

GET INVOLVED IN THE FIGHT TO SAVE WORKPLACE RIGHTS

SACS
Industry
YOUR RIGHTS AT WORK
CAMPAIGN UPDATE

➤ The Government's plans to take away workplace rights will cause havoc for the Social and Community Services (SACS) sector. Here are the six things that all SACS workers should know about what the Government is going to do to your working conditions.



yourrightsatwork
worth fighting for

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1 Change the way wages are set to make them lower

In SACS there has been very little enterprise bargaining meaning that, for most workers in the sector, the conditions in the Award are what people get paid.

Each year unions have fought to have award wages increased by the Australian Industrial Relations Commission. For many SACS workers this combined with the increase they received from the increments in the award were the only wage increases they got.

The Federal Government is going to take away the power of the independent umpire – the AIRC – to set wages each year. Your rate of pay will now be set by the 'Fair Pay Commission', which will be appointed by the Government and which will include representatives from business groups.

2 Remove important conditions from Awards and undermine the award system

The changes will result in the loss of some key award conditions, including the likely loss of the skills based career path as set out in the Award classification structure. The Award Review Taskforce is likely to remove incremental

pay increases from this structure. This would mean that your wage rate would not move unless you are promoted or your position is reclassified to a higher level within the award.

Your rates of pay and conditions are below those for Government employees who do the same or similar work. We have been working over time to improve these conditions but the changes to the Award will mean that SACS workers pay and conditions will fall further behind.

"People try to use industrial relations policy as a tool to achieve not only productivity and growth in the economy, but fairness, and that's a fundamental flaw" **Michael Chaney, Business Council Chief**

It is not clear exactly what the Fair Pay Commission will look at in deciding what they think your rate of pay should be. However, as Government appointees it likely they will look to the Government for direction.

If the Howard Government's submissions had been accepted by the AIRC in making its decisions about your wages in the past, workers in the SACS sector would be earning \$55.00 less per week than they are now.

3 Reduce the powers of the independent Industrial Relations Commission to settle disputes and set fair minimum standards at work

In nearly every SACS workplace the ASU has been involved in settling disputes - whether they are about individual grievances or about the way the organisation operates as a whole. If the issues could not be sorted out at

the workplace level, then we have used an independent umpire - the Industrial Relations Commission - to get the matters finally resolved.

The Federal Government is going to remove the powers the IRC has to make decisions that finally resolve your issues. This in turn will make it harder for you to negotiate with your employer at the workplace level, as unfortunately sometimes it is only the threat that you will take your issues to an independent umpire that brings the employer to the table sort your issues out.

4 Force workers from collective arrangements on to individual contracts

The Federal Government wants to make it easier for employers to move people from awards on to individual contracts. New laws will allow employers

to offer individual contracts at any time – even if you have a collective agreement in your workplace.

“We should be trying to move to an industrial relations system where the predominant instrument is the individual contract. . . where there’s ease of entry, ease of exit. . .”

Peter Costello, The Age, 19 February 2005

The Government is going to significantly lower the ‘no disadvantage’ test. This is the test that requires an employer to show that the individual contract they are offering you does not place you at a disadvantage.

In the past, the contract would have been compared to the Award and your employer had to show that it did not undercut your award conditions. However, in the future the contract will only need to be compared to the five minimum conditions specified by the Government in order to pass this test.

This means that all that your employer would have to include in the individual contract is a wage rate set at the federal minimum wage (not the Award minimum wage), a maximum 38 hour working week (which can be averaged over 12 months with no set overtime rates if you work more than this ‘maximum’), 4 weeks paid leave (without leave loading), 12 days paid personal/compassionate leave and 12 months unpaid parental leave.

All of the other benefits that were fought for in your Award would be up to you to negotiate.

In SACS we know why working collectively has a much better outcome than working individually. Women on individual contracts earn \$5.10 per hour less than men on individual contracts. Part time employees on individual contracts earn on average \$141.00 per week less than their counterparts on collective agreements.

A few senior people may benefit from individual bargaining but we know that in order to pay them more the organisation needs to cut costs in other areas. This means cuts to your pay and conditions of employment.

5 ‘Special’ provisions for small business

Changes to workplace laws mean that:

- employees in organisations with less than 100 workers will have no right to make an unfair dismissal application;
- employees in organisations with less than 15 workers will not receive severance/redundancy payments.

This system is grossly unfair and will impact on the majority of SACS workers, as very few organisations in the sector have over 100 employees.

6 Linking funding to less workplace rights

SACS organisations receive funding from the Commonwealth. In some Commonwealth funded areas the Federal Government is already imposing its new workplace regime by linking any increases in funding to a requirement that the organisations institute industrial relations changes – even if neither the organisation nor the workers want the changes to occur. These changes are about lowering conditions and keeping unions out of workplaces.

THIS IS ABOUT CHANGING AUSTRALIAN SOCIETY

These changes don’t just affect SACS workers - they affect all Australians. The removal of rights from workers and the Federal Government’s ‘welfare reforms’ are aimed at driving minimum wages down and exploiting those in our community who are less able to protect themselves.

Keeping unions and collective organisation out of workplaces is about tipping the scales in favour of employers and against employees in order to achieve a low wage economy.

This is not about work choices or about work fairness.

“An emphasis on fairness only leads to regulatory excess and inefficiency”

Kevin Andrews, Federal Minister for Workplace Relations 25 Feb 2005

The ASU fighting for workplace rights for Australians

The ASU is linking with other unions and community organisations to fight against these changes. We will be campaigning for:

- A strong safety net of decent minimum wages and conditions for all workers through the award system.;
- Proper rights for Australian employees to reject individual contracts and bargain collectively for fair pay and conditions;
- The right of any worker to join a union and access the benefits of union membership;
- A strong independent Industrial Relations Commission that can settle disputes.

What you can do to fight for rights at work

The campaign will need to occur in workplaces and the community. Here are some of the things you can do to support the campaign:

1. Tell your work colleagues, family and friends about the Federal Government’s plans. Give them a copy of this leaflet.
2. Hold a workplace meeting about these important changes. If you would like someone from the union to come and talk about the changes in more detail, then call us.
3. Be active as part of the ASU campaign. For information about what is happening go to the ASU campaign site at www.asuvc.asn.au.
4. Organise and recruit ASU members in your workplace – by standing together we will be stronger.
5. Join the National Community Day of Action November 15. Rally at Federation Square or contact the ASU to find out the location of country venues for the rally
6. In your workplace work together to get your employer to sign a Rights at Work Charter and therefore commit to honour the rights of workers in that workplace. The ASU website has draft charters and other materials to use with your employer.
7. Ask your local politician where they stand – and tell them what you think.