

WORKPLACE REVIEW

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EDITORIAL 55

ARTICLES

On the margins of *Harvester*: United Voice and the fight for secure work and shared prosperity in Australia – Frances Flanagan

United Voice is an Australian union which has consistently included workers who did not conform to the *Harvester* paradigm, namely, employees in service-based, disaggregated workplaces who were in non-standard employment relationships. It nevertheless brought significant improvements to the job security and wages of its membership. In the mid-20th century the union practised highly effective industrial and community organizing. It has continued to innovate and adapt, and today represents workers in some of the fastest-growing areas of the Australian economy using the latest digital technologies to organize its members in the fight for shared prosperity and secure work. 58

Whither unionism? – Keith Harvey

Unionism is a public good, argues Keith Harvey in his examination of the decline in union membership in Australia. This article considers the structural factors which helped account for the growth of unionism in Australia (eg compulsory arbitration) and the range of other factors that help explain its decline. These latter include deliberate policies of Federal Governments, Labor and Coalition. Citing recent “public wage scandals”, Harvey discusses the impact of the decline in union membership, which includes record low wages growth – with its consequent drag on the economy and contribution to increasing social inequality. He concludes with a clarion call for society – and politicians – to take action to reassert the “social utility” of unionism. 66

CFMEU’s civilising role: “Some things are worth fighting for.” – Rita Mallia

This article argues that collective action by workers – including strike action – is critical for enhancing economic equity and social progress. Building workers and their unions, through their activism, have played a leading role in advancing workers’ interests and a range of broader causes, including peace, environmental protection and gay rights. This against a background of repeated “legislative attacks” aimed at criminalising strike and protest action. The resurrection of the Australian Building and Construction Commission and related laws have targeted building unions and building workers, stripping them of industrial rights and even civil rights. The right to strike is essential, the author maintains, to a “civilised democracy”. 72

Challenges facing Queensland unions: “Festering non-compliance and institutionalised wage theft.” – Dr John Martin

Much change in industrial legislation has been with the intention of restricting the activities of unions, particularly at the Federal level. In Queensland, protections offered to many workers in the State jurisdiction were taken away with the WorkChoices take-over in 2005. Most of these restrictions remain in place. John Martin says it is hardly surprising we are seeing the results in wage theft and rising inequality. A growing number of employers are resorting to tactics intended to reduce employment conditions. This article

focuses on two major aspects of the legislation: restrictions on union right of entry; and the misuse of unrepresentative and “zombie” non-union agreements to avoid legal obligations. It concludes there is need for urgent intervention to ensure some level of transparency for the non-union bargaining stream. 76

“Solid jobs, reliable incomes, human values”: Unions NSW takes up the fight – Mark Morey

Historically envied by the world for their decency and dignity, Australia’s workplaces and employment standards have faced many challenges; the latest from the emerging “gig” economy and technological change. These developments have seen elimination and fragmentation of jobs, stagnation in wages growth, and workers competing to underbid each other in a new “electronic hungry mile”. Mark Morey, argues unions are adapting to the new challenges. Referring to the unions’ successful campaign to get digital platform Airtasker to agree to moderate its practices in relation to the wages and conditions its “gig” workers receive, Morey argues there is much at stake in the fight for solid jobs and decent incomes: “families, communities and society”. 81

The relevance of unions in the new industrial order – Haren Pararajasingham

Through consideration of a matter before the Fair Work Commission in which he was the legal representative for affected United Voice union members, Haren Pararajasingham, presents a compelling argument for the value of union representation – particularly for marginalised workers in low-paid industries, eg cleaning, in which contract employment is increasingly a feature. 84

AEU Victorian Branch – Laptops Case 2015 – Meredith Peace

A Federal Court win for the Australian Education Union’s Victorian Branch over the lawfulness of employer deductions from teachers’ wages in purported payment for their use of work laptop computers, set an important precedent in relation to unreasonable requirements by employers for employees to spend their own money in performing their employment duties. Meredith Peace considers the implications of the decision in the 2015 *Laptops Case*, which, among other things, can be costly for employers – in that case, \$37 million in backpayments to Victoria’s teachers and principals. 86

Trade unions – a highly regulated and supervised future ... – Peter Punch

Waves of IR law reforms over many decades aimed at tightening regulation of unions, may have now reached tsunami proportions suggests Peter Punch in his examination of amendments to the *Fair Work (Registered Organisations) Act 2009* (Cth) since 2012. The most recent changes include establishment of the Registered Organisations Commission, more onerous financial reporting and transparency requirements for unions, significantly enhanced investigative powers for the regulator, and substantially increased monetary and criminal sanctions for non-compliance with the Act. Punch says unions will have to wear a part of the blame for the intensified scrutiny of their activities because of the corrupt and criminal activities of some union officials. Unions will need to adapt to the new regulatory regime if they are to survive, he suggests. 88

The WWF and waterfront decasualisation – Craig Ryan

Insecure employment (casual, short-term, contract) is increasingly a feature of Australia’s economy. As well as lacking job security, workers in insecure employment do not enjoy the conditions permanent employees have, are susceptible to exploitative practices, and face difficulties in organising to defend their rights and improve their wages and working conditions. It is a current, but also an old, story. It was the traditional lot of waterside

workers, and their union engaged in a concerted struggle to decasualise labour engagement on the waterfront to change the situation. Great progress towards waterfront decasualisation was made during the years of the Second World War. The experience was salutary.	94
INTERVIEW	
Giving working people more power and more rights at work: ACTU Secretary, Sally McManus – <i>Craig Ryan</i>	100
BOOK REVIEW	
<i>Planet Jackson: A dark chapter in union history</i> – reviewed by <i>Neil Napper</i>	106
THE LAST WORD ...	
Miscellany of the legal world – <i>Jeffrey Phillips SC</i>	108
DIARY	111
INDEX	113

