

ACTIVE STRONG UNITED

ASU TAKES ON 'BIG BLUE'



ASU members at IBM

WHEN YOUR EMPLOYER IS ONE OF THE LARGEST COMPANIES IN THE WORLD AND YOU DECIDE TO TAKE THEM ON, YOU CERTAINLY KNOW YOU ARE IN FOR A FIGHT.

This is exactly what happened when sixty ASU members in the high security Data Centre of IBM organised and demanded that the company give them pay rises and guarantee their working conditions that IBM could change at a whim because were in company policy.

This has been an epic six month battle with "Big Blue" that has seen court cases; votes to take strike action; extensive media coverage in Australia and overseas; a flood of solidarity messages from IBM workers as far away as the US, India and Turkey who were taking inspiration from ASU IBM members.

ASU members decided to go public about their treatment, endorsing ASU Secretary Sally McManus, to speak to the media. This led to a flood of articles in The Australian, Sydney Morning Herald, ZDNet.com.au; IT News and The Financial Review. The pressure became intense for IBM Australia bosses when members threatened the security of the IT infrastructure of IBM customers such as Westpac, Qantas and the Australian Government.

Last minute negotiations saw IBM give in to some of the ASU's key demands. However, IBM Australia refuses point blank to negotiate a union collective agreement because they claim it is their "global" policy not to negotiate with unions. WorkChoices enables the company to refuse to negotiate. However, the ALP has announced that they intend to change these laws from 1 July next year to force companies to "bargain in good faith" should the majority of workers want them to negotiate with their union.

ASU members at IBM have decided to consolidate their gains and take what IBM was offering and build union membership to make themselves even stronger for when the laws change and IBM will no longer have the luxury of ignoring the views of their workers.

Well done to ASU IBM workers for your unity and strength and all you have won so far – you have set the ball rolling for more to come in the future.

For more information on this dispute, visit www.asumembers.org.au/flightdeck-eba-campaign

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FROM THE SECRETARY



WE HAVE ALL BEEN WATCHING WITH GREAT CONCERN THE UNFOLDING GLOBAL ECONOMIC CRISIS.

After championing privatisation and deregulation for decades, urged on by the banks and corporations who have reaped massive profits, we are now seeing the same Governments nationalising banks and promising better regulation as a means of dealing with the crisis. It is our money – tax payers money – that is being used to bail out and prop up these banks.

We are now all paying for the greed of the super rich and the unwillingness of the US Government, along with most other governments who would not lift a finger to challenge or even curb their behaviour. Just like we are all paying for the greed of corporations and the lack of regulation that makes it so difficult to respond to climate change.

Unions in Australia and across the world have often been the lone voice criticising the outrageous salaries of CEOs and the complete lack of accountability corporations have to the community as a whole. It has been Unions as the voice of working people, speaking out the unfairness and unsustainability of concentrating wealth in the hands of few. It's incredible to now hear both candidates in the US Presidential race – and the leader of the Opposition Malcolm Turnbull (an ex-banker himself) now condemn CEO packages like an injustice they have just discovered.

ASU members have seen the effects on their superannuation and there are concerns that the times of record low unemployment may be over. Now, more than ever, your union membership is something to be valued to protect workers in times like these but also as a voice continually speaking out against those powerful interests that allowed this to occur in the first place.

Gow-Gates Financial Planning and Retirement Advice for ASU Members

Gow-Gates in partnership with the ASU can guide you in the process of meeting your pre-retirement and retirement goals.

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Please contact our Union Liaison Officer, Maggie Ferguson on **(02) 8836 1111** or visit www.gowgates.com.au

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WHAT'S GOING ON OUT THERE?

NCR GEARS UP FOR BARGAINING

JUST OVER THREE YEARS AGO THE HOWARD GOVERNMENT BROUGHT WORKCHOICES TO OUR WORKPLACES AND TO OUR COLLECTIVE AGREEMENTS AND IN THIS TRYING TIME, THE NCR ASU COLLECTIVE AGREEMENT 2006 WAS MADE.

This agreement was one of the very early Workchoices agreements and a first for NCR. ASU Delegates were forced to secure signatures of an overwhelming majority of employees to force NCR to come to the bargaining table.

ASU members in Sydney took strike action which secured everything that was won in this first EBA. It was only through unity and having a union that was prepared to back members 100 per cent that gains were made.

ASU Delegates have again come together to discuss the issues of concern for NCR Customer Engineers (CE's) and the result of these discussions is the ASU NCR Survey currently doing the rounds of all work sites in Australia. The survey has been designed to capture the key issues for NCR CE's and to ensure that you all have the opportunity to have your say on what you believe are the important issues.

