

# **The union agenda for working Australians**

## **Address to ACTU Congress, 2 June 2009**

Jeff Lawrence, ACTU Secretary

### **Introduction**

Delegates, friends and guests, the 2009 Congress is a time to set our goals and chart a course to achieve them.

This is the first Congress since we got rid of the Howard Government.

And that, in itself, is something to cheer.

Unfortunately, with the Global Financial Crisis and the current downturn there is precious little to celebrate. The GFC has meant many of our members have lost their jobs or are suffering cuts to their hours of work.

Life has been made harder for many working people in Australia, and around the world. This will get worse before it gets better.

Many of our union colleagues, including those of us here today, are focussed on responding to the downturn and the important work of defending jobs and safeguarding the rights and entitlements of union members in these tough times.

To those of you here today from the unions in industries hardest hit by the global downturn – construction, manufacturing, finance and other important sectors -- we salute you and offer our solidarity and assistance.

The ACTU, the TLCs and I am sure, the whole union movement extends its support and stands ready to help.

Later this morning we will devote a major session of Congress to the GFC and how Australian unions are responding to the challenge it poses for working Australians, our economy and society.

But now, I want to outline to you the new agenda for working Australians that we will discuss and debate over the next three days.

It is an agenda for workers' rights, for jobs and for strong and growing unions that can represent working Australians and build a fairer society.

And we will summarise the Congress program – the pathway to develop our new agenda -- in a statement of values to be moved later in this session.

### **Agenda for workers' rights**

First, our agenda for workers' rights.

In recent years we have achieved a lot but there is so much more to do.

Unionists and activists should be proud.

We have fought a hard fight. And let's not pretend this fight started or ended with WorkChoices or with the Liberal Government here in Australia. Workers' rights have been watered down, deregulated and attacked in countries all over the world.

Over the last ten years Australian unions have had one attack after another – the waterfront, the Reith Legislation, the attack on construction workers, reduction in public sector. Then the rights of every Australian worker were attacked through WorkChoices.

Unions stood together. We mounted an historic campaign – with unity and discipline. We doorknocked over 90,000 houses, called 400,000 members, had TV ads beamed into every house across Australia.

We stood together and Australia stood with us and said enough.

Australians made the decision – they did not want to live in a country that did not respect workers and their rights.

The Australian union movement turned the tide and we got a Government thrown out on the basis of their labor laws and their attacks on workers.

We got rid of WorkChoices – but our job is not done.

Unions must continue to campaign to improve the rights of workers and their families.

But do not forget what we have achieved so far.

We have guaranteed that there are no more AWA individual contracts that cut wages and conditions and undermine workers' right to have collective agreements.

We have guaranteed workers are protected from unfair dismissal.

We have guaranteed a strong safety net for all workers; and that there's an independent umpire.

We have guaranteed every worker has a right to collective bargaining – and a real right to union representation – particularly in bargaining, as it should be. There is much of our 2006 Congress policy that has been delivered in the Fair Work Act.

The new laws are built on the best the old system and breathe new life into it – the strong safety net, rights at work, an independent umpire. And they strengthen it by the addition of workers' rights to collective bargaining and freedom of association at its core.

I believe the laws go a fair way to improve on the 1993/94 Brereton reforms. There were two main problems of the Brereton legislation:

1. It gave workers no enforceable right to collective bargaining; and,
2. The only way workers could set wages and conditions over and above the award was through enterprise bargaining.

This meant some workers were left behind.

Workers without bargaining power, the low skilled, and the low paid. Workers in cleaning, community services, aged care, and security – many of whom I represented as National Secretary of the LHMU and in the community sector, transport and other contracting industries.

The Fair Work Act improves both of these areas. Good faith bargaining requirements and the low-paid multi-employer bargaining in the new Act goes a fair way to improving access to collective bargaining.

Spreading the reach of collective bargaining will help address pay equity issues and improve the rights of low paid and marginalised workers.

On 1 July 2009 some employers will have to change their approach.

They will have to demonstrate they will participate in collective bargaining in good faith.

Employers must provide employees with genuine right to join a union and allow them to be active in it.

And on 1 July we have a responsibility too.

Our job is to make sure workers realise their rights and put them into practice.

We must have plans to use the legislation to empower workers. After years of conservative government, it's our chance to give workers back their voice. and the confidence to stand up for their rights.

