

Australian Council of Trade Unions

Policies

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ACTU CONGRESS 2003

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Statement of Australian Union Values

ACTU CONGRESS 2003

FAIRNESS, EQUALITY & OPPORTUNITY IN THE COMMUNITY

1. Unions believe in a democratic Australia, which values all citizens and their aspirations.
2. Unions believe in the right of all citizens to employment and a decent standard of living - to a fair share of the nation's wealth.
3. Unions believe that every Australian must have access to free, quality public health care and education, regardless of their socio-economic circumstances.
4. Unions believe that families and individuals must be guaranteed decent minimum living standards through the social security and taxation systems.
5. Unions believe that all Australians must have access to decent and affordable housing.
6. Unions believe in the right of all Australians to a secure and dignified retirement.
7. Unions respect the fact that indigenous Australians are the original owners of our land, and that reconciliation between indigenous and non-indigenous Australians is a vital goal.
8. Unions believe in a multi-cultural Australia.
9. Unions believe in a sustainable environment.
10. Unions are opposed to discrimination in all forms including that based on race, religion, ethnicity, gender, disability, sexual preference and political beliefs.
11. Unions believe that all Australians must be treated equally by the law and have access to legal representation as a right.
12. Unions believe that governments have a central role in ensuring fairness, equality and opportunity throughout the community.
13. Unions are committed to Australia's independent participation in international cooperation to promote peace, security, human rights, labour standards and prosperity through fair trading arrangements.

SECURITY & FAIRNESS IN THE WORKPLACE

14. Unions believe that workplaces should be safe, secure, healthy and free of harassment, intimidation, violence and discrimination.
15. Unions believe that workers should have a right to a decent wage and fair working conditions.
16. Unions believe that all workers have a right to secure employment and protection against unfair dismissal or unfair treatment by the employer.
17. Unions believe that workers should have the right to join and be represented by a union.
18. Unions believe that all employees should have the right to collectively bargain.
19. Unions believe that workplace union representatives should have rights enabling them to carry out their role.
20. Unions believe that unions should have the right to recruit, organise and represent workers.
21. Unions believe that workers should be consulted and informed about issues affecting their employment.
22. Unions believe that Australian businesses and their executives have a responsibility to engage in legal and ethical conduct and environmentally sustainable practices at all times with employees, stakeholders and the community.
23. Unions believe that working parents must have access to good quality, affordable child care.
24. Unions believe that working parents have a right to employment standards that enable them to manage work and family.
25. Unions believe that working parents must have the time and opportunity to form and maintain relationships with their children which foster the child's development.
26. Unions believe that officers and representatives of unions should conduct themselves in a manner consistent with this Statement of Australian Union Values.

**International
International
Policy**
ACTU CONGRESS 2003

1. The ACTU recognises the importance of union action to:
 - (a) uphold the rights of workers in the Asia-Pacific region and internationally,
 - (b) eliminate discrimination against particular groups,
 - (c) secure higher levels of aid and development assistance for the people of developing countries,
 - (d) promote democratic reform and the peaceful resolution of conflict,
 - (e) reform international financial institutions, and
 - (f) achieve an independent Australian foreign policy.
2. The ACTU will support measures that promote the rights of workers and a better environment in which they live and work, such as:
 - (a) the ILO Declaration of Fundamental Principles and Rights at Work, and
 - (b) global framework agreements negotiated by the ICFTU and Global Union Federation initiatives.
3. To improve the position of workers Unions can also use:
 - (a) the UN Global Compact,
 - (b) the OECD Guidelines for Multinational Companies,
 - (c) shareholder action, and
 - (d) corporate governance instruments.

4. Many unions in the Asia-Pacific region are confronted with a critical and uncertain future. The challenges to workers and their unions are formidable as they are:
 - (a) attacked and harassed by governments determined to destroy them;
 - (b) undermined by World Bank and IMF policies and programmes;
 - (c) frequently out-manoeuvred by the resources of transnational companies;
 - (d) divided into a multiplicity of national union centres; and
 - (e) too frequently without strategic, properly resourced plans and programmes to recruit, organise and campaign.

5. In assisting the development of unions in our region the ACTU will continue to support the programmes in this area of Union Aid Abroad - Australian People for Health Education and Development Abroad (APHEDA), and work with:
 - (a) other national union centres and their affiliates,
 - (b) the International Confederation of Free Trade Unions and its Asia Pacific Regional Organisation (ICFTU-APRO),
 - (c) the South Pacific and Oceanic Council of Trade Unions (SPOCTU), and other union networks such as Southern Initiative on Globalisation and Trade Union Rights (SIGTUR), and
 - (d) the Global Union Federations.

6. Strong, independent, inclusive and democratic unions are the key institutions for organising workers and promoting the rights of workers and their families at the local, national, and international level. The ACTU will offer support and solidarity to workers and groups seeking to establish independent unions in countries where governments or employers control workers' organisations. It will support international campaigns that foster inclusive and representative unionism such as campaigns:
 - (a) for the rights of women workers,
 - (b) to combat anti-semitism and racism, and
 - (c) to combat discrimination against gays and lesbians.

Global Union Activism

7. Global Unions, particularly in the Asia Pacific region are now engaged in a battle for their survival. They now must become strategic, organising, campaigning and activist forces, integrating and mobilising all workers whether in the sector workplace, at national, or regional and international levels. The ACTU will support every effort, whether through its affiliates and their Global Union Federations or through the ICFTU to ensure that unions in the region are mobilised and strengthened to defend and promote their rights.
8. Affiliates will be supported in their own solidarity initiatives, and in efforts to encourage individual members to contribute to solidarity work, particularly in the region.
9. The ACTU strongly supports the campaigns for international debt relief and for the Australian Government to commit at least 0.7% of GNP to overseas aid and development assistance, as called for by the United Nations. The ACTU opposes the trend of moving development aid through commercial, for profit companies and calls upon the Australian Government to allocate at least 10% of its overseas budget through accredited Australian non-government organisations for international development.
10. The ACTU commends the decision to permit the tariff free entry of goods from the Least Developed Countries.
11. The ACTU will continue to:
 - (a) provide Union Aid Abroad-APHEDA with core funding,
 - (b) encourage unions to negotiate the inclusion of the organisation on employer lists of charities for payroll deductions, and
 - (c) encourage individual unionists, and union officials and staff to donate to Union Aid Abroad- APHEDA.
12. ACTU Congress congratulates affiliated unions, state and provincial labour councils and countless thousands of delegates and rank and file members who participated in the largest anti-war actions ever seen in Australia. The union movement joined the majority of Australians in opposing the use of military force in Iraq, building important links with the community and young people in particular.
13. The norms of international law under the auspices of the United Nations are the most highly developed rules in existence to prevent war. These processes require further reform and democratisation. The attack on Iraq, by the US, UK and Australia is a serious breach of the law with grave implications for the future. The US-led occupying authority of Iraq should be replaced by a UN administration as soon as

possible. Moreover, the US should abandon consideration of the proposal for a US-led standing international peace-keeping force, operating outside UN authority.

14. Peace is union business. The ACTU will oppose the unilateralist policy and pre-emptive strike doctrine of the Bush Administration, and campaign against the use of bases in Australia and our armed forces for these purposes. The ACTU will defend the authority of the UN, and promote the acceptance of this position on the part of the Australian Government.

Terrorism

15. The ACTU unequivocally condemns terrorism. Brutal acts of terror directed against civilians and aimed at maximum loss of lives cannot be excused, rationalised, justified or defended under any circumstances.
16. The ACTU believes that the fundamental pillars of peace and disarmament include:
 - (a) acceptance of the authority of the UN, and the provision of additional resources to UN agencies;
 - (b) the promotion of freedom, democracy, justice, peace education, and of basic human and trade union rights;
 - (c) development assistance and socio-economic programmes that attack the root causes of war, conflict, and terrorism by addressing the conditions that deprive communities of justice and an equitable share of resources;
 - (d) an international treaty based regime which provides for the multilateral progressive and verifiable elimination and cessation of the production and possession of weapons of mass destruction, and weapons, such as land mines and cluster bombs; and the cessation of the export of small arms to conflict zones in the developing world;
 - (e) leadership, by the major possessors of weapons of mass destruction, in complying with weapons control conventions, in refraining from the development of new tactical nuclear weapons, and in initiating disarmament; and
 - (f) the avoidance of any unilateral action which could trigger a new nuclear arms race.
17. The ACTU will continue to work and co-operate with community organisations in campaigning for transparent, democratic and accountable multinational financial institutions, such as the World Bank, Asia Development Bank and the International Monetary Fund.

The social and economic problems caused by the IMF's deregulatory requirements on East Asian countries during the financial crisis and by World Bank loan conditions for many developing countries necessitate a new model which emphasises the importance of:

- (a) expenditure on health and education,
 - (b) affordable access to water and food, and
 - (c) constructive state intervention.
18. The ACTU will encourage its affiliates to participate in new frameworks, such as the World Social Forum, that organise opposition and promote alternatives to the deregulatory model.
19. The ACTU believes in a more independent Australian foreign policy which recognises:
- (a) the priority of Australia's relations with nations in the region;
 - (b) that national security and combating terrorism not only includes an effective defence force, but also a commitment to the promotion of human rights, reducing inequality, and achievement of the millennium development goals;
 - (c) that Australia's defence doctrine and military structure should remain focused on national defence and security in the immediate region;
 - (d) that Australia's security interests include promoting the objective of a regional arms limitation agreement in order to avoid both a conventional arms race and the proliferation of weapons of mass destruction; and
 - (e) the advantages of a complementary trade policy focused upon multilateral outcomes that do not discriminate between Australia's Asian and North American trading partners, rather than the extension of a military alliance through a free trade agreement with the US.
20. The priority of relations with nations in the region does not mean that Australia should cease promoting democratic reform and recognition of human rights.
21. The ACTU believes that a stable, democratic Indonesia is a key element of foreign policy and the emergence of independent and representative Indonesian unions are integral to that process.
22. The ACTU recognises in particular the importance of supporting the union movement in Timor Leste as essential to realising a democratic

and independent sovereign nation able to fully benefit from its natural resources.

23. In addition this will require the transition of the TNI to a professional army that does not depend on business activities for its finances; the resumption of peaceful negotiations with the people of Aceh; as well as ensuring through negotiations, the rights of the people of Irian Jaya/West Papua to have their voices heard in regard to economic, social and political rights.
24. In light of the failure of the Downer policy of engagement with the military regime in Burma, the ACTU believes that the Government should heed the call of the Burmese opposition to isolate the regime.
25. The deployment of Australian police and troops in the Solomon Islands at the request of that country's government and with the support of the Pacific Islands Forum does not set any unilateralist precedent, and is consistent with our responsibilities to the region. Australia should increase its assistance to the South Pacific, particularly to programmes designed to:
 - (a) tackle the outbreak of AIDS,
 - (b) promote multi-ethnic civil society institutions,
 - (c) increase transport and economic links between and within the individual countries,
 - (d) raise levels of education, and
 - (e) strengthen internal governance and regional political and economic arrangements.

Middle East

26. The ACTU supports the "road map" and a genuine strategy for its implementation which gives new hope that real progress will be made to finding a peaceful solution to the conflict between Israelis and Palestinians, based on the co-existence of two sovereign states in line with United Nations' resolutions. Furthermore, the ACTU opposes the establishment of the "separation wall" as a violation of Palestinian human rights.
27. The ACTU commends the ICFTU in its commitment and continued support of the Israeli and Palestinian trade unions to resume and strengthen their dialogue and co-operation.

Colombia

28. During 2002 nearly 200 unionists were assassinated making Colombia, by far the most dangerous country in the world to be a unionist. In only two cases out of some 3,500 unionists murdered since 1987, have their killers been convicted of murder. The ACTU, condemns such brutality and will continue to provide support and solidarity with unions in Colombia; requests the Australian Government to provide protection for Colombian unionists seeking resettlement, as refugees; and reaffirms its commitment to play an active role in the ongoing national and international action through the ICFTU, Global Union Federations and the ILO, to ensure justice for Colombian workers and their families.

Union Support

29. Within the Asian region unions struggle for their survival. In particular, the ACTU will continue to co-operate with unions in Indonesia in the further democratisation and strengthening of their organisations; to support the development and capacity of the Burmese union movement and to continue to campaign for the release and return of the legitimate government led by Aung San Suu Kyi; and the continued expansion of the support for the union movement in Timor Leste.

Refugees

30. The increasing complexity of the movement of asylum seekers, internally displaced peoples, and refugees demand responsible and multifaceted strategies including, aid and development co-operation; trade and investment policies; defence policies including a strengthening of peace keeping capacities; maintaining and extending relations with the United Nations' system including those related to sustainable development and environment; as well as immigration/refugee specific policies.
31. Australia should rescind legislation which has excised Christmas and Cocos Islands, as well as any other territories from Australia's migration zones. In addition it should not be taking advantage of the financial fragility of small countries in the region to relocate detention centres and refugee processing outside Australian territory. The ACTU calls on the Commonwealth Government to honour Australia's obligations under the Refugee Convention, to:
 - (a) end mandatory detention,
 - (b) cease deporting people to unsafe or unstable countries, and
 - (c) grant all refugees permanent settlement rights and as such abolish Temporary Protection Visas.

32. The ACTU recognises that the scale of the movement of people seeking either asylum, or a better standard of living as guest workers or as unregistered immigrants, warrants a coordinated international response. The ACTU welcomes and will contribute to the discussions within international trade union organisations on the global movement of people, noting that they also include the development implications of the recruitment by OECD nations of skilled workers, professionals, and graduates from the developing world.
33. The ACTU recognises that with the increasing globalised movement of goods and services, comes the increased movement of people. The ACTU commends the ILO in initiating and co-ordinating an international approach to labour migration and urges both its affiliates and the Australian Parliament to become involved in the process leading up to the International Labour Conference 2004 discussions on the issue.

Future of Work
Working Hours and Work Intensification
Policy
ACTU CONGRESS 2003

Policy Framework

1. The changing nature of work has been central to ACTU policy development over recent years. Economic change has led to significant change in the workplace and the workforce. ACTU and union research and policy responses have included:
 - (a) the 1998 *Work, Time, Life* report and the ensuing 1998 ACTU Council resolution initiating the campaign over working time and employment security issues;
 - (b) the Working Hours Case;
 - (c) extensive and detailed surveys of workers showing that work intensification, working time, work-family balance and health and safety issues arising from excessive working hours, are top industrial priorities;
 - (d) union and ACTU campaigns and cases over casual and fixed term employment, work loads and staffing, contracting and labour hire, and the protection of employee entitlements; and
 - (e) the recent Future of Work report prepared by Sydney University's ACIRRT.
2. The Congress resolves to continue campaigning and developing policies relevant to working people in the rapidly changing labour market. The principal challenges include:
 - (a) the erosion of full-time employment and the growth of casual, part-time, contracting and insecure forms of employment;
 - (b) increased fragmentation and unequal distribution of working hours, with longer and often unpaid hours for some, and insufficient, irregular and unpredictable hours for others;

- (c) the intensification of work through reduced staffing, increased workloads and monitoring of individual performance;
 - (d) health and safety problems driven by long hours and work intensification; and
 - (e) employer insolvency and the loss of employee entitlements.
3. Unions and the ACTU will continue to address these issues through:
- (a) promotion of public debate;
 - (b) collective bargaining campaigns;
 - (c) arbitral strategies;
 - (d) lobbying for legislative and public policy change; and
 - (e) building alliances with other organisations as part of union campaigns.
4. This policy deals principally with working hours. Alternative Congress policies deal with other aspects of the challenges of workplace change.

Working Hours

5. Congress reaffirms the centrality of working hours and related issues to the contemporary workplace. Workers need regular, predictable and sufficient hours of work to enable them to meet financial needs as well as family and social responsibilities.
6. Specific issues requiring continuing action concerning working hours include excessive hours, unpaid overtime, unpredictable hours, unfair and unsafe roster and shift arrangements, and insufficient hours for many part-time employees.
7. Unions and the ACTU will work to ensure that working hours and workloads do not pose a risk to health and safety, and do not prevent appropriate involvement in family and community life. Congress resolves to continue the campaign for reasonable hours of work to apply in every industry and occupation.
8. Congress recognises that workers in each industry will have different concerns and priorities in relation to working time arrangements, and that these should be taken up by unions in bargaining campaigns. In particular it is noted that many workers need access to paid overtime in order to achieve a basic standard of living.

Long Working Hours

9. Congress notes the outcome of the *Working Hours Case* enabling workers to refuse to work unreasonable overtime. To build on the achievement of this case the ACTU and unions will:
- (a) Further investigate the effect of the *European Union Directive on Working Time*, which provides for a limit of an average 48 hours per week, including overtime, in the European Union.
 - (b) Strengthen the enforcement of payment for overtime, and seek paid overtime rights where they are currently inadequate.
 - (c) Bargain to include the right to refuse overtime in agreements.
 - (d) Utilise disputes procedures and arbitration where appropriate to deliver practical outcomes implementing the right to refuse unreasonable overtime.
 - (e) Over a period of time seek to achieve through bargaining a maximum of 48 hours per week (inclusive of overtime), appropriately averaged, as a limit on the working week.
 - (f) Draw upon health and safety standards in developing limits on overtime and working time.
 - (g) Work to improve the pay and conditions of those workers depending on paid overtime which exceeds, in combination with ordinary hours, 48 hours per week.
 - (h) At an appropriate time seek further limits on total hours of work and, in appropriate circumstances, a 48 hour cap on average total weekly hours of work in the award system and in legislation.
 - (i) Seek viable opportunities for increased employment as an alternative to excessive hours of work.
 - (j) Continue to bargain and campaign for reductions in the standard working week to 35 hours in appropriate industries.
 - (k) Acknowledge that some occupations require employees to work longer hours to meet the training requirements for advancement or certification/registration and therefore such training issues need to be addressed in the same context as any move to reduce hours worked.

Work Intensification

10. Long working hours are often the result of reduced staffing and increased workloads. Addressing staffing levels and workloads are therefore important components of a policy on working hours. The ACTU and unions will:
 - (a) Campaign and bargain for staffing levels in workplaces to be commensurate with work expectations.
 - (b) Seek, where appropriate, to establish reasonable links between staffing levels and workloads, such as staff to client ratios.
 - (c) Focus on the health and safety implications of unreasonable workloads.
 - (d) Establish rights improving the ability of employees to balance work and family commitments.
 - (e) Improve the standards of assessment for individual performance appraisals so that workers cannot be penalised for refusing overtime and unreasonable workloads.
 - (f) Seek to distribute work, in a workplace, more fairly between workers performing long hours and others seeking more work.

Insufficient and Unpredictable Hours of Work

11. Congress recognises that employment growth has been strongest in part-time employment, with a relative decline in full-time jobs. Many part-time jobs however are casual and low paid, resulting in the need for many part-time workers to access greater and more predictable hours of work.
12. To achieve improvements in this area the ACTU and unions will:
 - (a) Improve enforcement of the rights of permanent part-time workers to the pro rata entitlements of full-time workers, including access to training and promotion.
 - (b) Seek the right for regular casual workers to transfer to permanent part-time or full-time work.
 - (c) Improve the regularity and predictability of working hours for casual, part-time and shift work employees.
 - (d) Extend regulation of working hours and casual and part-time employment to labour hire and contracting firms.

- (e) Establish minimum and maximum ranges of hours per week/month for part-time employees.
- (f) Improve the quality of part-time employment by generating real choices for employees such as the right to convert to part-time work in the lead up to retirement, in returning from maternity leave, or where required for family or personal reasons.

Future of Work
Casual And Insecure Forms Of Employment
Policy
ACTU CONGRESS 2003

1. With around one in four Australian workers employed on a casual/part-time basis, together with growing use of labour hire companies, dependent contractors, and homebased outworkers, Congress confirms that issues relating to these types of employment are at the forefront of the 21st century workforce.
2. Casual employment is increasingly becoming regular and full-time, and in turn a substitute for permanent full-time or part-time employment with their attached entitlements. Employment through labour hire companies is also increasing, meaning that the employment relationship can be separated from the actual workplace. The result for workers is greater insecurity together with economic stress resulting from uncertain or inadequate hours of work and the need to seek additional sources of income.
3. Congress believes that the need of workers for secure and predictable employment with decent entitlements can be achieved without compromising the reasonable requirements of employers for flexibility to deal with genuine operational fluctuations.
4. Congress resolves to adopt the following as priorities to address the needs of casual and labour hire workers in the next three years:
 - (a) A campaign of vigorous opposition to the Federal Government's attempts to pass legislation aimed at restricting the ability of unions to maintain or improve casual rights (the bills propose to reduce awards to "bare minimum entitlements", prohibit limitations on casual entitlements and confine safety net wage increases to the very lowest paid workers).
 - (b) Lobby state and territory governments to improve standards such as portability of entitlements (for example long service leave), through direct legislation and support of union applications for such improvements in industrial tribunals.

- (c) Support union cases seeking the right of casuals to convert to full-time or part-time employment after a specific period of time, and consider an ACTU test case at an appropriate time.
- (d) Initiate and support bargaining campaigns which include negotiating the conditions which would govern the engagement of casuals and labour hire employees, together with the duration of such employment and which include a right to convert to full-time or part-time employment.
- (e) Seek federal and state legislative change to ensure that employees of labour hire companies, dependent contractors, and homebased outworkers are covered by appropriate awards and are generally subject to the jurisdiction of the Commission, together with increased resourcing of enforcement agencies to ensure that these workers receive all their legal entitlements.
- (f) Support the Labor Council of NSW and the AMWU cases seeking labour hire awards.
- (g) Campaign to achieve the same pay and conditions for labour hire workers as apply to the relevant employer's direct employees, whether through awards or agreements.
- (h) Develop a code of practice governing contracting out and use of labour hire, and campaign for its adoption by employers and governments.
- (i) Support the TCFUA in seeking legislative change at a federal and state level to ensure outworkers in the TCF industries receive the same wages and conditions as factory based workers.

Future of Work
Wages and Collective Bargaining
Policy
ACTU CONGRESS 2003

Policy Framework

1. Congress reaffirms that:
 - (a) Union organisation and collective bargaining must remain the primary means by which unions achieve fair wages and employment conditions for union members. Congress notes that union members earn 16% more than non-unionists on average, and that union members have greater access to leave, superannuation and other employment conditions.
 - (b) Awards must continue to play a crucial role in underpinning bargaining, with the objective of achieving wage justice for those unable to bargain. Congress notes that award minimum rates have been increased by at least \$48 per week since the last Congress.
 - (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) Under the Workplace Relations Act enterprise bargaining is the primary means by which unions achieve wages and conditions for union members over and above the award safety net. Congress is concerned that the relevance of the wage floor provided by the award system has declined over recent years and that inequality has increased.

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) build and extend collective bargaining;
 - (d) improve pay equity for women;
 - (e) investigate and address the crisis of low pay;
 - (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; and
 - (h) build and extend portability and security of entitlements, particularly on an industry or sector basis.
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) The need for legislative change to guarantee the right to collectively bargain and facilitate multi-employer and industry-wide agreements.
 - (b) A co-ordinated approach to bargaining, with maximum involvement of delegates and members.
 - (c) Priority given to the achievement of equal remuneration for work of equal 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 private sector.
 - (f) A concern at the effect on bargaining of employer-based individualised performance pay systems.
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 the Crisis of Low Pay

6. Congress reaffirms award rates of pay as a key component of wages policy in that:
- (a) award rates under current industrial relations systems provide some measure of protection to award dependent workers; and
 - (b) increases in award rates reduce the gap between award and agreement rates of pay.
7. Congress recognises that there is now a crisis of low pay in Australia. Half the new jobs created during the 1990s pay less than \$300 per week. This is the result of the low rate of pay in many industries, the declining relevance of the award system, and the precarious nature of much casual, part-time, fixed term and contracting work.
8. Income inequality has also grown. The real value of wages for many low paid workers has declined over the last decade while pay for managers has grown by over 40% in real terms. There has been an explosion in the level of executive salaries that has seen average Australian CEO's push their earnings from three times the average wage in 1976 to over 30 times the average wage in 2003.
9. While in recent years the real value of award minimum rates at the lower classification levels have been maintained and increased, 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.
10. The ACTU and unions are committed to restoring the relevance of award rates of pay through:
- (a) the inclusion of bargained/market rates in awards;
 - (b) national wage case applications;
 - (c) campaigns to lift minimum rates of pay; and

- (d) the determination of fair Federal Minimum Wages based on an investigation of what it takes for workers and their families to participate fully and with dignity in Australian society.
11. Congress resolves to continue to:
- (a) Substantially lift the real value of award minimum rates through national wage case proceedings.
 - (b) Aim to exceed the pre-existing Congress target of at least \$13 per hour or \$500 per week in the Federal Minimum Wage as soon as possible, and ensure that workers and their families can participate fully and with dignity in Australian society by aiming for a new target of \$14.50 per hour or \$550 per week.
 - (c) Oppose the proposition that minimum wages be frozen or restrained on the basis of creating more jobs and containing inflation.
 - (d) 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.
12. To complement these measures the ACTU and unions will support a comprehensive independent industrial inquiry into low pay. The inquiry would examine:
- (a) the causes of low pay and inequality;
 - (b) the wage levels needed to achieve a decent standard of living;
 - (c) the role played by job insecurity, casual employment, labour hire and contracting;
 - (d) the impact of enterprise bargaining; and
 - (e) the levels of executive salaries and the fairness of the various forms of income setting for all levels of the workforce.
13. This inquiry will be conducted in an industrial context and will be used in national wage case proceedings to support the determination of fair Federal Minimum Wages. Fair Federal Minimum Wages will allow workers and their families to participate fully and with dignity in Australian society. This industrial inquiry will provide an avenue for low-paid workers to advance their arguments for fair minimum wages. The inquiry will hear from low-paid workers in forums across the country. As such, the inquiry will provide a focus for organised low-paid workers to have their voices heard. The inquiry will also be open

to community organisations to present evidence on the needs of low-paid workers. Affiliates are encouraged to take the debate about these issues out to their members, and to establish linkages with community groups who share a concern about the crisis of low pay in Australia.

14. 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 also campaign for social wage improvements to lift the living standards of low income households.
15. Congress supports an ACTU-initiated needs analysis to assist in determining the income required in order for workers and their families to live decently. Research to obtain information regarding the relevance of award rates compared to actual rates prevailing in the community generally should also be undertaken.
16. Congress calls on all affiliates to actively assist these efforts, in particular through provision of relevant evidence and through participation in public campaigns in support of ACTU claims.

