

ACTIVE STRONG UNITED

Is the Rudd Labor Government set to fail SACS?

IN LAST YEARS FEDERAL ELECTION WE CAMPAIGNED TO GET RID OF WORKCHOICES AND REPLACE IT WITH A FAIR IR SYSTEM FOR ALL AUSTRALIANS. ASU MEMBERS CAMPAIGNED ESPECIALLY HARD AND WERE THE BACKBONE OF YOUR RIGHTS AT WORK GROUPS AND EVENTS IN MANY REGIONS.

We were especially active in marginal seats and worked right up until election day too in six electorates to get Labor candidates elected. We campaigned to:

- end the confusion and uncertainty created by WorkChoices for our industry;
- return our unfair dismissal rights;
- protect our Award conditions

As details begin to emerge about Labor's plans it looks as if we could be disappointed on every single point.

Here is what we know to date:

TEST 1. PROPERLY FUND SACS WAGE INCREASES.

For the last two years the Howard government failed to increase its grants to SACS services to cover increased wages – 3.5% increases in July of 2006 and 2007. The Rudd Labor Government committed to deliver this funding in the lead up to the 2007 federal election. To date there has been no movement what so ever by the government on this issue. To make matters worse there seems to be a suggestion that SACS grants may be subject to a 2% reduction to meet the governments efficiency dividend. This is clearly unacceptable. We need urgent clarification on this. **TEST Result: Result Pending – Possible Fail**

TEST 2. ARE WE IN THE STATE OR FEDERAL IR SYSTEM?

Are we in the State or Federal IR System? To date there has been no progress whatsoever on ending the uncertainty on whether or not we are covered by the Federal or State system. In meetings as recently as June 11th the government has advised that they are unable to tell us how they will fix this mess. This is just not good enough. **TEST RESULT: Result pending – Possible Fail.**

TEST 3. RETURN OF UNFAIR DISMISSAL RIGHTS.

To date the Rudd Labor government has done nothing to restore lost unfair dismissal rights for employees in a

workplace with less than 15 employees. In addition the government has given no indication that it intends to fix this problem. Again – simply not good enough from a labor government.

TEST RESULT: Result pending – Possible Fail.

TEST 4. PROTECT OUR AWARD.

The current SACS Award sets your real rates of pay with regular increases. In addition the Award is a comprehensive set of conditions totalling over 50. The Rudd labor government has begun the process of “modernising” awards. Awards will only have 10 conditions in addition to the 10 national standards. The Awards will be built as minimum safety net awards and will over time cut your pay and conditions.

TEST RESULT: Result pending – Possible Fail.

This is clearly just not good enough. The Rudd government was elected to restore fairness and end confusion – not to keep the confusion and take rights off us!

Stay tuned form more information about the re-activation of the Your Rights at Work Campaign.

STOP PRESS!

Members' actions have brought immediate response from the Prime Minister to scrap changes to fringe benefits tax that would have cut the income of many SACS members.

For full details go to www.asumembers.org.au

**YOUR AWARD AND NAPSA RATES OF PAY WILL INCREASE BY 3.5% FROM THE FIRST PAY PERIOD ON OR AFTER JULY 1ST.
For the new rates go to www.asumembers.org.au**

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FROM THE SECRETARY



Your Rights at Work – still at risk

It is becoming clearer that negotiations with the Federal Government on the new IR laws are not proceeding as ASU members expected. It looks like we all

have no choice other than to restart the "Your Rights at Work" campaign which brought down the Howard Government.

ASU members fought hard for five key things during the WorkChoices campaign. They were:

1. Abolition of AWA's
2. Restoration of unfair dismissal rights
3. Protection of our awards
4. Restoration of the role of the independent umpire, and
5. Restoration of collective bargaining rights

While we have won on AWAs, the future of many of the other things we campaigned for is currently in doubt. There are two that are immediately most concerning:

1. AWARDS

The Labor Government is currently undergoing a process of "modernising" awards. This involves radically reducing the number of awards. We do not understand how this action can occur without reducing rights for workers. For example, there are currently many awards for each of our industries that have different conditions – if they are abolished, what will they be replaced with? For ASU members who depend on their award, this is a huge concern.

2. THE ROLE OF THE INDEPENDENT UMPIRE

It is not yet clear whether the Industrial Commission will be given any powers to resolve disputes. It will be able to "conciliate" but the Government is so far refusing to confirm whether it can also arbitrate. This is a right that workers have had for over 100 years in Australia. We believe that no boss will take conciliation seriously if they know the Commission has no power to make a decision at the end of the day. Employers and big business have been working overtime since the Federal election pressuring the Labor Government to keep many aspects of WorkChoices in place or to re-badge them under another name. Should this continue, we will have no choice other than to restart the "Your Rights at Work" campaign to assure the Federal Government that the people voted clearly to get rid of WorkChoices and this is exactly what we expect them to do.

