

Future of Work

Wages and Collective Bargaining Policy

Introduction

Policy Framework

1. Congress reaffirms that:
 - a) Union organisation and collective bargaining are the primary means by which unions achieve fair wages and employment conditions for union members. Union members earn on average 10 per cent more than non-unionists, and union members have greater access to leave, superannuation and other employment conditions.
 - b) Modern Awards play a crucial role in underpinning bargaining. They are the principal means of achieving wage justice for those unable to bargain. An open, agile and transparent process for setting minimum wages and conditions is the foundation for a robust and fair labour market.
 - c) The role of unions in organising collectively raises standards for all Australian workers and therefore assists in achieving broader social justice objectives. By extending union gains to all workers the exposure of strong union sites to the downward pull of wage competition and incentives to de-unionise is diminished.
 - d) Union collective bargaining is the primary means by which unions achieve wages and conditions for union members over and above the award safety net.

Overall Objectives

2. The broad objectives of wages policy over the next three years are to:
 - a) achieve real wage increases for union members;
 - b) achieve substantial improvements in award minimum wages;

- c) improve job security and security of entitlements;
 - d) build and extend collective bargaining;
 - e) achieve equal remuneration for women;
 - f) remove wage discrimination impacting upon young people, casual workers and others;
 - g) build union membership and organisation through campaigns over wages and employment conditions, particularly at the industry and occupational level;
 - h) build and extend portability and security of entitlements, particularly on an industry or sector basis;
 - i) build job security in response to the global financial crisis including by securing greater notice and consultation rights about change, reduced capacity to utilise precarious forms of employment, development of income security and training programs as alternatives to making workers redundant, and building and extending portability and security of entitlements particularly on an industry and sector basis;
 - j) support the growth of decent work - quality training, work/life balance, secure accrued entitlements; and
 - k) build sustainable workplaces.
3. These broad objectives are to be pursued through collective bargaining, the award system, legislative and public policy change and campaigns in the community.

Collective Bargaining

4. Congress commits to the following principles in relation to collective bargaining:
- a) Use the legislative provisions of the Fair Work Act 2009 to actively pursue collective bargaining across the economy, while unions pursue improved collective bargaining rights. Unions will seek to bargain at the enterprise level or multi employer level. Where necessary unions will seek the assistance of Fair Work Australia to achieve agreements, or as a last resort arbitrated wage increases, using special bargaining provisions that facilitate agreement-making for the low paid.

- b) A co-ordinated approach to bargaining at the industry level with maximum involvement of delegates and members.
 - c) Priority given to the achievement of equal remuneration for work of equal or comparable value for women.
 - d) Inclusion of claims, consistent with other Congress decisions, for improved hours of work, increased job security, improved conditions for casuals and other workers with precarious employment, better work and family balance, delegates' rights, protection and portability of employee entitlements and paid training leave.
 - e) Adequate resourcing of wage increases achieved through collective bargaining in the public sector and the publicly funded not-for-profit sector.
5. In collective bargaining unions will seek to achieve wage outcomes that, as a minimum, maintain the real value of wages and which secure a fair share for workers of productivity growth and improved profitability or efficiency.

The Award System and Decent Work

6. Congress reaffirms award rates of pay as a key component of wages policy in that:
- a) award rates provide vital protection to award dependent workers; and
 - b) increases in award rates reduce the gap between award and agreement rates of pay.
7. Congress is concerned at growing income inequality between award dependent workers and those covered by agreements, together with the continuing plight of the low paid.
8. The ACTU and unions are committed to raising and restoring the relevance of award rates of pay through annual cases before the Minimum Wage Panel of Fair Work Australia, based on:
- a) Promoting social inclusion and increased workforce participation;
 - b) Relative living standards and the needs of the low paid;
 - c) Equal pay for work of equal or comparable value; and