The results of the survey will be collated and developed into your Log of Claims for bargaining. The ASU has



held preliminary meetings with NCR in order to establish the processes for bargaining and a timetable.

ASU Delegates are looking forward to a robust negotiation process in order to continue to build on the first agreement for NCR CE's and through these negotiations ensure that wages and working conditions at NCR are secure, strong and decent.

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ASU MEMBERS DEFEAT POWER PRIVATISATION

FOLLOWING THE DEPARTURE OF PREMIER IEMMA AND TREASURER COSTA, THE MOVE TO PRIVATISE NSW ELECTRICITY HAS ALSO BEEN PULLED FROM THE POLITICAL AGENDA. THIS HAS NOT BEEN WITHOUT A FIGHT. THROUGHOUT THE DEBATE, SIX LABOR MEMBERS OF THE UPPER HOUSE STOOD UNITED IN THEIR OPPOSITION TO THE BILL. OF THESE, THREE WERE ASU MEMBERS. IF IT WASN'T FOR THEM, WE MIGHT STILL HAVE COSTA AND IEMMA. WE INTERVIEWED MICK VEITCH, HELEN WESTWOOD AND PENNY SHARPE TO FIND OUT MORE ABOUT THEIR STAND.



MICHAEL VEITCH

You've been a member of the ASU for many years, can you tell our members about your working history?

I actually have a very long history with the Australian Services Union (ASU). I was a member of the Australian Social Welfare Union (ASWU) which was a forerunner to the ASU, back in 1993 and have been a member of the union since then. Prior to that, in the 1980s, I was a member of the Australian Transport Officers Federation (ATOF), which merged with the ASWU to form the ASU. So there are two sections of the ASU that I've had long affiliation with.

At the Australian Transport Officers Federation I was a Station Master at

Rydalmere and Toongabbie Railway stations. And I was actually a junior vice president of the metropolitan station masters and yard masters sub-branch of the ATOF.

I joined the ASWU when I started working in the community sector with the disability sector. I was with a not-for-profit based in Young, I helped disabled people find jobs. I was there until I got elected.

What were the major influences on your decision to take a stand against the privatisation of the state electricity?

I have always been opposed to the sale of power stations. I stood up and spoke against the sale of electricity at a party conference in Orange in 1997. So it was an easy position for me to take.

I've been involved in the Labor party since 1989 and I spent 12 years on a policy committee – what is now the Country Labor Committee – so I know how the party develops its platform. In those 12 years I learnt about the importance of the party platform to members. So there is no way I was going to go against the party policy on such an important issue, like the sale of electricity. For me, from the very start of this it was just a no brainer.

Being lobbied intensely by others is a part of politics. You take a position and you've got to be prepared to back your position in. If you're going to support the party platform, it's not that hard to argue your case.

On the day of the vote, how did you feel that morning? What was running through your mind?

On the day of the proposed vote I felt quite comfortable. In fact I felt relieved it was actually going to happen. I was very relieved it was going to come to our house and not the lower house because I guess it's a little selfish but we've been a part of the whole debate and to have not had this opportunity just did not sit very well.

From all accounts, you were lobbied intensely throughout the privatisation debate. What would be your advice to fellow unionists in regards to lobbying their politicians?

Stay firm in your conviction. Politicians are provided with reams and reams of information and so issues can become quite confusing within a politicians mind. So if you're going to lobby a politician you should keep your message simple and to the point.



HELEN WESTWOOD

You've been a member of the ASU for many years, can you tell us about your working history?

I joined the Social Welfare Workers Union when I was a community worker in South Western Sydney. I worked in a neighbourhood centre at Minto working in a very large department of housing estate where we ran information advocacy services and support groups. At that time we were really trying to build up services in that area. There were huge gaps in the need for the community and the services that were on the ground and we were really working to build those.

In the late 80s I then worked in disability services in the home and community care program for the Macarthur area.

I've also been involved in local

government as the Mayor of Bankstown Council. I often say to people, that a mayor is the best community worker job in the world because not only do you get to do all the work you do as a community worker, but you also have some power and influence that as a community worker often you don't feel that you have. I have found this very rewarding.

What were the major influences on your decision to take a stand against the privatisation of the state electricity?

I believe I was elected to the NSW parliament because people chose to vote for me as a Labor candidate. This is because of what Labor stands for. Labor's values, its principles, its platform and the policies we took as the NSW Labor party to the electorate in March 07 did not include the privatisation of electricity or the power sector. In fact we said we weren't going to do it. I am here when in government to implement the policies and the platform of the ALP and the power privatisation is not part of that. From the beginning, I had no hesitation that I would not be supporting it.