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URGENT. LABOR UNCLEAR ON INDEXATION.

The Federal Government's position on indexing of SACS grants to keep pace with wages increases remains totally unclear. Each year the Federal government indexes its grants to non-government services providers to keep pace with increased costs. In recent years this indexation has not kept pace with wage increases. Prior to the election the government promised to fix this problem. However the Budget appears to do nothing to fix this problem. Members will now need to be involved in a campaign to put pressure on the government. For details go to www.asumembers.org.au.

CARE ALLIANCE INAUGURAL MEETING

AS PART OF ITS CARE CAMPAIGN, THE ASU AND INDUSTRY PARTNERS HAVE FORMED THE CARE ALLIANCE. THE ALLIANCE INCLUDES THE ASU, NCOSS, NDS AND THE FOLLOWING MAJOR SACS EMPLOYERS: UNITING CARE, BAPTIST CARE, SAMARITANS (ANGLICARE), CENTACARE, ST VINCENT DE PAUL AND THE SALVATION ARMY.

The first meeting had a full agenda that covered both short and long term objectives. The types of issues that were canvassed included:

- developing a long term approach to the challenges facing the SACS industry
- the failure of the NSW government to adequately address workforce development in the industry
- failure of both state and federal governments to index SACS grants to meet wage increases.
- exploring a cooperative approach to achieving the aims of the CARE Campaign.

At the end of the meeting the Alliance members agreed to the following actions:

- Writing to the NSW government demanding that the level of supplementation of grants for SACS programs should be consistent across government i.e., 3.3% from 1st July 2008.
- Writing to the NSW Premier seeking a meeting to discuss the lack of a state strategy to address Social Inclusion and workforce development issues.

- Writing to the Prime Minister seeking assurances that:

- The government will meet its election commitment to increase funding to meet wage increases (See Page one story) and
- The government will meet its election commitment to remove the confusion over whether SACS is in a State of Federal IR system.



Members celebrate the launch of the CARE campaign

ASU MEMBERS CARE

THE CARE CAMPAIGN TO ACHIEVE IMPROVED WAGES AND CONDITIONS FOR COMMUNITY AND DISABILITY WORKERS RELIES ON THE PARTICIPATION AND COMMITMENT OF ALL UNION MEMBERS. IT IS THIS SUPPORT THAT WILL ULTIMATELY DRIVE THE CARE CAMPAIGN. TWO ASU MEMBERS TELL BELOW WHY THEY JOINED THE UNION AND EXPLAIN HOW THE CARE CAMPAIGN WILL BE SO IMPORTANT IN IMPROVING WAGES AND CONDITIONS IN THE SACS INDUSTRY.



MY NAME IS TRACIE HENDERSON. *I am a Part time Coordinator in the Community Options Program at Interaction Disability Services (IDS). I have been a member of the Australian Services Union for a number of years. Over the years I have contacted the ASU on a number of occasions for information, support and*

advice. The ASU has provided me with informed, professional support on each occasion. I know I can rely on the ASU to act on my behalf if I need it. There is strength and power in numbers and by becoming an ASU member you are helping to strengthen the ASU and ultimately all of our power. United we are able to make change and progress towards improvements such as wages that are on par with the government sectors and improved industry standards.



MY NAME IS CARMEL BOUSTANI *and I am a Community Support Worker in the Support and Training division at IDS. I have worked at IDS for almost 5 years now. I started as a social educator in the Supported Accommodation Services division. I joined the Union a month ago. I believe there are only*

benefits in being a member of our union. One of the reasons I became a member is to push for equal pay for our industry with the public sector. I believe that the more we push for this to occur within our industry, the more satisfied staff will be – this helps us to improve our services to our clients. We work with people's lives; we need to strive for a benchmark or standard that is financially rewarding, acceptable and equal amongst the industry as a whole.

MISSION STAFF SAY "UNION"

NEGOTIATIONS FOR A NEW CERTIFIED AGREEMENT FOR MISSION AUSTRALIA STAFF BEGAN IN LATE MAY AFTER ITS WORKERS VOTED OVERWHELMINGLY FOR A UNION AGREEMENT. MISSION AUSTRALIA WORKERS FROM ACROSS THE COUNTRY HAVE COME TOGETHER WITH ASU BRANCHES TO FORM A SINGLE, COOPERATIVE AND ENTHUSIASTIC NEGOTIATING TEAM.

