



FOR MEDIA

CRAIG EMERSON

Member for Rankin

SHADOW MINISTER FOR WORKPLACE RELATIONS

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SPEAKING NOTES FOR WORKSHOP PARTICIPATION AT AUSTRALIAN MINES AND METALS ASSOCIATION FORUM

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I welcome this opportunity to address such an important forum as the Mines and Metals Association forum so early in my time as Shadow Minister for Workplace Relations. As I inherited today's engagement from my predecessor, Robert McClelland, I want to make a few remarks about the creative work Robert did and my general approach to continuing his good work.

Robert McClelland's knowledge of workplace relations issues and legislation is unsurpassed. As is his decency and his commitment to the labour movement. He consistently brought to Shadow Ministry's consideration of workplace relations issues a set of values expressed in a preference for workplace cooperation over conflict, bringing Australians together in productive workplaces instead of setting Australian against Australian.

Robert's is a tradition I intend to follow.

It is the supreme irony that Workplace Relations Minister Tony Abbott regularly points to record low levels of industrial disputation while at the same time introducing legislation on virtually a weekly basis designed to weaken the role of trade unions in representing employees in the workplace. He rails against union militancy and personally attacks the links many Labor Caucus members have with the trade union movement, as if trade unions were the incarnation of evil and, as a High Priest of the Far Right, it is his holy duty to exorcise Australian workplaces of trade unions.

None of this is helpful to Australian business. Mr Abbott has 12 pieces of workplace relations legislation before the Parliament that weaken the bargaining position of working Australians — especially those Australians who choose to be represented by trade unions. Labor's Shadow Ministry and Caucus has resolved to oppose each of them.

Just like in other areas of policy, most recently health and education, Simon Crean has indicated that Labor will not just oppose, but will offer good alternatives — a proposition to which I will return later.

That is why I said last week that my position is that if Tony Abbott brings a bill before the Parliament, it is almost certainly a bad bill and that we will oppose it — unless there's some absolutely compelling reason to find any merit in anything that he says. His track record suggests that's impossible. It would be refreshing if Mr Abbott introduced a piece of legislation that advantages working families, but based on his track record, pigs might learn to fly first.

Abbott's 12 pieces of legislation are effectively the Second Wave of IR legislation broken up into bite-sized chunks. The Senate told the Government it wouldn't pass its Second Wave, following the 1996 First Wave. So the Government broke it up into smaller bits, hoping the Democrats, Greens and independents would vote for some of these smaller chunks. Labor opposed the Second Wave and we will not support it as a whole or in bite-sized chunks.

I urge the business community to ask what Minister Abbott is trying to achieve with these 12 pieces of legislation. When was the last time a confrontationist approach to workplace relations worked for Australia? It might suit Mr Abbott's political agenda and further his political aspirations, but it is not good for Australian business, working Australians or our country.

Australian business is rightly concerned about big shifts in the pendulum on workplace relations legislation. The more one party in government shifts the pendulum one way, the greater the correction when the other major party is voted into power. So while some in the business community with a highly conservative bent might welcome a shift in the pendulum to the far right, this cannot be of lasting benefit to business.

The best interests of Australian business are served by a moderate workplace relations system that recognises the legitimate interests of employers and employees. The best interests of Australian business are served by a workplace relations system that is cooperative in nature, not confrontationist. The best interests of Australian business are served by a workplace relations system that encourages productive workplaces so that gains in income are achieved and distributed fairly between employees and shareholders.

Federal Labor is committed to fairness in productive workplaces. At the heart of Labor philosophy is the right of workers to bargain collectively. This fundamental right has been removed by the Howard Government. Not that the Government admits it. Mr Abbott told workers on as little as \$11 an hour who had been locked out of a workplace for 17 weeks:

“You have every right to ask for a collective agreement”.