Award Relativities

17. Congress views with concern the growing compression of relativities in award classifications. Although flat money minimum wage increases have assisted those on the lowest classifications, there is a growing danger that the relevance of awards will diminish further at classifications of trade level and above.
18. Congress supports the resetting of award relativities to maintain the relevance of skill-based classification structures, particularly for award dependent workers, and to restore awards so that they effectively and fairly underpin bargaining and that they support organising.
19. Congress recognises that without legislative change to provide for a more flexible award system, it is difficult to address the issue of skill relativities. However, Congress resolves to continue efforts to assist affiliates to develop a co-ordinated strategy for achieving fairer skill-based relativities based on work value and other relevant grounds.
20. The ACTU has convened meetings of relevant unions, which determined that before a case could be conducted in the Commission, research would be required into changes in work value in key awards, movement in market rates and potential for counter applications by employers and the Commonwealth which could undermine award structures in other areas.
21. Affiliates are urged to assist with this research by providing information on key classification definitions and rates to the ACTU as requested.

22. Congress recognises that continuing flat dollar national wage case outcomes without any action to repair award relativities is not sustainable. The ACTU and unions will support a case(s) at an appropriate time to address this issue and to avoid further deterioration of award career paths and relativities.

Pay Equity

23. Congress notes that progress in narrowing the gender pay gap has stalled, and that when all modes of employment are considered the gap between average male and average female earnings has widened over the past decade.
24. The ACTU will continue to monitor growing pay inequity on an industry basis.
25. Improvements in equal pay will be sought through:
- (a) Maximising award rates through the Minimum Wages Case and other appropriate cases.
 - (b) Opposing individual contracts which generally have been used to disadvantage low paid workers, including many women.
 - (c) Achieving greater rights for casuals and part-timers, including the right to convert to permanent status, appropriate loadings and proper hourly rates.
 - (d) Ensuring bargaining at all levels addresses any existing inequities between male and female wage rates and that new remuneration practices such as performance pay are transparent, free of gender bias and reward work value.
 - (e) Considering ways to extend the understanding of undervaluation of women's work identified in the NSW and Queensland Pay Equity Inquiries into the federal jurisdiction.
 - (f) Assisting affiliates to pursue applications for equal remuneration under the *Workplace Relations Act*.
 - (g) Investigating the use of anti-discrimination legislation to address examples of pay inequity.
 - (h) Considering the most effective means to introduce pay equity audits into Australian workplaces.
 - (i) Encouraging affiliates to campaign for pay equity at the workplace and in the community by providing regular updated information on pay inequity.

- (j) Ensuring that pay equity is included in the education programs of the ACTU.
26. Congress notes that the defence of awards is vital in ensuring that equal pay does not deteriorate.

Indigenous Workers

27. Congress urges unions to develop claims for minimum entitlements and conditions around Indigenous employment for inclusion in all awards and agreements.

Future of Work
Employee Entitlements
Policy
ACTU CONGRESS 2003

1. Congress views with great concern the continuing failure of the Federal Government to properly address the scandal of employee loss of accrued and contingent entitlements in cases of corporate insolvency.
2. Congress notes that the Federal Government has been forced to respond to public outrage by establishing the GEERS scheme, and making some commitments in relation to priority for employee entitlements under the *Corporations Act*.
3. Congress condemns the Federal Government for the inadequacy of its responses, which have failed to guarantee workers 100% of their entitlements and which do not place sufficient responsibility on employers to meet their obligations.
4. Congress congratulates affiliates for their continuing efforts to promote the cause of better protection of employee entitlements and, in particular, its industrial campaigning for employer action in this area.
5. Congress calls for action in a number of areas to ensure that proper standards of employee protection are met, including renewed effort to secure the support of State Governments for improved protection of employee entitlements. The ACTU will co-ordinate affiliates and state Trades and Labour Councils to pursue and support ongoing workplace campaigns, and various legal and industrial commission claims for improved employee entitlement protection.

Industrial Campaigning

6. Unions will continue to campaign for employers to:
 - (a) contribute employee entitlements to a trust fund to ensure that they are available to employees in case of insolvency, and are not used by employers as a source of operating capital;

- (b) make provision for security over employee entitlements through measures including insurance bonds, bank guarantees and charges over fixed assets;
- (c) include contingent, as well as accrued entitlements, such as redundancy pay and long service leave, in the definition of entitlements, and to ensure that these are provided for in cases of transfer of business or change of contract; and
- (d) give employees and unions the right to receive, on request, comprehensive information, in the form of audited reports, about the financial position of the company and, in particular, its ability to meet its obligations in relation to employee entitlements.

Corporations Law and Other Legislation

7. Congress will campaign for the following priority changes to the *Corporations Act*:
 - (a) related companies being treated as single entities for the purpose of protecting employee entitlements;
 - (b) directors being accountable to employees and other major stakeholders to the same degree as their current obligations to shareholders;
 - (c) directors being obliged to act once they have reasonable grounds to believe that the company is *likely* to become insolvent;
 - (d) all employee entitlements being ranked above secured creditors in insolvencies;
 - (e) all entitlements provided for in an industrial instrument being treated as a priority;
 - (f) employee entitlements being included in the definition of "debt" for the purposes of insolvency;
 - (g) directors being personally liable for payment of employee entitlements;
 - (h) directors carrying the onus of proof in defending actions for avoiding obligations to pay entitlements or trading while insolvent;
 - (i) provision being made for earlier appointment of administrators where this could assist in avoiding insolvency or maximising assets;

- (j) provisions which reverse the onus of proof on directors barring directors from continuing to act as a director where a corporation for which they were a director went into liquidation unless they can demonstrate to an appropriate authority that they have exercised their duties in accordance with the law; and
 - (k) provisions strengthening the powers of ASIC in banning directors from holding office particularly in circumstances involving the collapse of a corporation which results in employees losing all or part of their entitlements.
8. Congress calls for further changes to other relevant legislation to ensure that:
- (a) SG contributions are required to be paid monthly; and
 - (b) the Commission is empowered to vary awards to provide for payment of employee entitlements into trust funds.

Payment of Entitlements

9. Unions will continue to campaign for a payment guarantee scheme which covers all entitlements.
10. Congress does not believe that the GEERS scheme addresses the principles of being employer-funded and guaranteeing 100% of entitlements. The GEERS scheme suffers from a number of major deficiencies, including that:
- (a) many employees are unable to claim although their employer has closed down operations, because a liquidator or administrator has not been appointed;
 - (b) it does not include superannuation;
 - (c) it does not cover the total of employees' redundancy entitlements and, in the case of NSW, does not cover the entirety of employees' redundancy entitlements under state awards;
 - (d) it does not cover entitlements such as untaken RDOs, untaken accrued sick leave or unremitted employee deductions such as union fees and health fund fees;
 - (e) there are long delays in processing claims; and
 - (f) as an administrative scheme, GEERS is subject to limited scrutiny or review of its operations, administration and decisions.

11. Congress rejects the Federal Government's intention that employee entitlements rank above secured creditors in insolvencies only to the extent of GEERS entitlements, as the practical effect of this will be for the Commonwealth to recover its expenditure with no additional benefit to employees.
12. Congress calls on the Federal Government to give priority to 100% of employee entitlements above secured creditors, and only to recover its own expenditure once employees' claims have been satisfied in full.

Future of Work

Work and Family

Policy

ACTU CONGRESS 2003

Background

1. Congress notes that in Australia and around the OECD, the issue of work and family balance has become a focus of political, community and workplace debate. There are three key reasons why work and family balance is increasingly an issue for Australian workers.
 - (a) Changes in family formation, living arrangements, marital separation and labour force participation (especially maternal labour force participation) mean that in the majority of families with dependants, all the adults have responsibilities to paid employment. Only one third of dependant children in couple families, and half of those in lone parent families have a "stay at home" parent.
 - (b) At the same time the proportion of the population requiring care has increased, and is predicted to continue to do so. This has been accompanied by a reduced reliance on institutional care, and increasing reliance on community care.
 - (c) These changes in family life have been accompanied by changes in the way work is organised. In response to competitive pressure there has been an extension of long hours of work and the introduction of employee initiated flexibility over working time.
2. Congress notes that, in the period 2000-2003 ACTU test cases have seen parental leave extended to regular casual employees, and that workers have the right to refuse overtime on the grounds of conflict with their family responsibilities. The ACTU has been instrumental in the national campaign on paid maternity leave.
3. Congress believes that workplaces must provide employees with sufficiently flexible work practices which support the choices they make about family formation; the care of infants and young children;

transitions out of and back into work for child-bearing and child-rearing; and the ongoing management of caring responsibilities.

4. Congress notes that workers' needs in relation to work and family are influenced by complexly inter-related factors, including:
 - (a) labour force issues, including overall participation levels, skills and access to training;
 - (b) population policies, fertility levels, and trends in family formation and composition;
 - (c) taxation and social security, particularly family support measures;
 - (d) the quality and availability of alternative care providers; and
 - (e) workplace culture.
5. Congress determines that, over the coming three years the ACTU's priorities will be to:
 - (a) Pursue improvements to the award safety net to enhance the capacity of employees to manage their work and family commitments.
 - (b) Assist affiliates in bargaining for improved provisions at the workplace level.
 - (c) Continue to campaign in the community for paid maternity leave.
 - (d) Lobby for improved childcare funding, to ensure families have access to high quality affordable childcare.
 - (e) Lobby for legislative rights to employee initiated flexibility in working arrangements.
 - (f) Lobby for the establishment of work based elder care facilities that are affordable and responsive to the needs of frail older people and their carers.

Improving the Award Safety Net

6. Congress strongly endorses the decision of the Executive to initiate a three staged approach to variation of the safety net to achieve, over time, a range of work and family measures that support working families at different stages of their life course.

7. Congress notes the Work and Family Test Case currently before the Commission which seeks to:
 - (a) extend unpaid parental leave;
 - (b) provide a right to return to part-time employment;
 - (c) oblige employers to give proper consideration to employee requests for flexibility around when and where work is performed;
 - (d) give all employees access to family emergency leave; and
 - (e) facilitate short periods of leave throughout the working year for family care.
8. Future applications will seek to provide paid leave in relation to pregnancy, birth, bonding and breastfeeding, and to improve and extend paid personal leave.
9. Congress supports the development of workplace and community-based campaigns in support of these claims, and encourages affiliates to actively campaign within their workplaces and the community in support of these claims.
10. The ACTU will develop resources to assist affiliates, particularly workplace representatives, to campaign in support of these claims.

Bargaining for Work and Family

11. Bargaining has been used by unions for the improvement of living standards and the quality of working life, including work and family. Consistent with the need to ensure bargaining is relevant to union members, affiliates will support the work and family test cases by bargaining for:
 - (a) Improved employees' say over the way in which their working day, working week or working year is arranged, in order to meet their caring responsibilities.
 - (b) Improved access to paid and unpaid leave in order to meet caring responsibilities.
 - (c) Continued bargaining for the introduction of paid maternity leave, and for improvements in the duration and quality of existing paid maternity leave arrangements.

12. Further, the ACTU will produce a set of bargaining claims and guidelines aimed at assisting workers bargain with their employers for the ability to better combine work and family, covering issues such as:
 - (a) ensuring access to gender-appropriate training at times when workers with family responsibilities can attend;
 - (b) minimum hours for part-time and casual workers;
 - (c) the definition of service for the purposes of accruing leave to include parental leave;
 - (d) access to a telephone and other forms of communication at work for family-related reasons; and
 - (e) assistance with childcare for pre-school and school-aged children which meets the needs of varying work patterns, including shiftwork.

Campaigning for Paid Maternity Leave

13. Congress affirms its support for the introduction of a national system of paid maternity leave, which would:
 - (a) support women's equal participation in society, by recognising that the burden of parenthood falls unequally between women and men;
 - (b) support families, and assist parents in their parenting role;
 - (c) improve Australia's international competitiveness through higher levels of female employment, and retention of skills in the workforce;
 - (d) allow adequate recovery for mothers and support the establishment of breastfeeding;
 - (e) improve children's living standards through improved female labour market attachment;
 - (f) assist narrow gender pay inequity; and
 - (g) in combination with other policies, improve Australia's declining fertility rate.

14. Congress notes that during 2002 the Federal Sex Discrimination Commissioner, the ALP and the minor parties declared support for the introduction of a nationally legislated system of paid maternity leave. With Labor Governments in each State, identical legislation should be pursued at a state level.
15. Over the next three years the ACTU will continue to:
 - (a) Campaign within the Australian community for a national paid maternity leave scheme, funded at a minimum of 14 weeks payment at the federal minimum wage, payable to all women. In conjunction with the introduction of paid maternity leave, the ACTU will campaign for a review of existing family payments to ensure appropriate income support for all families of new-born babies.
 - (b) Work with affiliates, the ALP, HREOC, women's organisations, family and community groups to ensure that the model of leave which is adopted:
 - (i) balances the rights and obligations of government, employers, and employees;
 - (ii) ensures Australia complies with its international obligations;
 - (iii) supports parents in their parenting role;
 - (iv) promotes the interests of women and their newborn babies; and
 - (v) ensures that paid maternity leave is available to women regardless of their educational level or occupation, and regardless of the size, sector or industry of their employer.
 - (c) Work with affiliates to develop and prosecute the second work and family safety net adjustment case which will provide for paid leave associated with pregnancy, childbirth and lactation.

Legislation

16. Congress notes that the following legislative reforms to the *Workplace Relations Act* being sought by the ACTU will be of assistance to working families.
 - (a) The Commission be required to ensure that awards contain effective and innovative provisions to assist workers to combine work with family responsibilities, including provisions relating to hours of work.

- (b) The Commission be required specifically to examine proposed agreements in relation to whether or not they positively assist the workers covered by the agreement to combine work with family responsibilities, and in particular, that flexible hours provisions be held to contravene the no disadvantage test if they could result in disadvantage to workers with family responsibilities.
 - (c) Personal/carer's leave be extended as a minimum standard of employment to apply to all employees who do not have access to at least this standard.
 - (d) Paid maternity leave of 14 weeks, in line with the *ILO Maternity Protection Convention*, be introduced.
17. Congress further endorses the introduction of legislation guaranteeing employee rights to request flexible working hours or arrangements, and corresponding obligations on employers to consider such requests.

Australians Marginalised From Decent Work Aboriginal and Torres Strait Islander Peoples Policy

ACTU CONGRESS 2003

*"If you've come here to help me, then you're wasting your time.
If you've come here because your liberation is bound up with mine,
then let us work together."*

Lilla Watson, Aboriginal Activist

Source: Baxter Easter weekend Protest Poster April 18-20, 2003

INDIGENOUS BUSINESS IS UNION BUSINESS

Opening Statement

1. The Australian union movement faces perhaps its most challenging time and as such we have many competing priorities and demands.
2. Notwithstanding this we acknowledge that the destiny of the Australian union movement is entwined with the destiny of Australia's Indigenous peoples. The fact the Australia's Aboriginal and Torres Strait Islander peoples remain at the bottom level of every economic and social indicator is unacceptable. We are clear that there is much work to be done and that the Australian Trade Union Movement must play a leading role in transforming the situation for our Indigenous peoples.
3. In making this policy the ACTU and its affiliates are making a clear statement that we will campaign to improve the situations for Australia's Indigenous people and that this process will be a priority for our unions.
4. This 2003 policy represents a break from our past approach. We accept that we are accountable for the situation for Indigenous people of this country and that we will be called upon to both initiate and support campaigns for Indigenous Australians.

5. We say to the Indigenous peoples of Australia, including our members, delegates and activists that you can count on us. Your struggle is now our struggle.

Context

6. Aboriginal and Torres Strait Islander peoples are the First Nations peoples of Australia, and as such, have a distinct and inalienable set of rights. The right to self-determination is the paramount of these.
7. Aboriginal and Torres Strait Islander cultures are living cultures. Despite hundreds of years of systemic oppression, colonisation, and racism, Aboriginal and Torres Strait Islander peoples continue to maintain a connection to their lands and surrounding waters.
8. The ACTU recognises that as a consequence of the process of colonisation, Aboriginal and Torres Strait Islander peoples have come from a range of diverse circumstances, and have a range of knowledges and experiences in relation to their cultural backgrounds.
9. Further, the ACTU acknowledges that non-Indigenous peoples and systems have played a crucial role in the oppression of Aboriginal and Torres Strait Islander peoples, through the denial of opportunities, the reinforcement of racial stereotypes, the lowering of expectations and quality, the exclusion of participation, and the reinforcement of cultural and political values which are ultimately alien to the original inhabitants of this land.
10. The ACTU and affiliated unions are committed to rectifying this situation, through the implementation of this Aboriginal and Torres Strait Islander Peoples Policy.

Policy Priorities for Action

11. The ACTU and affiliated unions reaffirm our commitment to:
 - (a) The negotiation of a Treaty with Aboriginal and Torres Strait Islander peoples facilitating self determination and reconciliation.
 - (b) Improving employment outcomes by bargaining for increased employment opportunities.
 - (c) Targeting and organising Indigenous workers in affiliates and key industries and growth sectors.
 - (d) Ensuring provision of industrial protection for Indigenous workers through both awards and enterprise bargaining agreements.
 - (e) Social justice for Aboriginal and Torres Strait Islander peoples through advocacy in relation to health and education.

12. The ACTU and affiliated unions affirm their conviction to value the diversity of the cultures and forms of social organisation of Aboriginal and Torres Strait Islander peoples and commit to the social, economic, educational, health and community development of Aboriginal and Torres Strait Islander peoples.
13. The ACTU commits to working with unions to develop and implement effective recruitment, retention and activism strategies specifically targeted to Indigenous peoples within the union movement and utilising innovative organising techniques that are culturally sensitive.
14. The ACTU will work with unions to specifically target Aboriginal and Torres Strait Islander workers for participation in Organising Works, the Anna Stewart Program, and other trade union training activities.
15. The ACTU commits to promote the employment, economic and community development of Aboriginal and Torres Strait Islander peoples as core business for unions, and encourage unions to be significant contributors to the broader social debate and actions occurring in these areas.
16. Stolen wages are not a welfare issue, they are an industrial issue. The ACTU believes that the Queensland Government and other Governments with similar histories should negotiate with Indigenous representatives about this issue.
17. The ACTU and affiliated unions stand in solidarity with the Indigenous communities in opposition to the nuclear waste dump proposed for South Australia.
18. A Sub-Committee of the ACTU Executive will seek to work closely with the Indigenous Committee to implement policy priorities and support these initiatives.

Principles and Objectives

19. The ACTU:
 - (a) Is committed to the principles of self-determination and self-management for Aboriginal and Torres Strait Islander peoples, and asserts this as a fundamental democratic right of Aboriginal and Torres Strait Islander peoples. This right must be applied in all areas of decision making, including decision making within trade union structures.
 - (b) Affirms its conviction to value the diversity of the cultures and forms of social organisation of Aboriginal and Torres Strait Islander peoples, and commits its members to the social, economic, educational, health and community development of Aboriginal and Torres Strait Islander peoples.

- (c) Recognises the important contribution that Aboriginal and Torres Strait Islander peoples make to the socio-economic, cultural and environmental advancement of Australian society.
- (d) Is dedicated to ensuring that all Aboriginal and Torres Strait Islander peoples have local access to a range of systems and services which affirm cultural identity, and enable Aboriginal and Torres Strait Islander peoples to contribute to, and participate in their own societies and broader society.
- (e) Emphasises the important role of cooperation and partnerships between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander Australians in promoting and implementing the goals and activities of Aboriginal and Torres Strait Islander peoples.

The Union Movement and Aboriginal and Torres Strait Islander Peoples

20. The ACTU commits to:

- (a) The development of an effective partnership with Aboriginal and Torres Strait Islander peoples and communities, and believes that such a partnership should:
 - (i) continue the ACTU's involvement with, and commitment to Aboriginal and Torres Strait Islander rights, including addressing social justice issues such as land rights, racism and reconciliation;
 - (ii) acknowledge the extent to which institutionalised racism within unions and workplaces, has deterred Aboriginal and Torres Strait Islander workers from entering the workforce, and embracing union culture;
 - (iii) continue to work towards the redress of the economic and social disadvantage faced by Aboriginal and Torres Strait Islander peoples, particularly in relation to employment;
 - (iv) strengthen representative structures within the ACTU to encourage participation by Aboriginal and Torres Strait Islander workers; and
 - (v) provide support and assistance to affiliates in order to improve Aboriginal and Torres Strait Islander representation and activism within unions generally.

- (b) The ACTU and affiliates will:
- (i) continue to advocate for social justice and issues impacting on the lives of Aboriginal and Torres Strait Islander peoples;
 - (ii) encourage affiliates to identify and promote appropriate training opportunities for non-Aboriginal and Torres Strait Islander union officials, aimed at improving understanding of the needs of Aboriginal and Torres Strait Islander workers, and the effect of majority race privilege on the pursuit of justice for Aboriginal and Torres Strait Islander workers;
 - (iii) provide cross-cultural awareness training for union staff, workplace delegates and members;
 - (iv) provide community visitation programs for union officials including senior union officials;
 - (v) collaborate to develop a "Claim Framework" or minimum entitlements and conditions to be included in all awards and agreements based around Indigenous employment claims which would be the minimum standard expected to be negotiated in any EBA or Award (eg: the AEU Indigenous Employment Claims);
 - (vi) promote rule changes, or other affirmative action strategies to ensure that Aboriginal and Torres Strait Islander peoples have a representative voice within unions; and
 - (vii) provide adequate support to the ACTU Indigenous committee, the annual ACTU Indigenous conference, and the ACTU Indigenous Executive member(s).

Organising Aboriginal and Torres Strait Islander Workers

21. The ACTU commits to working together with existing Aboriginal and Torres Strait Islander networks and structures in the union movement (including the ACTU Indigenous committee and committees and structures established by affiliates) to develop and implement effective strategies to recruit and organise Indigenous workers.

- (a) The ACTU will do this by:
- (i) ensuring that Aboriginal and Torres Strait Islander cultural protocols and community aspirations are incorporated in all initiatives related to the recruitment and organisation of Aboriginal and Torres Strait Islander workers;

- (ii) developing effective mechanisms to ensure that Aboriginal and Torres Strait Islander voices are represented, both formally and informally within the ACTU and affiliates;
 - (iii) working with unions to develop and implement effective recruitment, retention and activism strategies specifically targeted to Indigenous peoples within the union movement;
 - (iv) ensuring that the rights of Indigenous workers are protected and promoted in workplaces and in unions; and
 - (v) ensuring that Aboriginal and Torres Strait Islander unionists have an opportunity to develop their knowledge of unions through participation in union education and training activities, such as trade union training, the Anna Stewart Program and the Organising Works Program.
- (b) The ACTU and affiliates will:
- (i) Develop and implement a protocol for Welcome to Country at all union meetings (eg: the NSW Teachers' Federation Welcome to Country);
 - (ii) collaborate and share information on successful strategies which have resulted in higher Indigenous membership, and a higher level of Indigenous activism within affiliates;
 - (iii) formalise the documentation of this information as a guide for unions to use when they are working with Aboriginal and Torres Strait Islander workers;
 - (iv) ensuring that Indigenous members have an opportunity to input in to the development of the industrial business of unions (including the development of logs of claims, and campaigning);
 - (v) ensuring that Aboriginal and Torres Strait Islander members have an opportunity to self-identify on membership forms, and that they are provided with information about the broader Indigenous unionist's networks and structures;
 - (vi) establish data bases on Indigenous members and activists;
 - (vii) develop an Aboriginal and Torres Strait Islander Award category for the ACTU Awards; and
 - (viii) specifically target Aboriginal and Torres Strait Islander workers for participation in Organising Works, the Anna Stewart Program and other Trade Union Training Activities.

- (c) In addition to the above initiatives the ACTU and affiliates will conduct a national audit of unions and peak organisations prior to the 2006 ACTU Congress to:
 - (i) identify the systems that unions are using to identify how many existing and potential Indigenous members there are in their areas of coverage;
 - (ii) evaluate the extent to which unions are effective in organising Indigenous workers with a view to assessing what can be done to support unions in increasing their effectiveness in this area;
 - (iii) to identify what support mechanisms are in place for Indigenous members and activists;
 - (iv) to assess how many Indigenous union officials are employed full and part time; and
 - (v) examine the extent of cultural awareness training systems and initiatives that are currently taking place within the Australians union movement.

Employment, Community and Economic Development

22. The ACTU commits to:

- (a) Promote the employment, economic and community development of Aboriginal and Torres Strait Islander peoples as core business for unions, and encourage unions to be significant contributors to the broader social debate and actions occurring in these areas. This will occur through:
 - (i) building a sophisticated body of information and knowledge on the employment of Aboriginal and Torres Strait Islander workers, including CDEP participants, their rights and entitlements, and access to and participation in economic and social development activities;
 - (ii) ensuring that this information is shared broadly across the ACTU and affiliates;
 - (iii) developing campaign frameworks and advocacy strategies which are inclusive of these issues;
 - (iv) supporting the aspirations of Aboriginal and Torres Strait Islander peoples and their communities, through supporting the establishment of appropriately targeted strategies and programs;

- (v) actively encouraging employer bodies to acknowledge and support these aspirations through both industrial and social justice frameworks; and
 - (vi) researching and implementing where appropriate a “quota” system for employment of Indigenous people, the quota being based on the size of the Indigenous population in the area where the organising strategies are being implemented.
- (b) The ACTU and Affiliates will:
- (i) lobby employer groups, including industry and governments, to ensure that appropriate Aboriginal and Torres Strait Islander employment targets are established, and that, where necessary, these targets build in effective education and training programs;
 - (ii) collaborate to ensure an appropriate strategy is developed to protect the rights of CDEP workers, building on the existing work done by the ACTU in the development of the draft CDEP award, and ensuring that there is an effective mechanism for the development of an ACTU policy on protecting the rights of CDEP workers;
 - (iii) conduct and share research, as identified and prioritised by the ACTU Indigenous conference and committee, and use this research for the development of ACTU positions and campaigns on the prioritised areas;
 - (iv) lobby governments and other employer bodies to ensure that all employees, but specifically educators, police and health professionals, have conducted Indigenous studies, as a minimum requirement for their employment;
 - (v) in conjunction with Aboriginal and Torres Strait Islander peoples, develop and support specific programs (such as a union-sponsored workplace orientation, school breakfast programs, or targeted finance industry programs) which support Aboriginal and Torres Strait Islander community development aspirations; and
 - (vi) given current Indigenous mortality rates, explore provisions for earlier access to superannuation for Indigenous workers.

