

V 2010

AMMA REF

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LOOKING GOOD —

The union movement looks onside at the moment but should Labor win the election the bill will come in.

Story Mark Skulley

Australia's political leaders have changed the time of their only scheduled election debate on Sunday to avoid clashing with the finale of *MasterChef* on television. Behind the scenes, the ACTU has sent some of its money in the other direction. It has scrambled to buy air time for the union movement's latest election advertisements during the hit cooking show.

The union campaign is aiming at the same pressure points, but is a shadow of the mass movement that helped sink John Howard's government in 2007. Until the past week, the ACTU faced criticism from within the union movement that it had frittered away the momentum built up by the Your Rights at Work campaign.

Unions belatedly kicked in about \$1.8 million to this campaign fund, on top of a rumoured \$1 million left in the kitty. They have targeted 25 seats, mostly in NSW and Queensland, and there is a much reduced push to make contact with the estimated 300,000 union members living in marginal seats.

As things turned out, the Liberal leadership gave them a hand in taking workplace policy off the backburner on the first day of the election campaign, despite having had almost three years to write a new policy menu and to get their story straight. As Howard used to say, you can't fatten a pig on market day.

But the Coalition's workplace policy could remain hypothetical, given that the bookies have Labor at short odds to be re-elected. The ACTU and the unions are, not surprisingly, trying to keep the focus on the Coalition. Labor strategists are also pressuring unions to keep up the "attack ads" against the Liberals, rather than pushing a broader agenda for organised labour.

Workplace Relations Minister Simon Crean, a former ACTU president, looked mildly surprised during the week, even chuckling, when the *Weekend AFR* asked when Labor would release its industrial relations platform.

He said: "We've put ours in place. We ripped up Work Choices because it never got the balance right. We now have the balance right and what we want to do is move on to more co-operative workplaces. We want to establish the framework in the workplace for improved productivity, for enhancements for skill formation, for increases in superannuation."

Crean was speaking after addressing the ACTU national executive, which had just agreed to its agenda under a second-term Labor government. "Everyone has a wish list," he said. "We are the government and we believe we have the balance right, and we won't be succumbing to that wish list. I made that absolutely clear when I addressed the ACTU." He wanted to develop a "co-operative framework" while engaging with employers and other stakeholders. Unions have made major gains under Labor's Fair Work system, including better right of entry to workplaces, scrapping Australian workplace agreements, a stronger

safety net, a new system for setting minimum wages, a renewed role for the industrial tribunal and a strong role for unions in collective bargaining.

But it's clear that, after the election, unions will push for gains in pay and conditions through the government's scheduled review of the safety net and the award system in 2012.

The new award system has only just come into force but has already caused heartburn for employers and employees.

Unions want a wide-ranging national workplace inquiry that would consider the growth in casual work and insecure employment, ensuring greater worker input in the workplace, improved skills and training, aligning working hours with needs and work-life balance.

More immediately, they will push for access to multi-employer or pattern bargaining, and seek to widen the range of matters that can be covered by workplace agreements. They also want fewer restrictions on strike action. They have welcomed the plan to lift employer superannuation contributions from 9 per cent to 12 per cent, but want to accelerate the timetable rather than limiting it to small rises between 2013 and 2019-20.

ACTU secretary Jeff Lawrence told the *Weekend AFR* a week ago: "It's early days yet but we think there should be more freedom in bargaining. We clearly think there should be more protection for [union] delegates."

Although Labor has already rejected parts of the union agenda, it would have to cop some of it because the ALP and the unions are the political version of Siamese twins.

None of the tensions were on show on Tuesday night when Prime Minister Julia Gillard was guest speaker at a farewell in Melbourne for former ACTU president Sharan Burrow, who is taking up the top job in the global union movement.

The mood was like that of an old-time revival meeting. Unlike Kevin Rudd, Gillard can bring herself to mention the U word — unions — during a public speech, she is Australia's first female PM and is seen as having a far better show than Rudd had of winning the election for Labor.

Gillard says the government listens to all stakeholders, but corporate Australia clearly recalls what happened in May 2007, just after the release of Labor's original Forward with Fairness policy. She warned then that the political contest was a "pretty hard and fast place to be" and that business should not campaign against the changes.

"It's a contact sport, if you like, with a lot of injury," she said. "I don't think it's a wise place for Australian business to be out on the field in the fray getting those injuries on the way through."

The future PM reckoned she had mangled a football analogy, but the Labor policy was changed to lessen business concerns after Rudd intervened.

Some corporate leaders, such as



Graham Krahe (Brambles and BlueScope Steel), Don Voelte (Woodside), Leigh Clifford (Qantas) and Chris Roberts (Cochlear) are known to have concerns about workplace laws. But they are reluctant to enter the election campaign in a major way, because the miners are still trying to get a better deal on the profits tax and to avoid a repeat of the advertising war that flared in

Business is not hurting enough at the moment to be squealing loud enough.

Steve Knott, Australian Mines and Metals Association

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PERSPECTIVE ELECTION 2010

FROM A UNION VIEWPOINT



Workplace Relations Minister Simon Crean and Prime Minister Julia Gillard with departing ACTU president Sharan Burrow, centre, at her farewell dinner on Tuesday night
Photo AAP

The movement's power players

LOUISE TARRANT

Louise Tarrant, 50, national secretary of the Liquor, Hospitality and Miscellaneous Union – Tarrant succeeded ACTU secretary Jeff Lawrence at the helm of the LHMU, the old "Missos" union. Lawrence picked up the ideas and corporate tactics of their US counterparts, Service Employees International Union (SEIU), such as the "Justice for Janitors" campaign. This includes corporate research on owners, customers and suppliers. Tarrant has continued that push, with some big wins in the "Clean

Start" push for CBD cleaners and the ongoing "better jobs, better hotels" campaign at Australia's upmarket hotels. She says that insecure employment is pernicious and the union has to be innovative, with some employers unable to afford pay rises and need help to look for external funding. These agitprop campaigns are tricky for employers as unions lay claim to the high moral ground, while also taking the mickey in public. "We want, fundamentally, to change people's lives," says Tarrant.



the final few weeks of Rudd's leadership."

