

Organisation Of Resources And Services Of The Trade Union Movement Policy

ACTU Congress September 1991

1.1 Congress notes that substantial progress has been made in relation to the implementation of the "Future Strategies" document adopted by the 1987 Congress. In particular a number of positive initiatives have taken place in the area of union services and in the promotion of the trade union movement generally. Further, a number of major amalgamations have been successfully completed leading to the emergence of larger more efficient organisations which are better equipped to serve the needs of their members.

1.2 Congress notes the following achievements over the past two years in line with the implementation of ACTU policies for women workers:

- development of the women in union amalgamations policy and strategy;
- development and implementation of special measures to increase the participation of women in unions by affiliates eg A.S.U. (special Vice-President positions elected by and filled by women), A.T.U. (requirement for 50% of National conference delegates to be women);
- Special affirmative action positions on the Executives of the S.A., W.A. and Victorian TLC's, women proxy delegates on the Tasmanian TLC and the appointment of specialist staff at the Qld TLC;
- Conduct of a survey of women in unions by the VTHC,
- Development and implementation by unions of affirmative action plans both for their women members and for their women employees.

Congress supports these initiatives and encourages affiliates to continue to utilise a wide range of strategies aimed at increasing the involvement of women in unions.

1.3 Congress recognises that collective action must continue to be undertaken to ensure that the trade union movement remains a relevant and effective force in the future. The problems facing the trade union movement identified at the last Congress are still a threat to the movements' future. Recent trade union membership statistics show a continued decline in the level of union membership from 42% of the workforce in August 1988 to 40.5% in August 1990.

1.4 The decline in union membership is not a peculiarly Australian phenomenon. By international standards Australian unions have managed to contain their losses more effectively than many others. In the US the union's share of the private sector workforce is now below 10% and there is every indication that it will continue to decline. Trade union membership is declining throughout Western Europe - Scandinavia is the only exception in this regard. Less than a third of workers in France, Spain and Portugal are unionised.

1.5 In order to positively address the problems facing the trade union movement Congress recognises the need for an increasing level of collective commitment and action in order reverse the decline in union membership by improving the capacity of the trade union movement to deliver policies and a greater range and level of services to members. The restructuring of the trade union movement is central to this objective. In this regard it must be acknowledged that the structure of the union movement, the resources associated with the structure and also Award arrangements in terms of multiple coverage constitute an impediment to the capacity of unions to recruit in areas of employment growth.

1.6 It must be acknowledged that the ability to recruit women and young people in areas of

employment growth is limited by the image, processes, structures and services of individual unions. Union recruitment and retention is impeded by the fact that many women and young people do not find some unions to be relevant or welcoming.

1.7 The current structure of the trade union movement reflects the narrow, occupationally based, constitutional coverage of many existing unions. Congress affirms as a high priority the need to reorganise the services and coverage of unions so as to:

- create more effective bargaining units;
- reshape the antiquated award and skills base;
- enable more resources to be available for marketing to, and recruitment of, union members; and
- ensure that the objectives of wealth creation and a fairer Australia are achieved.

Of considerable concern is the reality that:-

- trade union membership in the private sector continues to fall;
- many unions fail to be innovative or even to bother much with marketing and recruitment strategies;
- organised labor is extremely weak in the hospitality, white collar, new technology and small business areas;
- unionisation is low amongst women and young workers.

1.8 In this context the rationalisation of trade union structures must be at the core of the ACTU's strategies in the 1990's.

1.9 Problems also arise from the existing organisational arrangements of many unions in which unions organisers receive insufficient training to enable them to effectively recruit in areas of employment growth. The inter-union rivalry which is a consequence of the current structure substantially reduces the capacity of unions to resist anti-union tactics used by employers such as "exemption rates" and other devices whereby employees are appointed to so called "union free -staff positions".