ROCKY START TO NEGOTIATIONS

There has been a rocky start to negotiations when it was revealed that Mission Australia aimed to include performance and productivity pay; strip workers of many conditions and to include WorkChoices like clauses which allow negotiations with individuals to cut the most basic of conditions.

Early negotiations have been about holding on to what Mission Australia has attempted to strip away. These workers should not have to fight for what all other workers already have!

FIGHTING FOR A DECENT DEAL

The negotiating team has a simple demand. Mission workers want to address those areas where they have fallen behind industry standards, including rates of pay. They want their agreement to restore all those conditions which will bring them back to par with other workers in the sector, and they want to ensure that they never again find themselves falling behind industry standards.

A document that outlines these demands of Mission Australia is being drafted and will be presented by late June.

ASU CARE CAMPAIGN AND MISSION AUSTRALIA

This is one of the largest employers in SACS now trying to remove conditions that all ASU members are setting out to improve in the Award through the national CARE campaign.

As ASU members Australia wide are embarking on the CARE Campaign for industry improvements, it is disappointing to see big players in the sector like Mission Australia undermining this work, by attempting to lock their workers out of the associated benefits. All SACS workers should see this attack by Mission Australia management as an attack on the entire industry. We must be determined to work together to protect and improve conditions for all.



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APPEAL TO HELP VICTIMS OF BURMA



A cyclone survivor huddles behind a corrugated iron sheet trying to cook some rice

CYCLONE NARGIS

"Where are all those uniformed people who are always ready to beat civilians? They should come out in full force and help clean up the areas and restore electricity." — *Rangoon resident, 4 May 2008**

Cyclone Nargis, which hit southern towns of the Irrawaddy delta in Burma, the area which produces most of Burma's rice, left tens of thousands dead and missing.

WHAT IS THE BURMESE MILITARY JUNTA DOING?

"There is no aid. We haven't seen anyone from the government" said U Pinyatale, the abbot of the Kyi Bui Kha monastery, where almost-depleted rice stocks and precious rainwater are shared with some 100 homeless villagers huddled within its battered compound.

TIME FOR INTERVENTION?

The case for humanitarian intervention has been gaining momentum. Although not a UN resolution or a statute under international law, the "Responsibility to Protect," or "R2P," is a framework invoked in the case of "national authorities manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity."

In the meantime, relief is up to the Burmese people themselves and small Non Government Organisations such as Norwegian People's Aid, assisted by Union Aid Abroad who are managing relief 'under the radar' of the Generals.

To donate to the Burma Cyclone Appeal call 1800 888 674 or go to www.unionaidabroad.org.au. Don't forget donations are tax-deductible. Why not become a regular monthly donor (a Global Justice Partner)?

BURMA OR MYANMAR – WHAT'S IN A NAME?

On 18 June 1989, the Burmese military junta changed the English version of the country's name from Burma to Myanmar. This was done without a national referendum to have the Burmese electorate ratify the name change. Opposition groups continue to use the name "Burma", since they do not recognise the legitimacy of the ruling military government nor its authority to rename the country in English. Union Aid Abroad uses the name Burma out of respect for those struggling for rights and freedoms.

HOW IS UNION AID ABROAD-APHEDA GETTING AID TO THE PEOPLE OF BURMA?

We are working with small teams of aid workers who are making trips into the delta region to deliver aid. Our partner organisation, Norwegian People's Aid (NPA) is working with local community organisations to get aid out to the people, while avoiding tight government restrictions on development work and ensuring that funds are not misappropriated by the regime.

A PIECE OF HISTORY REPEATING

THE AUSTRALIAN SOCIAL WORKERS UNION (ASWU) ESTABLISHED IN 1976 WAS A UNION OF BETWEEN 1000-1500 MEMBERS, WHICH EVENTUALLY AMALGAMATED TO FORM THE SACS BRANCH OF THE ASU IN 1992.

For a small union with few resources, they were trailblazers. Aiming simply to establish a federal award for members in the social and community services sector, they were driven to the High Court of Australia by the dogged resistance of Malcolm Fraser's Coalition government. The resulting High Court ruling was a landmark event in Australian labour law. It brought a category of workers, previously excluded, into the industrial relations system.

Their motivation was simple; to establish their roles as professionals and gain recognition for their work. They wanted the suite of minimum wage rates and employment conditions of an Award which was available to over 90% of the workforce.

Today, we face the same struggle - to gain professional recognition of our work and improve conditions and increase funding throughout the industry.