Social Justice

23. The ACTU commits to recognising the rights and social position of Aboriginal and Torres Strait Islander peoples in Australia, and the obstacles presented to labour market and union participation, caused primarily by a denial of these rights, and culminating in a range of social disadvantages. In recognition of this, the ACTU will continue and strengthen its commitment to the broad array of social justice issues and initiatives, including but not limited to:
- (a) native title, land rights and land tenure issues;
 - (b) preventative and diversionary justice mechanisms as an alternative to incarceration;
 - (c) globalisation and the effect on Indigenous people;
 - (d) the increased government and private sector expenditure in the areas of Aboriginal and Torres Strait Islander housing, arts, health, justice, employment, training and education;
 - (e) the promotion of Aboriginal and Torres Strait Islander cultures and cultural activities as part of the ACTU's broader involvement with Australian communities; and
 - (f) intellectual property and copyright.
24. The ACTU and affiliates will:
- (a) contribute to ongoing campaigning to ensure the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody, particularly those relating to employment;
 - (b) support the continuing voice and participation of Aboriginal and Torres Strait Islander unionists and communities before relevant bodies, including the UN and its various bodies in particular: the Committee on the Elimination of Racial Discrimination; the Permanent Forum on Indigenous Issues; the International Labour Organisation; and the Human Rights Commission;
 - (c) continue to develop an effective response to national struggles aimed at promoting the recognition of Aboriginal and Torres Strait Islander rights and employment, including the process of reconciliation;
 - (d) continuing support for the work and achievement of native title rights for Aboriginal and Torres Strait Islander communities through bodies such as Australians for Native Title and Reconciliation (ANTAR);

- (e) continue involvement with the National Sorry Day Committee (NSDC) and its campaign to ensure the implementation of the "Bringing Them Home Report"; and
- (f) ensure that there is real participation of Aboriginal and Torres Strait Islander peoples in union movement activities, such as conference delegations, awards nights, and other key forums.

Australians Marginalised From Decent Work

Workers with Disability

Policy

ACTU CONGRESS 2003

1. This policy is a statement of commitment by the ACTU and its affiliated unions in regard to the rights of workers with disability.
2. Congress recognises that people with disability have been marginalised and continue to suffer extensive systemic discrimination. This results in serious obstacles to obtaining and holding employment, and in securing opportunities to lead a full life through access to education and training.
3. The ACTU and unions will work to improve employment outcomes for workers with disability.
4. In consultation with workers with disability and their advocates, the ACTU, labour councils and unions will develop specific policies and action plans to improve outcomes for people with disability.
5. Many workers with disability work at full award wages. Congress accepts that for workers with disability in part-time work or receiving low earnings, employment plus access to income support payments is important to individuals with disability and that actions should enhance, not reduce, these entitlements.
6. Workers with disability are entitled to ongoing government support to allow them to achieve full participation in community life. The community has a clear responsibility to support people with disability.
7. Congress states that workers with disability are entitled to:
 - (a) jobs which offer fair wages, job security and prospects for advancement,
 - (b) safe and healthy workplaces,
 - (c) education and training and skill development to maximise individual potential,

- (d) employment which is free from exploitation, harassment and discrimination,
 - (e) appropriate resources to facilitate their full participation in the workplace environment and in the broader community, and
 - (f) the right to join, be active in and be represented by a union, both on an individual and collective basis, without fear of victimisation.
8. Unions and employers need to work together to generate more open employment opportunities for people with disability.
9. The ACTU will collate and disseminate to unions information on the progressive positions being taken towards delivering positive programs of assistance to workers with disability in other countries.
10. In seeking to satisfy these commitments, the ACTU will undertake work to achieve, amongst other things:
- (a) encouragement for individual unions to develop disability action plans, and provision of model plans;
 - (b) targeted assistance to labour councils and unions to assist them in organising and representing the interests of workers with disability;
 - (c) use the organising role to utilise the talents of workers with disability wherever practicable;
 - (d) establishment of a pilot project working with large corporations and major employer organisations to develop disability action plans designed to increase access to and participation in employment for workers with disability;
 - (e) participation in national campaigns to enhance individual and collective rights, and improve working conditions for workers with disability;
 - (f) participation in public education to raise awareness of the needs and rights of workers with disability, including a "fair wages" campaign to alert business and the wider community to unethical contracting practices;
 - (g) further exploration of possible industrial relations solutions to wage injustice and exploitation in Business Services and Supported Employment enterprises, including responsiveness to generic awards or the development of a single National Award;

- (h) ongoing examination of the overall approach to wage fixing for workers with disability to ensure it is fair to the workers concerned;
- (i) ongoing examination of innovative international systems of support for people with disability to assist them undertake employment;
- (j) encouragement for unions to establish affordable membership fees for workers with disability where they have lower levels of remuneration;
- (k) support for the current process to develop a United Nations Convention on the Rights of People with Disability and support for its application to workers with disability in Australia; and
- (l) support for the development and implementation of standards under the *Disability Discrimination Act* and the *Disability Services Act*, and facilitation of discussion and negotiation between Unions and people with disability and Disability Advocacy Groups regarding the development of these standards.

Vocational Education and Training

11. Congress acknowledges the importance of education and training, and skill development opportunities being made available to workers with disability and expresses support for further action to overcome the continuing under-representation of people with disability in the VET system.
12. Training and skill development are integral in creating greater job security, higher wage rates and personal satisfaction to workers with disability. There needs to be a higher priority for the policies which will allow greater numbers of workers with disability to access skill development.

Future of Work
Vocational Education and Training
Policy
ACTU CONGRESS 2003

Policy Framework

1. After over a decade of change to Australia's vocational education and training system, unions have identified a need for new objectives and renewed strategies to make skills development the critical issue for Australian industry, workplaces and workers.
2. This policy reflects new objectives and strategies for a renewed union agenda to promote skills development as a priority industrial issue within Australian industry and workplaces.

The Achievement of a Nationally Consistent Training System with Agreed Standards Across all Jurisdictions

3. Congress endorses the ACTU and its constituents to seek:
 - (a) agreement on broad principles for a nationally consistent training system through the Joint Industry Training & Education Council (JITEC) and where it is appropriate these should be adopted by Australian National Training Authority (ANTA) and the various Commonwealth, state and territory jurisdictions;
 - (b) to strengthen training packages, the Australian Qualifications Framework (AQF) and the Australian Quality Training Framework (AQTF) through adoption of agreed standards and conditions that ensure greater equity and parity of qualifications and incorporate learning strategies and modes of delivery and assessment where specified by industry;
 - (c) agreement through the National Quality Training Council and various state and territory jurisdictions to implement a wider program of strategic auditing of registered training organisations, involving key industry and union players, and including assessment of learning outcomes of apprentices and trainees; and

- (d) agreement of ANTA-MINCO for employer incentives to be negotiated as a nationally consistent program through the ANTA funding agreement.

Maintaining an Industry led Vocational Education and Training System that Responds to the Needs of Australian Industry and Workers

- 4. Congress endorses the ACTU and its constituents to:
 - (a) seek support from State and Territory Governments to restructure the board of the ANTA to better reflect industry membership and ownership;
 - (b) ensure strong union representation and better coordination between union representatives on state and territory training authorities;
 - (c) support the development of industry advisory structures at a state and national level that better reflect industry skills profiles and training needs; and
 - (d) work with industry and employer bodies to seek to improve industry advisory structures to take on the role of developing industry skills profiles, training needs, training products and training interventions.

Improving the Quality of Training Delivery and Outcomes for the Benefit of Australian Industry and Employees

- 5. Congress endorses the ACTU and its constituents to:
 - (a) seek through the review of training packages and the AQF to ensure greater consistency of training effort and quality where the same qualification is delivered by different providers and also when comparing different qualifications at the same AQF level;
 - (b) seek agreement of ANTA-MINCO that the level of some apprenticeship qualifications need to be increased to reflect the true value of the training competencies and skills outcomes; and
 - (c) develop strategies and coordinate unions about improving the rights, entitlements and quality of training experiences for apprentices and trainees employed through group training organisations, including developing an organising strategy around the recruitment of apprentices and trainees.

Improving the Links Between Training Effort and Investment to Skills Development and Employment Outcomes

6. Congress endorses the ACTU and its constituents to:
 - (a) seek agreement from State and Territory Governments to implement skills development projects that better complement regional development initiatives. Using government funding and investment in training facilities, such initiatives should seek to leverage maximum investment from local employers and link training initiatives with skills development needs and employment outcomes within the local region;
 - (b) seek agreement with State and Territory Governments, as well as industry parties to identify and implement appropriate training interventions within particular industries and regions, linking training initiatives to industry skill needs and fair and productive employment outcomes;
 - (c) seek agreement with ANTA-MINCO to adopt an integrated and coordinated approach to future labour market and skills forecasting in conjunction with industry parties which links specific training interventions within identified industries; and
 - (d) work with peak employer organisations through JITEC to adopt joint union-employer proposals for specific training interventions within specified industries.

Developing More Effective Training Strategies to Help Young People in Transition from School to Work

7. Congress endorses the ACTU and its constituents to:
 - (a) work with industry parties and governments to help secure a right to at least twelve years of education and learning as a minimum benchmark through schooling, vocational training and structured work-based learning; and
 - (b) work with industry and State and Territory Governments to improve the VET in Schools program to ensure greater quality and value of training outcomes.

Implementing Specific Strategies to Recognise and Assess Skills and to Re-Skill and Up-Skill the Existing Workforce

8. Congress endorses the ACTU and its constituents to:
 - (a) seek agreement through the JITEC to lobby governments for a separate funding arrangement for existing workers, including skill recognition, through the ANTA funding agreement;
 - (b) seek agreement with ANTA-MINCO to allocate at least \$360 million per annum funding for training and assessment initiatives for the existing workforce consistent with this policy through the 2004-2006 ANTA funding agreement;
 - (c) seek funding from ANTA and State and Territory Governments to help unions implement pilot programs for Worker Training Representatives within workplaces;
 - (d) support unions through the implementation of an education and awareness program for union officers in developing knowledge and understanding of the national training system and broad trade union objectives for a renewed union training agenda; and
 - (e) support unions to implement strategies to improve skills and qualifications for union members, including through the development and support of Worker Training Representatives.

Developing Strategies that Give Equitable Access to Vocational Education and Training Opportunities to the Non-Standard Workforce and for Disadvantaged People Within the Labour Market

9. Congress endorses the ACTU and its constituents to seek agreement:
 - (a) through the ANTA funding agreement to prioritise and expand literacy programs for existing workers, including through funding arrangements to allow for cooperative ventures that promote basic literacy and numeracy training;
 - (b) for increased funding for more training places for young people, people with a disability and indigenous persons, particularly through access to higher level traineeships and apprenticeships;
 - (c) from State and Territory Governments to introduce increased notice of potential redundancies by industry to government, unions and affected employees, as well as the provision of publicly funded retraining opportunities primarily through TAFE and employment search assistance; and

- (d) from the Commonwealth, State and Territory Governments through promotional activities, public sector jobs, as well as joint ventures to promote the direct employment of both older workers and young people.

Establishing Vocational Education and Training and Skills Development as a Priority Industrial Issue Within Industry and at the Workplace

10. Congress endorses the ACTU and its constituents to:

- (a) continue to seek to update industrial awards and agreements to incorporate skills based classification structures linked to competencies available under national training packages and wherever possible apply the industrial principle that full award rates should be applied to traineeships, and that existing workers undertaking a training contract should not suffer any reduction in pay as a result of entering a traineeship or apprenticeship;
- (b) seek improvements in the rights and protections available for trainees, apprentices and existing workers undertaking training contracts through Commonwealth, state and territory legislation and industrial instruments, through seeking the exemption of trainees and apprentices from AWA's or other forms of individual contracts, and through securing adequate resources for monitoring and enforcement of training agreements;
- (c) pursue improvements in apprentice wages within federal awards as well as incorporate improved wages through the organising and bargaining agenda; and
- (d) review and seek improvements to training wages to strengthen quality of training contracts for trainees, provide greater protection of trainee entitlements, as well as to take account of changes which have occurred, in particular the growth in the number of older workers now undertaking traineeships, and to ensure that training wages only apply where actual quality structured training is being delivered.

Maintaining and Improving the TAFE System as a Viable Public Provider that is Responsive to the Needs of Industry, Employees and the Community

11. Congress endorses the ACTU and its constituents to:
 - (a) seek a commitment to additional funding for TAFE from ANTA-MINCO to fund enrolment growth, quality improvement, equitable access and to redress existing resource pressures;
 - (b) pursue through ANTA-MINCO support for an agreed cap on access to user choice funding by registered training organisations for New Apprenticeship training; and
 - (c) seek commitments from the Commonwealth and State and Territory governments to maintain infrastructure in trade training within TAFE Institutes and to establish co-investment training infrastructure arrangements within metropolitan and regional areas to maintain the skills needs of local industries.

Worker Training Representatives

Pilot Projects

12. The ACTU has received funding from the Australian National Training Authority to fund and develop an appropriate training, education and development program and resource materials to support a pilot project of workplace training representatives.
13. Specific objectives of the pilot project are to support the training and work of representatives to:
 - (a) raise awareness and education among workers about the benefits of undertaking structured industry training;
 - (b) promote negotiation between unions, workers and employers for the implementation of workplace training plans for existing workers, including establishing effective training mechanisms to facilitate and take proper account of the recognition of current competencies;
 - (c) establish liaisons between employees within workplaces and external training bodies such as industry advisory bodies, registered training organisations and others to promote structured training at the workplace level; and
 - (d) enable workers to participate effectively within workplace skills audits, to develop and negotiate skills training plans and undertake workplace assessment.

14. Specific stages of the program will include:
- (a) a review of the UK Union Learning Representatives material, current union material on VET issues, draft trade union competencies, and recognition of current competency procedures;
 - (b) establishment of a project reference group to assist in the development of a working draft of VET training materials and resources;
 - (c) development of a working draft of training materials, including information resources around general VET issues for union officers, training representatives and members covering the following areas:
 - (i) accessing industry structured training and an understanding of union objectives;
 - (ii) accessing relevant industry or occupational training packages;
 - (iii) undertaking training needs analysis and coordinating a recognition of current competencies;
 - (iv) negotiating training plans and agreements with employers; and
 - (v) undertaking workplace assessment.
 - (d) development of specific industry and workplace training strategies with pilot unions, including nominated training representatives;
 - (e) the implementation of pilot programs within identified industries and workplaces; and
 - (f) undertaking professional development of union training staff in VET material and pilot project outcomes.

Industrial Arrangements to Support Worker Training Representatives

15. In order to perform their role, worker training representatives will also require training and support, as well as access to reasonable paid time off to support their activities.
16. To secure these rights and conditions, unions will need to incorporate these matters into their bargaining agendas. A model clause for union negotiations is provided at Attachment 1.

17. Training and support can be provided by The Union Education Foundation, the trust established by the ACTU to promote the training and skills of worker representatives.
18. The ACTU Organising Centre can also work with labour councils and individual unions to develop their own industry or union approach to skills development and vocational training and to help implement appropriate organising strategies around these.
19. The ACTU Congress calls upon the Federal Government to provide an additional \$180 million funding during 2004, cumulative over the length of the ANTA 2004-06 funding agreement, to support the national vocational education and training system.
20. Vocational education and training should no longer be treated as the poor cousin to the university sector. Un-met demand has meant that around 40,000 people are being turned away from TAFE each year while enrolments continue to grow by around 5%. Yet, quality vocational education and training is a viable option for both younger and mature people to develop their skills and expand their employment opportunities.

Attachment 1 - Model Clause

(1) Worker Training Representatives

- (i) The employer acknowledges the constructive role union elected worker training representatives undertake through the promotion and development of skills and training in the workplace.
- (ii) Worker training representatives will be granted reasonable time off during working hours to:
 - (a) consult with the union, union members and employees;
 - (b) represent the interests of employees to the employer;
 - (c) participate within any established training committee or training forum within the workplace; and
 - (d) attend accredited union education.
- (iii) The employer will consult with the worker training representative over all matters related to skills development and training of employees within the workplace.
- (iv) Employees will be given full access to worker training representatives to discuss any skills and training matter.
- (v) Worker training representatives will be provided with convenient access to facilities for the purposes of undertaking their role. Such facilities include telephones, computers, e-mail, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards.

(2) Training Committee

- (i) A training committee comprising of X number of employer and X number of union representatives shall be established in the workplace/enterprise, including the union-nominated worker training representative.
- (ii) The role of the training committee shall be clearly set out and include:
 - (a) developing a training program including available training courses and career opportunities;
 - (b) recommending individual employees for training and reclassification;
 - (c) recommending recognition of current competencies for individual employees;

- (d) monitoring and advising management and employees regarding the ongoing effectiveness of the training; and
- (e) recommending the registered training organisation to deliver training in accordance with the training plan.

(3) Training Program

- (i) Following proper consultation with the training committee and nominated worker training representative, the employer shall develop a training program consistent with:
 - (a) the current and future skill needs of the workplace/enterprise;
 - (b) the size, structure and nature of the operations of the workplace/enterprise;
 - (c) the need to develop vocational skills relevant to the workplace/enterprise and the industry through accredited courses undertaken by a registered training organisation in accordance with the relevant national Training Package/s;
 - (d) the need to recognise current competencies for existing employees.

Future Strategies – Part 1

Unions and The Wider Society

Policy

ACTU CONGRESS 2003

Policy Framework

1. In the implementation of Section 1, Unions and the Wider Society, of the *Future Strategies - Unions Working For a Fairer Society* report, the key issues for unions and the ACTU over the next three years include:
 - (a) building support for union values;
 - (b) pursuing union objectives through political activity;
 - (c) establishing the basis for an improved industrial relations culture; and
 - (d) improving access to unions.

Union Values

2. Unions will build support for union values through:
 - (a) Promotion of the Statement of Australian Union Values adopted by the ACTU Congress.
 - (b) Working with members and delegates to develop and adopt a statement of values for the union.
 - (c) Drawing upon the union's statement of values in developing the objectives of campaigns, in union education courses, in explaining union objectives in the media, and in union political activity.
 - (d) Ensuring the conduct of union officers, staff and delegates reflect and reinforce the union statement of values.

Political Activity

3. Unions and the ACTU will continue to improve the living standards and working lives of workers and their families through political as well as industrial organisation. The broad objectives of union political activity over the next three years will include:
 - (a) The development of wider and more democratic involvement of union members in political activity in support of their industrial and social goals.
 - (b) The facilitation of policy discussion in the workplace.
 - (c) The involvement of members in political lobbying and community activity.
 - (d) The convening of forums in Federal and State electorates at which workers and their families can engage with politicians.
 - (e) The active use of Labor Advisory Council structures at the national, state and territory levels to advance union goals.
4. Congress recognises and respects the political diversity of unions and their members. It is also clear, however, that to be more effective in representing the interests of working people unions must work with greater unity and clarity of purpose in their political activity. For this reason the ACTU, Labour Councils and affiliated unions will:
 - (a) cooperate to improve the coordination of political activity through the ACTU;
 - (b) seek to achieve a common set of priority objectives through political activity; and
 - (c) where affiliated to the Australian Labor Party, advance the common set of priority objectives in ALP forums.
5. The common set of priority objectives to be pursued over the next three years include:
 - (a) the right for employees to collectively bargain, and to be represented by a union;
 - (b) improved rights and portability of entitlements for casual and labour hire workers, including the right to permanent employment for long term casuals, and a code to regulate contracting and labour hire;
 - (c) improved minimum wages through the national and state wage cases;

- (d) work and family rights, including paid maternity leave; and
 - (e) right of entry and delegates rights, including funding for delegate education.
6. The ACTU is authorised to coordinate the development of the specific legislative and policy changes required to implement these objectives.

Industrial Relations Culture

7. The industrial relations culture in Australia is too often the product of conflict, and is characterised by the routine refusal of employers to collectively bargain, to impose individual contracts, victimise union activists, or otherwise exploit workers as a response to competitive commercial pressures.
8. Congress resolves to work towards a more constructive industrial relations culture, for the purpose of:
- (a) achieving better outcomes for workers in pay and employment conditions;
 - (b) establishing an improved environment for union organisation;
 - (c) achieving a better balance between the interests of employees and their unions, and the commercial interests of employers; and
 - (d) contributing to workplace level and national economic prosperity.
9. To establish the basis for an improved industrial relations culture Congress calls upon Governments and employers to respect basic employee rights including:
- (a) the right to join and be represented by a union;
 - (b) the right to collectively bargain;
 - (c) delegates rights;
 - (d) decent employment standards underpinning the rapidly changing labour market, for all workers; and
 - (e) access for workers to training, vocational education and career opportunities.
10. In working towards a more constructive industrial relations culture unions will, over the next three years, build political and industrial support for the basic employee rights set out in paragraph 9 above.

Improving Access To Unions

11. Congress recognises that unions must become more accessible to workers, particularly in the sectors of the economy where employment is growing. Continuing effort is needed to develop union services and activities which:
 - (a) complement organising;
 - (b) assist in the retention of members;
 - (c) enable youth, women and other groups to be involved in union activity; and
 - (d) enable easier access to information about unions, particularly for young people as they enter the workforce.

Member Services

12. Quality, value-for-money member services remain an important complement to union membership and can assist organising efforts and membership retention. Congress resolves that the member services priorities for the ACTU over the next three years, in support of unions, will be:
 - (a) Promoting industry superannuation and Members Equity financial and banking services to members through union communications and at the workplace.
 - (b) Enabling members to access new technologies through Virtual Communities.
 - (c) Providing members with a choice of ACTU endorsed financial advisers.
 - (d) Negotiating and distributing other non-industrial member services that add value to membership.

ACTU Call Centre 'Union Hotline'

13. Research consistently demonstrates people want to contact unions, but often do not know how. The current White Pages advertising of the ACTU Call Centre contact number delivers important but modest inbound call results. But when the number has been more widely publicised in conjunction with a specific issue or campaign there has been a very strong response from potential union members.

14. It is not the role of the ACTU to compete with existing union call centres. However, Congress believes that a well publicised and resourced central call centre "Union Hotline" could provide workers with a logical and direct contact point for unions.
15. Congress therefore authorises the ACTU to develop a Union Hotline with the following features:
 - (a) an ability to target specific workforce groups, such as casual workers and young people;
 - (b) a focus on developing cooperation and agreed referral and lead servicing protocols with participating unions;
 - (c) a focus on the long term development and marketing of a 'Union Hotline' number; and
 - (d) the effective use of free and where appropriate paid media advertising to support campaigns.
16. The program would be managed through the existing ACTU call centre infrastructure as a 12 month pilot to be reviewed by ACTU Executive.
17. To maximise the recruitment and organising opportunities that arise from call centre inquiries, and referrals, particularly of non union members, unions will examine and where appropriate review procedures for handling inquiries from non union members.

Future Strategies - Part 2

Unions and The Workplace

Policy

ACTU CONGRESS 2003

Policy Framework

1. In the implementation of Part 2, Unions and the workplace, of *the Future Strategies - Unions Working For a Fairer Australia* report, the key issues for unions and the ACTU over the next three years include:
 - (a) developing union delegate numbers, roles, education and effectiveness;
 - (b) improving union communication and campaigning capacity;
 - (c) building the commitment of unions to growth and the union structures, processes and resources to deliver it; and
 - (d) continuing efforts to ensure that the make-up of union decision making structures and processes reflect the membership of unions including the proportional representation of women as workplace representatives, organising and industrial staff and elected officers.

Union Delegates

2. Unions will work to build union delegate numbers and networks through:
 - (a) The increased use of workplace delegate audits to assist unions prioritise, plan and resource programs aimed at increasing delegate numbers and competencies.
 - (b) Support for the ACTU survey of Australian union delegates being conducted by Drs Barbara Pocock and David Peetz.

- (c) Consideration of more flexible and task-orientated approaches to union workplace structures that encourage wider union involvement and stronger union organisation.
3. Unions will work to improve the effectiveness of union education through:
- (a) Increasing the amount of union resources available for union education.
 - (b) Increasing the flexibility of how, when, where and by whom union education is delivered.
 - (c) Supporting and participating in union delegate education programs delivered through individual unions and The Union Education Foundation, and lobbying all State Governments to help fund union education.
4. Unions will work to build improved rights for union delegates through:
- (a) Pursuit of the charter of union delegates rights in union bargaining.
 - (b) Lobbying governments and political parties to legislate union delegate rights.

Representative Union Decision Making Processes

5. Union structures and roles that reflect the make-up of union membership and encourage the equitable participation of all groups in the process and functioning of the union are important to building union effectiveness. This is particularly important for women workers. In pursuing this aim the following will be important objectives. Over the next three years the ACTU will work to:
- (a) Continue its commitment to affirmative action for women in its decision making processes, and calls on affiliates to continue efforts to ensure that women are proportionally represented as workplace representatives, organising and industrial staff and elected officers.
 - (b) Reaffirm its commitment to ensuring that its governing bodies and structures include at least 50% women.
 - (c) Implement a process for monitoring and regularly reporting progress in achieving gender balance within union decision making processes and structures.
 - (d) Work with affiliates to identify and evaluate the applicability of best practice models from other sectors.

Union Communication and Campaigning Capacity

6. Unions will work to build communication and campaigning capacity through:
 - (a) Utilising methods including polling, surveys, focus groups and research to identify workplace issues in the lead up to bargaining campaigns.
 - (b) Ensuring that union communications in the workplace are relevant to the workplace issues, and language and culture of the employees, and are effectively distributed.
 - (c) Using all available pressure points on employers during campaigns including media, consumer, public, political and investor pressure.
 - (d) Encouraging rank and file members and delegates to speak to the media, with appropriate training and support, during campaigns.
 - (e) Considering use of the ACTU Communications and Campaigns Section for advice and support.
7. Where the ACTU seeks to initiate National Wage or Test Case claims, it will ensure that a process is first put in place which enables affiliates to:
 - (a) Take the proposed claim to workplaces for endorsement.
 - (b) Report back within set timeframes to the ACTU on levels of membership support for the claim.
 - (c) Campaign around progress of the claim once formally endorsed by the ACTU.

Commitment, Structures and Resources for Union Growth

8. Effective union organisation in the workplace needs to be supported by appropriate structures and strategies in the union office. Unions will work to build union effectiveness through:
 - (a) Strengthening the commitment of unions at a leadership level to the task of building union membership and organisation.
 - (b) Increasing the involvement of union delegates and members in debate and decision making processes about the direction and priorities of the union.

- (c) Effective use of union research and planning processes to underpin union organising and membership growth strategies, including at an industry and multi-union level.
- (d) Effective use of technology like call centres and websites to support union servicing and organising activity.
- (e) Developing the roles of union staff to ensure they support union priorities.
- (f) Ensuring the recruitment of new starters is a bargaining and organising priority for the union.

Future Strategies – Part 3
Unions Reaching Out To New Members
Policy
ACTU CONGRESS 2003

Policy Framework

1. In the implementation of Part 3, Unions reaching out to new members, of *the Future Strategies - Unions Working For a Fairer Australia* report, the key issues for unions and the ACTU over the next three years include:
 - (a) Building the amount of union resources, research and planning dedicated to the challenge of growing union membership.
 - (b) Developing specialist skills and expertise required by unions to implement growth strategies, including expanding the use in unions of specialist new member organising teams.
 - (c) Increasing the use of innovative organising tactics including cooperative multi-union industry and regional organising strategies.
 - (d) Continuing to build organising focused approaches to union coverage.

