

Passing the hat to stop Abbott

Workplace relations will be a reliable flashpoint at the election

EWIN HANNAN

NEXT Tuesday, the nation's senior union leaders will convene at ACTU headquarters in Melbourne to map out the next stage of their quest to stop Tony Abbott from taking the Lodge.

High on the agenda will be a bid by ACTU secretary Jeff Lawrence to have unions bankroll a new advertising campaign aimed at securing the federal Labor Party's re-election. Union officials have been asked to contribute \$1 per member, which will equate to as much as \$1.8 million if all national unions agree.

According to Lawrence, the reason for the pre-election fundraising drive is simple: the ACTU does not have enough cash at its disposal to finance the type of advertisements it believes are necessary to convince voters not to turn to Abbott.

"We think it's important that we get that anti-Work Choices message out there," he tells The Australian. "The amount of money we had was not enough to make the difference."

The ACTU's original 'Your Rights at Work' campaign was critical in propelling Kevin Rudd to victory at the 2007 election. But some of the unions that financially supported Rudd's ascendancy were reluctant to kick in money at this election if Rudd remained prime minister.

"There's a general view around our branches that our unions had been neglected," one union leader says. "They felt that the prime minister's office was not responsive and that, despite everything unions did to help Labor get into power, we were treated as just another lobby group."



Cont 4

With the elevation of Julia Gillard, some of those reservations have faded.

Not because unions think they will necessarily be better off under Gillard than Rudd, but because they believe she has a better chance of defeating Abbott, and seeing off policies that would wind back their rights and influence.

Lawrence believes unions will next week support the pre-election levy.

And why wouldn't they? Despite criticism by some unions that Gillard's workplace agenda has not adequately repaid them, it is beyond question that Labor's Fair Work Act has delivered substantial benefits to the union movement.

The labour market has been regulated and, according to Gillard's opponents, collective bargaining has been enshrined in a way that will hinder rather than promote the productivity improvements the government wants.

Employer organisations, led by the Australian Chamber of Commerce and Industry, generally believe the pendulum has swung too far towards unions.

"I think there is no doubt there are much greater opportunities for unions," the chamber's workplace policy director David Gregory says.

Gregory says companies, particularly small and medium enterprises, are grappling with a range of challenges thrown up by the new system.

He says his organisation and other employer bodies have been swamped with inquiries from

Union members hold an anti-Gillard placard at the ALP national conference last year; they have been demanding the abolition of the Australian Building and Construction Commissioner

number of claims will top about 12,000 in the first year. Rather than fighting claims, companies were paying so-called "go-away" money to employees, he says.

"A lot of employers are making a commercial decision to pay a little extra to resolve a matter," he says. "They make the judgment it's not worth the time or the effort to fight it."

One of the corporate sector's chief complaints is that the new workplace system has not delivered the flexibility promised by Gillard when she brought in the new legislation.

Gillard committed to clauses known as individual flexibility arrangements after business leaders expressed concerns that the abolition of Howard's Australian workplace agreements would result in a loss of flexibility.

"The feedback we are getting is they are not proving to be a particularly viable option," Gregory says. "It's now all based around collective bargaining."

Unions join employers in expressing concern about the legislative regime that governs workplace bargaining.

Union officials believe there are too many restrictions on the ability of unions to enter workplaces and service members and potential members. They are also concerned about the limits imposed on what can be contained in enterprise agreements.

Lawrence says next week's



ACTU executive meeting will discuss how the union movement's agenda can be progressed with Labor in the lead-up to the election.

Unions will push for greater rights for unions delegates as part of a broader strategy to get a stronger foothold in workplaces.

"We want to reframe things," Lawrence says.

"It's about the role of union delegates and they way they are supported."

According to the Australian Mines and Metals Association, there is already adequate evidence to show unions are using the new laws to interfere in workplaces.

A recent survey of the AMMA's members suggests the increased difficulty that resource companies had experienced in reaching enterprise agreements directly

until its demands were met. Industrial dispute by the BLF was standard operating procedure under Gallagher.

Nicknamed The General, he wielded enormous power over employers and he had considerable influence over Labor MPs and powerbrokers at state and federal levels.