SACS News spoke to Fran Hayes, National organiser of the ASWU from 1976-1983, to hear about the long struggle to achieve the first federal award.

What was the motivation behind campaigning for a Federal Award?

The theory was that we were going to get a federal award because we didn't have the resources to get one in every state. The Award would provide industrial protection for all members.

What barriers did you face from Government?

According to the government we legally didn't have the characteristics as workers to create an industrial dispute which was necessary to get a federal award because we weren't considered an industry.

We were advised legally to start the award campaign with the Community Youth Support Scheme (CYSS) because that was closer to traditional conceptions of industry than other parts of our membership. This proved successful. The high court completely overturned its whole history of defining what an industry was.

How did you challenge the government?

As activists and volunteers we organised hard on the ground ensuring a really good level of understanding among support workers as to what we were doing and why we were doing it. We had voluntary community committees which were employers who supported the union in its attempts for a federal award, and they administered the CYSS scheme. We were up against the government which had funded expensive legal representation for the employer committees that were opposed to the Award.

And the ultimate feeling?

Absolute jubilation. It took a long time to come to the final decision. The log of claims was served in 1975 and the award came into being in 1985.

The struggle for proper recognition of our work is still not complete.

KNOW YOUR RIGHTS AT WORK FACT SHEET 3 – DISCIPLINE MATTERS

When you face a disciplinary matter with your employer, it is important to remember that you do have some rights. You have a right to:

1. Know what the meeting is about and to have that put in writing to you prior to the meeting.
2. Representation – have someone with you – preferably your workplace delegate.
3. A reasonable time frame for the meeting that allows you to obtain representation and prepare a response to the written allegations against you.
4. A fair and proper process that conforms with the principles of natural justice and procedural fairness. (Having the concerns outlined in writing, being represented, and having adequate time to respond.)
5. Have a copy of the organisation's Disciplinary Policy.

The most important thing to remember with any disciplinary matter is to GET IT IN WRITING before you attend any meeting. If other matters are raised at the meeting, you should request that those matters be put to you in writing, which will allow you to prepare a response.

Members often face pressure from their employers to enter meetings without notice. Consequently they do not get the accusations against them put into writing. If they do, it is often with vague detail and there is disagreement with the outcome of the disciplinary process.

Often a member will be called into a meeting by words along the lines of "I just need to talk to you". If you find yourself in this situation – stop the boss and say – "I need you to put this matter into writing and arrange a meeting at an appropriate time when I can have someone with me". If your boss tries to argue – say to them "I am only trying to protect my rights". If the boss insists you should call the ASU for assistance.

Another common issue is disagreement over the outcome or contents of the warning. If this is the case, you should sign the warning with "signed in acknowledgement of receipt only". You should then immediately write a letter in response outlining why you don't agree with the contents or the outcome. This ensures your side of the story is on your personal file – which will be important if the action is repeated or it escalates to a dismissal.

EFFICIENCY DIVIDEND: 2% CUT IN FUNDING?

The government has announced that it will require a 2% efficiency dividend across government as part of this year's budget. This means that each department will be required to make a saving of 2% on its expenditure – ordinarily this means cutting costs by 2% across all programs. At the time of going to print the government has not yet announced whether or not this will apply to SACS programs. For more info go to www.asumembers.org.au

It is essential that social and community service programs be exempted from this savings requirement. If social and community service grants are cut then programs and jobs will inevitably be affected.



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CONCERNS EMERGING OVER LABOR'S NATIONAL IR PLANS.

Concerns are beginning to emerge over Labor's plans for a new National IR system. Labor has now released the 10 national minimum standards which will be contained in law. These are supposed to sit alongside the 10 additional matters that can go in a Modern Award. The problem is that some of the 10 standards are lower than current entitlements. In addition it is unclear how the standards will link to awards, whether or not the Independent umpire (the AIRC or its replacement) will be able to sort out disputes and whether once Awards are made, they can be improved.

NOEL WASHINGTON FACES JAIL...HIS CRIME? STICKING TO THE UNION!

Noel Washington has been in the construction industry all his life...first as a crane driver, then as a building union official. He's also a family man watching the future for his grandchildren. Noel wears his CFMEU jacket with pride and is the Senior Vice President of his union in Victoria. In his time he's seen the ups and downs of a tough game. As he says, "We're no angels but we're not terrorists or drug-runners either." Yet it seems that is how he is to be treated.

