

SECOND WAVE ATTACKS ON WA WORKERS RESOLUTION ACTU CONGRESS 1995

1.1 Congress notes with concern the report of the WA TLC upon the continuing legislative attacks and erosion of worker rights and protections in the state of Western Australia.

1.2 These attacks are of such a magnitude and level of vindictiveness that they threaten to disturb workplace harmony and profoundly undercut employment protections which every worker should be assured are their right.

1.3 We note that the assault upon worker conditions began in 1993 with the enactment of the Workplace Agreements Act and the Minimum Conditions of Employment Act. This attack has continued unabated and has plunged to even greater depths of maliciousness in the recently announced "Second Wave" of legislative change.

1.4 The 1993 legislation

i] Substantially reduced the powers of the State Industrial Relations Commission

ii] Introduced individual contracts outside the award system under the Workplace Agreements Act

iii] Undercut the safety net for living standards provided by the Award system. The Minimum Conditions of Employment Act provides minimum conditions far below award standards. These minimums are supposed to protect vulnerable workers confronted with workplace agreements [another name for individual contracts] by their employers

iv] Provided no protection for new employees who can be forced onto an individual contract as a term of gaining employment

v) Reduced workers' capacity to access workers' compensation and severely limited their ability to recover damages from a negligent employer.

1.5 Congress notes that almost 20,000 workers have successfully escaped this antiworker regime into the Federal Award system.

1.6 We note with concern that the Conservative State Government now threatens to remove this avenue of escape and worker choice of employment protection in its "Second Wave". The Minister seeks to intimidate unions by threatening them with deregistration when they seek to escape the State system. This intimidatory tactic is currently in use against the State School Teachers' Union of WA in response to that union's continuing industrial campaign. Under the proposed legislation, merely applying for a federal award renders workers' State unions, membership and awards open to destruction by the State Minister at his whim.

1.7 Such action puts paid to any suggestion that the Conservatives favour "freedom of choice".

1.8 Further :

i] The State proposes a balloting process before industrial action that is both slow [6 weeks] and open to rigging by employers and intimidation of workers. Individual workers could be fined \$1,000 for actions taken without a ballot. Yet no limitation will be placed on employers continuing their industrial actions against the worker

ii] Unions' rights of entry and capacity to do time and wages inspections to ensure award compliance will be profoundly eroded

iii] Unions' rights to make political donations will be severely undercut 1.9 We note with regret that a Federal Coalition Government approach would be "largely similar" to the WA approach, in the words of John Howard. The WA Minister declares that his "Second Wave" reforms have the "wholehearted" support of the leader of the Federal Liberal Party. WA is the testing ground of the Federal Coalition's industrial relations policies.

1.10 The WA legislation attempts to weaken workers and their unions and to undermine their livelihoods.

1.11 The WA approach is a disease which Congress believes has the capacity to infect the whole nation.

1.12 Consequently and after receiving a request from the WA TLC, Congress supports the call for a Day of Protest directed against WA and calls upon every union and their members to support this protest. Further:

i] Congress endorses continuing actions in opposition to the WA Government's draconian legislation

ii] The ACTU will request the ICFTU to raise complaint with the ILO on the WA legislation

iii] All unions confirm their commitment to respect existing coverage arrangements and to reject any directions by governments to effect changes in coverage under such legislation as that proposed by the WA Government

1.13 The ACTU Offices are authorised to co-ordinate and conduct a campaign in defence of working people in WA and to raise the public understanding of the outrageous legislation in that State.