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Australian Mines and Metals Association

8 October 2007

Despite concessions, ALP IR policy continues to fail the resources sector

In July 2007 the Australian Mines and Metals Association (AMMA) released its *Analysis of Coalition and ALP Workplace Relations Policies*. In the light of additional ALP policy announcements contained in the *Forward with Fairness Implementation Plan* AMMA has re-examined its analysis of the ALP industrial relations policy, finding that it has still come up short in several key areas.

AMMA Chief Executive Steve Knott said *“Using our unique Industrial Relations Scorecard, AMMA has acknowledged the improvements to the ALP’s policy and has increased the ALP’s scores on the key policy areas of minimum standards and awards; industrial action and compliance; and right of entry.*

However the revised analysis highlights that the ALP continues to fail to meet the needs of the resources sector, despite achieving an improved score of 13 out of a possible 28.”

The greatest improvement is seen in ALP decision to retain the Coalition Government stance in the areas of industrial action and compliance. This position is welcomed by AMMA, which has argued resolutely for the maintenance of a strong and effective compliance regime.

AMMA also applauds the ALP’s decision to retain secondary boycott provisions in the *Trade Practices Act 1974* and to retain current arrangements for obtaining orders to stop or prevent industrial action. The ALP decision to continue immediate access to the courts acknowledges current record lows in disputation levels and the need to continue to minimise damaging industrial action.

While the ALP has provided detail on previously unaddressed policy issues, some announcements are disappointing and are reflected in the lower score given by AMMA:

- The continued pledge to abolish AWAs fails to recognise the prevalence of these instruments in the resources sector. The proposed \$100,000 threshold to access common law agreements will deny access to 70% of the non-managerial resource sector employees, make it an unworkable alternative;
- The continued pledge to abolish the Australian Building and Construction Commission and uncertainty of the role of a specialised division within Fair Work Australia, puts at risk the outstanding reduction of industrial disputation in the building and construction industry; and
- The proposed right of entry laws increase capacity for uninvited union access to workplaces presently covered by AWAs and non-union agreements..

“Despite the extra detail the ALP’s policy re-release arguably raises more questions than it answers, particularly in respect to the operation of Common Law Agreements (CLA), Individual Transitional Employment Agreements (ITEA) and flexibility clauses” said Mr. Knott.

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The questions raised include

- Whether industrial action can be taken during the operation of an CLA or a ITEA;
- If employment can be made subject to the acceptance of an CLA or ITEA;
- The interaction between ITEAs and AWAs, awards and collective agreements;
- If there are any restrictions on the content of CLAs and ITEAs;
- If there will be any limitation on the use of award flexibility clauses;
- If agreement making under award flexibility clauses will require union consultation; and
- If Fair Work Australia will be required to approve any agreement reached under an award flexibility clause.

These questions must be addressed as a matter of priority in order to offer employers greater certainty in respect to the ALP's industrial relations policy in the lead up to the federal election.

Mr Knott commented that *"The success of over \$130 billion worth of current or prospective projects in the resources sector is heavily dependant on the continuation of a modern flexible workplace relations system, one that provides a full range of agreement making options, prevents uninvited union involvement and provides protections against industrial disputation is needed to ensure the continued historic contribution of the resources sector to the Australian economy."*

In 2007/08 Australia's resources sector is forecast to contribute over \$117 billion to the Australian economy in export earnings.

"Regrettably the ALP's industrial relations policy does not meet the needs of the resources sector, which has operated successfully in a flexible and non-union dominated environment for over a decade."

http://www.amma.org.au/home/publications/ammaanalysisofcoalitionandalpworkplacereleations_policies_revised3october2007_.pdf

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