Gallagher also used so-called green bans to prevent the demolition of historic buildings in Melbourne, a policy he

has swung back in favour of unions. "That's rubbish," he says.

"The fact is we still have a system that doesn't provide for free bargaining. It still doesn't provide for bargaining to take place in an appropriate way."

There are still inappropriate restrictions on people being able to get access to their unions.

Gillard has made it clear the government does not intend to pursue a substantial second-term legislative agenda in workplace relations.

And unions, despite their grumblings about the existing regime, will primarily focus their efforts on running a campaign in marginal seats warning that a vote for Abbott is a vote for the return of Work Choices.

While the Coalition insists the previous regime is dead, Abbott is

Union titan brought down by the party

adopted after the success of NSW secretary Jack Mundey, who pioneered similar bans in Sydney.

Gallagher was brought down by governments concerned about his abuse of power. He was abandoned by the ACTU.

Following a royal commission, Gallagher was charged, tried and jailed for accepting corrupt payments to help build a holiday house. He died in August 1999, aged 67.

expected to commit to policy initiatives that distinguish his workplace platform from that of the government.

These include exempting businesses with five workers or fewer from the unfair dismissal laws, scrapping minimum shift requirements for younger workers, and changes to the flexibility clauses.

In a speech last week, opposition workplace relations spokesman Eric Abetz again moved to distance the coalition from Work Choices.

"We think if the previous government had taken soundings from small business and workers alike, the small business definition for unfair dismissals at 100 full-time equivalent employees would have been overwhelming rejected," he says.

Following a six-month ABCC investigation, BLF organiser Wayne Carter has been sacked after being found guilty of intimidating and assaulting a construction site manager.

Federal magistrate Michael Burnett found that Carter had no power to enter the Brisbane factory of Procast, a manufacturer of precast concrete panels, on December 11, 2008, when he repeatedly swore at and twice assaulted its chief operating officer, David Ash, and encouraged employees not to return to work.

The magistrate found that Carter had failed to give Procast the requisite 24 hours' notice before entering the factory to speak to workers. When Ash told Carter he did not have right of entry and asked him to leave, Carter told him, "I'm not... king leaving" and "You don't know the f... king law asshole".

Carter shoved Ash twice, shouldered him and knocked him to the ground, hurting his wrist.

The Construction, Forestry, Mining and Energy Union, which is affiliated with the BLF in Queensland, said the union did not condone violence and Carter had been terminated.

Norm's ghost haunts BLF

NORM Gallagher is long gone. But according to some employers, the spirit of the notorious former leader of the Builders Labourers Federation lives on in pockets of the nation's building and construction industry.

Continued militancy by some union officials, particularly in Victoria and Western Australia, is used by employers as evidence why the federal government should abandon its long-stated plans to wind back the powers of the Australian Building and Construction Commission.

Alternatively, if there is one issue that irks unions about Labor's workplace agenda, it is its refusal to abolish in its entirety the ABCC, particularly the ability to use coercive powers against building workers.

The House of Representatives has passed legislation to replace the commission with a specialist division but the government does not have the numbers to get it through the Senate. Some MPs want the government to go further and scrap the body.

It appears unlikely the government will shift further, and the union movement's campaign is not helped by court decisions highlighting the rogue behaviour of some organisers.

Following a six-month ABCC investigation, BLF organiser Wayne Carter has been sacked after being found guilty of intimidating and assaulting a construction site manager.

Federal magistrate Michael Burnett found that Carter had no power to enter the Brisbane factory of Procast, a manufacturer of precast concrete panels, on December 11, 2008, when he repeatedly swore at and twice assaulted its chief operating officer, David Ash, and encouraged employees not to return to work.

The magistrate found that Carter had failed to give Procast the requisite 24 hours' notice before entering the factory to speak to workers. When Ash told Carter he did not have right of entry and asked him to leave, Carter told him, "I'm not... king leaving" and "You don't know the f... king law asshole".

Carter shoved Ash twice, shouldered him and knocked him to the ground, hurting his wrist.

The Construction, Forestry, Mining and Energy Union, which is affiliated with the BLF in Queensland, said the union did not condone violence and Carter had been terminated.