Already we are seeing some employers change their tune.

Telstra is taking its first steps towards engaging with unions – after years of being the most vocal WorkChoices advocates and users of AWAs.

Remember Telstra is the company that signed 15,000 workers to AWAs in the dying hours of WorkChoices. It is a company that has run countless campaigns to split their workforce in an ultimately unsuccessful effort to get up non-union agreements.

The laws will clearly be tested on their ability to deliver workers a union collective agreement at Telstra.

And Cochlear – where workers have been fighting since WorkChoices began to have a union collective agreement. Succeeding in these tough cases require a comprehensive and legal strategy.

This will be the test.

### **Continuing the campaign**

I believe that further improvements to IR legislation and workers' rights are necessary, and that it is our job to make sure they are on the Federal Government's agenda for the remainder of this term, and into their next.

Improvements to workers' rights should ALWAYS be on a Labor Government's agenda.

In particular I am committed to leading the ACTU in fighting for the immediate unfinished business of our campaign:

- We must see an end to existing AWAs – we must highlight them where they exist and organise to get workers to get off them.
- We must fight to improve workers' access to unions and improve right of entry to better protect workers from unscrupulous employers
- We must remove limitations on bargaining – it should be possible for employers and employees to freely choose what to bargain for.
- We MUST fight to maintain the highest standards of workplace health and safety in a new harmonised national system The Australian union movement will not accept a second rate health and safety system from the Rudd Labor Government and the State and Territory governments too. None can escape their responsibility if the health and safety protections for Australian workers are reduced.
- Award modernisation is another important area of unfinished business for unions. It is vital that no workers are worse off and also that the process is completed and workers and unions can rely on a strong and effective safety net. Last Friday the Government added to our differences in a way that has rightly outraged many of us here -- by amending the award modernisation referral and capitulating to some in the business community without consultation.

I trust the Deputy Prime Minister will be as similarly interventionist in her approach by protecting workers and ensuring no worker is worse off from the award modernisation process.

- Lastly, I believe that all workers must be treated equally.
  - Independent contractors, should have access to the same rights as workers in the workplace;
  - And it is wrong to have separate laws for construction workers.

Despite a year and half of Labor Government - construction workers continue to have fewer rights than all other workers. Action on this has been too slow.

I believe, now the Fair Work Act has been finalised – equal rights for construction workers – is our number one industrial issue.

What happens to the workers in the construction industry is important to all unions and our members. We cannot allow laws to continue that can jail a unionist for refusing to discuss a union meeting. Or fine workers \$22,000 for taking industrial action.

### **Agenda for Australian jobs**

Delegates, as well as campaigning to further improve workers' rights, we will be asking this Congress to support an agenda for jobs -- a plan that protects jobs and workers' entitlements, promotes skills and supports Australian industry.

Many unions are already campaigning strongly on these issues:

- The Finance Sector Union is campaigning against offshoring
- The manufacturing unions are campaigning to save jobs and strengthen local industries
- The public sector unions are fighting against government cuts

The Global Financial Crisis has presented all unions with major challenges.

And in this crisis the role of Government is paramount.

We support the Labor Government's commitment to saving jobs through its stimulus and infrastructure investment packages.

This investment in skills and infrastructure was long overdue. The former Liberal government left Australia with a \$90 billion infrastructure hole – and chronic underinvestment in skills, that if continued was predicted to cost 550,000 jobs by 2025 – and lose the nation \$1 billion in GDP.

I believe more needs to be done by the Labor Government to ensure the investment it is making maximises job creation and retention, and that it benefits Australian communities.

Government policy on spending must recognise that factors exist beyond price. Governments spend money to benefit our community. How it is spent should be valued as much as what it is spent on.

- Government must ensure workers on government projects have fair pay and conditions that promote Fair Work best practice, not just adherence to the laws;
- Government spending should assist marginalised workers (long term unemployed, Aboriginal and Torres Strait islanders, workers with disabilities, and those in regional areas) and provide training and skill development and support for apprentices and trainees;
- And government spending should support jobs in Australia. Not at the exclusion of other workforces around the world, but as a priority. And this is entirely consistent with the Labor Government's stimulus objectives.

Our plan for spending in the national interest will be considered this afternoon – and we must campaign for its implementation.

## **Relationship with Labor**

On our relationship with the Labor Government, I assert that we must be strong and we must be independent.