Here he was being tricky, because while the workers did have a right to ask, the employer had the right to refuse under Mr Abbott's legislation. But he went further,

telling the workers that “people who want a collective agreement can have one”. That’s simply untrue.

Federal Labor will restore the right of employees to have a collective agreement if they so choose.

And Federal Labor will restore the role of the independent umpire to settle disputes — beyond the so-called 20 allowable matters — where the parties cannot settle them. For the best part of 100 years the Industrial Relations Commission has been able to arbitrate on disputes. That power was severely curtailed by the Howard Government, unless both parties agree to arbitration. Labor will restore it.

And Labor will require both parties to bargain in good faith.

Together, these three pillars will go a long way towards defining the workplace relations regime under Labor: a regime that will ensure bargaining is fair and efficient.

The first pillar — the right to a collective agreement — will be installed by giving workers a right to representation that cannot be circumvented. Once the employees of an enterprise enter into the bargaining process their chosen representative will gain exclusive recognition rights. The employer will not be able to push aside or ignore the representative; any agreement made must be made between the employer and the employees’ chosen representatives. This measure will mean workers’ rights to a collective agreement are real, and not the illusion that Tony Abbott portrays.

It should be added that collective agreements can stand as a shared vision, unifying the aims and objectives of a business and its workforce.

The second pillar — enhanced powers for the Commission and a restoration of its independence — will allow reason and merit to prevail over unfettered market power and coercion. The current position, that the Commission can intervene only when life or limb is endangered or the economy is on its knees, leaves the Commission too often on the sidelines even though it has all the skills and experience needed to arbitrate over disputes.

The third pillar — to bargain in good faith — is a codified set of bargaining rules that ensure that bargaining is constructive and fair to all concerned. Instead of having parties fighting for days over petty issues of where and when to meet, what is and what is not on the agenda and having one side ignoring the other, the law will ensure that both sides act in an industrially appropriate manner. After all trust and integrity must lie at the core of business relationships, indeed all relationship in our society. There is no case to exclude workplace relations.

Labor’s position on Australian Workplace Agreements is well-established and well-known. I acknowledge that the mining industry would prefer that we retained AWAs, but we have a different view. Again, the Government has introduced legislation to further strengthen the hand of employers in issuing AWAs and Labor will be opposing that legislation.

In my former capacity as shadow industry minister, some industry groups privately expressed to me grave concerns that an incoming Labor Government would restore the power of the Industrial Relations Commission to arbitrate. But like in all human endeavours, there must be an arbiter; when relationship breakdown or disputes arise an independent person can act restore peace and goodwill. And, that is that Federal Labor will do and that is what State Labor governments have done. The sky hasn't fallen in in NSW, Queensland or the other States. These are hardly radical proposals, or unworkable ones, or proposals that are unfair to employers.

Indeed, I welcome the mining industry's re-engagement with the trade union movement in metalliferous mining in the Pilbara. Large mining companies obviously see merit in working collaboratively and productively with the union movement. No one wants to see a return to the bad old days of the late 1980s in the Pilbara when confrontation and conflict were standard operating procedure. We all hope and expect this re-engagement with unionism will bring ongoing increases in mine productivity that can be shared fairly between shareholders and mineworkers.

Achieving productivity gains and sharing them fairly were the hallmarks of previous Federal Labor Governments. Australia is living off the productivity gains largely secured by the decisions of the Hawke and Keating Governments.

Australia's mining industry is among the most productive in the world. That is how it competes. Maintaining and enhancing productivity is fundamental to the ongoing success of the mining industry in competing globally and contributing so strongly to the nation's export performance.

The rise of the Australian dollar presents fresh challenges for the mining industry. If the United States is able to rein in its deficits the Aussie dollar may return to a more competitive level, but the industry will always face new challenges in the world market

Labor recognises the imperative of the mining industry to achieve ongoing productivity gains. Our approach to workplace relations, based on cooperation instead of confrontation, will facilitate productive mines and harmonious workplace relations.