Trade UNIONS yesterday + tomorrow

By Ian McLean

Growing up in Broken Hill in the 1950s and 1960s during the post-war mining boom, I remember the daily pronouncements in the press covering the negotiations between the Barrier Industrial Council (BIC) and the Mining Managers Association relating to the Mines Agreement. In those days, Broken Hill had the Zinc Corporation-NBHC, the North and South Mine.

These complex and protracted negotiations in Broken Hill and Sydney set the terms and conditions for the miners and daily paid workers for the next few years.

The results of the negotiations were headlines in the local papers, the *Barrier Miner* (a Murdoch offshoot of *The News* in Adelaide) and the *Barrier Daily Truth* (the union paper).

Although my father worked on the 'staff' of one of the mines, his terms and conditions of employment were significantly affected by the entitlements negotiated by the BIC on behalf of its members.

It was an era when married women were not permitted to work so that jobs could be offered to school-leavers. It was also the era of the lead bonus, when wages were supplemented by the price of lead on world markets, and of increased wages and conditions and leave entitlements and union holiday camps for workers and their families.

This article is informed by my recollections of the presence and role of the union movement in Broken Hill 45 years ago.

As a solicitor working in the1970s and 1980s, I saw the advantages flow to workers from claims made by unions. Many in the workforce forget that the benefits they enjoy today have come from claims made by unions either negotiated with employers or heard and determined or approved by tribunals.

For example:

(1) A leading case instigated by the Musicians Union was *Jules Funk Band v Princess Holdings Pty Ltd* Print No. 35 of 1978 (upheld on appeal Print No. 69 of 1978) in the South Australian Industrial Relations Court (1978 SAIR).

This involved a claim by a band against the Polites Group. It not only established the position of the musicians as employees of the Polites Group but set the basic terms and conditions of employment.

As a result of this case, musicians and bands could negotiate not just wages but also leave and other entitlements where a regular employer/employee relationship existed.

(2) In 1984, the Liquor Trades Union required advice in relation to negotiating an agreement to cover the Adelaide Casino with Aitco Pty Ltd.

Although there were casinos at Wrest Point and Launceston in Tasmania at the time, their employees were covered by the Federal Hotels Award. This situation required a different agreement.

The Liquor Trades Union intended to cover the field at the Adelaide Casino; from croupiers and bar staff to security, restaurants and back of house.

It was an all-encompassing agreement that was notable because it involved employers and unions and their representatives working together in a new and exciting industry, and in the face of opposition from other employer and union groups because some areas were not traditionally covered by the Liquor Trades Union.

While many arguments were aired before the ink was dry and the agreement was registered, being part of the bargaining team that set the conditions for employees of the Adelaide Casino was still a very novel and rewarding experience.

(3) During that same period, the Liquor Trades Union reviewed and revamped the Wine and Spirit Industry Award (SA). Given the more mechanised and modern winery industry, it had become necessary to change the classification of winery occupations to more accurately reflect the work that employees were doing, and of their qualifications from TAFE and other educational institutions, which also required them to be much more multi-skilled than in the past.

The setting up of new classifications, and revising the criteria that employees needed to satisfy to fit within these different classifications, effectively updated the universal classifications in wineries of 'Cellarman'.

The new Wine and Spirit Industry Award (SA) reflected the realisation of both the employers and the union that the award needed to be revamped in order to bring it up to date with

conditions in wineries and to properly reward educational advances made by employees in wages and conditions.

Since the 1990s, amendments to the industrial relations laws have effectively reduced the 'power' of unions by eroding their membership: while the 'merger' of unions rationalised the number of unions, overall union membership declined.

The move away from awards, first to enterprise bargaining agreements and then to Australian Workplace Agreements (AWAs), has reduced, in many industries, both the influence of unions and total membership numbers. With *Work Choices*, awards will no longer be a meaningful safety net and will expire after three years, at which point agreements will apply instead of awards. As a result, when agreements expire it will not be possible to fall back on the award to secure the conditions of employees. The award, as a common rule, gave unions access to all employees in the industry it represented.

Nowadays, so many employees of small organisations are not members of unions, and have no recourse if involved in industrial issues, whether over wages, work type, bullying, discrimination, or safety conditions at work.

Employers often choose awards that best suit their capacity to pay, rather than what is reflective of the work the employee is doing. The influence and presence of unions is resented by employers in small organisations, and penetration to gain members is difficult.

Work Choices reduces the basic concepts in agreements to the following:

(1) Annual leave.
(2) 38-hour week.
(3) Minimum wages.
(4) 10 personal carers', and 2 compassionate leave days.
(5) 52 weeks' unpaid parental leave.

These are regarded as the minimum standards.

Many rights of unions in awards and agreements have been restricted, such as right of entry, inspection of records and secret ballots. Right of entry permits will need to be obtained from the Industrial Registrar. Matters actually removed from awards are trade union training leave and the right of the union to appear in dispute-settling negotiations.

I believe that these changes are designed primarily to erode the influence of unions and to make their availability to potential members less effective.

The next few years will determine whether this legislation results in an even greater reduction in unions' influence or not.

However, if *Work Choices* comes into operation and the High Court challenges are not successful, there may well be a resurgence of employees in unions.

The *Work Choices* is a step towards a national industrial relations system. The federal system will override the state industrial laws in South Australia, the *Fair Work Act* 1994, in many areas. The irony is that what is supposed to be a simplified system will effectively double the industrial instruments that apply in this state.

One positive result to flow from the introduction of *Work Choices* is that public schoolteachers in South Australia voted overwhelmingly to return to the state system prior to *Work Choices* coming into operation.

Where people's employment conditions are reduced where the job remains the same, or where employees cannot challenge these changes, there is likely to be a revival of the role of unions in the protection of employees' conditions.

I saw the highwater work of unions growing up in Broken Hill. I have been involved in negotiating agreements with employers on behalf of unions and, although over the last 10 years I have seen the erosion of the position of unions, particularly with the advent of the AWAs, I believe that *Work Choices* may assist them. ■

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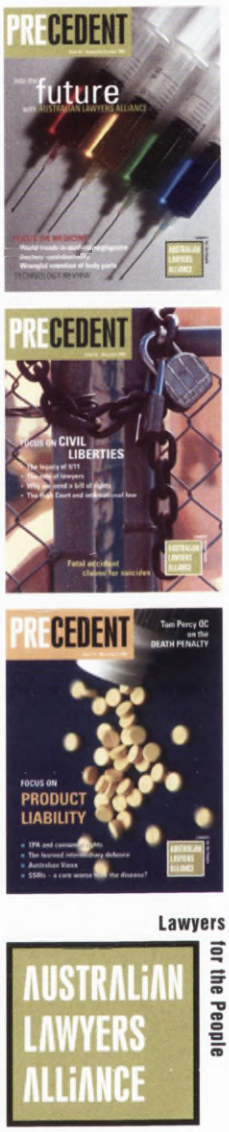

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