We must continue to vigorously engage with the Government and to be activist in our outlook and to campaign and lead the debate for what is right.

We have differences of view with Labor on a number of issues, including OHS and the ABCC and we must continue to strongly prosecute our case on behalf of our members.

A poor initial decisions would not have occurred if there were broader representation and consultation by the Government – for example on the Henry Tax Review and the recommendation to lift the super preservation age to 67. A measure that Rudd then had to rule out.

If we are to succeed however in ensuring our voice is heard by government – we must be unified and disciplined in our approach.

## **Union Growth and Campaign Plan**

And delegates, to have a strong voice, we must have strong and growing unions.

Without strong, growing and campaigning unions we will not create workplaces where workers have a voice and are treated with respect.

And we will not build a society that is fairer and more equal.

WorkChoices demonstrated what the conservative forces in this country will do if we are weak. We cannot allow this to happen ever again.

There must be a comprehensive recommitment to membership growth.

Australian workers cannot afford to be in the same position as the NZ and UK union movements. After years of regressive governments their rights are restored – but union density and the spread of collective bargaining has not increased.

I am committed to see that the Australian story is different – that membership grows and unions are able to effectively represent and advocate on behalf of their members. This will be all the more important for workers during the current economic crisis.

We have to increase access to union representation. We must spread collective bargaining: particularly to low paid workers who have too often missed out.

The new laws will mean very little if we do not organise. We also have to be disciplined in our approach. To ensure the laws are used effectively we must be careful how we prosecute cases before the courts – and have in mind the long term interests of **all** union members.

A new union agenda must have consensus on the goal to grow unions. However, the methods should reflect our multitude of different union cultures and the unique needs in our industries.

We cannot forget our strength comes from the workplace and our delegates.

In Australia there are 140,000 delegates who volunteer their time to stand up for their rights, and the rights of their workmates. It's often a thankless task – and it is not without personal risk. It's a job that all Australians should be grateful of. There is no doubt delegates and workplace representatives make Australia a better place.

Employers that limit union access or undermine our role and that of our delegates deny workers a real choice. The genuine right to join a union requires employers to recognise unions in organising and to also provide delegates with rights.

We must do more to empower our workplace representatives through union education, better support, and to give them appropriate legal protections.

We must never retreat from the need for growth and activism. Without strong, growing and campaigning unions we won't create workplaces where workers have a strong voice and are treated with respect and we won't create a fairer society.

### **Message in the community**

We must also reach out beyond our unionised workplaces – to communicate our values to the community and into new workplaces.

Our values are values widely held in the community – the Your Rights at Work campaign proved this.

We believe in fairness, justice, and respect for the rights of all people, here and across the globe.

We seek a society that fosters community and a collective approach, in which everyone is valued and respected for their contribution.

We also strive for equitable access to the benefits of society and for the right of all to participate and have their say.

But we need to be honest with ourselves - how effectively do you think we communicate our values? Our achievements? Our role?

If you asked your average 20 year old what a union is, what would be the answer?

Unions have a proud history and a positive story to tell young workers.

I don't need to go through the list here – the 8 hour day, annual leave, protection from being sacked unfairly, superannuation – it's a long and popular list.

It reflects Australian values – from a fair go – to the weekend and the annual holiday.

And our members have a lot they want us to achieve – this Congress' policies are testimony to this:

- Security of income
- Highest standards of health and safety
- Improved paid maternity leave
- Better provisions for women to get equal pay for equal work
- Greater security for casuals and contract workers
- An agenda for decent work

Our work – and our values – must have a public voice.

Australian unions should be having conversations with Australians in the workplace, the kitchen, the townhall, as well as Youtube.

Communicating our message, is not something I believe should wait until our next urgent fight.

We must begin now.

## **Conclusion**

Finally, I want to again welcome you all here and encourage you to actively participate in Congress.

Despite the tough times and the many challenges we face in this difficult economic and political environment, we have a tremendous opportunity to achieve change.

The policies and resolutions we make here, in Brisbane, will express the current priorities for working Australians and they will also guide how unions take advantage of this opportunity.

Unions will deliver for all Australians – by endorsing an action plan for the future of work and the creation of a fairer society. That action plan must be underpinned by our growth and campaign strategy.

Your job over the next three days is to help set the union agenda and, in so doing, help lead and set the national agenda.

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