

THE ORGANISATION, RESOURCES AND SERVICES OF THE TRADE UNION MOVEMENT 1989 POLICY

1. INTRODUCTION

1.1 Congress notes that some 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 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 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. Since the last Congress the problems facing the trade union movement have become more acute and the need to address them more urgent. Recent trade union membership statistics show a dramatic decline in the level of union membership from 51% of the workforce in November 1976 to 42% in August 1988.

1.3 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 15% 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. The number of union members in the UK has declined from 13.3 million in 1979 to 9.2 million in 1987. In the Netherlands union membership fell from 40% of the workforce in 1979 to 29% in 1985.

1.4 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 to 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.

As well, it must be acknowledged that the ability to recruit women and young people in these 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.

1.5 The current structure of the trade union movement reflects the narrow, occupationally based, constitutional

coverage of many existing unions. These factors have contributed to the problems inherent in the classification structures in existing awards. Further problems 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".

- 1.6
- (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: (a) that there is a real community of interest between the unions concerned, and (b) that 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, as envisaged in Future Strategies for the Trade Union Movement.

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, 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.

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 -

- (i) facilitating discussions between unions to explore the possibility of amalgamation;
- (ii) 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;
- (iii) continuing to press for reasonable legislation on amalgamations in line with ACTU policy on Industrial Legislation.

2.6 Congress believes that the ACTU should actively promote:

- (i) 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.
- (ii) The rationalisation of union resources through the establishment by agreement of small negotiating committees within each enterprise or industry.
- (iii) That the process of rationalisation should be by agreement between unions and settled in accordance with ACTU policy. Arbitration should be the last resort.
- (iv) The total unionisation of an enterprise and an industry by appropriate union agreements.
- (v) 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.'
- (vi) Rationalisation and restructuring of unions on terms that are not dictated or determined by employers and/or governments.

2.7 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. COVERAGE AND DEMARCATION DISPUTES

3.1 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.

3.2 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.

3.3 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 -

- (i) Coverage and demarcation disputes should be resolved by agreement between the unions concerned;
- (ii) 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;
- (iii) 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.
- (iv) 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.

3.4 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.

3.5 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:

- (i) 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

- (ii) A panel consisting of an independent chairperson and other members as agreed between the unions concerned in the dispute.

3.6 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:

- (i) Historical aspects, e.g. custom and practice;
- (ii) Relevance of wage rates and working conditions of the workers concerned;
- (iii) The attitude of the workers concerned;
- (iv) The existence of specific undertakings relating to union coverage;
- (v) The willingness of the parties to rationalise membership coverage through exchange and/or transfer of membership.
- (vi) The special needs of particular groups of members, e.g. women and young people.

3.7 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.

3.8 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.

4. UNION REGISTRATION

4.1 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.

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

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

5. MEMBERSHIP RECRUITMENT AND RETENTION

5.1 Congress notes with concern the continual decline in the proportion of the workforce which is unionised. As at August 1988, only 42% of the total employed workforce were trade union members. By employment sector some 68% of public sector and 32% of private sector employees were members of a trade union. By sex this represents 46% of all male employees and 39% of female employees. The August 1988 figures continue to show the dramatic decline in union membership evident from the November 1976 (51 %) and August 1986 (46%) survey estimates. 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 between 53.2% to 60.6% (depending upon the statistics used), of tax-paying wage and salary earners were members of trade unions in 1988.

5.2 Congress declares that there is an urgent need for the trade union movement to develop and implement imaginative recruitment/retention programmes. As part of such a process Congress calls upon the Executive to develop a recruitment/recruitment strategy for the trade union movement. Such a strategy should include:

- (i) an examination of the trends in the composition of the workforce and unionisation in order to identify target areas for recruiting campaigns;
- (ii) the development of core resource material to support union recruiting initiatives e.g. videos, kits etc;
- (iii) the development, in consultation with TUTA, or a training programme for organisers and recruiting officers within unions;
- (iv) the co-ordination of recruitment campaigns at National and Branch level;
- (v) liaison with counterpart committees at ACTU State Branch level;
- (vi) the need to insert effective preference clauses into

awards;

- (vii) the need to assess current union structures and procedures to ensure that they are accessible and relevant to the changing needs of union members.

5.3 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.

5.4 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.

5.5 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 programmes aimed at making unions more representative of and more attractive to all workers. This will require special attention to women and young people.

5.5.1 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:

- (i) 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.
- (ii) Options for the future structures of the ACTU and its State Branches at Executive and Committee levels should be developed by Executive in consultation with the Women's Committee so that women in the sectors in which they predominate are fairly represented.
- (iii) 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.
- (iv) Trade union training for women should be expanded as a matter of urgency.
- (v) Women must be actively encouraged to stand for, and be supported in, positions at all levels in the ACTU and affiliated unions.
- (vi) Women must be involved in the preparation and presentation of resource material for union recruitment campaigns.
- (vii) 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.

- (viii) 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 programmes must be developed.
- (ix) Where there are specific resources and personnel needs relevant to women's issues, specialist officers will be employed by peak councils.

5.5.2 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 targetting young part-time workers via the education system as well as in the workplace.

- (i) The ACTU and affiliates must encourage all education and training bodies to integrate programmes 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.
- (ii) Information produced about trade unions must include historical and contemporary material easily accessible and interesting to both students and the public.
- (iii) Measures to enhance the relationship between the unionised workforce, students and young workers need to be developed and implemented.
- (iv) The ACTU Executive must develop and oversee campaigns to implement ACTU policy related to young people including:
 - (a) the abolition of age related rates;
 - (b) the unionisation of key un-unionised enterprises where there is a concentration of young workers;
 - (c) the improvement of wages and conditions for casual and part time workers;
 - (d) the dismantling of barriers to the unionisation and participation of apprentices;
 - (e) other initiatives outlined in the Youth Policy recommendations.

6. UNION DUES

6.1 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.

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

6.3 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.