Resource, Research & Planning for Union Growth

2. Unions will work to increase the amount of union resources dedicated to growing union membership and improve the quantity and quality of research and planning used to underpin union growth strategies through:
 - (a) Considering options to fund union growth such as, dedicating a greater portion of recurrent union expenditures to growth, establishing a dedicated union organising fund, or including a growth fee or levy in union membership dues.

- (b) Increasing the use by unions of industry and workplace mapping, research, analysis and planning to target and implement organising campaigns in non-union workplaces.
- 3. At the 1973 ACTU Congress unions decided that all affiliates should raise their membership fees to 1% of the All Industries Average Minimum Award Rate. This position was reaffirmed in 1985.
- 4. Since that time there have been significant developments in three key areas affecting the relevance of this policy and the need to update it
 - (a) Changes in the wage fixing system in Australia and the introduction of enterprise bargaining mean the All Industries Average Minimum Award Rate is no longer a relevant or reflective indicator of employee earnings. A new and relevant benchmark indicator is required.
 - (b) The demands on union resources have been increased by the introduction of enterprise bargaining; the impact of economic change on union membership; and an industrial relations system and Federal Government that encourage conflict.
 - (c) Unions are increasingly focused on the need to develop and fund strategies to renew, rebuild and grow union effectiveness and membership.
- 5. Recognising these developments Congress resolves to update ACTU policy on union membership fees as follows:
 - (a) As a guide and over time, unions should aim to establish base union membership fees at a level equal to 1% of Full-time Adult Weekly Ordinary Time Earnings (AWOTE). This would currently represent a weekly fee of approximately \$9 per week.
 - (b) The AWOTE benchmark is based on full-time earnings and unions should consider establishing reduced fees for part-time or casual employees as appropriate.
 - (c) Increases in union fees or levies should be specifically targeted at funding organising campaigns and strategies for union renewal and membership growth - including union education and activist development.
 - (d) The democratic involvement of union delegates and members is an important part of any proposal to increase the level of union membership fees.

6. It is recognised that from time to time unions may also need to adjust the level of membership fees to cover increased union operating costs and to fund improved service delivery to union members.

Specialist Organising Teams

7. Unions will work to develop the use and competencies of specialist new member organising teams in unions by:
 - (a) Unions actively considering the establishment of teams of specially selected and trained staff lead by experienced Lead Organisers to organise in new areas.
 - (b) Ensure new member organising teams are properly resourced and able to focus exclusively on organising in non-union or poorly organised workplaces or industries.
 - (c) Developing the use of project focused approaches to new member organising.
 - (d) Building the new member organising skills and experience of Australian Lead Organisers through the establishment of an ACTU Lead Organiser Exchange Program with appropriate overseas unions.

Innovative Organising Tactics & Union Organisation

8. Unions will work to build the effectiveness of organising campaigns in new areas, industries and workplaces through the use of innovative approaches to organising tactics, union cooperation and union coverage. Key initiatives over the next three years will include:
 - (a) Increasing the use of organising tactics that maximise the opportunities for one-on-one discussions with non-union workers (face-to-face or over the phone) out of hours and away from the workplace.
 - (b) Actively encouraging the development of joint union approaches to organising in industries and areas.
 - (c) Actively encouraging the development of joint, cooperative or single union approaches to organising in regional areas.
 - (d) Continuing to build a comprehensive union campaigning capacity that integrates industrial, legal, political, community, investor and consumer activity to deliver better outcomes for working Australians.

Organising Focused Approaches to Union Coverage

9. The main objective of the ACTU and affiliated unions is to improve wages and employment conditions. The method for achieving this is through union membership and organisation. ACTU policy on union coverage and organisation should promote union membership growth and union organisation, as the means to protect and improve wages and conditions of employment.
10. Establishing cooperative and effective working arrangements between unions often achieves the most beneficial outcomes for workers and unions. In cases where union coverage does overlap, the guiding principle should be to minimise competition and increase cooperation between unions.

Existing Areas of Organisation and Coverage

11. The ACTU and unions are opposed to destructive competitive unionism and will maintain respect for established areas of union membership and organisation.
12. For the policy to be effective, there must be a collective union commitment to stop the poaching of members. In this context, the basic determinant of union representative rights is the rules coverage of a union, and not 'freedom of choice' for members to transfer membership to whatever union they choose. The recruitment by one union of another union's members will not be supported by the ACTU, unless it is consistent with the application of this policy.
13. Recourse in the first instance to legal avenues to attempt to secure rights to represent employees outside a union's constitutional coverage impedes the prospect of resolving differences within the ACTU and union structure, and can consume important union resources. Unions will not commence any legal avenues without first having referred the matter to the ACTU for consideration consistent with this policy, and to enable a reasonable timeframe to resolve the matter by agreement.
14. Where there is conflict between unions over the right to represent union members or employees an affiliate may refer the dispute to the ACTU. The emphasis must be on the achievement of agreement between the unions. If agreement cannot be reached the process to be followed will include consideration by the ACTU Officers, and if necessary the Executive, of:
 - (a) the views of the unions and all of the issues involved;
 - (b) the views of the members;
 - (c) the best method of protecting and advancing union membership and organisation;

- (d) the best method of protecting and advancing wages and employment conditions;
 - (e) whether an open process of recruitment was undertaken and whether there were attempts to undermine or prohibit effective organisation by unions with coverage rights;
 - (f) the nature of any agreement with the employer, and whether it has the support of the members, or involves wages and conditions below established standards in the area;
 - (g) the history of award and agreement coverage and the representation rights of other unions; and
 - (h) whether a Greenfields site/agreement or a new major resource or construction site is involved. These sites require special consideration. Experience has shown that union membership and organisation may be stronger, particularly at major resource projects, when the traditional coverage of each union is respected. Construction sites are not Greenfields sites and traditional coverage should prevail.
15. The ACTU will attempt to broker agreement between the unions to resolve the issues. The ACTU may also make recommendations for resolution of the dispute, recognising that the decisions of the ACTU depend upon the collective commitment of unions to resolving differences within union processes. The ACTU may also make submissions to tribunals if the matter is contested in these forums.

The Responsibility to Organise

16. The first priority each union has is the responsibility of maximising union membership within existing areas of coverage. Planning, analysis and the establishment of priority areas for organisation are required. The ACTU will provide support to unions genuinely attempting to organise within their area of coverage.
17. Each affiliate has an obligation under this policy to outline to the ACTU a strategy to organise in their areas of coverage to increase union membership and union density rates.

Union Growth Strategy - New Member Organising

18. The key objective of policy in relation to non-union areas is to promote membership growth ('non-union area' generally means an area of work or workplace where the employees are not union members). Union membership and organisation strategies should focus on the recruitment of non-members.

19. Union growth strategies based upon the bidding down of wages and employment standards in order to secure employer support and/or coverage will not be supported by the ACTU. Unions should not compete on the basis of discounted union membership fees.
20. A union growth strategy that involves the recruitment and organisation of employees outside the union's coverage, may be supported by the ACTU in the following circumstances:
 - (a) The union proposing to recruit employees outside their coverage can demonstrate a coherent timetable/strategy to organise in existing areas of their coverage where union membership density is low.
 - (b) It is a non-union area.
 - (c) The union with coverage is not organising in the area and there is not a competitive position between unions.
 - (d) The union with coverage has no genuine timetable/strategy to organise in the area.
 - (e) The union proposing to recruit employees outside of their coverage can demonstrate a community of interest with the employees it proposes to recruit.
 - (f) It promotes union membership growth and organisation.
 - (g) There is no collusion between a union and employer to deny a union with legal coverage access to effective organising opportunities.
 - (h) There is a proper plan with well defined targets and resources.
 - (i) There is a feasible plan for obtaining and exercising representative rights.
 - (j) Wages and employment standards will be protected.
 - (k) There is a prospect of reasonable employee support.
 - (l) There will be effective representation involving a single bargaining unit where appropriate.
21. In such circumstances a union would need to first consult with the ACTU and the relevant unions and reach agreement, or demonstrate points (a) - (l) above apply.

Future of Work
Young People and Unions
Policy
ACTU CONGRESS 2003

Policy Framework

1. The key youth related issues for the ACTU, labour councils and affiliates to focus on over the next three years are broken into the following nine strategies:
 - (a) industrial;
 - (b) occupational health and safety;
 - (c) employment;
 - (d) traineeships and apprenticeships;
 - (e) connecting with students;
 - (f) accessing young workers;
 - (g) involving young members and officials in unions;
 - (h) campaigning; and
 - (i) services.

Industrial

2. Affiliates have achieved successes in the improvement of youth wages and will continue to pursue this by:
 - (a) bargaining for wages to be based on ability, skills and work value; and
 - (b) bargaining, and where appropriate seeking award changes, for the adult rate of pay to be reduced from 21 years and the most junior rate to be raised from 15 years.

3. In supporting the work of affiliates, the ACTU will prepare and present to the Australian Industrial Relations Commission a test case to establish as a standard that 20 year old workers receive adult rates of pay.
4. In recognition of the increasing number of students that are engaged in casual, part-time and full-time work, it is important for the workplace to accommodate study needs. This can be achieved by unions bargaining for study and examination leave for working students.
5. Young employees are more likely to be ignorant of their rights and vulnerable to exploitation because they are in employment for the first time. Unions can contribute to the protection of new 'first time' employees by:
 - (a) Making additional claims for 'New Employees' including compulsory supply in writing of employment contracts, such as enterprise agreements and wage rates.
 - (b) Holding inductions to ensure new starters know their rights.
 - (c) Bargaining for additional training in grievance procedures, and OHS standards.
 - (d) Ensuring new employees are approached by a union representative.
 - (e) Enforcing the right to payment during trial and training and probation periods.
 - (f) Ensuring representative workplace structures cater for and encourage participation by younger workers.
6. Some unions have successfully bargained the right for casual employees to convert to permanent part-time employment. In the interest of young workers who are predominantly casual, the ACTU encourages all affiliates to bargain and run cases to give employees the choice of converting to permanent full-time or part-time employment.
7. Young employees are often overlooked for additional skills training because they are the 'new staff' or considered 'transient' employees. Unions who are committed to improving conditions for young employees can bargain for automatic progression, through skills based classification structures.

Occupational Health and Safety

8. Bullying, harassment and violence towards young workers are becoming increasingly prevalent. They are based on power over the vulnerable,

which is exacerbated by increasing numbers of young workers being employed casually with little guarantee of work. Unions will:

- (a) Establish best practice for reducing bullying, harassment and violence towards young workers.
- (b) Train of delegates and officials to develop awareness and skills to resolve these issues.
- (c) Campaign around these issues as legitimate industrial claims.

Traineeships and Apprenticeships

9. The ACTU and Unions recognise quality VET programs as an important pathway for youth employment, and will continue participation in VET programs as reflected in the policy papers. Unions can support this program by actively pursuing:
 - (a) Collective bargaining for a commitment to permanency at completion of traineeships and apprenticeships.
 - (b) Making claims to increase wage rates and allowances for trainees and apprentices based on skills and competence, not junior rates of pay.
 - (c) Improved rights and enforcement of existing conditions for trainees and apprentices.
 - (d) Lobbying the Federal Government, ANTA and State and Territory Governments to ensure that every traineeship and apprenticeship has a "your rights at work" section as part of the training undertaken to ensure that young workers have better access to information about their rights at work.
 - (e) Developing resource material for trainees and apprentices around their rights in the workplace.
10. The wage rates for first and second year apprentices should be reviewed in light of the fact that, while wage rates assume that first year apprentices are 16, now an increasing number of first year apprentices have completed their HSC/VCE and are 18 years of age.

Employment

11. The ACTU, labour councils and affiliates recognise that youth unemployment is a fundamental issue affecting young people and society. Urgent initiatives are necessary including:

- (a) creating access to quality education and training;
- (b) assisting the transition from school to employment; and
- (c) ensuring basic rights are maintained for VET in schools by enforcing students to have structured and paid work experience.

Connecting with Students

12. It is incorrect to assume students are only 'potential' workers. 55% of tertiary students and 32.5% of high school students are also workers. Unions should organise students through:
 - (a) work experience programs in high schools that can be accessed through career teacher networks;
 - (b) developing quality support material for teachers to use with students, such as a CD-Roms; and
 - (c) participating in career seminars in schools.

13. Several labour councils have negotiated with State Governments to ensure work issues are included in the high school curriculum. This is a practical way of educating about the positive role of unions in working lives, as well as a method of building the credibility and profile of the trade union movement with young people. Unions will:
 - (a) lobby State Governments to include work and unions in the school curriculum in subjects including history, business studies, civics and citizenship, geography and work-studies.
 - (b) seek to become engaged in the consultative process developing curriculum content and resources;
 - (c) develop lesson plans and provide other resources such as videos to assist teachers; and
 - (d) encourage teachers to promote the use of these resources in schools.

14. Labour councils and affiliates have been involved in visiting schools to speak to young student workers. There is no shortage of requests for unions to be involved in this activity. It therefore makes sense for labour councils to coordinate a program to:
 - (a) Develop a speakers list in each state to resource visitations.
 - (b) Consider appointing a coordinator in each state for the allocation of volunteers to speak at High Schools.

- (c) Collect resources currently used to determine a generic best model for all unions to use as a kit.
 - (d) Train speakers who might include delegates, retired unionists, and members who already have relationships with schools.
 - (e) Assess the results of programs currently being piloted by labour councils in NSW, Victoria and South Australia.
15. The ACTU supports unions having an active presence in university and TAFE Institutions. Unions are encouraged to continue to use the opportunity of reaching young non-members in relevant educational institutions. This can be achieved by:
- (a) conducting an audit of unions that have successfully organised students at universities and TAFEs, to develop a best practice kit;
 - (b) lobbying for all TAFE courses to include a work and industrial relations session;
 - (c) affiliates identifying relevant courses in TAFEs and Universities;
 - (d) unions addressing students during courses;
 - (e) establishing student membership or reduced membership fees;
 - (f) linking unions with student clubs as a means of organising students in 'like' study faculties;
 - (g) liaising with employment offices on tertiary campuses; and
 - (h) supporting the establishment of University and TAFE college student/ worker union networks.

Accessing Young Workers

16. The *Future Strategies* report highlights the need for unions to make a commitment to new member organising. Unions need to actively target young workers, who are a critical source of new members and future activists. Affiliates are encouraged to:
- (a) audit the average age of members and activists;
 - (b) map areas of coverage to identify potential young members; and
 - (c) develop a targeted organising plan.
17. The ACTU, labour councils and unions need to ensure their message is reaching young workers by:

- (a) Participating in a communications audit to assess best practice for reaching young workers; and
 - (b) conducting an audit of skills and techniques currently being utilised by unions to reach young workers to establish best practice for other unions to utilise.
18. The future of trade unionism relies on taking responsibility for portraying a positive image of unions to young workers. Many young non-members are turned away from trade unions when they have a problem and thus do not see any value in union membership. Young workers who can be encouraged to be involved in 'creating their union' are instead being turned away. Affiliates can address this by:
- (a) Expressing a sympathetic view on under 19 year olds joining a union when they have an existing issue.
 - (b) Appointing a Youth contact officer in each branch to encourage collective activism from these young non members.
 - (c) Supporting and assessing the South Australian pilot project currently being developed to act as an alternative means of bringing people to the trade union movement. It involves the creation of an Advocacy Centre, which gives advice and assistance to young workers and encourages them to join their union. The Queensland experience, Young People @ Work, should also be looked at.
 - (d) Seeing an individual worker as a potential lead into a non-union workplace.
19. The ACTU and labour councils understand that it is often difficult for young workers to know which union they should belong to. This can be addressed by:
- (a) Providing a 1300 number to be advertised as a national link for young workers to their trade unions.
 - (b) Actively promoting this number to encourage membership and awareness of trade unionism.
 - (c) Referring contacts obtained through this number to youth officers.
 - (d) Establishing a presence at non-workplace sites. Some of these non-workplaces may include events such as Big Day Out, Fringe Festival, Rock Eisteddfod, University bars, Youth community organizations, National Youth Week, or websites.
 - (e) Establishing on websites a youth link to the ACTU website to take people to a vibrant up to date site for young workers.

- (f) Assessing the success of the SA Advocacy Centre with a view to spreading this program to all states based on its outcomes.

Involving Young Members and Officials

- 20. There is a need to establish what trade unions are currently doing for young members and officials in unions, to support future strategies. The ACTU and affiliates will participate in an audit of internal and external youth structures.
- 21. The ACTU and affiliates need to encourage and develop young officials (especially women) across the union movement by:
 - (a) putting in place a mentoring system similar to the mentor system for Organising Works, aimed at officials aged under 30; and
 - (b) running and participating in programs such as Union Summer and Organising Works.
- 22. In recognition of the importance of maintaining communication networks as young officials grow up, and the benefits gained in sharing successes in organising young workers, the ACTU will:
 - (a) continue to have youth representation in ACTU structures, including a representative on Executive and a Youth Committee;
 - (b) commit resources to mentor and guide those representatives;
 - (c) support a second Youth forum being held over the next three years; and
 - (d) continue publication of an e-bulletin for young union officials as a means of encouraging and acknowledging the contribution of youth.
- 23. Affiliates and labour councils can support youth in union structures by:
 - (a) Establishing Youth Committees in all labour council's. Those that exist have been successful in generating activity among youth. These groups form an essential part of the youth movement and support the ACTU Youth Committee.
 - (b) Involving young members and officials within decision-making bodies and creating networks of young members. Mentoring projects are a successful way of assisting this.
 - (c) Annually focusing on organising strategies in youth areas of membership.

- (d) Actively seeking funding within the community for youth based projects. Most labour councils have had success finding these additional resources.
- (e) Seeking a means of drawing young workers to union membership by offering fee structures based on hours worked, or a “no work means no fee” policy.
- (f) Utilise modern technology for example SMS, to update messages and images to attract young workers.

Campaigning

- 24. Unions and the ACTU will continue to advocate improvements in young workers conditions and develop opportunities for young workers to be involved. To demonstrate this commitment it is important to run a campaign in the next Congress term:
 - (a) involving the workplace, industrial, political and community fronts of activity; and
 - (b) centred on youth related issues such as, unpaid work experience, junior wages, bullying or trainees and apprentices’ conditions.

Services

- 25. Member Connect will look for services attractive to young workers such as mobile phone deals, seeking access for casuals to loans from financial institutions, music vouchers and concert tickets.

Future of Work
Occupational Health and Safety
Policy

ACTU CONGRESS 2003

Mainstreaming Occupational Health and Safety

1. Congress acknowledges that:
 - (a) work-related death, injury and disease are at shameful levels in Australia;
 - (b) while the union movement has been at the forefront of improvements in occupational health and safety, in Australia and internationally, unions need to intensify their efforts ensuring that workers' health and safety is an integral part of union activities;
 - (c) union members consistently rank health and safety in the top workplace issues of concern to them and rightly expect the union movement to give high priority to health and safety; and
 - (d) too many workers will continue to needlessly suffer death, injury and disease if the union movement fails to substantially improve protection of the occupational health and safety of Australian workers.

The Occupational Health and Safety Objective

2. Congress recognises that workers will judge the union movement on whether we make a substantial impact on the health and safety of Australian workers through:
 - (a) better organisation of health and safety at the workplace level;
 - (b) improved health and safety legislation, regulation and enforcement; and
 - (c) reduction of health and safety hazards.

Making Health and Safety Representatives the Focus

3. Unions should promote health and safety in workplace organising and recruitment activity, through:
 - (a) ensuring that workers and their representatives are supported and encouraged towards increased activity on health and safety;
 - (b) linking the activities of workplace delegates and health and safety representatives;
 - (c) campaigning for a legislative extension of the roles and powers of health and safety representatives;
 - (d) ensuring that health and safety representatives have access to expanded training and are able to choose their own training providers;
 - (e) provision by the union movement of excellent training for health and safety representatives;
 - (f) provisions in enterprise agreements and awards which advance health and safety;
 - (g) campaigning for and exercising the right of union officials to enter and inspect workplaces in relation to health and safety;
 - (h) implementation of legislation requiring employers to meet their legal duty of care, including consultation with employees and their representatives; and
 - (i) maximising workplace involvement in health and safety campaigns.

The Role of Government

4. The ACTU, TLCs and unions must implement a common agenda for OHS activity by governments which includes:
 - (a) Federal and State Industrial Manslaughter legislation;
 - (b) legislation and regulation which advances health and safety rights;
 - (c) comprehensive and adequate compensation legislation for victims of workplace death, injury and disease including access to common law remedies;
 - (d) improved rehabilitation services and appropriate return to work programs for injured workers;

- (e) the revitalisation of the National Occupational Health and Safety Commission into a body which develops contemporary health and safety standards and codes of practice;
- (f) effective action under the National OHS Strategy 2002-2012;
- (g) ongoing proactive enforcement, with a broadened range and scope of penalties for health and safety offences;
- (h) integration of health and safety into vocational and higher education and training;
- (i) improvements in health and safety data and research; and
- (j) the establishment of a Dust and Disease Tribunal in all States and Territories based on the NSW Dust and Disease Tribunal or extend the jurisdiction of the NSW Dust and Disease Tribunal to cover all states and territories.

The Priority Issues

5. The ACTU, TLCs and unions need to vigorously address priority health and safety issues, including:
 - (a) Industrial Manslaughter legislation;
 - (b) stress at work;
 - (c) work-related violence;
 - (d) work-related bullying;
 - (e) labour market changes;
 - (f) dangerous working hours;
 - (g) manual handling;
 - (h) chemicals at work;
 - (i) exposure to asbestos;
 - (j) electromagnetic radiation;
 - (k) smoke-free workplaces;
 - (l) impairment at work, including drug and alcohol testing;
 - (m) major hazard facilities; and

- (n) the potential threat of terrorism in the workplace.
6. In addition Congress calls on the ACTU, TLCs and unions to lobby for National and State memorials to commemorate workers who are killed or die as a result of their work.

Future of Work
Superannuation and Retirement Incomes
Policy
ACTU CONGRESS 2003

Principles

1. Congress is committed to a retirement income system based on:
 - (a) the retention of the current age pension, including its level and eligibility; and
 - (b) the development of superannuation to the point where, together with the age pension, it delivers workers a retirement income equating to at least two thirds of their gross pre-retirement income.

Adequacy

2. Congress is concerned at clear evidence that the 9% SG is insufficient to fund an adequate retirement income for average workers.
3. Congress also notes the particularly poor retirement income prospects of workers who have not had access to superannuation for the whole of their working lives, together with women, casuals and part-time workers.
4. The issue of providing adequate retirement incomes can be addressed in a number of ways. Congress advocates the following as a minimum:
 - (a) increasing minimum contributions to a goal of 15%, which could be achieved through one or more of bargaining, legislation or changes to the taxation of superannuation;
 - (b) reducing the contribution tax;
 - (c) restructuring superannuation taxes to provide greater equity;
 - (d) extending the entitlement of SG to all workers, irrespective of age or minimum earnings, possibly through changes to award provisions;

- (e) fully disclosing all fees and charges, together with a ban on entry and exit fees and commissions charged on SG contributions; and
 - (f) equal treatment of same sex couples in the allocation of superannuation benefits.
5. Congress adopts, as an objective, the achievement of a minimum of 10% contributions over the next three years, achieved through bargaining.
 6. Congress completely rejects those Federal Government proposals which it is claimed will assist in achieving adequacy, but which are aimed at assisting those on the highest incomes and transforming superannuation into a mere tax shelter, such as reducing the surcharge and establishing children's accounts.
 7. Congress is opposed to any attempt to increase the preservation age to claim superannuation benefits, and pledges to initiate a vigorous campaign of workers and the community if the Federal Government decides to do so.

Superannuation Funds

8. Congress confirms its longstanding support of industry funds, as offering the best combination of good returns, low fees and effective service to workers and their families.
9. Congress calls for the following measures to ensure that the industry funds are able to operate in a fair environment:
 - (a) recognition that awards and certified agreements provide collective choice of fund, and should not be legislatively overridden;
 - (b) legislation to prevent commission-driven financial planners from directing employees and employers to the most expensive superannuation products; and
 - (c) full disclosure and control of fees and charges.
10. Congress believes that the connection with Members Equity is of great value to superannuation fund members, and expresses its support for the development of ME as a provider of a full range of financial services to funds and their members.

Investment

11. Australian superannuation assets are approximately \$500 billion, most of which represents the capital accumulation of employees.
12. Congress believes that there needs to be greater recognition that superannuation is a long-term investment, which should not be promoted as a source of short-term returns.
13. Congress calls for a debate focussing on the benefits which would be gained for workers with a shift in superannuation investment towards economic and social infrastructure and companies offering real growth over the long-term.
14. Congress would welcome the development of opportunities for fund investment in social infrastructure, such as public rental housing, which could address areas of need while ensuring a reasonable return for workers' retirement savings.
15. Consideration should be given to requiring that a proportion of government or employer contributions over 9% be allocated to a National Development Fund, which would operate as a source of funding for physical and social infrastructure, providing governments with lower cost access to funds than the PPP model, while ensuring that superannuation fund members receive a reasonable and stable return.
16. Congress also notes the growing evidence that company performance is assisted by good governance practices, and by adherence to appropriate labour, social and environmental standards.

Development of a Coalition to Achieve Adequate, Secure and Equitable Retirement Incomes

17. Congress authorises the Executive to convene a conference, together with other relevant groups such as ACOSS, pensioner groups, political parties and superannuation funds. The objective of the conference would be to examine the issues raised in this policy and develop a coalition to work for a more just and equitable retirement for all Australians.

