



IN BRIEF



Pressure on

If the federal government achieves its planned takeover of state IR powers, all Australian firefighters will be subject to federal *FairWork* laws. "To fully protect our rights and conditions we've got to keep the pressure on," says Peter Marshall.



The big question

Good faith bargaining, matters pertaining and individual flexibility arrangements are all part of the *FairWork* IR jargon. But will the new system be any less of a straightjacket on workers and their Unions than *WorkChoices*? The jury is out.



Rights test

The Senate is to vote to replace the Australian Building and Construction Commission (ABCC) with a new Building Industry Inspectorate. But if coercive powers stay, construction workers will still face jail for standing up for their rights at work.

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How good?

Unionists celebrated the end of *WorkChoices*, but Labor's replacement needs improvement to really balance the ledger

Labor's *FairWork* industrial legislation promised 'forward with fairness'. "It certainly put an end to new individual AWAs," says UFUA National Secretary, Peter Marshall. "But now, all new enterprise agreements must include flexibility arrangements for individuals that can threaten the gains made collectively by Members in Union negotiated agreements."

And while employers are under greater obligation to talk to Unions, restrictions remain on what can be discussed. "Not only do we have a 'matters pertaining' hobble," says Peter Marshall, "but Unions are also restricted from negotiating industry-wide agreements.

And then there are new good faith bargaining requirements".

Firefighters in a number of UFUA Branches already fall within the reach of *FairWork* laws. "We're worried about our negotiating position," says Peter Marshall. "This good faith bargaining has already been used to stop Australia Post workers from even voting on industrial action, despite more than 18 months of trying to negotiate an agreement with a recalcitrant management."

"We're now sizing up this new industrial environment and asking, is it as good as it could – and should – be?"

TIPPING THE SCALES

Kevin Rudd and Julia Gillard's promise to bring fairness and balance back into industrial relations is wearing very thin. A report to the ACTU highlights the fact that the *FairWork* laws do not even comply with international conventions Australia has signed up to. "For example, it breaches International Labour Organisation (ILO) standards about employee rights to industrial action and bargaining,"

says Peter Marshall. "Unbelievably, the Labor government has kept key parts of *WorkChoices* that the ILO says breaches international law." These include no-go areas for bargaining, restrictions on strike action and clamps on Union right of entry to workplaces. There over-the-top penalties for taking industrial action and award ghettos for highly casualised sections of the workforce.