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AUSTRALIAN EDUCATION UNION

**Our Voices Our Vision –  
Aboriginal and Torres Strait Islander Workers in Public Education**

# New Industrial Laws threaten Aboriginal and Torres Strait Islander people.

*A newsletter produced by the Australian Education Union for our Aboriginal and Torres Strait Islander members*

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## Special Edition

Aboriginal and Torres Strait Islander teachers and education workers make an invaluable contribution to the education of Australia's children, both Indigenous and non-Indigenous. Aboriginal and Torres Strait Islander communities are an essential support for effective schooling in many parts of the country. Yet the Federal Government's new workplace laws threaten the working conditions of Aboriginal and Torres Strait Islander educators and the Indigenous communities we work with.

Under the ironic title of "Work Choices", the Federal Government has introduced new laws that will impact hardest on those who are vulnerable and low-paid, and on their families and communities.

At the same time, it has cut financial support to many Indigenous communities and organisations, and plans to significantly cut the availability of CDEP funding that currently supports training and employment opportunities for many Aboriginal and Torres Strait Islander people.

### Less Job Security

The Government has abolished unfair dismissal protection for 4 million workers employed in companies of less than 100 staff. We have already seen this in action, with workers sacked when they ask for their rights, or even just for "smirking".

And even big employers, with more than 100 staff, can get away with unfairness if they can say that the sacking was for "operational reasons".

The government has let bad employers off the leash. Bosses must still abide by anti-discrimination law, but can now legally discriminate on all sorts of other unfair grounds. It is *not* against the law to sack someone because of their football allegiance, or because the boss wants to give the job to their cousin.

It might be *unfair*, but that doesn't matter any more.

This change opens the door to more bad behaviour by employers and supervisors, resulting in a change in workplace culture. With unfair dismissal protection removed and more casual and insecure jobs, vulnerable workers will be much more vulnerable.

### Less Take Home Pay

Minimum wage rates will now be set by the Fair Pay Commission, without any guaranteed right for unions or other community organisations to make submissions. This is likely to mean a lower real minimum wage over time. What this means for the level of CDEP and other income support payments is not yet clear.

Employers can use individual contracts to abolish award penalty rates for overtime or night and weekend work.

### Collective Gains at Risk

Employers can refuse to bargain with workers as a group, and can insist on individual contracts, called AWAs. When each worker has to bargain separately for their conditions, it will be harder to win improvements in areas such as ceremonial and cultural leave, or family leave, since many workers will not see those issues as individual priorities, so those who *do* ask for them will be seen as asking for "special treatment".

## But aren't we safe from these changes, here in the State system?

Many education workers are in the federal system – the Northern Territory, Australian Capital Territory and Victoria have no state industrial systems, and all workers there are in the federal industrial system. But even in the other states, where the direct regulation of government employees' working conditions is under the state industrial systems, we are far from immune.

**First**, many of the communities we work with, and the families of our students, will be caught up in the new federal system, and the changes will impact on us through the people we work with. Students in families facing greater workplace stress will bring the consequences of that stress to school with them. It will manifest in student behaviour issues, in attendance problems, in reduced parent capacity to volunteer, in reduced financial capacity to buy books, pay for excursions, or to buy new shoes.

**Second**, this federal government continually uses funding conditions to blackmail the states into doing things it cannot enforce legislatively. For example, every state has obeyed the Federal Minister on the introduction of A-E reporting. They have already begun to impose individual contracts and performance pay in TAFE through funding blackmail. There is no reason to think that they will not take the same approach in schools.

**Third**, as the changes to workplace culture that these new industrial laws will give rise to begin to manifest in other workplaces and industries, that will have a flow-on impact in every workplace. It will become harder to maintain a workplace culture that values a harassment-free and respectful working environment, when all around us the worst impulses of the worst employers are shown to be both permissible and legal. We can expect a rise in inappropriate workplace behaviour simply because some people only moderate their behaviour to meet what they perceive to be community standards. When those standards are lowered, such individuals can be expected to lower their standards, too.

**Fourth**, changes to CDEP funding arrangements will directly impact on many school employees, and unless state and territory education departments step into the breach to provide real jobs with real wages for these workers, their contributions to the schools will be lost.

In all states and territories, these changes affect Aboriginal and Torres Strait Islander educators and our work. The new industrial laws will endanger the working conditions and job security of Aboriginal and Torres Strait Islander employees in our schools and in our communities, and will jeopardise the quality of education we can provide to Indigenous and non-Indigenous students as a result.



## A Total Package of Attacks

At the same time as attacking employment rights, cutting conditions and making it easier to harass and sack people, the Federal Government has placed many employers of Aboriginal and Torres Strait Islander people under greater financial stress. Policy has shifted from developmental and empowering projects to cutbacks and punitive accountability measures. Many employers will be tempted to use individual contracts and other measures available under the new laws to pass that pressure on to Aboriginal and Torres Strait Islander workers, their families and communities.

The whole trade union movement must stand together to oppose this government and defeat its unfair industrial laws. To get involved, contact:

- [AEU ACT Branch](#) 02 6272 7900
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- [AEU NT Branch](#) 08 8948 5399
- [QTU](#) 07 3512 9000
- [AEU SA Branch](#) 08 8272 1399
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- [www.yourrightsatwork.com.au](http://www.yourrightsatwork.com.au)

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