Future of Work
Corporate Governance
Policy
ACTU CONGRESS 2003

1. Congress welcomes the increasing level of debate and activity around the governance and social practices of corporations, which unions see as one of the major factors influencing the job security and retirement incomes of working people, as well as the living standards and amenities of the whole community, in Australia and internationally.
2. Congress notes that the composition, independence and skills of boards of company directors, auditors, analysts and advisers have been called into question in light of recent evidence of corrupt practices and corporate collapses.
3. Congress also notes the various inquiries and reviews which have resulted in a large number of recommendations for change produced by leading bodies connected with corporate and investment regulation and financial services.
4. Congress regrets that, in spite of community outrage at the extent of the rorts and misconduct revealed by company collapses including HIH, One.Tel and Harris Scarfe, the Federal Government has failed to act decisively to reign in corporate excess and rebuild public confidence.
5. Congress calls for a comprehensive program of reform to ensure that the key principle of corporate accountability - to shareholders, employees and other stakeholders - is properly reflected in the regulation and practice of Australian companies.
6. Congress calls for the following measures to be implemented in order to achieve the highest possible standards:
 - (a) Improve the composition and functioning of company boards by:
 - (i) improving disclosure provisions to enable investors to better form an opinion on the independence of board directors including the provision of information about prospective directors and any relationship they or their associates and family have with the company;

- (ii) ensuring boards are made up of a majority of genuinely independent directors who possess the requisite skill and experience to properly discharge their responsibilities; and
 - (iii) increasing penalties for breach of directors' duties, and ensuring greater personal liability for damages by directors who are responsible for losses caused by their breach of duties.
- (b) Encourage increased shareholder participation, particularly by institutional investors, including superannuation funds, by:
- (i) legislating a duty for trustees to monitor and communicate with companies in which they invest and exercise shareholder votes, where there is a reasonable expectation that such action is likely to enhance the long-term value of the investment; and
 - (ii) introducing measures that ensure the beneficial owners of shares, including superannuation funds, have enhanced rights to submit resolutions to company general meetings.
- (c) Improve executive remuneration disclosure by:
- (i) requiring corporations to report all details of executive remuneration to shareholders at general meetings, including share options and how remuneration relates to performance;
 - (ii) requiring all remuneration arrangements (including all share incentive schemes, share options and bonuses) that apply to all executives and managers be expensed in the company profit and loss statements; and
 - (iii) allowing options to be exercised only on a set date or after a set period following the holder's departure from the company.
- (d) Accelerate audit reform by:
- (i) introducing the recommendations of the Ramsay Review into auditing practices and independence;
 - (ii) prohibiting auditors from providing any other commercial services to client companies and from joining the board of client companies for a set period of time after ceasing to be the auditor;
 - (iii) providing for rotation of audit partners; and

- (iv) legislating to prevent the creation of corporate structures designed to obfuscate audit processes.
 - (e) Improve the independence of analysts by introducing measures that ensure shareholders are made aware of potential conflicts of interests of analysts and anything that may compromise their independence and capacity to act in the interests of the prospective or current investors.
 - (f) Improve protections for corporate whistleblowers.
 - (g) Remove corporate tax deductibility for expensed remuneration of more than \$1 million.
 - (h) Legislate for directors' fiduciary and good faith duties to shareholders to be extended to include other stakeholders, including employees.
7. Congress recognises the different governance obligations that apply to mutual and member - based organisations.
 8. Congress congratulates those superannuation funds which have adopted policies on these issues and actively engaged with companies and the funds management industry in order to achieve better corporate governance.
 9. Congress resolves that the ACTU will continue to press for these changes, and support research and debate about the need for substantial reform of corporate operations.
 10. Congress also calls on superannuation funds and unions to consider legal action on behalf of members for recovery of entitlements and retirement savings lost as a result of corporate mismanagement and misconduct.

Future of Work
Industrial Relations Legislation
Policy
ACTU CONGRESS 2003

Legislative Framework

1. A legislative framework should:
 - (a) provide for worker and union rights in relation to collective bargaining which, as a minimum, meet the standards set by international law and are comprehensive, enforceable and facilitate union organising;
 - (b) ensure that all workers have access to fair and relevant award wages and conditions in the context of living standards generally, and as a basis for bargaining;
 - (c) enable compulsory conciliation and arbitration of all industrial disputes; and
 - (d) facilitate the operation of independent and genuine industrial organisations with the capacity to effectively represent members.
2. The Commission's powers should be enhanced and its independence assured. The Commission should be required to develop and publish a protocol for defining, receiving and handling bona fide complaints against Commission members as well as complaints about Commission systems and processes.
3. The full constitutional powers of the Commonwealth should be used to ensure that all Australian workers receive access to rights and protections no less than those available under federal legislation. These powers should not override state systems that provide comparable rights and protections to the federal system, but legislation must ensure that federal standards prevail over inferior state systems.

The Award System

4. The *Workplace Relations Act* (Act) should be amended to give the Commission the power to make awards on any matter that is the subject of an industrial dispute; that is, empowering the Commission to the full extent of the constitutional conciliation and arbitration power. In particular, the Act should provide that, prima facie, provisions removed from awards pursuant to the 1996 amendments, should be restored.
5. The Act should be amended to remove the requirement to contain facilitative provisions. The amending Act should contain provision for facilitative provisions inserted as a result of simplification to cease to have effect unless their continuance is consented to by all award parties or their representatives.
6. The Commission should be required to ensure that awards provide for secure, relevant and consistent wages and conditions and provide for fair standards for employees in the context of living standards generally prevailing in the community. A priority for the Commission should be to address the crisis of low pay in Australia.
7. The Commission should be able to give regard to market rates, where appropriate, in determining award rates of pay.
8. The Commission should be required to ensure that achievement of equal remuneration for work of equal value is a consideration in its determinations, including for women, young people and labour hire and contracted out employees.
9. Additional resources should be provided to ensure the operation of an effective system of compliance.

Collective Bargaining

10. Federal legislation that provides for collective bargaining should ensure that Australian law is consistent with international standards and is conducive to union organising.

Objects of the Act

11. To make it clear that the legislation is directed towards the encouragement of collective bargaining between unions and employers or organisations of employers, the following should be included as objects of the Act:
 - (a) establishing and protecting rights to collective bargaining between unions and employers or employer organisations;

- (b) providing rights for parties in collective bargaining consistent with Australia's international obligations;
- (c) encouraging the association of workers and employers in trade unions and employer organisations; and
- (d) preventing discrimination in rates of pay and conditions for work of equal value performed by employees irrespective of their mode of employment.

The Bargaining Process

- 12. Employers should be required to bargain in good faith with a union which has indicated its desire to negotiate a collective agreement.
- 13. The Commission should be empowered to make binding orders in relation to the commencement and continuation of the collective bargaining process to ensure that the parties to a bargaining period negotiate in good faith. The powers of the Commission should also include the capacity, where unions agree, to mandate a single bargaining unit comprising the appropriate unions which have initiated a bargaining period. Where such a single bargaining unit has been formed, the employer must negotiate in good faith with the single bargaining unit.
- 14. The orders should be able to deal with issues such as:
 - (a) provision of information to the other party, including in relevant languages;
 - (b) requirement to genuinely consider proposals from the other party;
 - (c) adherence to a program for meeting and responding;
 - (d) recognition of unions' representative role and preventing conduct which undermines the authority of a union to represent workers or which interferes with the relationship between a union and its members;
 - (e) preventing the employment of replacement workers during protected action; and
 - (f) time limits for the conclusion of an agreement.

15. The Commission should be empowered to arbitrate a bargaining dispute where legitimate collective bargaining is not occurring, taking into account matters including:
 - (a) that arbitration should not be used to avoid legitimate use of protected industrial action to achieve improved standards;
 - (b) the relative bargaining strength of the parties;
 - (c) the conduct of each party in the bargaining process;
 - (d) the history of wage fixing in the particular award, including whether it was characterised as a paid rates award; and
 - (e) the effect of the dispute on the community or part of it or on the economy or part of it.
16. Employers required to bargain with a union should not be permitted to put alternative agreements directly to employees during the bargaining process.
17. In line with international standards, union and delegate rights should be either legislated or determined by the Commission. These rights should include:
 - (a) physical and electronic right of entry for union officials;
 - (b) the right for unions to hold discussions with and meetings of employees on the employer's premises; and
 - (c) delegates' rights to time off for training and facilities to enable them to carry out their functions, such as access to telephone, fax, email and reasonable time to consult with members.
18. It should be unlawful for an employer to discriminate in any way against an employee because the employee is seeking to bargain collectively through his or her union, or to induce an employee to abandon his or her right to bargain collectively through his or her union.
19. Congress recognises that successful bargaining is a key factor in encouraging increased union density. Where there is more than one union in a workplace or industry sector involved in collective bargaining, unions must make every effort to agree on joint claims and tactics. Where unions are operating in an SBU unions must not undermine the legitimate bargaining claims and tactics of the union collective by separate negotiations or settlement with the employer. Unions must not enrol or seek to enrol members of other unions whilst they are engaged in prosecuting collective bargaining disputes. Where

a dispute arises the matter should be referred to the ACTU for prompt resolution.

Industrial Action

20. Workers should be able to take industrial action, including the right to strike, in accordance with international conventions, including on economic and social issues. Industrial action should be dealt with by the Commission, not the courts.
21. The right to take protected industrial action should be extended to collective bargaining on a multi-employer or industry basis, and to sympathy action in support of workers taking protected action against their employer.
22. The provisions of the Act which allow employers to lock out employees have been used to inflict extreme hardship and unfair pressure on employees in the bargaining process. Lock outs should not be a feature of the Australian industrial relations system. Part VIB Division 8 of the Act should be amended to remove lock out provisions.
23. Sections 127, 170MN and Part VIIIA of the Act, together with sections 45D-EB of the *Trades Practices Act* should be repealed. The Commission should deal with industrial action by unions or employers in the context of its general powers in relation to industrial disputes.

Certification of Agreements

24. Unions should have the right to be notified and intervene in certification proceedings for any agreement that is intended to cover an employee for whom the union has coverage under its rules.
25. The ACTU and its affiliates note that under the present legislation, non-union agreements have been used by employers to deunionise workplaces and undermine the union bargaining strategy. ILO conventions on collective bargaining and freedom of association embrace the fundamental role that unions play in effective and genuine collective bargaining. Unions believe that the only agreements that can genuinely protect workers are those negotiated with the involvement of unions. This is why the promotion of the representative roles of unions should be reinstated as an object of the legislation. Unions oppose non-union agreements for the foregoing reasons, and the fact that non-union agreements deliver inferior outcomes in pay and conditions to union negotiated agreements.
26. Multi-employer agreements should be able to be certified on the same basis as single enterprise agreements. Where an agreement has dominant coverage in an industry there should be scope for the Commission to extend its terms to cover non-consenting employers.

27. If the legislation continues to allow certification of collective agreements made without union involvement, then this should be available only where there are no union members at an enterprise, and should be subject to the Commission being satisfied that the agreements are:
 - (a) the result of a genuine collective bargaining process, involving genuine majority support of the employees concerned; and
 - (b) not capable of being used by employers to undermine or exclude collective bargaining involving union representation.
28. Where there is at least one union member involved, the union must be party to the negotiating process and the agreement. Where a union has initiated a bargaining period and this remains in place, negotiations for a non-union agreement should not be able to commence or continue.
29. Section 170LL appears to allow the employer to pre-select the bargaining partner on behalf of potential employees at a greenfields project, regardless of whether or not the employer's preferred partner will ultimately be truly representative of the workers later employed. Accordingly the Act should be amended to ensure that certified agreements are not misused as de facto demarcation instruments.
30. The no-disadvantage test should ensure that employees are not disadvantaged in their general or specific terms and conditions of employment by the making of the agreement. The Commission should be required to issue a statement certifying that the necessary calculations have been made to ensure that the agreement has been measured against the relevant award and the test satisfied.
31. Provision should be made for certified agreements to include a term providing that a specified negotiating fee be deducted from the wages of all employees covered by the agreement to be forwarded to the relevant union. The Union may determine that such fee be offset against union dues if paid by the employee.
32. The Office of the Employment Advocate, together with the system of AWAs, should be abolished. There should be no legislative provision for individual agreements.

Job Security and a Balanced Life

Employment Certainty

33. The definition of an “employee” should be extended to provide greater protection for persons who work under a contract wholly or substantially for labour only, even where that person is a lessee or owner of tools or other implements of production or of a vehicle used to transport goods or passengers.
34. The definition of an “employer” should be extended to include partnerships, group training schemes and labour hire agencies.
35. The Commission should be required to ensure, as far as practicable, that casual employment be applicable only for workers engaged on an unpredictable non-continuous basis, essentially for emergency situations, unforeseen absences or short-term demands. Casual and seasonal workers should be entitled to pro-rata leave on the same basis as other workers.
36. The Commission should be empowered to determine disputes about the use of contractors and labour hire companies.
37. The Commission should be empowered to regulate the use of precarious employment forms, depending on the circumstances of particular industries or workplaces.
38. Transmission of business provisions should apply in all cases where work or functions are transferred from one entity to another.
39. The Act should be amended to provide that a transmission of business includes where an employer ceases operations, and another company re-commences a similar business where that second company includes one or more of the same directors as the first company, whether or not the same assets are involved.
40. The *Superannuation Guarantee Act* should be amended to provide that superannuation contributions must be paid monthly.

Working Hours

41. An object of the Act should be inserted to ensure that award working hours provisions facilitate regular and predictable work, and prevent the working of excessive or unreasonable hours.
42. The Commission should be empowered to regulate the hours of work of all workers, including part-timers and casuals, and to include a minimum and maximum duration of employment for casual workers.
43. The Commission should be empowered to provide for portability of entitlements.

44. The Commission should be specifically empowered to set minimum and maximum hours of work for part-time workers.
45. The Commission should have power to determine disputes over hours of work.
46. The Commission should be able to determine requirements for consultation, monitoring and agreement about rostering, staffing levels and hours of work.

Work and Family

47. The Commission should be required to ensure that awards contain effective and innovative provisions to assist workers to combine work with family responsibilities, including provisions relating to hours of work.
48. The Commission should be required specifically to examine proposed agreements in relation to whether or not they positively assist the workers covered by the agreement to combine work with family responsibilities, and, in particular, that flexible hours provisions be held to contravene the no disadvantage test if they could result in disadvantage to workers with family responsibilities.
49. Personal/carer's leave should be legislated as a minimum standard of employment to apply to all employees who do not have access to at least this standard.
50. Paid maternity leave of 14 weeks, in line with the ILO *Maternity Protection Convention*, should be introduced.

Unfair Dismissal

51. The legislation should be amended to ensure that all employees, including apprentices and trainees, have access to a timely and fair remedy to prevent and compensate cases of unfair termination of employment.
52. As a priority, provisions relating to unfair dismissal should be streamlined.
53. The Commission should be required by legislation to:
 - (a) hear and determine unfair dismissal cases within set timeframes; and
 - (b) give the remedy of reinstatement primacy.

54. In circumstances of mass terminations, unions should be given the ability to make a single application to be heard and determined within set timeframes.
55. Application and filing fees for unfair dismissal applications should be abolished.

Consultation and Workplace Democracy

56. The ACTU and unions support the extension of workplace consultation. Better health and safety, improved skills, career paths and productivity can result from a stronger role for workers and their unions in the organisation of work. Better community services can also be achieved in the public sector by enabling the constructive input of workers and their unions.
57. Legislation should require that awards and agreements include provisions giving employees the right to be consulted on a regular and comprehensive basis. In particular there should be a requirement for the provision of information to unions and workers on the company's overall strategy and planning, with particular reference to employment-related issues, including new technology, products and processes, the company's future planning, future labour requirements and proposed changes to work organisation.
58. While the full detail of consultative mechanisms required in awards and agreements should be developed through a broad debate, key requirements for unions include:
 - (a) the promotion of consultation at the industry level, and the potential use of Industry Consultative Councils under s.133 of the Act;
 - (b) enterprise level consultative mechanisms not having a role in collective bargaining;
 - (c) where there is union representation in existence at the workplace, this being recognised as representing employees for the purpose of consultation;
 - (d) employers being required to provide all relevant information on issues including the economic and financial position of the business, its likely development, probable employment trends, the introduction of new working methods and substantial organisational changes.

The Royal Commission into the Building and Construction Industry

Resolution

ACTU CONGRESS 2003

1. Congress condemns in the strongest possible terms the politically biased and fanatically anti-union recommendations of the Cole Royal Commission into the Building and Construction Industry.
2. The Commission was established as part of the Federal Government's program of attack aimed at any sign of union strength, and must be seen in the context of its moves against unions in the maritime, meat, coal and manufacturing industries.
3. The report reflects the anti-union nature of the proceedings, the focus of which was on presenting unions in the worst possible light, while denying them any adequate opportunity to counter allegations made by employers and counsel assisting the Commission.
4. The majority of the 392 findings of unlawful conduct against organisations and individuals concern technical breaches of the *Workplace Relations Act* by unions and their officials. Some of these findings were based on alleged incidents occurring up to seven years ago. Most findings concerned ordinary industrial issues relating to matters such as right of entry and adherence to disputes procedures and reflecting, to a large extent, the unsatisfactory state of the current industrial law and its application to the industry.
5. Only a handful of findings were made against employers, mostly for breaches of the Act such as payment of strike pay. No specific findings against companies or individual employers were made in relation to tax avoidance, non-payment of entitlements or use of phoenix companies. Only two findings were made against employers breaching occupational health and safety legislation - both in the Northern Territory, although approximately 50 building workers are killed at work each year.
6. Conclusions, such as that unions habitually ignore Commission and Court orders, were made on the basis of remarkably little evidence. Non-compliance with an order was found in only five disputes, involving in total seven individuals and three unions.

7. The Commission did not establish any evidence of union misconduct, whether criminal or industrial, to justify a vicious attack on the unions' ability to organise and bargain, as was claimed by the OEA and Tony Abbott.
8. In spite of its political and biased nature, the Commission has not produced any successful prosecutions to date, with many matters referred from it to authorities having been quietly dropped.
9. Although recommendations dealt with health and safety, payment of tax, employee entitlements and security of payments to contractors, these are much weaker and less specific than those dealing with unions and industrial relations and do not take such a punitive approach.
10. In spite of the clear lack of justification for the introduction of coercive and restrictive legislation to govern industrial relations in the building and construction industry, the Federal Government has announced that it will legislate the Commission's recommendations. A key element of the proposed legislation is to attempt to criminalise normal bargaining activities and to put the building unions outside the framework of existing industrial law.
11. The Federal Government's legislation will, if passed, significantly weaken unions' ability to bargain collectively on behalf of their members, and is designed to take control of disputes away from the parties directly involved and the Australian Industrial Relations Commission. In particular, the legislation will:
 - (a) prohibit pattern bargaining;
 - (b) institute a prohibitive penalty regime on unions who take industrial action or seek to bargain vigorously;
 - (c) encourage and facilitate actions for damages against unions;
 - (d) seek to apply the Commission recommendations to builders and state governments by threats of withholding Commonwealth funding from construction projects which do not adhere to a revised Code; and
 - (e) establish the Australian Building and Construction Commission (ABCC) with coercive powers and a brief to prosecute unions and their members at every opportunity, ignoring the wishes of the employer parties to disputes, and whether or not the issues have been settled, and overriding the dispute resolutions functions of the Australian Industrial Relations Commission.

12. Congress resolves to join the building and construction unions in their campaign against the proposed legislation, which, it is well understood, will be turned against other workers if successful in this case. The Federal Government has made it clear that its desire to restrict bargaining and impose heavy penalties on unions and their members for engaging in industrial action extends beyond the building industry.
13. Congress calls on affiliates to assist the campaign by informing members about the issues, lobbying politicians and participating in the public debate.

Government Services and Tax

Resolution

ACTU CONGRESS 2003

1. Unions and the ACTU have a long history of campaigning for the maintenance and improvement of the social wage, which includes public services.
2. A key priority for unions in the coming period is the restoration and repair of community services weakened by the destructive policies of the Federal Government.
3. Congress reasserts its commitment to Medicare as a universal health insurance system for all Australians, regardless of their social and economic circumstances and resolves to campaign vigorously against the Federal Government's policy objective to convert Medicare into a sub-standard welfare scheme.
4. Congress is equally concerned that the changes in education policy will lead to the re-emergence of discrimination in access to higher education based on socio-economic status, not seen in Australia since the Menzies period.
5. Overwhelmingly, the community values public provision of health and education ahead of individual tax cuts. Polling conducted for the ACTU by Australian Research Consultants demonstrates that:
 - (a) 76% of respondents would prefer the Federal Government to spend money on improving services like schools and hospitals rather than an income tax cut.
 - (b) Only 18% would prefer a tax cut.
 - (c) 69% of respondents who are Coalition voters, and 75% of respondents with a household income exceeding \$80,000 per year, also preferred spending on services rather than an income tax cut.
 - (d) There are very high levels of dissatisfaction with the Federal Government's handling of higher education, with 65% of respondents dissatisfied and only 20% satisfied.

6. Congress re-affirms its longstanding commitment to the principle of a fair and progressive taxation system which raises sufficient revenue to ensure that the community receives access to high quality services available to all on the basis of need, not income.
7. Congress condemns the Federal Government's deliberate move away from this principle towards models based on user-pay for essential services, particularly in health and education.
8. Unacceptable examples of this policy shift include:
 - (a) Allowing GPs to charge patients unlimited consultation fees while claiming the bulk billing rebate direct from the Federal Government.
 - (b) De-regulating of higher education fees allowing universities to increase course charges.
 - (c) Allocating increased funding to the failing Jobs Network, following the collapse of Employment National.
 - (d) Implementing individual tax cuts which do little to raise living standards for low and middle income earners but which take funds from the Budget which could be better used to repair the damage done in health, education and other vital areas of public service provision.
 - (e) The failure to index allowable deductions for work expenses, making low income working Australians, rather than high income earners, liable for demanding record keeping and audits.
9. Congress condemns the Federal Government for its attack on essential public services, especially in health and education, which will depress the living standards of low-income households, in particular, and generate wider inequality. A tax cut of \$4 per week will not compensate working families for the increased cost of visits to the doctor, the increased debt incurred through higher education, or the social and economic impact of the destruction of the Commonwealth Employment Service.
10. The introduction of Medicare, with its associated bulk billing, was a key component of the 1983 Accord between the ACTU and the ALP, and has been strongly supported by unions and workers generally since that time. Workers have paid for Medicare through payment of the levy, and also by accepting the effect of the introduction of Medicare in lowering the CPI and so reducing, by 2.6% in 1984, the level of wage indexation awarded by the Australian Industrial Relations Commission.

11. Congress declares that working families, having paid for Medicare, should not be required to pay more through additional payments to doctors.
12. Congress congratulates the Australian Labor Party for opposing the Federal Government's attacks on working families' access to quality health and education, and for developing alternative policies which promote the values of equality and opportunity for all.
13. Congress resolves that the ACTU will develop and support joint campaigns which promote increased public spending on health, education, community services and social welfare transfer payments. Such campaigns should highlight the extent of public support for universal health care based on bulk billing and access to higher education based on academic merit, not wealth.
14. In particular, unions will:
 - (a) inform members and others in workplaces and the community of the effects of the Federal Government's changes to Medicare and higher education;
 - (b) take an active part in campaigns to support Medicare and other services;
 - (c) promote the value of funding these services rather than providing individual tax cuts; and
 - (d) mobilise union members to campaign in key electorates leading up to the next election around these key issues.

A Fair Australia

Public Services

Policy

ACTU CONGRESS 2003

1. Government through public services are a key instrument for realising the goals and aspirations of working people and all Australians. Government economic and legislative involvement is essential to provide opportunities for all Australians, improve equity through redistribution, provide public safety and security and protect the community through the regulation necessary in a market economy. Public services can and should act in the public interest and in a professional, transparent, equitable and impartial manner. Public services are not constrained, as is the private sector, by considerations of shareholders and the short-term approach of business cycle and financial markets.

Assessing Public Services on an Objective Basis

2. Since the 1980s, public services have been continually challenged through privatisation, contracting out, national competition policy, moves to "self regulation", deterioration in funding levels, user pays arrangements or marginalisation of services by shifting responsibility to the welfare sector. More recently challenges have come from financing structures such as Public Private Partnerships.
3. The ideological nature of many of these challenges is demonstrated repeatedly in the outcomes of greater cost to governments, price increases for the public, less access to services, lower quality services, increased income inequality, less affordable services, lower levels of public safety and market failures. Australian communities in regional, rural and remote areas and the disadvantaged are particularly vulnerable when services are shifted from public to private interests.
4. The determination of proper standards of service at the relevant tier of government, such as water quality, school curriculum or quarantine and customs services, must be carried out on the basis of the objective needs of the Australian community. Further, when outcomes are identified, public services must have the necessary resources to achieve the outcomes. Accountability and transparency are not

fulfilled when governments trumpet outcome goals but do not provide the resources or the legislative tools necessary for public sector workers to achieve those outcomes.

5. The ACTU is committed to the retention and growth of public services that:
 - (a) meet the economic, safety and social policy requirements of the Australian public;
 - (b) deliver quality, effective and efficient services that are affordable and accessible for all Australians; and
 - (c) maintain the highest levels of impartiality, transparency and accountability to the Australian public.
6. The ACTU opposes the ideological rush to sell public assets and privatise or contract out public services which has increasingly characterised government management in Australia since the 1980s. Objective testing of public services should be conducted to ensure they live up to what Australian families require of them. Applying a robust public interest test challenges ideological attacks and takes a wider view than that of narrow sectoral interests. The ACTU will work with affiliates to achieve government support for a public interest test that should form the basis of quality public services. Where any government seeks to shift direct service provision from the public sector the following criteria should form the basis of an impact study that will be conducted and made available for public debate.
7. Equally where services have been privatised or contracted out a periodic review of efficiency and effectiveness based on the relevant criteria above should be conducted and reported on publicly by the relevant tier of government.
8. Key elements of a Public Interest Test must include:
 - (a) That the affordability and value of public services to the Australian public are not diminished.
 - (b) That accountability to and transparency for the Australian public are maintained, including access to the terms of contracts entered into by governments on our behalf, and that the privacy of consumer information is maintained.
 - (c) That the quality of service and access to services are not diminished, including by cuts to jobs, wages and other employment conditions or rights of workers delivering the services.

- (d) That the necessary funding and resources for public services that are currently available be continued to be provided at the necessary level to achieve the outcomes required by the Australian public.
- (e) That there are no negative effects on the environment or Australian industry development.
- (f) That service levels for regional, rural and remote Australian communities are maintained.
- (g) That the costs and benefits for the public are clearly and publicly identified.
- (h) That the balance of risk and profit between the government and any private sector service deliverer are clearly and publicly identified, including the risks and consequences of market failure.
- (i) That the necessary skills and resources are retained within the public services to meet the responsibility for quality assurance and oversight of any contract.
- (j) That any decision is based on a direct and fair comparison between the relevant public services and any potential private sector provider and has considered input from the affected public services.

Ensuring Public Services Meet Their Obligations

9. For public services to be able to live up to the quality and standard of outcomes required of them, governments must seriously address the structural impediments limiting public services organisations. This includes governments:
 - (a) Providing full funding and resources to match the outcomes required, including alternative forms of public investment funding such as offering tax incentives and government bonds which can provide capital guaranteed returns to superannuation and retirement funds. Public sector trading enterprises must be provided with an adequate capital structure, including an adequate equity base.
 - (b) Conducting long term planning and training to ensure the skills base and experience of workers is not lost as the workforce ages, including a commitment to training and developing young workers through apprenticeships and traineeships as well as graduate placements.