1.10 Congress endorses the following principles in relation to the restructuring of the Trade Union Movement:

i). The process of re-structuring should involve full discussion between all unions affected by any given amalgamation or restructuring exercise.

ii). Amalgamations that seek to reduce the number of trade unions should be supported by the movement as a whole, provided:

- there is a real community of interest between
- the unions concerned, and
- the amalgamation does not result in an increase
- in the number of unions covering the same
- classification of workers in the same industry.

iii). Unions should be encouraged to rationalise their membership coverage through exchange and/or transfer of membership where to do so is consistent with these principles, and where it will lead to the provision of improved levels of service to those members.

iv). No union should be excluded from any industry in a situation where they represent a substantial proportion of union members in that industry.

v). Where a union does not have a substantial membership in a particular industry, there should be no exchange and/or transfer of membership unless the members affected by an amalgamation, membership exchange or membership transfer have been fully consulted at all stages of the restructuring exercise, and their existing and future rights and conditions have been properly protected. Further such exchanges and/or transfers must be consistent with these principles.

vi). Congress calls upon all affiliates positively to respond to the challenge of restructuring, so that at the end of the day Australia has a stronger, more dynamic and democratic trade union movement.

1.11 Congress notes that a consensus clearly exists with respect to the following:

- amalgamation of unions;
- rationalisation of union coverage;
- better servicing of existing and potential membership;
- flexible union structures to accommodate maximum membership involvement at all levels of union activity including individual workplaces;
- need for major marketing and organising drives;
- requirement for new trade union structures -
- especially in areas of low unionisation;
- better co-ordination between unions to maximise union coverage.

1.12 Since the last Congress the ACTU has established a framework for reorganising the Trade Union Movement. The process has involved the rationalisation of union coverage, union amalgamation and the creation of effective new unions. Congress endorses the following elements of this strategy:

- the creation of 17-20 large, more efficient and democratic union's within which there should be clearly defined industry or occupationally representative streams;
- the promotion of union structures which are open, democratic and accountable;
- the creation of a new clerical, professional and administrative union;
- the rationalisation of the union movement on the basis of principal, significant and other status;
- the rationalisation of unions to provide for a small number of unions in any one industry - in this regard an 'industry' may be a service or contract industry;
- the development of single bargaining units where appropriate;
- amalgamating unions should have regard to the women and amalgamations policy;
- the role of the ACTU is to co-ordinate unions, service them and provide a broader based political catalyst. The ACTU should continue to develop this role but be prepared to devolve more authority to the larger unions which in turn develop closer rank and file involvement. The ACTU should never develop into a large bureaucracy nor can it substitute for a well organised, democratic and efficient trade union movement;

- larger national unions are designed to provide a wider industry understanding. A wider view to an industry and to the community responsibilities of unions is an imperative. There must be a balance to the pursuit of absolute self-interest. Large, unresponsive and/or undemocratic unions are the reverse of our aspirations.
- unions must be capable of maintaining an understanding of and involvement in issues affecting particular industries and sectors, whilst at the same time recognising that workers respond to both industry and occupational perceptions.
- the Unions must respond to the need for greater involvement at the workplace. Such enterprise bargaining must not be a substitute for award variation. Unions must be capable of dealing with a greater number of enterprises or agencies whilst providing a high level of service to individual employees through enterprise agreements and arrangements.
- competition between unions for union membership should be within the terms of this strategy framework and where competition does take place the unions concerned should develop a code of conduct to govern the basis on which they may compete;
- the process of rationalisation should be by agreement between unions and settled in accordance with ACTU policy. Arbitration should only be used as a last resort;
- employers should not determine the basis of union rationalisation.

2. Union Amalgamation

2.1 Congress notes the problems associated with the current structure and image of the trade union movement and declares that urgent collective action needs to be taken to ensure that the trade union movement remains a relevant and effective force into the future. Simply put Australia has too many unions with the inevitable result that many unions are not capable of providing the level of service for their members that is needed in order to meet the challenges of the next decade and beyond.

2.2 Congress reaffirms the need for unions to amalgamate to form larger more efficient units and that the most appropriate basis for such rationalisation appears to be broad industry categories. Congress notes that substantial progress has been made in this regard, since Congress expressed its opposition to the call by some employer organisations for the creation of narrowly based, single enterprise unions. This does not preclude the development of flexible union structures to accommodate maximum membership involvement at all levels of union activity including individual workplaces.

2.3 The ACTU has a responsibility to encourage effective amalgamations between unions which have an interest in combining with each other. The concerns of the ACTU in encouraging unions to amalgamate is to ensure the future viability of the trade union movement through improving our capacity to service the needs of union members.