Small businesses have the biggest gripes and are wrestling with the \$26-a-week "catch-up" pay rise in minimum wages granted this year and the overhaul of awards. Plus, Opposition Leader Tony Abbott has dropped his plans to take the "unfair dismissal monkey" off the back of small business and to free up the individual flexibility arrangements that have to be included in collective agreements.

Unions argue there's an untold "good news story" from Labor's workplace laws – that wage growth is strong but not inflationary, that unfair dismissals are up only "moderately" given the new national system picks up the claims which previously went through the state industrial relations systems.

Yet it's still early days for the Fair Work system. Working hours are recovering after being slashed during the global financial downturn, collective bargaining is spreading into new sectors where wages had been set under awards, and an important equal pay test case is under way in the female-reliant community services sector, which will have far-reaching implications for other sectors.

The outspoken chief executive of the Australian Mines and Metals Association, Steve Knott, says his members are receiving extra union attention. But they have mostly locked in a workplace arrangement until 2010-13 under non-union collective agreements that reflect the terms of AWAs.

"Business is not hurting enough at the moment to be squealing loud enough and be prepared to put its hand in its pocket to lobby for change," he says.

Knott argues that the major parties will amend the workplace laws if elected, and AMMA is lobbying for changes to the individual flexibility arrangements, which have an "opt out" clause of 28 days. He says that before the 2007 election the

Coalition killed off the worst parts of the Work Choices laws – the ability for AWAs to undercut awards – yet the stigma lingers.

"Anyone who wants to change anything to do with the laws 'wants to bring back Work Choices'," he says. "They just keep saying it and saying it... the Coalition hasn't dealt with it very well, either prior to or since the campaign started."

"[The unions and Labor] have continued to regurgitate it because their focus groups show that the Work Choices brand is disastrous for the Coalition... and anyone from the business community who wants to push against some of the unions' IR reforms gets tagged with being pro-Work Choices."

As the major parties try to underbid each other on workplace policy, employers should learn about the stance of the Greens, who are expected to win the balance of power in the election.

The Greens' IR policies include scrapping the need to hold secret ballots before strikes, introducing national manslaughter laws, abolishing the Australian Building and Construction Commission and dropping the bans on secondary boycotts.

Warriplann applicant Rachel Siewert says the Greens will make specific announcements during the campaign, but their policies are essentially those on their website. They are strong on abolishing the ABCC, greater access to family-friendly working hours, equal pay for women and ensuring the new award system has not cut pay and conditions.

Asked whether business should be worried, Siewert says the Greens have shared the balance of power for three years and negotiated some sensible changes.

"I don't think they should be spooked, but we're very clear about where we are going on industrial relations," she says. "We haven't changed our policies and we will continue to pursue those issues."



TIM LYONS

Tim Lyons, 38, assistant ACTU secretary, was an official with the low-profile, but still influential National Workers Union for more than 13 years.

At the ACTU since 2008, Lyons runs its organising and growth strategies and "corporate research/strategic campaigning".

He sits on a number of high-level committees with business and government and is seen by many as an eventual successor to Jeff Lawrence in the top job, although he

hails from a right-wing union and left-wing unions have the numbers at the ACTU.

One of his roles is to oversee big corporate bargaining rounds involving several unions, such as with Telstra, which dropped its anti-rhetoric but so far only struck a deal with non-union employees.

Lyons says his time at a blue-collar private sector union means he focuses on growth and organising. "I'm focused on where our challenges are."

GED KEARNEY

Ged Kearney, new ACTU president – Former federal secretary of the Australian Nursing Federation who has succeeded Sharan Burrow as the public face of the ACTU. Burrow was criticised by some unionists for being too close to the Labor government, particularly Julia Gillard, but Burrow was a formidable networker in the labour movement and NGOs.

Kearney faces a steep learning curve and has been dropped straight into the election campaign. She wants federal labor in show more

respect for its industrial wing, saying at one stage that they had "great difficulty mentioning the word union in a constructive manner".

She's personable but said to have a tough negotiating side. Also wants to expand the ACTU's campaign focus from traditional IR and the workplace to health, education, climate change, tax and social policy. She's already an insider on Labor health policy, which often takes on certain doctor lobbies, but not nurses.



PAUL HOWES

Paul Howes, national secretary Australian Workers Union – Howes succeeded Bill Shorten in the top job at Australia's oldest union when he was just 26.

His high media profile makes his tenure seem longer – everything from social media such as Twitter "viral" internet videos to hard news and current affairs or debating the proposed mining tax with industry chief Clive Palmer at the National Press Club.

Howes is a vice-president of the ACTU and a player in the national ALP

but he also bobs up in influential closed-shops like the Australian American Leadership Dialogue.

He says workplace laws are important, but his focus on growing the AWU's membership requires union officials to get out of the office and sign up recruits. He reckons that the AWU has had three years of solid membership growth.

Howes says he will run again as AWU secretary in 2013 and that entering federal politics is "not a great motivation" although many believe he will head to Canberra eventually.