- (c) Ensuring the necessary legislative protection is available for public services workers to act in the public interest and that decisions are impartial and fair and decision makers act in an accountable and transparent manner.
 - (d) Ensuring promotion is based on merit.
 - (e) Ensuring Public services employers are “model employers” or “employers of choice” for women.
 - (f) Ensuring a rapid increase in representation, including at senior levels, of sections of workers who have been discriminated against, or who have special needs, namely Aboriginal and Torres Strait Islander workers, migrants and workers with disabilities.
 - (g) Committing to respect public services workers’ choice to bargain collectively through their unions, respecting workers organising through their unions and being represented by them and protecting the rights of workplace delegates.
 - (h) Recognising that utilising contingent and precarious forms of employment undermines the capacity of workers to meet their public interest obligations and acting to reduce these forms of employment in the public services.
 - (i) Where contracting out occurs, ensuring wages and employment conditions, including minimum hours of employment and access to entitlements, are retained at the standard enjoyed by directly employed workers.
 - (j) Where contracting out occurs, ensuring that contract companies allow employees to join their union and engage in collective bargaining without impediment.
 - (k) Where contractors are changed at contract expiration, ensuring that existing employees keep their jobs and current working conditions, including hours.
10. Where the private sector delivers services on behalf of government, governments must ensure that those providers also take these steps. Further, governments must act in conjunction with unions to redress the cuts to workers conditions of employment imposed through outsourcing.
11. The ACTU considers that Board and Statutory appointments by governments to public services entities should be conducted in a manner that is designed to foster transparency, accountability and public confidence. The ACTU supports Australian governments adopting principles and procedures that ensure that such appointments are

underpinned by a system based on merit, equality of opportunity, public scrutiny and independence in such appointments. To this end the ACTU calls for the establishment of a joint governments inquiry to establish appropriate standards for such appointments and proper accountability for the holders of such positions.

12. The ACTU recognises that the debate about public services is not limited to Australia and is truly international. The ACTU will support unions in the public services participating in campaigns supporting Quality Public Services, coordinated by the PSI in conjunction with EI.

ACTU Action

13. Congress notes Federal and State Governments have continued to adopt policies and implement practices that do not remove, nor adequately address, the structural impediments limiting public services and do not promote the elements of the public interest test.
14. In support of this policy, the ACTU will:
 - (a) Support affiliates in organising campaigns to retain and grow public services and to ensure public services are not restrained from meeting their obligations.
 - (b) Support affiliates in developing and implementing organising campaigns to bring contract workers into collective representation, and to improve the wages and conditions of employment of contract workers.
 - (c) Work with affiliates to lobby governments and produce suitable public material to ensure public services are assessed on an objective basis.
 - (d) Support affiliates participating in campaigns supporting Quality Public Services.
 - (e) Work with affiliates to lobby governments to pass legislation providing explicit protection for workers, providing services for or on behalf of governments, who speak up about actions or decisions that are contrary to the public interest or the obligations of public services (whistleblower protection).
 - (f) Convene meetings, as appropriate, of affiliates with an interest in public services issues with the aim of affiliates sharing information and campaigning together to maximise support for public services.
 - (g) Call upon all Federal, State and Territory Governments to provide quality Public Service standards and practices as outlined in the ACTU public services policy.

A Fair Australia

Health

Policy

ACTU CONGRESS 2003

A Better Health System

1. The Federal Government has overseen a reduction in the level and quality of health services provided to Australians and has placed Medicare and the public health system under strain. The subsidisation of private health insurance by taxpayers has failed to meet basic health goals.

Medicare and Health Funding

2. Medicare is a key component of the social wage. It is an efficient and equitable system of health delivery.
3. The ACTU will:
 - (a) oppose changes to Medicare which undermine universal access to health care services and campaign for continued support and expansion of Medicare to ensure that universality of the scheme is maintained and funded via the taxation system;
 - (b) campaign to ensure that bulk billing for general practitioner services is maintained and is available to all in our community;
 - (c) work towards the abolition of the 30% private health insurance rebate and the redirection of funds saved into the public health system;
 - (d) campaign for increased funding to public hospitals and public health services including the Pharmaceutical Benefits Scheme;
 - (e) recognise that the private sector is complementary to the public sector without diverting resources away from the public sector;
 - (f) oppose the imposition of fees and charges for publicly funded health services at the point of service delivery;

- (g) campaign for the continuation of health services as a Government funded community responsibility and oppose user pays, co-payments; and
- (h) campaign for an expansion of the coverage of the Medicare scheme to include dental and other core health services.

A Healthier Community

- 4. A healthier community requires the provision of accessible, affordable and high quality health services that recognises those with special needs, and the barriers faced by indigenous Australians, individuals with cultural or language barriers, and people who live in rural and remote areas.
- 5. The ACTU will:
 - (a) support increased resources being applied to health promotion and prevention activities;
 - (b) campaign for the provision of equitable and accessible health services to rural and remote regions, indigenous Australians and those with cultural and language barriers;
 - (c) support Indigenous peoples rights to access culturally appropriate health services; and
 - (d) support properly resourced initiatives that encourage care in the community.

Mental Health

- 6. The World Health Organisation identifies mental health as the world's largest health issue. Those suffering from mental illness are some of the most disadvantaged and vulnerable members of our community and should therefore be treated with the highest priority.
- 7. Research is now showing that one in five Australians will be affected by mental illness during their life time, it is also widely accepted that untreated mental illness is a leading contributor to Australia's increasing rate of suicide.
- 8. The ACTU notes that Australia's mental health system is in crisis and a 'Fair Australia' must seek to address this problem in society as a high priority.

9. The ACTU will advocate for:
- (a) expanding Australia's mental health budget to comparable levels with Canada, the UK and New Zealand, by increasing it to at least 11% of the total health budget compared to Australia's current commitment of 6.5%;
 - (b) a responsive mental health service provided by an appropriate trained, skilled and qualified mental health workforce as a basic right;
 - (c) primary community support systems to complement clinical services;
 - (d) properly resourced support systems for carers; and
 - (e) community awareness and health promotion strategies to reduce stigma towards the mentally ill.

Health Workforce

10. Unions will seek to ensure equitable wages and fair working conditions for workers in the health care sector by:
- (a) pursuing adequate funding and staffing of public hospitals by both Federal and State Governments;
 - (b) campaigning for minimum staffing levels, which are regulated and maintained to guarantee the safe provision of care;
 - (c) lobbying political parties and campaigning for a recruitment and retention plan that will address the serious staffing shortages;
 - (d) opposing the further privatisation, outsourcing or contracting out of public health services;
 - (e) pursuing parity in pay and working conditions for all workers within all sectors of the health industry within Australia;
 - (f) pursuing reasonable workloads to ensure the safe delivery of care;
 - (g) pursuing reasonable hours of work and proper rostering systems to ensure that all workers in the health sector can fulfil their personal, family and professional objectives;
 - (h) promoting industrially and through the Commission, a stable workforce of permanent full-time and part-time employees and to ensure that where casual labour is required, such workers receive wages and working conditions commensurate with permanent

workers, plus a loading which acknowledges the casual nature of their employment;

- (i) continuing union involvement in education and training of workers in the health sector;
- (j) taking all possible action to improve workplace health and safety standards for all health workers;
- (k) campaigning for adequate funding for university and VET sector places to address the chronic shortage of workers in the health sector; and
- (l) campaigning to overturn the legislative restrictions to provider numbers, which unfairly restrict the ability of doctors to provide health services, and oppose the Federal Government policies which seek to unfairly conscript young doctors to geographical locations via bonded university scholarships.

A Fair Australia

Aged Care

Policy

ACTU CONGRESS 2003

A Better Aged Care System

1. The ACTU and affiliated unions acknowledge that the process of ageing is part of the natural life cycle.
2. The majority of older people will age in their own environment, supported by family and friends, and may require minimal support from aged care services.
3. Some older people however will require support to manage daily tasks which they were once able to attend to unaided, while others, as a result of ill health and/or frailty, will require more complex care.
4. To meet the varied needs of older people, a broad range of aged care services must be provided along a continuum of care which includes community services, residential services and acute hospital care, by a multi-disciplinary team of workers with a wide range of qualifications and skills.

Aged Care Services

5. The ACTU and affiliated unions will work in partnership with other stakeholders in the aged care sector to:
 - (a) campaign for quality aged care services that meet the specific needs of the community;
 - (b) ensure that appropriate aged care services are accessible to those that need them;
 - (c) promote an open and transparent complaints mechanism which will enable residents, staff, family members and concerned members of the community to raise complaints regarding the care being delivered and the provision of services in an effective and efficient manner;

- (d) support the provision of aged care services in rural and remote regions;
- (e) support the provision of culturally diverse and sensitive aged care services;
- (f) promote the highest standard benchmark for quality care;
- (g) Campaign and lobby political parties to provide funding that reflects the cost of providing quality care, which includes the funding of staffing levels and skill mixes to the needs of residents based on a defined and properly costed benchmark of care;
- (h) pursue increased transparency and accountability in the use of public funds in the sector to ensure that public money is accounted for and that an optimal amount is spent on care; and
- (i) press for implementation of higher occupational health and safety standards in aged care facilities.

Aged Care Workforce

6. Unions will seek to ensure equitable wages and fair working conditions for workers in the aged care sector by:
 - (a) pursuing adequate funding and staffing by both Federal and State Governments;
 - (b) campaigning for minimum staffing levels, which are regulated and maintained to guarantee the safe provision of care;
 - (c) lobbying political parties and campaigning for a recruitment and retention plan that will address the serious staffing shortages in the aged care sector;
 - (d) pursuing reasonable workloads to ensure the safe delivery of care;
 - (e) pursuing reasonable hours of work and proper rostering systems to ensure that all workers in the aged care sector can fulfil their personal, family and professional objectives;
 - (f) promote industrially and through the Commission, a stable workforce of permanent full-time and part-time employees and to ensure that where casual labour is required, such workers receive wages and working conditions commensurate with permanent workers, plus a loading which acknowledges the casual nature of their employment;

- (g) continuing union involvement in education and training of workers in the aged care sector;
- (h) taking all possible action to improve workplace health and safety standards for all aged care workers;
- (i) lobbying the Federal Government for a capital funding component for each aged care facility to allow for the prompt replacement or renewal of infrastructure or equipment necessary to provide for a safe and efficient workplace; and
- (j) campaigning for adequate funding for university and VET sector places to address the chronic shortage of workers in the aged care sector.

Organising Agenda in Aged Care

7. The ACTU and unions believe that the aged care sector has the potential to be a strong and influential sector within the union movement, politically and socially. It is important that the union movement develops this influence for the benefit of the workforce and the community as a whole.
8. The ACTU and unions will do this by acknowledging that the aged care sector is a growing labour force, recognising the importance of ensuring the growing labour force is organised and that an organised aged care sector will improve the working conditions and the level of care within that sector.

The Future of Work

Older Workers

Policy

ACTU CONGRESS 2003

1. Congress affirms its commitment to actively oppose discrimination on the basis of age, including in relation to older workers and in doing so, recognise current legislation protecting early retirement for workers in hazardous industries.
2. Congress supports in principle federal anti age discrimination legislation. Legislation of this kind has been introduced into the Parliament by the Federal Government.
3. Congress supports the right of workers to retire at 55 or older, recognising that financial security is critical to the exercise of that choice, and affirms that there is no justification for increasing either the preservation age for superannuation or the eligibility age or other conditions for receipt of the age pension.
4. Congress also supports the right of workers to continue in employment after normal retiring age, including their ability to access transitional arrangements such as part-time work provided that this does not override existing specific industry legislation.
5. Congress calls for a number of measures to assist older workers, including:
 - (a) an education campaign to change community attitudes to the abilities of older workers, particularly amongst employers;
 - (b) assistance to achieve financial security, including increased superannuation, improved redundancy payments and protection of employee entitlements;
 - (c) access to quality part-time work;
 - (d) access to guidance about retraining needs and options;
 - (e) access to vocational education; and

- (f) access to improved employment services.

A Fair Australia
Education
Policy
ACTU CONGRESS 2003

SCHOOLS AND PRESCHOOLS

1. The ACTU believes that education is an investment in the nation's future intellectual, social and economic well being and should be seen as fundamentally serving the common good of the Australian community rather than sectional interests or individual advantage. Education is vitally important for achieving a fairer and more equitable society and must be funded at levels which can redress the increasing gap between resource levels and students' educational needs.
2. Schools are important social institutions in which Australian children engage with and learn about their fellow citizens and come to acknowledge and appreciate their differences, beliefs and values.
3. Commonwealth and State/Territory governments must fund the public system to cater for all Australian children including those in small, rural, isolated, poor and disadvantaged communities, and Non English Speaking Background and Aboriginal and Torres Strait Islander communities. The Australian community expects the public education system to be comprehensive and properly resourced and to set the benchmark community standard for the provision of education for all Australian school students.
4. The ACTU believes the Commonwealth has a central leadership role and responsibility in planned educational provision on the basis that new government and non-government schools should not threaten the viability and stability of existing schools. New non-government schools should be required to demonstrate initial and continuing financial and educational viability and be subject to rigorous accountability and reporting mechanisms.
5. Both government and non-government systems and school authorities must provide all students with access to high quality education in order that they achieve across the range of educational outcomes set out in the National Goals of Schooling, regardless of the school they attend.

6. The Commonwealth's investment in schooling is marked by inequity and confusion, largely the result of the Federal Government's SES funding regime for non-government schools, introduced in 2000. This policy has delivered some of the largest increases in public funding to some of the best resourced schools in Australia and consequently has abandoned the broad community consensus that non-government schools should be funded on the basis of need. The ACTU is opposed to the renewal of the *States' Grants Act* in its current form and supports the ALP and other opposition parties amending the Bill when introduced to direct public expenditure towards greater equity and accountability in funding based on the Ministerial Council for Employment, Education and Training, Youth Affairs (MCEETYA) Principles.
7. Commonwealth expenditure on public schools, TAFE colleges and universities has been inadequate under the Federal Government, with serious adverse implications for the nation's long-term economic prospects. While State and Territory Governments are the major providers of funding to government schools, the Federal Government's percentage increases to government schools have not kept pace with those to non-government schools. Virtually all the increases in Federal funding for government schools are due to supplementation for cost increases, based on increases in an index of average per student recurrent costs in government schools - which arise from past State and Territory budget decisions.
8. The ACTU supports the current MCEETYA initiated pilot study, particularly if the outcomes hold the promise of a more fairly constructed general index for funding purposes. The pilot study seeks to more carefully distinguish the actual costs of providing schooling that are needed to meet the national benchmarks for learning.
9. To give reality to the MCEETYA Principles, as outlined below, the outcomes of the pilot study should inform a broad inquiry conducted by the Schools Resourcing Taskforce of the total resources available to all schools, both government and non-government. This should then lay an equitable basis for ALP policy and for a revised formula and amended *States Grants Act* in the future. This should take account of the socio-demographics of the student populations concerned and the impact of Federal State and Territory funding arrangements over the last decade.
10. The ACTU supports a comprehensive reform program with significant increased investment in education to ensure that Australia becomes a high skill, high value added nation, including:
 - (a) Raising public expenditure on education from the current level to achieve the UNESCO recommended level of 6% of GDP.

- (b) A partnership between the States and Territories and the Federal Government to ensure that all Australian children have access to at least one year of high quality free pre school education before entering school.
- (c) An acceptance by the Commonwealth that it has responsibility for public schools as a national priority within a comprehensive funding policy. State and Territory Labor ministers for education through MCEETYA have established a framework of principles for funding schools in both sectors which is a complementary approach involving both levels of government. The Commonwealth Education Minister has refused to endorse these national principles. These principles are:
 - (i) the total level of resources available for schooling is adequate so that achievement of the National Goals for Schooling is a realistic objective for all students,
 - (ii) public funding across different schools and sectors is distributed fairly and equitably through a consistent approach to assessing student needs and through having regard to the total level of resources available for students,
 - (iii) the total level of funding for government schooling is adequate to ensure access to high quality government schooling for all, and all governments' funding policies recognize this as a national priority,
 - (iv) resourcing for all students is adequate for meeting the National Goals, notwithstanding the school or school sector they attend, and
 - (v) public funding for schooling supports the right of families to choose non-government schooling and supports non-government schools on the basis of need, within the context of promoting a socially and culturally cohesive society and the effective use of public funds.
- (d) A commitment by the Commonwealth and States to this co-operative framework being a more equitable approach than the current Federal Government formula.
- (e) Consideration of the Connors Report for the ACT Government which also provides a basis for the development of government responsibility around principles that recognise:
 - (i) its primary obligation in education for the provision of high quality public schooling accessible to all children and young people;

- (ii) the respective roles and obligations of government and communities as funding partners in non-government schooling; and
 - (iii) the distinctive and the shared purposes of schooling in the public and the non-government sectors and the need for a complementary relationship between them.
- (f) Targeted programs to address the needs of disadvantaged and special needs schools and communities where disadvantage is endemic.

INDIGENOUS EDUCATION

11. Aboriginal and Torres Strait Islander peoples are the First Nations peoples of Australia, and as such, have a distinct and inalienable set of rights. The right to education is one of these.
12. The ACTU acknowledges that the education system has played a crucial role in the oppression of Aboriginal and Torres Strait Islander peoples, through the denial of opportunities, the reinforcement of racial stereotypes, the lowering of expectations and quality, the exclusion of participation, and the reinforcement of cultural and political values which are ultimately alien to the original inhabitants of this land.
13. The ACTU recognises the right of Aboriginal and Torres Strait Islander peoples to achieve within the same range of educational outcomes as non-Indigenous students and consequently the need to position and prioritise Aboriginal and Torres Strait Islander educational policy to bring this objective about.
14. The ACTU also recognises that industrial and workers' rights are human rights and that Aboriginal and Torres Strait Islander people are entitled to have the same access to education and training and employment as all other Australian citizens and to be part of, and have the support of, the trade union movement.
15. The ACTU:
 - (a) Is committed to ensuring that all Aboriginal and Torres Strait Islander peoples have the right to high quality education throughout their lives. Quality is characterised by appropriate student teacher ratios and group sizes, appropriately qualified and trained teachers and education workers, and enriching, well equipped, caring and secure environments.

- (b) Is committed to the process of National Reconciliation through education as part of a comprehensive strategy to redress the profound and continuing legal, political, social and economic disadvantage experienced by Aboriginal and Torres Strait Islander peoples. We believe that in the first instance this must include a recognition of, and responsibility for, the causes underlying such disadvantage including the dispossession of land, racism and government policies of family separation, assimilation and welfare dependency.
- (c) Affirms its conviction to value the diversity of the cultures and forms of social organisation of Aboriginal and Torres Strait Islander peoples, and commits its members to the educational development of Aboriginal and Torres Strait Islander peoples in light of the imperative contribution that Aboriginal and Torres Strait Islander peoples make to the socio-economic, cultural and environmental advancement of Australian society.
- (d) Recognises that schools play an important role in the construction, critique and transmission of social values. Fundamental to that process is the responsibility to develop a knowledge and understanding of the history of Australia, including the history of relations between non-Indigenous Australians and Aboriginal and Torres Strait Islander peoples.
- (e) Believes that education systems and institutions, teachers and support staff have a vital leadership role and obligation to practise and promote the ideal of racial equality and to develop and implement anti-racist education and sanctions against racial discrimination, prejudice and harassment when they occur in the school community.
- (f) Is committed to the principles of self-determination and self-management for Aboriginal and Torres Strait Islander peoples, and asserts the fundamental democratic right of Aboriginal and Torres Strait Islander peoples to be involved in decision making to enable them to attempt to rectify the history of neglect of Aboriginal and Torres Strait Islander peoples by both Federal and State/Territory Governments. This right must be applied in all areas of decision making, including educational decision making.
- (g) Emphasises the important role of cooperation and partnerships between Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander Australians in promoting and implementing the goals and activities of Aboriginal and Torres Strait Islander peoples.

16. Therefore, the ACTU will:

- (a) support the implementation of the principles of self-determination and negotiation, as appropriate, with employing authorities, Aboriginal Education Consultative Groups and the local Aboriginal and Torres Strait Islander communities to address considerations as they emerge, and to safeguard the rights of teachers and students;
- (b) support advocacy for the development of inclusive curricula either by, or in collaboration with, relevant Aboriginal and Torres Strait Islander peoples and groups, which presents all aspects of Aboriginal and Torres Strait Islander cultures from times prior to the invasion, to the present, across all curriculum areas;
- (c) support the increase of employment of Aboriginal and Torres Strait Islander peoples across all education sectors, across all levels of the sectors, and give particular priority to ensuring that Aboriginal and Islander Education Workers (AIEWs) are employed under an award structure which provides career path and professional development opportunities and employment security, and remunerates them for the specific sets of skills and knowledge that they bring to the educational setting;
- (d) support the position that States and Territories make a commitment to ongoing resourcing and permanency of AIEW positions that is not dependent on:
 - (i) supplementary educational funding provided by the Commonwealth, such as the Indigenous Education Strategic Initiatives Program (IESIP), or
 - (ii) other community-based Commonwealth provided fund sources, such as the Community Development Employment Programme (CDEP);
- (e) support and work with Aboriginal and Torres Strait Islander peoples and State and Territory Governments to lobby for the development of appropriate recruitment and selection processes for teachers working with Aboriginal and Torres Strait Islander peoples, and in Aboriginal and Torres Strait Islander communities;
- (f) support the position that all teachers and educators employed in all educational institutions in Australia must have completed Indigenous Studies as a minimum requirement for their employment; and

- (g) support the maintenance and continued use of Aboriginal and Torres Strait Islander languages as a part of the curriculum for all Australians, but particularly Aboriginal and Torres Strait Islander peoples.

POST COMPULSORY

17. The role of post compulsory education in ensuring that Australia becomes a high skill, high value-added nation is fundamental and requires:
 - (a) Lifting the completion rate of post-compulsory schooling and training by all as a national objective including by the provision of quality articulated programs of vocational education and training in schools.
 - (b) Guaranteed access to vocational education for young people and existing workers and their families by:
 - (i) developing a National Plan for TAFE,
 - (ii) increasing federal growth funding to fund at least the average 5.9% per annum enrolment growth experienced over the last decade,
 - (iii) providing additional federal funding to address unmet demand, quality improvement, equitable access and to redress existing resource pressures,
 - (iv) providing a 'youth training guarantee', and
 - (v) ensuring that the training needs of existing workers are met including programs to redress inequitable outcomes of Indigenous and disadvantaged socio-economic groups.
 - (c) Ensuring that HECS is not extended to TAFE and that employers are encouraged to invest more in structured education and training leading to nationally recognized qualifications.
 - (d) Ensuring the quality of our university education through increased public funding, lifting the government expenditure on higher education by \$1 billion per year with a target of achieving the OECD average public expenditure on higher education by 2020, and creating mechanisms which ensure that grants are adequately indexed for movements in costs such as wages and recurrent expenditure on libraries and infrastructure.

- (e) Ensuring the accessibility of higher education through increasing the number of fully funded places within universities and lowering the burden to students and their families through lower fees and higher income thresholds for their repayment.
 - (f) Ensuring that those most disadvantaged in our society, such as young people from low socio-economic backgrounds, older workers seeking to re-skill and Aboriginal and Torres Strait Islander people are provided with the necessary support from universities, TAFE institutes and governments to lift their educational achievements and thereby be provided with increased opportunities for employment.
 - (g) A commitment to fund the ongoing education and training of all Australians throughout their lives to meet the changing social and economic circumstances they will encounter in a knowledge society.
18. The ACTU calls for a commitment from all political parties to develop Australia as a high skill, high value-added nation. The future of employment levels, living standards and national development will depend on the skills and ability of workers to participate in high value-added competitive enterprises.
19. The ACTU is committed to boosting the number of traineeships and apprenticeships. Accordingly, we support:
- (a) provision of higher levels of public funding from Federal and State governments to TAFE;
 - (b) the introduction of a properly policed training levy on those employers who do not make an effort to train employees in their industry;
 - (c) new marketing arrangements which explain the practical industry and enterprise benefits of embracing structured training;
 - (d) additional government assistance to provide for capital costs for group training companies in the areas of establishment expenses, plus assistance with wage payment cash flow problems and market penetration costs;
 - (e) industry skill centres for the upgrading of skills of current industry employees to higher levels; and
 - (f) ensuring that government procurement and infrastructure project contracts require that suppliers or contractors by obligation carry their training responsibility.

20. The ACTU will also support action to:
- (a) improve the profile and depth of the auditing of training providers so as to maintain and improve the quality of training provisions;
 - (b) introduce practical Recognition of Prior Learning opportunities for existing workers;
 - (c) ensure that existing workers without vocational qualifications have access to government funding to assist with structured training leading to a recognised qualification; and
 - (d) work to better integrate VET in schools with the mainstream vocational training system and particularly TAFE.

RESEARCH AND DEVELOPMENT

21. Research and development activities are at the heart of our social, cultural and economic development. Government plays a key role in providing broad funding for all research, including incentives for business to invest in research and development. However, Australia has a poor record of investing in R&D. According to the latest ABS statistics, the Government Expenditure on R&D (GERD) is well below the average level within the OECD, with Australia 12th out of 17 OECD countries. Universities are the largest research organizations, and some 49% of all research takes place in universities. Government also funds other public sector research agencies such as the CSIRO, ANSTO, AIMS and DSTO, but in these areas Government has cut spending and reduced their investment in research workers by near 10%.
22. Sustaining Australia's research capacity in basic and applied research depends upon Government lifting its expenditure across all areas of public sector research, including universities and providing increased support for postgraduate research education. Building research skills across all levels of our education system will enhance a culture of research and innovation.

A Fair Australia

Transport

Policy

ACTU CONGRESS 2003

Land Transport

1. The ACTU supports and will campaign for:
 - (a) The creation of a national land transport network consisting of the National Highway System, the Interstate National Railway system together with nationally and regionally important major roads and rail links including effective links to ports and airports.
 - (b) A single national transport infrastructure fund covering both road and rail with a common set of criteria for investment (including economic, social, safety, environmental and regional criteria, with this criteria including a high level of local content for all rolling stock and infrastructure construction as a condition of all contracts).
 - (c) The establishment of a National Transport Commission with increased funding to provide a focus for ongoing regulatory reform for the road and rail industries.
 - (d) The establishment of a National Transport Advisory Council, which addresses both freight and passenger transport issues including the development of a National Transport Investment Plan.
 - (e) The inclusion of union representation on the Australian Logistics Council, National Transport Commission and National Transport Advisory Council to ensure transport workers concerns particularly relating to safety and security are addressed.
 - (f) The development of a national passenger transport strategy.

- (g) The Federal Government providing financial assistance to State Governments to improve and extend public transport, to integrate transport, land and environment objectives and to work in co-operation with State and Local governments to achieve greater use of public transport and sustainable transport modes such as walking and cycling and lessen dependency on cars.
- (h) An alliance of unions, user groups, community and industry organisations to campaign to fill in the missing links of the Federal Government's AusLink proposal and for a greater role for public transport in urban and regional areas.

Maritime and Stevedoring

2. The ACTU:

- (a) Supports the retention of Cabotage on the Australian coast and condemns the wholesale abuse of the single and continual voyage permit systems by the Federal government.
- (b) Identifies our coast as an Australian workplace and the carriage of coastal cargo from one port to another as Australian work.
- (c) Condemns those who invest in "Flag of Convenience" shipping as a way to maximise profit at the expense of Australian jobs, environment and security.
- (d) Calls on State and Federal Governments to encourage investment in a robust, safe and viable shipping industry for the protection of jobs, environment and national security.
- (e) Supports recognised shore based work as being appropriately performed by stevedores or shore based employees.