2.4 Union amalgamations should ensure open and democratic structures which encourage the active participation of its constituent groups and provide for representation of those groups, including minority groups, youth and women.

2.5 The responsibility of the ACTU with respect to the encouragement of voluntary amalgamations includes -

- facilitating discussions between unions to explore the possibility of amalgamation;
- assisting unions which propose to amalgamate with the steps towards amalgamation including the consideration of appropriate structures and timetables, meeting any statutory obligations and providing assistance in the development of campaign material in support of particular amalgamations;
- continuing to press for reasonable legislation on amalgamations in line with ACTU policy on

3. Union Rationalisation

3.1 Congress believes that the ACTU should actively promote:

1. The rationalisation by agreement of union coverage with the aim of significantly reducing the number of unions within each enterprise or industry. Such unions may be occupationally based or industry based. As part of such a rationalisation of union coverage the members affected should be fully consulted and their existing and future rights and conditions properly protected. Congress supports the following union categories under union rationalisation:

a. A Principal union - A Principal union shall have the capacity to recruit all employees in a given industry or, in certain cases, defined occupational category and shall recognise significant and other unions in the industry or occupational category and seek to reach agreement with them as to membership coverage and recruitment. Where an existing principal union has failed to service the needs of the workforce principal status is to be reviewed by the ACTU Executive.

b. A Significant union - A Significant union is one which has:

- a substantial number of members in an industry or occupation
- agreed to be part of a single bargaining unit with the Principal union
- the capacity to maintain and recruit membership provided that, by agreement with the Principal union or unions, a Significant union may be able to recruit membership beyond its existing area of coverage with a view to maximising unionisation; or

c. Other unions - Other unions do not have a substantial number of members. They may be able to maintain membership on the following basis:

- they represent those employees who desire to have the union represent them
- they will not stand in the way of any employee wishing to join the Principal union
- they agree to be part of single bargaining unit
- they service the membership
- the continuation of award coverage shall be subject to periodic reviews.

2. The rationalisation of union resources through the establishment by agreement of small negotiating committees within each enterprise or industry.

3. The process of rationalisation should be by agreement between unions. In determining this agreed position proper consideration shall be given to the wishes of workers concerned and to the occupational nature of their organisation. The ACTU should actively assist in reaching such agreements. Arbitration should be a last resort.

4. The total unionisation of an enterprise and an industry by appropriate union agreements. In determining such agreements, consistent with paragraph 3.1(iii), the views of trade unionists in relation to which union best represents their interests shall be taken into account.

That these measures should be taken as a further step towards the achievement of the constitutional

imperatives of the ACTU in "meeting the objectives of the closer organisation of workers by amalgamation of unions where practicable to establish one union in each industry or sector."

Rationalisation and restructuring of unions on terms that are not dictated or determined by employers and/or governments.

3.2 Given the institutional and organisational barriers to amalgamation, Congress believes that steps should also be taken to facilitate the restructuring of the trade union movement in the area of overlapping industry coverage. It is acknowledged that the ACTU has a role in assisting unions to rationalise membership coverage.

3.3 Congress declares that in achieving the rationalisation of Australian Trade Union structures, the Executive must attempt to prevent circumstances whereby unions are placed in an environment of open competition with each other over union membership.

3.4 The primary aim of the rationalisation process must be to reduce the number of unions in each industry and to develop structures that will enable unions to co-operate one with the other to expand the areas of union coverage to those sections of the workforce currently not organised.

3.5 Congress views the operation of competing bargaining units within enterprise or industry sectors as counter-productive to the aims of the trade union movement to improve living standards. Unions must act co-operatively within a single bargaining unit to maximise the benefits of union membership for workers.

3.6 Congress resolves that no affiliate should seek to use union restructuring to extend their membership beyond their constitutional coverage, other than where the ACTU has granted in terms of ACTU policy, principal union status or, where there is no principal union, a union has been granted significant union status and is authorised by the ACTU to extend its constitutional coverage.

3.7 No union should enter into an arrangement with an employer for coverage of another union's members. Where change is contemplated with respect to union coverage, all unions have a responsibility to ensure proper consultation occurs through the processes of the trade union movement and the outcome is consistent with ACTU policy.

