

Highlights of ACTU Congress 2012 IR policy agenda

This short guide is intended to assist media to understand the key draft industrial relations policies for the ACTU Congress in Sydney on 15-17 May 2012. It should not be read in isolation from the policies, which are available at www.actucongress.org.au

Wages and Employment Conditions

Over the next three years, unions will work to ensure that modern awards provide a strong and enforceable safety net that underpins collective bargaining, continue to campaign for pay equity, and pursue increases to minimum wages and other entitlements for low-paid workers.

Unions will advocate for real increases in minimum wages and seek to *increase the National Minimum Wage (NMW) to \$660 by 2015*. In addition, unions will campaign for an *increase in first-year apprentice wages to 60% of the trade-qualified rate; the elimination of junior wages for employees 18 and over; and the reinstatement of three hour minimum engagement for juniors in the retail sector*.

Unions will also campaign for legislative reforms that build on the existing safety net. This includes a *permanent standard on long service leave and additional public holiday entitlements*. It is important that these entitlements are extended to the 40% of Australians in insecure work.

Employee flexibility and income security will remain important priorities. Unions will campaign for *additional safeguards on the use of Individual Flexibility Agreements* and seek to extend the right to request flexible working arrangements to enable employees to balance work, caring responsibilities and study commitments.

Better Bargaining

The *Fair Work Act* has resulted in a marked improvement in the proportion of the Australian workforce covered by collective agreements to a record 43%.

However, despite the increase in the number of agreements being approved, key issues have arisen relating to the continued restrictions on the content that can be included in agreements, ongoing restrictions on taking protected industrial action, limitations on the industrial umpire's capacity to effectively resolve bargaining disputes and deadlocks, and the ability of the good faith bargaining regime to combat a range of unacceptable practices such as 'surface bargaining'. Some of these issues were highlighted by the Qantas dispute last year, which saw the national economy held to ransom by Qantas' management.

Over the next three years, unions will seek to *expand the range of matters in agreements to allow bargaining over a wider range of social, economic and employment interests – especially job security*, and to seek to *allow multi-employer agreements in the same industry or supply chain*.

To combat employer militancy, Fair Work Australia should have discretion to address threats to the life, personal safety, health or welfare, or significant damage to the economy, while allowing bargaining to continue unless there is no reasonable prospect of agreement being reached.

Fair Work Australia should not be compelled to cancel an industrial campaign as a reward to a significant employer threatening to create significant economic damage, and Fair Work Australia should be empowered to suspend or terminate particular protected action that is giving rise to exceptional circumstances, while allowing bargaining and other protected action to continue

Representation Rights

Strong, effective and representative unions are essential to building a fair and just society. Delegates play a vital role in the union movement by representing the collective and individual hopes, aspirations and needs of their work colleagues. Delegates are critical to the improvement of pay, employment conditions and workplace health and safety.

Positive rights should be provided to delegates to better represent their workmates and colleagues. Unions will seek to have a *Charter of Delegates' Rights adopted into enterprise agreements*, but also to have *legislative recognition of the rights of union delegates to perform their duties*.

There should be obligations on employers to recognise and deal with delegates in good faith and require employers to consult with delegates when considering any economic, technological or structural changes in the workplace.

Skilled Migration

The fundamental principle underpinning the skilled migration program must be that Australian workers have the primary right to Australian jobs. Large employers, including those in the resources sector, are failing to invest in a skilled Australian workforce for the future and instead are using the quick fix of temporary migration.

There are areas of Australia with high unemployment, and proper standards need to be in place to fill genuine skills gaps through migration as a supplement to domestic education and training to increase labour force participation of those who continue to be under-represented in the workforce.

Skilled migration should be predominantly through permanent migration and with workers who are independent, not employer-sponsored migrants, as these workers have more of a stake in Australia's future and can contribute in return, and are less likely to be exploited or treated poorly.

Temporary migration should only be used in cases of temporary need, but skill replacement programs must be put in place to address the local workforce's needs on an ongoing basis.

Overseas labour must not be used in industries where local workers cannot be attracted due to low wages and conditions (except for seasonal labour programs). There must be *rigorous labour market testing to assess demand across industries* and groups currently disengaged from the labour force should first be sought.

Temporary workers are vulnerable to exploitation and *all migrant workers should be afforded the same rights as Australians, including pay, access to unions and conditions.*

Retirement Incomes, Superannuation and Workers' Capital

Although the Superannuation Guarantee will be increased to 12% by 2020, adequacy of retirement incomes, particularly for women, remains an issue.

Our super system is a function of paid work and therefore it tends to disadvantage women because they are more likely to move in and out of paid work to care for family members. Furthermore, women on average earn less than men and are more likely to be employed in casual and part-time work.

Another key area of concern for unions is the *governance of funds* – both the transparency and availability of information about funds and their directors; and the elimination of potential conflicts of interest, which are a particular issue in the for-profit retail sector.

The ACTU will establish a dedicated “Capital Stewardship Program” to protect and advance the interests of superannuation fund members, and to ensure that unions and their members remain a leading voice in relation to all aspects of retirement incomes policy and investment.

Workers' capital in the form of superannuation contributions has the potential to play a greater role in helping to build our nation. Subject to meeting the required risk-return profile within each fund's portfolio, many fund members would welcome seeing more of their contributions being put to work building new railways, schools, hospitals and other forms of infrastructure.

Unions support collective investment (which provides appropriate scale) by funds in nation building investment, and will call on government to *review its current tax and procurement policy settings with the aim of facilitating the greater long-term investment of workers' capital in our economic and social infrastructures.*

Work, Life, Family

Work-life balance can be promoted through stronger legal entitlements, including *improvements to the right to request flexible work arrangements.* These should cover a wider scope of caring responsibilities.

There should be *enhancement of the leave options* available under the *Fair Work Act*, including more options for carers, options for family and domestic violence leave, and a closer alignment between paid and unpaid parental leave.

Workers in insecure, casual or part-time employment need more control over hours of work and protection employees with caring responsibilities.

Unions will campaign to continue to *improve parental leave provisions* both through workplace bargaining and through the legislated review process outlined in the Paid parental Leave legislation.

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