Aviation

3. The ACTU will work with affiliates to ensure:

- (a) The safety and interests of the general public and aviation workers are placed before profit and obscure notions of competition.
- (b) A campaign of opposition to any further entrant into the Australian aviation industry intending to operate in direct competition with existing carriers.
- (c) A coordinated approach to enterprise bargaining to ensure the terms and conditions of aviation workers are maintained and improved.

- (d) The use of overseas-based labour employed on inferior contracts by Australian carriers is eliminated.
- (e) That the use of overseas-based carriers by Australian companies to avoid appropriate Australian terms and conditions is strongly opposed.
- (f) The contracting out of services and use of labour hire companies is kept to a minimum.
- (g) Access and assistance to on the job education and training is improved.
- (h) Aviation safety organisations focus on safety and protection of the Australian public by:
 - (i) retaining Airservices Australia as an efficient public aviation service provider of air traffic services, aviation fire services and national airways maintenance and installation services;
 - (ii) ensuring regional communities have proper access to safety services;
 - (iii) ensuring CASA is appropriately resourced and focussed on safety regulation;
 - (iv) ensuring that the ATSB has access to adequate resources to continue its efficient and effective, independent role in accident and incident investigations; and
 - (v) transferring any contracted out air traffic services, fire services, national airways system maintenance and installation and support services back to the public sector to ensure that the risk to the travelling public is minimised.
 - (vi) Airservices Australia is directed by Government to revert to a network charging system and to discontinue its current location specific charging policy.

International Solidarity

4. The ACTU will work with local and international transport industry unions and the International Transport Federation to build international links and solidarity.

Women in Transport

5. The ACTU will work with affiliates to remove the many barriers to employment and retention of women in many sectors of the transport industry and will continue to actively support women's networks and representation.

Transport Safety

6. The ACTU will work with affiliates and the industry to ensure the safety of transport workers comes first.
7. The ACTU will campaign to ensure:
 - (a) the aviation passenger to cabin crew ratio is not reduced;
 - (b) that maintenance and engineering standards are maintained;
 - (c) that there are appropriate and agreed means of dealing with drug and alcohol use;
 - (d) that the general public and transport workers are secure from any external threat;
 - (e) that regional airport security is to the same standard as major airports;
 - (f) that all cabin crew including regional carriers are provided with accredited safety and security training; and
 - (g) that there are appropriate national occupational health and safety standards for the transport industry, particularly as they relate to fatigue.

A Fair Australia

Child Care

Policy

ACTU Congress 2003

INTRODUCTION

Childcare is an Integral Part of Balancing Work and Family

1. More and more families with young children are trying to balance parenting and work. The provision of accessible and affordable childcare is an integral part of meeting this balance. As debates are held over paid maternity leave and flexible work practices, childcare must also be recognised as a significant factor in assisting working families in our modern society.
2. There are a myriad of reasons why families need childcare assistance. Some families need two incomes to survive. Other parents can not afford not to work for a substantial period of time if they want to keep their job or maintain a meaningful career. Childcare services can also provide a respite from home duties for parents who are not currently in the workforce. Whatever the reason, it is clear that balancing work and family is a major issue for our community that needs to be addressed urgently.

Many Australian Families use Childcare Services

3. There are about 1.5 million Australian children under the age of five. Every year 250,000 new babies are born. By the time a child is in his or her second year, 57% of mothers are back in the workforce. By the time their children turns three, 68% of mothers are back in the workforce. In 2001, more than 830,000 children between the ages of 0-12 used some part of the Commonwealth child care system.
4. And the number of working families has been steadily increasing over the past decade.¹

¹ ABS, Australian Social Trends 4102, 2001

5. We also know that many parents are working longer and harder than before.²
6. Parents struggle to find childcare places and are concerned about the cost of care and the quality of care. Working families need their child care services to be:
 - (a) accessible;
 - (b) affordable; and
 - (c) of a high quality.
7. There are good policy reasons for ensuring childcare is accessible and affordable for working families and children.
8. The benefits of providing adequate childcare support for working families include:
 - (a) satisfaction of the work expectations of parents;
 - (b) effective use of the skills of working women;
 - (c) supporting women's equality;
 - (d) provision of a current and future labour supply;
 - (e) promoting economic self-reliance of families;
 - (f) reducing poverty;
 - (g) increased family income and its flow-on effects to consumption and economic growth;
 - (h) job growth;
 - (i) ensuring a broad tax base to sustain an aging population; and
 - (j) higher fertility rates.³

² See Buchanan J. et al, "Working Time Arrangements in Australia: A Statistical Overview for the Victorian Government" 2001, and Pocock et al, "Fifty Families: What Unreasonable Hours Are Doing to Australians, Their Families and Their Communities." A report commissioned by the ACTU, July 2001.

³ Peter McDonald, "Issues in Child Care Policy in Australia", Australian National University

Women's Participation in the Workforce

9. Women now make up 44% of the paid workforce, and contribute significantly to a skilled and valuable labour market. Over half of Australia's tertiary educated adults are women, in whom our community has invested considerable resources.
10. If Australia wishes to maintain its competitive edge in the global economy, working women and their families need support and assistance to be able to balance childcare and employment.
11. Many women's jobs are a source of independence, financial security and part of their identity. As a matter of policy, a women's right to participate in social and economic life outside the family should be recognised and actively supported.

Investing in the Early Years

12. We also know that the early years of a child's life are the most important developmentally. 75% of a child's brain develops during the first five years of their life, and half of all the intellectual and developmental potential of a child is established by age four.⁴
13. Early childhood education and care programs serve several complementary purposes, including:
 - (a) children's cognitive, social, emotional and physical development;
 - (b) assisting with school readiness;
 - (c) parent support; and
 - (d) early identification of children at risk.

Childcare is an important Foundation for a Clever Australia

14. The ACTU recognises that access to quality childcare and early learning facilities is the starting point of our commitment to equal opportunity for all Australians.
15. Affordable, accessible and quality childcare promotes:
 - (a) effective parenting;
 - (b) healthy child development;

⁴ McCain and Mustard, Reversing the Real Brain Drain: Early Years Study 1999.

- (c) school readiness;
 - (d) competent future citizens;
 - (e) strong communities; and
 - (f) social cohesion.
16. In this policy document the ACTU outlines the need to:
- (a) undertake a comprehensive analysis of needs areas;
 - (b) develop a national, integrated approach to planning and delivery of early childhood education and care;
 - (c) recognise the importance of early years learning, development and the successful transition to school;
 - (d) address the shortage of child care places and improve ongoing access to services for all families;
 - (e) ensure that all Australian children have access to at least one year of free pre-school education prior to going to school;
 - (f) better integrate child care and related services ;
 - (g) increase the affordability of child care services for all families;
 - (h) commit to fund improved wages and conditions for childcare staff; and
 - (i) ensure the provision of high quality services.

CHILD CARE MUST BE ACCESSIBLE

We need a Proper National Analysis of Access Issues

17. We know anecdotally that there is a serious shortage of childcare places. However, it appears difficult to get accurate information about un-met demand in childcare places from all levels of government.
18. A clear overview of services and programs available to parents and their children and the identification of gaps needs to be the starting point for a national plan to address child care access issues.

Recommendation 1

A thorough analysis across all levels of government needs to be made of gaps in accessibility of childcare facilities on both a geographic and community needs basis.

There is a Serious Shortage of Childcare Services

19. As at December 2002 the best estimates of shortages were:⁵

Outside school hours care	30,000 nationally
Family day care	2,000 nationally
Long day care	18,000 nationally- based on 4,500 in Victoria alone
Special needs children	Over 600 nationally on formal waiting lists- many others are not counted in this number
Aboriginal children's services	40 towns with major Aboriginal populations with no Aboriginal children's services

20. However, a recent ABS survey found that between 2001 and 2002, an alarming 174,500 children missed out on some form of childcare due to lack of access.⁶

Outside School Hours Care and Family Day Care

21. In the July 2002 school holidays, reports indicated an alarming shortage of holiday Outside School Hours Care places, with the largest un-met demands in NSW (16,145 un-met demands), QLD (7,274) and Victoria (5,175).⁷The ACTU supports a more planned approach by the Federal Government, as opposed to the current ad hoc allocation of new places, to assist in meeting changing demographic needs in many suburbs and regions and un-met demand due to caps on services.

Long Day Care

22. In long day care, the shortages appear to be greatest in low-income metropolitan or regional areas. Since the Federal Government withdrew capital funding for non-profit centres, new services being set up tend to be in high-income areas.
23. The Federal Government needs to acknowledge that market forces are inadequate in dealing with appropriate access to childcare facilities. There needs to be a commitment to funding programmes to support

⁵ Department of Family and Community Services, Answers to Senate Estimates Committee, November 2002

⁶ Australian Bureau of statistics, Child Care Survey, June 2002

⁷ Statistics from Federal Department of Family and Community Services in "Child-care demand outstrips funding" The Age 12 July 2002.

the development of new centres in areas with un-met demand, such as in lower socio-economic communities, and rural or regional areas.

24. There is also strong anecdotal evidence of a growing shortage of places for young children aged 0-2 years old. Care for this age group is significantly more resource intensive under current licensing arrangements which have resulted in a chronic shortage of places for this age group. The Federal Government needs to implement funding programmes to increase places for this age group.
25. The ACTU recommends planning for access to at least 20 hours of childcare facilities per week for every child under school entry age.

Recommendation 2

With respect to the Federal Government's planned allocation of spaces for Outside School Hours Care and Family Day Care, the ACTU seeks:

- (a) A commitment to funding programmes to support the development of new Long Day Care centres in areas with un-met demand.
- (b) That Federal Government programmes provide places for the 0-2 age group.
- (c) That there be planning for access to at least 20 hours Long Day Care per week for all families per child under school entry age.

Programs Need to Ensure Disadvantaged Children can Access Quality Childcare

26. Funding should recognise the geographic, socio- economic and cultural factors that may inhibit families access to children's services.
27. These may include rural and remote communities, indigenous communities, families for whom English is a second language and families where children or parents have disabilities.
28. The lack of service may arise from factors such as the physical or cultural inappropriateness of services, insufficient numbers of staff to provide the level of care and education required, or lack of specific expertise in staff.
29. Both State and Federal Governments need to understand the varying capacities of geographical communities to develop and sustain quality early child hood services and provide funding and support accordingly.
30. Funding programmes are required for the development of services in areas of particular economic and social disadvantage.

Recommendation 3

That there be:

- (a) An analysis of the varying capacities of communities to develop and sustain quality early child hood services.
- (b) A commitment to funding programmes for the development of services in areas of particular economic and social disadvantage.

Mixed Care and Co-Located Services

- 31. Many parents struggle to juggle the childcare needs of children of varying ages. Work-based, mixed care or co-located services would assist in balancing parental needs and work demands. It is recognised that in most states and territories, preschool education is part of the education system, and that a number are exploring options of co-locating early years childcare and after hours and vacation child care within educational institutions.
- 32. Options for the provision of more flexible and convenient care include:
 - (a) The establishment of multi-function early childhood education and care centres, such as long-day, pre-school, before and after school, and occasional care.
 - (b) The co-location of related services such as child care centres with maternal and child health services, play groups, mothers groups, toy libraries, parenting classes and support, and community centres.
 - (c) The piloting of co-located or multi-functional early childhood services within educational institutions.
 - (d) The establishment of work-based services.
- 33. In addition, the decline in population in many rural and non-metropolitan communities has been accompanied by a decline and withdrawal of both services and private resources.
- 34. Federal and State Governments need to better utilise existing community resources, particularly in these areas. The concept of co-located or joint multi-purpose facilities is equally applicable in areas of high need and economic hardship.

Recommendation 4

The ACTU supports the development and implementation of State and Federal policies to provide incentive funding to encourage growth directed at co-located or multi-function arrangements which maximise benefits to the local community.

CHILD CARE MUST BE AFFORDABLE FOR ALL WORKING FAMILIES

35. Despite the importance of these early years, in Australia we currently spend only 0.1% of GDP on early education and care, ranking us 26th out of 28 OECD countries for investment in the early years. The OECD average for spending on early education and care is around 0.6% of GDP.⁸ The Commonwealth budget spending on childcare in 2002 was \$1.514 billion, compared to \$12 billion on defence, \$12 billion on education and \$30 billion on health care. We need a commitment to bring Commonwealth funding of childcare more into line with that allocated to education and health care.
36. According to 2002 ABS statistics, out-of-pocket childcare costs have increased by almost 18% in the March quarter this year, compared to the average CPI increase of 3.4%.⁹
37. The turmoil the industry and families have experienced over the past decade points to the vulnerability of the sector to shifting cost structures and affordability problems. Progressively in the 1990s many operators went out of business as the level of affordability fell and parents, especially women, were forced out of the system.¹⁰ The childcare sector, children services staff, families and communities must be able to expect stability and certainty.¹¹
38. A long-term taxation and benefit system needs to be developed which aims at providing affordable childcare and true choice and flexibility for parents.

⁸ OECD Starting Strong 2001 p.87

⁹ ABS Quarterly Inflation Figures, March 2003.

¹⁰ Peter McDonald, "Issues in Child Care Policy in Australia", Australian National University

¹¹ Peter McDonald, "Issues in Child Care Policy in Australia", Australian National University

Recommendation 5

- (a) That governments work towards achieving the long-term objective of 15 hours free childcare for every child and a guarantee that no more than 15% of family income need be spent on childcare by the year 2010.
- (b) This proposal is based on a child care fee assistance scheme targeted at low paid families where families earning less than \$100,000 per annum can choose the better of 15 hours free childcare or a cap on contributions at 15% of household income.
- (c) The scheme would be based on a standard childcare fee of \$50 per day, indexed in line with the cost of living. This scheme provides true choice and flexibility for families of varying means and varying childcare needs.
- (d) Under this scheme, low income families with two children in 20 hours care would pay between \$9 and \$40 as opposed to the \$62-\$106 they spend under the current Federal Government's Child Care Benefit scheme. Middle income families with two children in 20 hours care would pay \$40 as opposed to the \$106-\$148 they spend under the current Federal Government's Child Care Benefit scheme.
- (e) The scheme could be phased in leading up to 2010.

CHILD CARE MUST BE OF HIGH QUALITY

Accountability

- 39. Government policy needs to recognise that the early years of a child's life are the most critical for the development of children's future well being.
- 40. Stringent and enforceable accountability is particularly important given the large number of 'for profit' services. Parents must be assured that quality childcare will be provided in centres despite the imperative to produce financial surplus for private profit.
- 41. In addition, the ACTU has concerns regarding the increasing corporatisation of childcare services and the effect this trend may have on the quality, accessibility and affordability of care as well as the conditions of childcare staff.
- 42. There is currently an ad hoc accreditation system in place for some children's services. This system should be extended and enhanced to for all children's services to ensure that quality childcare is always the paramount consideration and never compromised.
- 43. Spot checks with appropriate penalties need to occur in order to genuinely ensure centres are maintaining high quality care, such as in the provision of adequate, nourishing food, adequate staffing and

supervision, and quality educational and developmental programs for children in care.

44. The ACTU recommends a consideration of options to encourage parental involvement in the management of for profit childcare centres.
45. The ACTU supports the development of a single, nationally agreed quality assurance and regulatory scheme, but only if such a scheme does not diminish any of the current regulatory and licensing standards that exist across the States and Territories.

Recommendation 6

That a single, nationally agreed quality assurance and regulatory scheme that does not diminish any of the current standards be developed.

Staffing

46. Childcare facilities must be staffed adequately. The ACTU recommends staff to child ratios of at least:
 - (a) 1:4 for children under 12 months;
 - (b) 1:5 for children from 12-23 months; and
 - (c) 1:8 for children from 24-71 months.
47. There should be a minimum of one qualified staff member for every unqualified staff member.
48. Adequate government funding of childcare must be provided to accommodate decent wages and working conditions for childcare professionals.
49. Closures of centres in the 1990s has led to a permanent loss of childcare professionals from the industry.¹²
50. Although accurate statistics are not available, anecdotal evidence suggests that demand far outstrips supply and the industry is unable to gear up again because of a chronic shortage of childcare professionals.¹³ Extremely poor remuneration is driving people out of the sector.

¹² SCARC 1998

¹³ Peter McDonald, Issues in ChildCare Policy in Australia, ANU.

51. The main determinant of quality in children's services is the quality of the staff. Well-qualified and well-remunerated staff are capable of providing high quality childcare and educational opportunities.
52. None of the money that has been directed to children's services has been directly devoted to rewarding childcare professionals in the form of wage increases in recognition of the value of the work performed.
53. Yet the Senate Community Affairs Committee into Childcare Funding found that "*child care workers are amongst the lowest paid children services staff in the country given the nature and responsibility of their work.*" ¹⁴
54. According to the latest ABS occupation earnings data (May 1998), non-teacher qualified children services staff are paid less, on average, than waiters, hairdressers, education aides, checkout operators and cashiers, hand packers, cleaners, bar attendants, personal care assistants, keyboard operators, secretaries and personal assistants and telemarketers. ¹⁵
55. Government policies must attract and retain highly skilled childcare professionals.
56. Wages for childcare workers must be brought in line with those of occupations with comparable skills and qualifications.
57. Childcare staff conditions such as long service leave and skills recognition should also reflect the value we place on early childhood services as a community.
58. There is a perception among employers in the industry that consumers' capacity to pay for children's services is already stretched to the limit. It is clear that parents should not be expected to bear the full brunt for any increases in pay for childcare professionals.
59. The Federal Government has moved towards direct subsidising of families through the payment of, for example, the ChildCare Benefit. It is clear that current levels of this payment will not be sufficient to enable parents to pay for any reasonable pay increase.
60. Two childcare unions, the ASU and LHMU are currently running wage cases to improve the remuneration for childcare staff.

¹⁴ Parliament of Australia (1998) Senate Community Affairs Committee into ChildCare Funding, chapter 6.

¹⁵ "Caring for Australia's Kids in the 21st Century: Enhancing Capacity to Deliver Quality Children's Services", Draft report prepared by Tasman Economics for the Health Employees Superannuation Trust of Australia (HESTA) June 2001, p.15

61. The Federal Government must be prepared to commit to childcare funding levels which can accommodate the provision of decent wages and conditions of childcare professionals to ensure quality services.
62. The ACTU supports a proposal to provide funding tied to childcare staff wages as well as incentive funding to improve qualified staff ratios and services.

Recommendation 7

The ACTU will continue to guide, advise and identify ways that will further work to improve the wages and conditions of all childcare workers. These must include Family Day Care - homebased workers. Further there must be:

- (a) Increased government funding levels to accommodate improved wages and conditions for childcare professionals including home based childcare workers.
- (b) A commitment to provide incentive funding tied to improved staff wages, qualified staff ratios and services.

TRAINING AND PROFESSIONAL DEVELOPMENT

63. A strategy and program needs to be developed which addresses the shortage of childcare staff. Childcare professionals are leaving the sector for improved pay and conditions in other industries.
64. A shortage of early childhood trained teachers is leading to difficulties in their recruitment across the children's services industry. There is also a shortage of other vocationally trained children's services staff. Enrolments in children's services vocational courses at TAFE are down. There is concern as to the readiness to work of recent graduates.¹⁶ Any proposals to impose a HECS or similar schemes on TAFE courses or to increase existing student fees and charges would act as major disincentives to entry into training and the industry.
65. Traineeships and competency based training offer alternative options, but their success relies on the quality of on-the-job supervision, adequate staffing levels and time set aside for training and supervision.
66. There needs to be greater training opportunities for childcare professionals, in particular for non-graduates, already in the profession.
67. At least one tenth of the working week of children's services staff should be recognised as non-contact time for preparation and on-going training and professional development.

¹⁶ Liquor, Hospitality and Miscellaneous Workers Union, "Childcare and the Election: LHMU Position." (2001)

68. A program needs to be developed which encourages children's services staff to participate in forums designed to improve early childhood services.
69. With a large number of mature age, non-qualified women working in the sector, recognition of prior learning schemes and options for re-entry and re-training should be extended.

Recommendation 8

That:

- (a) A strategy and program needs to be developed which addresses the shortage of enrolments in children's services courses.
- (b) Recognition of prior learning schemes and options for re-entry and re-training should be extended.
- (c) At least one tenth of the working week of children's services staff should be recognised as non-contact time for preparation and on-going training and professional development.

AN INTEGRATED SYSTEM

70. A system that recognises the importance of childhood requires integration of all services that affect children and families across existing levels of government.
71. Where poor arrangements exist between the levels of government, families experience fragmented service delivery and limited options.
72. An integrated system of local networks needs to be developed, linking child and family support services such as childcare, maternal and children's health, early intervention, family support, and early childhood education.
73. Such a system should aim to:
 - (a) maximise the resources dedicated by State, Federal and local governments;
 - (b) provide a comprehensive approach to early childhood development that includes child care, parenting support and early childhood education;
 - (c) integrate and coordinate programs across education, social services and health sectors,
 - (d) ensure delivery of programs is driven at the local community level in order to be responsive to local needs;
 - (e) tackle the isolation of families and help build communities; and

- (f) develop consistent standards of practice to ensure quality of programs.

Recommendation 9

That an integrated system of local networks, linking child and family support services such as childcare, early childhood education, maternal and children's health, early intervention, and family support be developed.

A LONG TERM PLANNING AND RESEARCH AGENDA

74. Affordable, accessible and quality childcare and education is of fundamental importance to the Australian community and deserves a thorough, well researched, long-term plan which is coordinated across all levels of government.

Research

75. There is a serious lack of nationally comparable data on program operations, participation rates and outcomes for children. It is crucial that proper research is conducted to ensure family friendly initiatives are effective and well targeted.
76. A mapping exercise of service provision and funding is needed which reviews areas of duplication, overlap and funding deficiencies.
77. The ACTU supports the ALP proposal for the development of an Early Childhood Research Strategy to help raise the overall quality of data, information, research and service delivery.¹⁷

Recommendation 10

- (a) A mapping exercise of service provision and funding to review areas of duplication, overlap and funding deficiencies must be conducted.
- (b) An Early Childhood Research Strategy must be developed.

NATIONAL ADVISORY BODY

78. Governments providing significant funding should consult with those in the field about how outcomes can best be achieved. There is a need for a multi-level framework between the governments, providers, unions, industry and community groups, consumers and the general community.

¹⁷ ALP, Growing Up- Investing in the Early Years, Discussion Paper 2003, pp.36-37

Recommendation 11

The ACTU recommends the establishment of a National Advisory Body comprising of:

- (a) industry representatives;
- (b) state and territory government representatives;
- (c) local government representatives;
- (d) parent representatives;
- (e) unions; and
- (f) special needs groups.

79. The role of the Advisory Body would be to:

- (a) scrutinise all proposed government policies in relation to children and families;
- (b) identify needed policy reforms;
- (c) inform government about the capacity of services to meet objectives;
- (d) identify barriers and solutions to services meeting objectives;
- (e) facilitate improving links with related industries including education;
- (f) promote the contribution of the children's services industry to the national economy;
- (g) recommend on improved wages and conditions for childcare staff in early childhood services;
- (h) oversee the development of a national training and employment scheme;
- (i) provide advice and co-ordination in relation to existing standards in service provision and proposals for proposed standards; and
- (j) commission research.

80. The body would need to be powerful, well-resourced, influential and respected and the organisations dealing with it need to be accountable to it.

CONCLUSION

81. We must recognise the importance of the first five years in children's development. We must also recognise access to support services in this period as the foundation stone for a fair and egalitarian society.
82. Child care must be affordable, accessible and of high quality. The industry currently needs stability for parents, children services staff, operators and children. The Federal Government must develop policies to maintain this stability in a manner which supports the principles of affordability, accessibility and quality.
83. The lack of initiatives designed to assist parents to balance work and family, such as affordable, accessible childcare, is a great loss of opportunity and is influencing young families to postpone and limit birth rates.
84. Poor wages and conditions are driving childcare professionals away from the childcare sector and thus jeopardising the quality of care available to our youngest generation.
85. A long-term, comprehensive approach needs to be taken that is progressive and genuinely supports the increasing number of Australian working families.

A Fair Australia
Trade
Policy
ACTU Congress 2003

1. Increased trade and economic growth are necessary for Australia's future. However, globalisation and its associated elements of trade liberalisation, technological change, financial deregulation, and the development of a huge speculative capital market exacerbate domestic political pressures for the adoption of neo-liberal economic policies. Over the last few decades, business groups and sympathetic governments and international agencies have been seeking, in terms of proportions of GDP, to increase profit share and to reduce, or at least arrest the rate of growth in tax revenue and the public sector. In many countries there continues to be downward pressure on living standards, cutbacks in government services, job losses, and efforts to deny workers fundamental rights as governments elect to compete through the lowering of standards.
2. The issue of trade liberalisation should be seen in the context of social progress and not simply in terms of narrow economic outcomes. The ACTU recognises the importance of international trade to improving living standards in trading countries and supports a system of fair trade that promotes reform of the current free trade environment. Fair trade means trade carried out in a manner which benefits civil society and delivers progress for all countries in terms of:
 - (a) employment growth,
 - (b) improved social protections,
 - (c) implementation of core labour standards,
 - (d) sustainable environmental standards,
 - (e) the elimination of forced labour and child labour, and
 - (f) adherence to human rights conventions and democratic values.
3. The ACTU believes we must put the community and civil society at the centre of the economy. There must be values that guide and underpin

the trading system so that it provides the mechanisms, incentives and opportunity for all nations to engage in a race to the top, rather than a race to the bottom.