3.8 Congress authorises the ACTU Executive to vigorously oppose any union which acts contrary to this policy.

4. Coverage and Demarcation Disputes

4.1 Whilst many demarcation disputes are caused by technological and structural change and by employers seeking to interfere with union coverage to reduce pay rates, such disputes are also caused by the very structure of the movement itself.

4.2 The ACTU and its State Branches have a duty to use their influence to promote maximum unity amongst unions with a major consideration being the elimination of destructive coverage and demarcation disputes. In this regard, Congress affirms its support for the restructuring of the trade union movement on the basis of community of interest between unions. This process of restructuring should involve full discussion between all unions affected by any given amalgamation or restructuring exercise.

4.3 Congress reaffirms its view that effective and speedy procedures for the settlement of coverage, demarcation and membership disputes between unions are essential for the continued unity of the trade union movement. With this objective in mind, Congress states that:

- Coverage and demarcation disputes should be resolved by agreement between the unions concerned. In this regard the specific views and wishes of the members of the unions concerned should be canvassed and considered. In the resolution of such disputes the ACTU should take into account the views of members of such unions.
- Where agreement cannot be achieved directly between the unions concerned, the unions have an obligation to notify the ACTU or the State Branch of the ACTU in the relevant State and participate in discussions aimed at resolving the dispute in question;
- Affiliated unions should not progress coverage or demarcation disputes through tribunals until there has been a reasonable opportunity to discuss the issues within the union movement.
- Unions should not resort to the use of legal sanctions against other unions e.g. the use of Sections 45D and 45E of the Trade Practices Act.

4.4 Congress notes that many coverage, demarcation and other disputes have been satisfactorily resolved through the ACTU and ACTU State Branch machinery and that the machinery can operate effectively.

4.5 Upon notification of a coverage, demarcation or other inter-union membership disputes, the ACTU or the relevant State Branch shall constitute special machinery to facilitate the settlement of the dispute. The machinery may take the form of either:

- A panel consisting of an ACTU and/or a State Branch nominee, and an equal number of representatives from each of the unions concerned in the dispute; or
- A panel consisting of an independent chairperson and other members as agreed between the unions concerned in the dispute.

4.6 The guidelines to be followed by a panel or group in the settlement of a coverage, demarcation or other inter-union membership dispute shall be consistent with ACTU policy. The guidelines adopted shall be such as to ensure that all relevant matters are considered including the constitutional rights of the unions involved, the merits of the matters in dispute and the potential to rationalise membership coverage through exchange and/or transfer of membership. Without limiting the panel or group the consideration of the merits shall be based on:

- Historical aspects, e.g. custom and practice;
- Relevance of wage rates and working conditions of the workers concerned;
- The attitude of the workers concerned;
- The existence of specific undertakings relating to union coverage;
- The willingness of the parties to rationalise membership coverage through exchange and/or transfer of membership.
- The special needs of particular groups of members, e.g. women, young people, part time workers and workers of non-English speaking background.

4.7 Wherever possible, the panel or group should seek to bring about a resolution of such disputes by the agreed rationalisation of membership coverage through the exchange and/or transfer of membership where it would be in the long term interests of the members affected. However, no union should be excluded from any industry where it represents a substantial proportion of union members in that industry. Where a union does not have a substantial membership in a particular industry there should be no exchange and/or transfer of membership unless the members affected have been fully consulted and their existing and future rights and conditions have been properly protected.

4.8 The above procedures can only be effective with the full co-operation of the entire trade union movement. Accordingly, Congress calls upon all affiliates to adhere to the principles and procedures for the resolution of coverage, demarcation and membership disputes between unions within the trade union movement and to abide by the results of such procedures.

5. Union Registration

5.1 Congress believes that there should be no new unions registered under either Federal or State legislation unless special reasons for such registration are established. The coverage of existing unions is sufficiently wide to provide proper representation of workers. Further, Congress believes that the registration of enterprise based unions will reduce the effective representation of workers interest and runs counter to the policy of promoting fewer, larger and more effective unions.