- d) Securing fair minimum wages for juniors, trainees/apprentices and workers with disability.
9. Congress resolves to continue to:
- a) Substantially lift the real value of award minimum rates through national wage case proceedings.
 - b) Raise the Federal Minimum Wage to \$600 per week within in the next two years.
 - c) Broaden efforts to achieve minimum wage improvements through public campaigning aimed at highlighting the position of the low paid, and mobilising workers and others in the community to demand greater wage justice.
 - d) Develop strategies to ensure award pay scales are a relevant floor for bargaining.
 - e) Campaign for an improved collective bargaining framework that will include what can be bargained about and the right to industry-wide bargaining per se.
10. Congress rejects the proposition that minimum wages be frozen or restrained on the basis of creating more jobs and containing inflation.
11. Recognising the importance of skilled based career paths in productivity, equity and social inclusion, Congress resolves to protect career path wage structures in modern awards by seeking pay increases structured to maintain career paths in cases before the Fair Work Australia Minimum Wage Panel.
12. Congress also recognises that low paid workers are particularly affected by the social wage, which includes tax and social security policy and the provision of public services including health, education, housing and transport. Congress will campaign for social wage improvements to lift the living standards of low income households, as complement to - but not substitution for - real minimum wages increases.

Equal Remuneration

13. Congress notes that the gap between average male and female earnings has widened since Congress 2003.
14. The ACTU and unions are committed to achieving equal remuneration for work of equal or comparable value through the following:

- a) Increase the participation of women in enterprise bargaining, by increasing the representation of women delegates in the bargaining process, improving access to training and pursue equities in pay, benefits and employment conditions;
 - b) Use low paid multi employer bargaining to increase access to collective bargaining for workers in female dominated occupations and industries;
 - c) Undertake regular evaluations of remuneration practices such as performance pay and make necessary changes to ensure they are transparent, free of gender bias and reward work value;
 - d) Use provisions in the Fair Work Act to pursue equal remuneration and benefits: including work and family, anti discrimination, good faith bargaining principles, and the 'better off overall test';
 - e) Encourage Fair Work Australia to conduct a wide ranging inquiry into the issue of casualisation levels within the workforce and formulating the means by which excessive levels of casualisation can be reduced over time.
 - f) Pursue applications to Fair Work Australia to make equal remuneration orders;
 - g) Extend the equal remuneration principles identified in the Queensland jurisdiction to the federal jurisdiction consistent with CEDAW and ILO conventions 100 and 111;
 - h) Monitor the compulsory flexibility clauses in agreements and awards to ensure women are not disadvantaged;
 - i) Use the review of modern awards for equal remuneration purposes and to remove discriminatory terms.
15. To achieve equal remuneration Congress calls on the government to take the following action:
- a) Require workplaces to report basic equal remuneration data annually and consult with unions to develop, monitor and implement practices to promote and achieve equal remuneration;
 - b) Increase regulatory measures to prevent unequal remuneration, including performance improvement notices and mandatory action plans where appropriate;

- c) Establish a specialist Pay Equity Division and Pay Equity Commissioner within Fair Work Australia with the purpose and role of gathering data, monitoring and investigating equity in pay, conditions and benefits; and
 - d) Reform the *Sex Discrimination Act (Cth) 1984* and other anti-discrimination legislation to promote equal remuneration for work of equal or comparable value.
16. The ACTU will provide appropriate resources to assist affiliates to achieve equal remuneration: including assistance in making applications for orders, and ensuring equal remuneration is included in all ACTU education programs and bargaining resources.
17. Congress commits to ensure the wages gap between men and women does not increase as a result of the global economic crisis or government policies, such as climate change. Furthermore, Congress believes that the government must provide equivalent support and assistance for men and women and male and female dominated industries affected by the economic downturn.
18. Congress notes this policy is complemented by the Work and Family policy; and, that improved equal opportunity in the workplace will improve equal remuneration for work of equal or comparable value.

Aboriginal and Torres Strait Islander Workers

19. Congress commits to address the employment, wages and working conditions of Aboriginal and Torres Strait Islander workers.
20. To facilitate progress, the ACTU will, in conjunction with affiliates, develop a bargaining claim framework of minimum entitlements for Aboriginal and Torres Strait Islander workers which will address:
- a) cultural and ceremonial leave; and
 - b) recognition of "kinship" compared to immediate family as outlined in the NES.
21. The ACTU will work with unions to develop industry specific employment targets for Aboriginal and Torres Strait Islander workers.