of Australian Workplace Agreements (AWAs). These individual "agreements" will override collective Enterprise Agreements, making workers vulnerable to personal pressure to accept less than their colleagues, and will last for up to five years. Howard's new laws will

make it easier for employers to pressure workers into signing AWAs.

● **Industrial Relations Commission:** This government has no interest in a genuinely independent industrial tribunal. They want to strip it of the power to arbitrate a dispute unless the employer agrees to arbitration.

● **Workers' access to their unions:** The right of union members to meet with union officials in the workplace is already quite limited. The new laws are expected to give employers greater powers to refuse entry to union officials, to restrict access to only those parts of the workplace the employer chooses, and to monitor everything the union does while there.

A culture of anti-union intimidation by employers will be actively fostered by government.

● **Protection from unfair dismissal:** All employers with fewer than 20 employees will be exempted from unfair-dismissal procedures, so workers unfairly sacked by small business will have no right of appeal. Independent contractors are likely to join casuals and probationers who are already denied a right of appeal against unfair dismissal, from any size of workplace.

There will be bigger hurdles in the path of anyone seeking to challenge an unfair dismissal.

● **Protected industrial action:** Industrial action—whether it is a month-long strike, a five-minute delay to the start of work while holding a quick stopwork meeting, or a ban on emptying classroom rubbish bins—will require a secret ballot to authorise it. The secret ballot process will take up to six weeks and is fraught with technical difficulties. Even when authorised by a ballot, industrial action will be easily declared illegal on the basis of any third party—such as a parent or student—claiming that their interests are harmed.

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