The ACTU, and where appropriate its State Branches, should pursue the policy of opposition to the registration of new unions by actions such as:

- convening meetings of unions affected to consider applications by new unions for registration;
- co-ordinating the opposition of affiliated unions to an application for registration when requested to do so; and
- objecting to the registration of new unions in relevant proceedings under Federal or State legislation.

6. Membership Recruitment and Retention

6.1 Congress notes with concern the continual decline in the proportion of the workforce which is unionised. As at August 1990, only 40.5% of the total employed workforce were trade union members. By employment sector some 67% of public sector and 31% of private sector employees were members of a trade union. By sex this represents 45% of all male employees and 35% of female employees. The August 1990 figures continue to show the decline in union membership evident from the November 1976 (51%), August 1986 (46%) and August 1988 (42%) survey estimates. The ABS statistics are consistent with the Australian Workplace Industrial Relations Survey (AWIRS) - a very comprehensive sample survey carried out between October 1989 and May 1990. AWIRS represented approximately 122500 workplaces collectively employing some 4.3 million workers or over 2/3rds of all Australian wage and salary earners. Of all Australian workplaces with 5 or more employees it was estimated that 43% were unionised to some extent. Non-unionised workplaces were very much more likely to be small than large - 70% of small workplaces (5-19 employees) were non-unionised, compared to only 4% of large workplaces (500 or more employees). Equally stark, but also reflecting this size factor, is the difference between sectors, 66% of workplaces in the private sector had no union members, compared to less than 1% in the public sector.

6.2 Union density rates were relatively uniform and consistently above 60% in those workplaces that were unionised. There were few workplaces with isolated union members. However it should be noted that the trade union movement is still representative of tax paying wage and salary earners. Whilst the level of unionisation amongst such employees has declined - consistent with the trend referred to above - approximately 54.3% of tax-paying wage and salary earners were members of trade unions in 1989.

6.3 Congress declares that there is a continuing need for the trade union movement to develop and implement imaginative and professional recruitment/retention programs. This is fundamentally the responsibility of individual unions. A meaningful recruitment and retention strategy requires unions to

have a clear and consistent view of themselves and what they stand for. Unions are collective organisations of workers with democratic and participatory structures to represent workers' interests and needs. Their key goals are:

- to protect and improve wages and conditions including retirement incomes;
- to ensure work is safe and healthy;
- to ensure that workers have career opportunities and access to associated training;
- to ensure workers have a real say in decisions effecting their work lives;
- to ensure workers are treated fairly and not exploited or discriminated against.

6.4 Achievement of the unions' goals requires unions to develop and implement professional recruitment and retention strategies. As part of such a process Congress calls upon the Executive to co-ordinate the development of recruitment/retention strategies for the trade union movement. Such strategies should include:

- a clear statement of what unions stand for;
- undertaking market research of the attitudes and needs of union members, non -members (potential recruits and lapsed members) and retired members and reviewing their structures, recruitment/retention activities and services accordingly;
- an examination of the trends in the composition of the workforce and unionisation in order to identify target areas for recruiting campaigns;
- the development of core resource material to support union recruiting initiatives e.g. videos, kits etc;
- the development, in consultation with TUTA, of a training program for organisers and recruiting officers within unions;
- the co-ordination of recruitment campaigns at National and Branch level;
- liaison with counterpart committees at ACTU State Branch level;
- the need to insert effective preference and job representative clauses into awards;
- the need to assess current union structures and procedures to ensure that they are accessible and relevant to the changing needs of union members;
- award compliance initiatives;
- provision of adequate resources to fully support the recruitment / retention function.

6.5 Congress notes that the Executive has established a recruitment and retention policy committee and calls on all ACTU State Branches to establish similar committees to co-ordinate recruitment efforts at a State level.

6.6 Congress believes that in order to develop and strengthen the trade union movement in rural Australia, a National meeting of all Provincial / Regional Trades and Labour Councils should be convened in 1992 for the purpose of discussing and planning the following:

- Role of Provincial / Regional Labour Councils
- Structure and establishment of Labour Councils
- Union affiliations to TLC's
- Strategies for TLC's
- Support and assistance for TLC's

6.7 As part of the process of improving membership recruitment and retention affiliates need to examine their current structures and procedures to ensure that they are accessible and relevant to the changing needs of union members.