He points to an industry where the employers play for keeps. Like the firm in Melbourne where he went to a lunchtime meeting off site just before the Federal election, a firm which had ruthlessly enforced Howard's laws against the union and sacked its shop stewards in a recent downturn. Restrictions on union right of entry meant that the union meeting could not be held on site or during working time...so the CFMEU put on a BBQ lunch in a nearby park.

Little did Noel know that when he attended that meeting of more than 500 members that he would be called in by the Australian Building and Construction Commission (ABCC) to inform on those who spoke at the meeting; to tell them what was said, to

name who said it and to undergo hours of interrogation. Or that if he told anybody about the interview (which he did not attend), even his wife, he could be jailed.

Noel Washington now faces 6 months jail for refusing to obey written directions to attend an interview to "dob in his mates." To the ABCC this is a crime. One of the few areas of the recent Federal budget which was not cut was the ABCC, which received \$33 million to continue its work. The government recently announced an enquiry into how the work can be taken over by Fair Work Australia after 2010. ALP policy calls for its abolition.

Despite the capacity of the Federal Minister to intervene on how the ABCC's powers are used, Noel's prosecution is going ahead. His case has been referred to the Director of Public Prosecutions.

REPRESSIVE LAWS

Repeated decisions of the ILO condemn the laws empowering the ABCC, yet they continue because the Minister promised employers she would maintain them. Prosecutions and charges in the building industry have increased by 60% under the ABCC, and 85 workers have been

questioned under its powers. The ABCC was created by the Howard government following the Cole Royal Commission which spent \$66 million investigating the industry, only to fail to find one case to prosecute.

Building unions recently met in Brisbane to unite to give full support to the campaign against the ABCC and to support any worker victimised by it. Noel is likely to be the first. Building unions are preparing a TV ad campaign to bring the issues to the public.

These laws threaten all legitimate union activity and the ALP should repeal them. The building unions ask supportive union members to email Federal politicians and to join rallies, sign petitions etc as they come around. Watch this space...union and community support for the rights of the MUA was decisive. We may well need to rally again for the rights of building and construction workers, and for Noel Washington in particular.

— Rob Durbridge, AEU Federal Industrial Officer

Send your views to your local ALP member and to:
Kevin.Rudd.MP@aph.gov.au;
Julia.Gillard.MP@aph.gov.au



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YOUNG L 0508

KNOWYOURHISTORY

IN THE LATE 1980'S ALL UNIONS IN AUSTRALIA UNDERWENT AMALGAMATIONS. PRIOR TO THIS THERE WERE HUNDREDS OF SMALL UNIONS. SMALL UNIONS HAD LIMITED INFLUENCE BY THEMSELVES, OTHER THAN IN THEIR IMMEDIATE WORKPLACES. UNIONS SAW THAT IT WAS NECESSARY TO COMBINE OUR RESOURCES AND NUMBERS TO BUILD MORE POWERFUL AND BETTER RESOURCED UNIONS FOR WORKING PEOPLE.

The ASU came about because of a vision. Many public sector unions were in membership decline because of outsourcing policies and economic rationalism. At the same time, new industries were growing with newer unions who had starting unionising. The vision of the ASU was to bring together strongly unionised public unions and community and private sector unions in the services industries to build a strong, well resourced union which had opportunities for growth into the future.

This was a union which would benefit all, which gave declining public sector unions a future where they could grow and increase their influence, and small community and private sector unions had a base and resources in

order to expand and unionise these new industries. This would make workers in all of these industries stronger.

Our union bought together:

- public sector unions - The Sydney Water Corporation Unions, the Hunter Water Corporation Union, the Transport Officer Union ("white collar" workers in the transport industry), the Maritime Industry Union ("white collar" workers)
- the community sector union – workers in the non-government community sector
- private sector unions – the Airlines industry Union ("white collar" Airlines workers), information technology workers union and the shipping and travel officers union (workers in travel agencies and shipping companies).

The ASU has lived the vision of its founders. We have maintained our size and influence whilst most unions with no resources or no potential to grow outside one industry have declined.

2008/9 UNION FEES FROZEN FOR DIRECT DEBIT & CREDIT CARD PAYMENTS

The ASU executive has determined that it can keep fees at their current levels in 2008/9 for those members who pay by direct debit or credit card. Unfortunately, due to increased costs associated with issuing accounts for members, an increase of 50 cents a week will apply to cash/ cheque payments. In line with the union's stated aim to remove all members from payroll deductions, the 50 cent increase will also apply to these payments. This fee increase can be avoided by simply moving over to either direct debit or credit card payments. If you wish to make the switch, please complete the enclosed form and return by fax or post. The new fees will apply from 1st August.

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