4. Trade policy needs to be consistent with economic and social policies in Australia which ensure that:
 - (a) Australia builds a competitive, sustainable and balanced base of service and manufacturing industries;
 - (b) employment opportunities are available in decent, full-time jobs;
 - (c) audio-visual and cultural services continue to reflect and promote Australia's cultural identity;
 - (d) the cultural and intellectual property rights of Indigenous people are protected, and employment opportunities and economic independence promoted;
 - (e) training and retraining opportunities are available for workers whose employment is affected;
 - (f) any opening-up of the Australian economy must be matched by reciprocal access to other markets;
 - (g) there is an on-going policy commitment matched by practical actions to sustain a viable and competitive manufacturing industry; and
 - (h) social audits are carried out to establish comprehensive assessments of the effects of free trade before trade agreements are signed.
5. The ACTU notes the pressures in trade agreement negotiations for zero tariffs on industrial goods, for greater commercialisation of public and other services, and for new WTO and bilateral agreements covering investment, government procurement, and competition policy. The ACTU will campaign, in conjunction with its affiliates and non-government organisations, for comprehensive reform of the WTO and against further neo-liberal proposals for trade liberalisation. The ACTU will also seek changes to existing multilateral and bilateral free trade agreements (FTAs).
6. The objectives of the campaign are to achieve:
 - (a) the incorporation of enforceable ILO core labour standards in trade agreements;
 - (b) the incorporation of enforceable environment standards in trade agreements, and recognition that obligations under multilateral

environment agreements prevail over liberalising disciplines in FTAs;

- (c) the exclusion of public services and other services of national or social significance from FTAs;
- (d) the exclusion of licensing requirements, technical standards, qualification requirements, and measures to protect health, safety, plant and animal life, and the environment, from 'least trade restrictive' tests;
- (e) rules of origin that require 50% local manufacturing content as a minimum and higher levels for goods partially processed in exploitative low wage export processing zones;
- (f) a freeze on current Australian bound and actual tariff levels, noting that the average tariff rate is already 3.7%;
- (g) the enactment of anti-dumping provisions that are effective, and deal expeditiously with complaints;
- (h) the exclusion of government procurement policy, competition policy, and limitations on foreign investment from FTAs;
- (i) the continuation of the exclusion of Australian quarantine rules and the Pharmaceutical Benefits Scheme from bilateral FTAs;
- (j) better provision for special and differential treatment for developing countries in FTAs, and for the supply of additional development funds and technical assistance to enable such countries to meet their obligations under trade agreements;
- (k) amendments to the Trade Related Intellectual Property Rights Agreement in order to provide developing countries with greater access to low cost pharmaceuticals;
- (l) a redistribution of cash crop profits from transnational agribusiness to small farmers, growers, and agricultural workers in developing countries;
- (m) reforms to FTA dispute resolution procedures, such as public hearings, restriction of the right to initiate disputes to signatory country governments, and provisions for intervention or amicus briefs by unions and non-government organisations; and
- (n) reforms to Australian processes for the consideration of FTAs, such as effective parliamentary oversight of negotiations, public hearings on proposed commitments from Australia, and a vote of parliament on the adoption of an FTA.

7. The Federal Government has shifted Australia's trade policy in the direction of active pursuit of bilateral free trade agreements with several countries in the Asia-Pacific region.
8. The negotiations with the US are the most significant, given its global power and the fact that Australia's economy is about the same size as the American State of Pennsylvania.
9. Congress expresses grave concern at the potential impact of the proposed Australia-US FTA (AUSFTA).
10. Congress notes:
 - (a) The econometric modelling used to justify the agreement and the estimated \$4 billion 'benefit' in the long term has been widely criticised and discredited.
 - (b) The linkage between the AUSFTA and Australia's commitment to US military and economic expansion is becoming increasingly apparent.
 - (c) The potential negative effects on Australian culture, the social fabric and the manufacturing base would diminish our economic and social independence.
 - (d) The lack of guarantees that public services, the health system, the PBS and the education system will not be threatened or diminished through the implementation of the proposed AUSFTA.
 - (e) The agreement is being negotiated in secret with little or no input from civil society and in particular the Australian Trade Union Movement.
 - (f) The Federal Government can endorse and implement the agreement with no debate or scrutiny by the Parliament.
11. Congress determines to continue coordinating affiliates in their opposition to the AUSFTA. Congress supports a range of campaign initiatives including:
 - (a) grass roots membership activities including multi union delegations to lobby State and Federal politicians, local governments and key industry groups in addition to on the job meetings;
 - (b) coordination of a specific ACTU campaign theme and logo;
 - (c) ACTU lobbying of State and Federal politicians;

- (d) the development of union activists training and campaign materials such as posters and leaflets; and
- (e) increased coordination and cooperation with community and interest groups.

A Fair Australia
Industry, Jobs and Nation Building
Policy
ACTU CONGRESS 2003

1. ACTU policies for infrastructure, industry and regional development acknowledge the central role of governments and unions to enhance the capacity of the nation to generate more wealth, income and decent secure jobs through a sustainable strategy for nation building.
2. If a nation wants its workers to live well, the businesses that employ them and the industries in which they work must produce well and trade well. Simply put, improvements in a nation's productive performance and its ability to participate in the global economy provide an ongoing sustainable capacity to improve the living standards of workers and the well being of the communities in which they live and work.
3. Congress adopts the following priorities as forming the ACTU nation building agenda.

Realising a Growth Dividend Through Co-Operation and Planning

4. For most of the past 20 years successive Governments have tried to meet the challenge of globalisation through trade liberalisation, privatisation, competition policy and similar measures. The major gains to be had through co-operation and planning, however, are increasingly being recognised.
5. In Australia, co-operation between the states in planning and implementing infrastructure development, attracting global investment opportunities or facilitating an increase in the number of companies that export are examples of such an approach. Co-operative approaches by firms in a supply chain, clusters of firms in a particular region or between firms and R&D agencies as well as between unions, workers and employers to lift the productive performance of their industries can yield gains that are not achievable by reliance solely on competition and the market.

6. There is a "growth dividend" from harnessing the potential for co-operative approaches to nation building in much the same way as there are gains from a co-operative approach in areas as diverse as health, education and the environment.
7. To promote a more planned and co-operative approach the ACTU supports the following initiatives:
 - (a) The establishment of a new economic development agency to promote co-operation between the States and the Commonwealth in attracting investment; promoting trade; investing in infrastructure; and implementing strategies for industry development.
 - (b) Such an agency should develop strategic relationships with Austrade and AusIndustry, while the Productivity Commission should be abolished.
 - (c) Governments to fund co-operative, collaborative efforts amongst firms to encourage the formation of clusters and the establishment of consortiums to jointly bid for projects. Encouragement should be given to the efforts of industry associations and organisations to co-ordinate access for their members to beneficial arrangements for bank finance, product liability insurance, etc. Assistance should also be provided to support unions in linking workers in different work places to demonstrate, and share information about, the best approaches in training and work organisation change.
8. The ACTU notes that the Productivity Commission provided its final report on the Textile Clothing and Footwear Industry to the Federal Government on 31 July 2003. ACTU Congress calls on the Federal Government to announce its policy on the TCF Industries future and ensure that the policy includes the following measures:
 - (a) A freeze on the current level of TCF tariffs until it can be demonstrated that any reduction is in the interest of Australian workers and until our major trading partners reduce tariff and non-tariff barriers to Australia's levels.
 - (b) Continuing to fund an industry assistance program and ensuring that such a program ties business assistance to the ongoing employment of Australian workers.
 - (c) Funding a retraining program for retrenched TCF workers which provides for their specific needs and includes a non-means tested allowance for workers engaged in training.

Implementing a Long Term Strategy for Infrastructure Development

9. Investing in the nation's physical (transport, communication etc) social (hospitals, schools etc) environmental (water etc) and R&D infrastructure (CRC's and other R&D agencies) is part of the ACTU approach to nation building.
10. Unfortunately, little attention is being given to essential future investment in infrastructure, particularly in areas such as water where many reports have highlighted the current crisis.
11. This lack of attention to investment in infrastructure is, to a large extent a problem of funding, with governments wedded to reducing debt even though Australia's stock of Government debt at less than 5% of GDP is low compared to the OECD average of 40%. Low or zero debt cuts off the investment needed to generate future wealth and income for the nation.
12. The ACTU calls on the Commonwealth to issue National Development Bonds to finance a long term strategy for priority investment in the nations future. These bonds should be sold to institutions and those, including working families, who wish to invest with security to build the nation. The ACTU sees no grounds for Governments to pursue public-private infrastructure partnerships as they are currently being developed to keep such arrangements off budget. Commonwealth Budget papers for 2003-04 disclose a projected fall in general government (aggregate of federal, state and local) net interest payments to 0.6% of GDP, that state general government sector net debt is expected to remain negative at 0.6% of GDP in 2002-03, and that net debt for state public sector non-financial corporations (eg public utilities) is expected to be 4.6% of GDP. Combined with historically low interest rates, these figures indicate that governments and utilities are well placed to finance infrastructure using traditional public sector borrowings.
13. In addition, through a planned and co-operative approach, all levels of government should adopt a plan for timetabling such investments. Such a plan needs to include the capacity to pull infrastructure projects forward at times of an economic downturn so that Australia avoids the boom-bust cycles that sent unemployment into double digit figures in the early 1980s and 1990s.
14. The Commonwealth, in co-operation with the states and regions, should also develop an inventory of priority infrastructure projects in regional Australia that would make the greatest contribution to long term growth, employment creation and sustainable development. Co-operation between state and local governments can also enhance the timely provision of infrastructure to the expanding outer suburbs of

capital cities. Further, the ACTU will support and assist regional and state TLCs in their campaigns to attract and establish critical infrastructure needed to promote economic development and sustainable job creation in regional Australia.

Developing Australian Industry Through Government Purchasing and Import Replacement

15. Each year Australia imports more than \$100 billion of goods and services. Governments at all levels purchase more than \$50 billion of goods and services, a significant proportion of which is imported.
16. The ACTU supports the Commonwealth using its purchasing agencies to "buy Australian" and to utilise the Industrial Supply Office network to identify Australian suppliers of goods and services.
17. The Industrial Supply Office network should also be utilised in the private sector, particularly on projects where Commonwealth support is provided to increase Australian industry participation in the provision of goods and services for such projects.
18. The Commonwealth should not enter into any international treaties or trade agreements that would restrict the capacity of governments to promote "buy Australian" policies.
19. Governments must also adopt higher ethical standards in their procurement policies. This requires consistent standards between the states and the Commonwealth, as well as a rigorous monitoring system, involving unions, in dealing with issues such as tenders supported by unacceptably low wages, poor working conditions for employees or work sourced from prisons. These standards would apply whether this involves an Australian or overseas supplier.

Building an Export Culture

20. In Australia today, fewer than 4% of companies export and less than a third of the workforce is employed in businesses that export.
21. The ACTU supports the national objective of doubling the number of companies exporting from 25,000 to 50,000 over the next five years and calls on the Commonwealth to invest additional resources to ensure that this objective is accomplished.
22. The ACTU opposes the narrow cost cutting approach the Commonwealth has adopted to the Export Market Development Grant Scheme (EMDG) which supports nearly 4,000 exporters each year. The cap on EMDG should be lifted to encourage companies to invest more in export market development.

23. The collapse of exports of elaborately transformed manufactures (ETM) is a particular concern, with the annual growth of such exports falling from more than 15% (1986 - 1996) to less than 7% (1995-96 to 2001-02), leaving Australia with an ETM trade deficit of more than \$60 billion. Given the vacuum at the federal level, the ACTU calls on state governments to work together, in consultation with the relevant state-based tripartite industry councils to develop a strategy to be negotiated with the Commonwealth at the Biannual Trade Ministers Meeting.
24. The ACTU expresses its concern that the Federal Government has ignored manufacturing and left the development of manufacturing policy to the states. Since 1995-96 ETM exports to Asia have stagnated and the recent Budget has undermined the development of key industries such as Pharmaceuticals. Congress calls on the Commonwealth to re-engage with a proactive industry policy.

Promoting New Investment Particularly in Regions with High Unemployment

25. Australia remains one of the least successful countries in the OECD in securing new foreign direct investment in manufacturing or related value added services. In addition, business investment in R&D is well below international benchmarks, as is investment of venture capital in new, rapidly growing companies.
26. Developing strategies for encouraging investment should be a major priority, particularly in regions of high unemployment. The ACTU supports a development allowance being introduced to attract new investment to regions with double digit unemployment to promote growth and job creation.
27. The ACTU notes the poor levels of Australian business investment in R&D. Latest ABS figures show BERD (Business Expenditure on Research and Development) in 2001/2 remained static at 0.78% of GDP, well below the OECD average of 1.11%. The chronic low investment from industry in R&D in Australia reflects the small markets and poor industry structures. These structural problems continue to require public investment to compensate for their effects. In addition, the Federal Government must provide improved incentives for industry funded research and development. An adequate across-the-board tax concession for business and industry should be restored to the pre-1996 level of 150% whilst maintaining the tax concession premium of 175% for business which invest heavily in R&D.
28. The ACTU also supports further Government incentives to encourage investment in venture capital (seed, start up, early expansion). In the seven years ending 2002, investment in venture capital in Australian based businesses was more than 50% below international benchmarks. When combined with low levels of business investment in R&D, this

means that the nation does not have a large pipeline of rapidly growing companies, particularly in technology intensive activities, while much of its investment in innovation is commercialised overseas.

29. The ACTU fears that the Commonwealth's proposal to conduct inquiries into CSIRO and the \$3 billion Backing Australia's Ability innovation package is another cost cutting exercise. Unions will work to ensure that these inquiries promote new initiatives to expand the role of the CSIRO and increase Australian investment in innovation.

A Fair Australia

Environment and Sustainable Development

Policy

ACTU CONGRESS 2003

INTRODUCTION

1. Trade unions across the globe acknowledge the unique role we play in sustainable development.
2. In the ten years following the Earth Summit in Rio in 1992 through to the recent World Summit on Sustainable Development (WSSD) in September 2002, trade unions have researched, debated and defined our contributions and perspectives on sustainable development.
3. At the WSSD, global unions represented by the International Confederation of Free Trade Unions, the Trade Union Advisory Committee to the OECD and the Global Union Federations summarised union experiences since Rio.
4. The result was an understanding that sustainable patterns of production and consumption can only be achieved through an approach that integrates social, environmental and economic measures, not as separate 'pillars', but as inseparable aspects of a single world.
5. What distinguishes the trade union position on sustainable development most clearly from that of other groups is the focus on the social dimension, and particularly on jobs growth in quality employment as the key to poverty eradication and acceptable living standards. A central requirement for unions is, at a minimum, respect for and adherence to ILO Core Labour Standards.
6. Sustainable development is a workplace issue as well as an issue for the broader community. A strong union voice arguing for sustainable development is a voice for a fairer and just society.
7. Apart from informing community debate and policy, trade unions can educate members and employers about sustainable development. Trade unions can also promote sustainable patterns of personal and domestic consumption. In as much as Australian workplaces are large

consumers of the world's resources, so too are Australian workers in their personal lives.

8. Corporate Australia is leveraging sustainability and triple bottom line reporting for commercial gain. However, definitions of sustainability and triple bottom line reporting are fluid. Trade unions must educate and activate members to fully participate in the formulation and implementation of sustainability benchmarks in their workplaces with a view to ensuring better occupational health and safety as well as improving the quality of employment.
9. Trade unions play an important role in educating and activating workers to change their personal purchasing and consumption habits as well as improving production processes.
10. ACTU Congress adopts the following strategies as the basis of an action plan for the next three years.

EDUCATION AND PROMOTION

11. Education for sustainable development enables people to build the knowledge, values and skills to take part in decisions about the way we act, locally and globally, to improve the quality of life now, without damaging the planet for the future. Integrating sustainability issues into union education and training will ensure unions and members act sustainably now and into the future.
12. The challenge is to raise awareness and understanding of the key elements of sustainable development from a trade union standpoint, namely:
 - (a) sustainable employment and adherence by employers to ILO Core Labour Standards;
 - (b) responsible global citizenship;
 - (c) improved living and working conditions;
 - (d) social inclusion, cohesion and justice;
 - (e) respect for diversity; and
 - (f) concern for and stewardship of our environment.
13. A formal engagement point might be integrating the social, economic and ecological principles of sustainability into general delegates' organising and occupational health and safety training. This would sit alongside more general membership awareness programs.

14. Education programs should encourage union members to implement sustainable living techniques in their personal and domestic environment as well as in their workplaces.
15. Trade unions can provide the tools and information to assist members to be more responsible consumers of products and services in particular water, energy and other natural resources, and to be aware of consumer labels.
16. Trade Unions have the capacity to deliver clear messages to the public about the key elements of sustainable development. Trade unions can raise awareness in the wider community by providing leadership on issues of sustainability. The union movement shares common values about a sustainable future with the wider Australian community and we have the opportunity to drive this debate.

JOBS GROWTH IN SUSTAINABLE INDUSTRIES

Green Buildings

17. Commercial buildings are the fastest growing source of greenhouse gas emissions in Australia, exceeding even the growth in transport emissions. Since 1990 emissions from this sector has increased by about 50% and in total account for about 17% of stationary energy emissions.
18. The objective of "green buildings" is to reuse and recycle as much material as possible in the creation of the building but also to design the building in such a way that it uses light, heat and shade to the maximum effect hence minimising the use of non-renewable resources. Such buildings must be resource efficient in energy and material use.
19. Green buildings must have, at their core, an absolute commitment to minimise the impact of the building and its waste on the environment and the workers who build and work in them.
20. Green buildings are economically sustainable. The 60L building (housing the ACF in Carlton) has reduced water usage by 90% and energy usage by two thirds. At the same time the building costs were on a par (or less) than conventional buildings. Green building also takes pressure off the supply side of the energy equation.
21. It is possible therefore to build green buildings without additional costs to consumers and without having to sacrifice style and comfort and while maintaining employment in the industry.
22. The ACTU will work with the construction unions to facilitate a union voice in the development of new industry standards as well as standards for training of workers in the industries.

Renewable Energy

23. Wind power, solar power, tidal power and new hydro power are all examples of renewable energy sources that can assist in reducing emissions of greenhouse gases and other pollutants. Australia is heavily reliant on coal and other fossil fuels in its energy industries, and bases a significant part of its trade on low cost energy. In a world moving to reduce greenhouse gas emissions, it makes sense for these industries to diversify their energy technologies through the deployment of renewable energies.
24. Renewable energy sources are generally more labour intensive so have the potential to generate additional jobs. Investing in renewable energy without damaging existing industry is possible with the capability to support growth in high quality jobs.
25. Measures to reduce greenhouse gas emissions are often portrayed as costing jobs and as a hindrance to economic growth. Such problems can be minimised and avoided through stimulation of new energy technologies and energy efficiency.
26. The reality is we need to invest both in existing industry to increase efficiency and in new industry supplies just to meet increasing demand. The ACTU will work with the unions involved in the energy sector to secure sustainable employment and reductions in greenhouse emissions.

Transport

27. There are two issues relevant to job creation in the area of transport - the direct job creation generated by building roads and rail lines, and the indirect job creation generated through the stimulation of economic activity resulting from infrastructure development.
28. Any integrated approach to transport (ie, a mixture of public and private transport modes) must properly consider the effects on both job creation and the environment. Any transport plan must encompass increased public transport infrastructure.
29. Public transportation systems must become an integral part of urban planning. In addition, subsidies which are used to prop up inefficient and unsustainable energy production and transportation must be reformed to remove the regressive social impacts. Union and community partnerships are important both to develop and advocate for future policy initiatives that meet 21st century challenges.

Water, Land and Rivers

30. This year, 2003, is the international year of freshwater. Australia is the driest continent. We need to vastly improve our conservation, use, and the quality of our water. Water and water assets must remain in public ownership. We need to develop national and state water conservation programs, including the large scale re-use of treated effluent for use in agriculture, business and urban parklands.
31. Rural landscapes in Australia face a crisis. Landcare, salinity and the general health of our rivers are major environment issues but equally social and environmental challenges.
32. We have over-allocated water resources to the point where over a quarter of our river systems along with local streams, lakes and water catchments, mainly in southern and eastern Australia, are exploited beyond sustainable extraction limits. With declining water quality, increasing sediment loads, declining riverside vegetation, disappearing wetlands, and rising salinity levels, we have a national crisis in river health.
33. Over seventeen million hectares of land - an area more than twice the size of Tasmania - is at high risk of dryland salinity over the next 50 years.
34. Land clearing continues at over 500,000 hectares per year - the highest rate in the developed world.
35. We can repair our precious lands and rivers if we make a concerted national effort now.
36. Improving agricultural practices is also part of the solution and unions involved in this sector should have a voice in the development of sustainable agriculture, including the phase-out of unsafe and unsustainable agricultural practices.
37. Opportunities for earth repair industries can generate jobs in regional and rural Australia and should form part of the agenda for developing and supporting union cities and towns.

GLOBAL RESPONSIBILITIES FOR ECONOMIC SUSTAINABILITY

38. Just as unions recognise and work at an international level to reduce the massive global inequities in working conditions and occupational health and safety, so unions recognise that environmental protection and sustainability follow the same paths of inequity. Those people of the world who work in the worst and most dangerous conditions for the lowest pay, invariably work and live in the most polluted and degraded environments.

39. The ACTU will work with international bodies such as the ILO and UNEP to promote improved living and working conditions and sustainable development. This could include a world-wide program of 'workplace assessments': a process whereby trade unions and employers in one or several work-sites, sectors or regions agree to joint assessments of workplace performance with agreed checklists of environmental, occupational and social criteria.
40. The ACTU will work with the international union movement through bodies such as the Global Unions*, the OHSE program and the Blue/Green Working Group to develop initiatives such as Just Transition, which advocates a tax on pollution to fund financial support, health care and re-training for workers who may be displaced from environmentally bad workplaces.
41. The ACTU will support the ratification and implementation of international environmental treaties, including the Kyoto protocol.
42. The ACTU will advocate for appropriate government and academic research to identify industry winners and losers. With relevant unions and community groups we will lobby for the introduction of measures to protect against unfair competition from environmentally unsustainable, lower cost foreign production. Our ambition is to ensure that Australian environmental regulation results in a net conservation gain globally, rather than merely shifting production to countries not subject to the same environmental standards.

SPECIFIC STEPS

43. The ACTU will facilitate the establishment of a union task force, with appropriate industry working parties. In the first instance, the areas of energy; water, land and rivers; green buildings; education and training and global responsibilities will make up union action plans. Action plans would identify key issues and areas for research and development and opportunities for unions to progress sustainable employment and practices, including just transition programs.
44. Social partnerships and relationships with community groups, business and the research community will be developed.
45. Specifically, common values and goals and joint priority areas will be identified with the ACF. This may include the identification of specific joint projects that may be undertaken as a tangible reflection of the ACTU priorities and commitments.

* Global Unions are comprised of the International Confederation of Free Trade Unions (ICFTU), inernetpo@icftu.org, the Trade Union Advisory Committee to the OECD (TUAC), tuac@tuac.org, and the Global Union Federations (GUF), www.global-unions.org

A Fair Australia

Tax

Policy

ACTU CONGRESS 2003

1. Congress declares that the principal objectives of the Australian taxation system should be:
 - (a) equitable and progressive taxation of individuals and other entities, so as provide for fair redistribution of wealth and income;
 - (b) the collection of sufficient revenue to:
 - (i) fund the universal provision of high quality services, including health, education and social welfare, to the community, recognising that there are a number of areas in which governments are best placed to ensure adequate infrastructure and delivery; and
 - (ii) facilitate the assistance required to ensure equal opportunity for those who would otherwise suffer poverty and disadvantage; and
 - (c) the encouragement of socially, economically and environmentally useful investment and the discouragement of investment which is destructive and unproductive, recognising the need to strike an appropriate balance between competing objectives.
2. Congress notes the following features of the current tax system:
 - (a) Australia is amongst the lowest taxing nations in the OECD, with total tax revenue of just over 31% of GDP;
 - (b) Australia's tax base has declined relative to the OECD in the last 20 years;
 - (c) Australia taxes ordinary workers at around the OECD average, while taxing high income earners and companies at relatively low levels;

- (d) the personal income tax system, including the marginal rates structure, should be more progressive;
 - (e) dividend imputation, while encouraging investment in Australia, has created additional inequity; and
 - (f) there is wide scope for tax avoidance and evasion based on the use of trusts, interposed entities and the creation of artificial company structures.
3. The Federal Government has increased inequities in the taxation system, in particular through the introduction of the GST, the cutting of marginal tax rates at higher levels and the reduction of capital gains and company taxes.
 4. In order to address these issues, Congress calls for a thorough review of the tax system to be conducted in a framework of the objectives set out above. In particular, Congress supports consideration of the following:
 - (a) an approach to raising the living standards of the low paid which emphasises greater provision of better and higher quality public services together with redistributive revenue raising measures;
 - (b) a more progressive income tax;
 - (c) addressing the sometimes prohibitive effective marginal tax rate at the intersection between social security and the tax system through changes to the taxation system in order to assist low income households, but not as a substitute for fair minimum wages;
 - (d) a company tax regime which is consistent with income taxes and which provides for a minimum level of company tax;
 - (e) the abolition of the discretionary tax treatment of family trusts (and similar vehicles) with future tax to be applied consistent with general company taxation;
 - (f) the restoration of the previous capital gains tax for assets valued above \$1 million;
 - (g) the abolition of the private health insurance rebate, with the saved expenditure directed towards the Medicare system;
 - (h) the elimination of tax deductibility for any part of an annual salary which exceeds \$1 million per year, with FBT to apply to the issuing of shares or options packages to employees for that part of their assessable value which exceeds \$1,000 per year;

- (i) the introduction of a wealth tax on high income individuals;
 - (j) increased focus and resources by the Tax Office to target phoenix company operators;
 - (k) a major commitment by the Tax Office and legislative change to reign in the large amounts of tax being lost to bogus self-employed contractor arrangements;
 - (l) using the tax system to encourage greater energy efficiency and long term sustainable energy programs; and
 - (m) the introduction of a small number of hypothecated tax levies.
5. The ACTU will campaign around these issues as appropriate, including through sponsoring a National Tax Policy Forum to stimulate widespread public debate.

Future Strategies
Principles of Collective Union Organising
Policy
ACTU CONGRESS 2003

1. Congress recognises that unity amongst unions is a critical precondition to gaining the trust and confidence of members and potential members. For this reason Congress resolves that unions must respect and apply the following principles where a collective organising effort is undertaken between unions at a workplace or industry level.
2. Congress resolves to adopt this approach because:
 - (a) in joint organising efforts unions have a responsibility both to the workers involved, and to the other unions, to adhere to a collective strategy and behave in an ethical manner;
 - (b) unions must resist attempts by the employer(s) to defeat the organising strategy by dividing the unions by any means, including offering preferential treatment to one union; and
 - (c) judgements about changes in tactics must be taken collectively, in consultation with the workers.
3. The ACTU will encourage unions to reach agreement about the organisational and industrial strategies which will be developed and implemented in particular industries and workplaces. The agreements should contain a dispute resolution process involving reference to the ACTU.
4. These agreements upon strategy should be recorded in writing, have the support of the workers involved, and be endorsed by the relevant decision making process of each union. Where it is considered appropriate, the agreement will be submitted to the ACTU Executive for endorsement.
5. Congress resolves that the ACTU will assist in the making of such agreements, and will support the agreements once made and will work for their full implementation.

6. Where a dispute between the unions arises the ACTU will:
 - (a) work to ensure that the disputes resolution process is adhered to;
 - (b) broker discussions between the unions;
 - (c) make recommendations to resolve the issues; and
 - (d) not support the actions of any union which contradicts or destabilises the agreed approach.
7. The ACTU, in circumstances where a union refuses to accept the outcome of the above processes, may make submissions in industrial tribunals or other forums in order to uphold the integrity of the initially agreed approach.
8. In a case where it is clear that a union has repudiated an agreement and is taking action on its own behalf which is damaging to the collective interests of the trade union movement, the issue will be referred to the ACTU Executive which will consider all available options for achieving collective discipline.