6.8 Congress notes that one method of assisting in the recruitment and retention of union members is to improve the range and level of services provided to members and urges affiliates to take action in this regard. Unions should review the services they provide, with the priorities being the provision of services in:

- wages and conditions including retirement incomes;
- occupational health and safety;
- other services, eg financial services, holiday units, and professional (legal, medical, dental, optometry etc) should be developed in areas where such services are powerful recruitment and retention tools and union(s) have sufficient resources to ensure their services represent better quality and/or are cheaper than similar services available elsewhere;
- unions should focus on award compliance in respect of wages and conditions and superannuation, and statutory and, where relevant, award compliance with respect to occupational health and safety. The Executive should investigate and develop initiatives for achieving award compliance.

6.9 Amalgamations of themselves will not address the decline in trade union membership unless the resources generated as a result of those amalgamations are directed at developing policies and programs aimed at making unions more representative of and more attractive to all workers. This will require special attention to particular target groups, eg women, young people, part time workers and workers of non-English speaking background.

i). Women - The ACTU as a peak union council should progressively increase the number of women on the ACTU Executive so that the objective of fifty per cent representation is achieved by the 1999 Congress. In order for this objective to be met, the following strategies must be developed by affiliated unions and the ACTU:

- A more detailed affirmative action plan and implementation strategy for women in the trade union movement will be developed for report to the next ACTU Congress in line with these principles.
- Options for the future structures of the ACTU and its State Branches at Executive and Committee levels should be developed by the Executive in consultation with the Women's Committee so that women are fairly represented.
- Key industrial campaigns must be developed by the women's committee and overseen by the ACTU Executive to implement ACTU priority policies related to women.
- The value of the work undertaken by women should be recognised in order to enhance the relationship between the trade union movement and women workers.
- Trade union training for women should be expanded as a matter of urgency.
- Women must be actively encouraged to stand for, and be supported in, positions at all levels in the ACTU and affiliated unions.
- Women must be involved in the preparation and presentation of resource material for union recruitment campaigns.
- Trade unions should be, and be seen to be, open and democratic organisations in which working people, especially women, young people and other disadvantaged groups can readily participate, and have an influence in the decision making processes. The difficulties women experience in participating in unions include inappropriate meeting times and places, absence of childcare etc. Membership structures and organisation must take account of these difficulties.

- A study must be undertaken of successful affirmative action strategies implemented and resources allocated by unions and peak councils to recruit, involve and promote women members. This study will be used to assist in the overall campaign. Further, model affirmative action programs must be developed.
- Where there are specific resources and personnel needs relevant to women's issues, specialist officers will be employed by peak councils.

ii). Youth - The recruitment of young people into the union movement raises particular concerns that need to be addressed separately. The impact on the young workforce of increasing retention rates in schools must be recognised and utilised. It provides the opportunity for targeting young part-time workers via the education system as well as in the workplace.

a. The ACTU and affiliates must encourage all education and training bodies to integrate programs and courses about trade unions and labour history into the whole of the education system. Negotiations will need to proceed at State and Federal levels.

b. Information produced about trade unions must include historical and contemporary material easily accessible and interesting to both students and the public.

c. Measures to enhance the relationship between the unionised workforce, students and young workers need to be developed and implemented.

The ACTU Executive must develop and oversee campaigns to implement ACTU policy related to young people including:

- the abolition of age related rates;
- the unionisation of key ununionised enterprises where there is a concentration of young workers;
- the improvement of wages and conditions for casual and part time workers; the dismantling of barriers to the unionisation and participation of apprentices;
- other initiatives outlined in the Youth Policy recommendations.

7. Union Dues

7.1 Congress reiterates that it is essential that the membership fees of unions be set at a level which ensures that satisfactory standards of services can be provided to union members. In accordance with existing policy, union fees should be set at a minimum level of 1% of an appropriate wage level(s) in an industry.

7.2 The policy should be applied through the appropriate wage level(s) set for union dues purposes being established by each union for its area.

7.3 Congress calls upon affiliates not to use the prospect of reduced union dues below the 1% level as a recruitment mechanism to undercut other unions.