On the day of the vote, how did you feel that morning? What was running through your mind?

I felt it was a victory for the men and women of the Labor party and of the

Trade Union movement. The Labor Party is losing ground to other political parties that are seen as being more progressive and more in touch with the community and I think on this, there were enough of us who stood firm to actually bring back some confidence in the party. That the party does stand for something and there are Labor party politicians who are willing to stand up for what the party stands for.

From all accounts, you were lobbied intensely throughout the privatisation debate. What would be your advice to fellow unionists in regards to lobbying their politicians?

I think it's important to never take any member of parliament for granted. Don't assume that they are going to vote one way or the other, or won't move from a particular position on an issue. Approach every politician and be willing to meet with them and to argue the unions' case.

The thing I think was really important was that the unions' campaign absolutely reflected what the community thought. We were getting emails, letters, phone calls from citizens of NSW and the unions campaign reflected those concerns. I think as trade unionists we should really reflect upon the successes of those campaigns.

ASU MEMBERS DEFEAT POWER PRIVATISATION



PENNY SHARPE

You've been a member of the ASU for many years, can you tell us about your working history?

I first became a member of the ASU in about 1996. My real involvement with the ASU was through community activity. I've been on the management committee of a neighbourhood centre and I'd also been a foster carer for young female adolescents. I also wanted to be linked to the work of a union that I felt close to so the ASU was the right union for me.

What were the major influences on your decision to take a stand against the privatisation of the state electricity?

I have serious concerns about the issue of privatisation itself, but for me it ultimately

became an issue of why I was in the Labor party, what the Labor party meant. When I went to be a member of parliament, I signed along the dotted line that I'd uphold the platform of the Labor party.

The reality of being part of a government, is that you quite often have very vigorous debates over a number of issues. You don't always win those debates. What made this particular issue different was that there was such a clear message from our membership and from our unions over the issue and it was a fundamental break from what the actual platform said.

On the day of the vote, how did you feel that morning? What was running through your mind?

I think the decision had really been made a long time before hand so I was actually reasonably relaxed about it. What had happened that was very good in terms of the upper house MPs was that we had talked a lot with each other from the very beginning of the debate about what we should do. There was a very strong sense of solidarity amongst the six of us, which I think is one of those classic things that unionists understand, which is you know – strength in numbers.

From all accounts, you were lobbied intensely throughout the privatisation debate. What would be your advice to fellow unionists in regards to lobbying their politicians?

'THE REALITY OF BEING PART OF A GOVERNMENT, IS THAT YOU QUITE OFTEN HAVE VERY VIGOROUS DEBATES OVER A NUMBER OF ISSUES. YOU DON'T ALWAYS WIN THOSE DEBATES.'

I think unionists are very good at it. I think that the Your Rights at Work campaign and campaigns being run by the ASU are very good. I think you've got to take the issue as it is. I think it's important for unionists to talk to the people they know. But I think it's also important for unionists and activists to organise their rank and file members to go and see their local MPs and talk through their issues about how it actually impacts on them in their area. I think that the most successful campaigns are the ones that do that.

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KNOW YOUR RIGHTS AT WORK FACT SHEET 4: PROCEDURAL FAIRNESS

Procedural fairness is quite a large and old legal doctrine that reaches almost every area of modern law. There's little wonder then that it continues to remain largely misunderstood by employers, who often undertake an array of practices that continue to be "unfair" towards their employees.

The following fact sheet attempts to dispel some of the confusion and give members an overview of the basic principles:

What is procedural fairness?

Procedural fairness is concerned with the procedures used by an employer (or their management representative), rather than the actual outcome reached. It requires a "fair go all round" and proper procedure be used when making a decision that affects the employees.

Put simply, procedural fairness requires an employer to:

1. inform employees of a case against them,
2. undertake an investigation into the alleged case against them,
3. give employees a right to be heard,
4. not have a personal interest in the outcome, and finally
5. act only on the basis of the factual evidence discovered.

The Industrial Relations Commission considers it highly likely that an employer who follows a fair procedure will usually reach a fair and correct decision regarding their employees.

Is there a difference between natural justice and procedural fairness?

The term procedural fairness is thought to be preferable when talking about administrative or industrial decision-making because the term natural justice is associated with procedures used by courts of law. However, the terms have similar meaning and are commonly used interchangeably. For consistency, the term procedural fairness is used in this fact sheet.

What to expect from a procedurally fair investigator?

Procedural fairness is an essential part of a professional investigation and benefits both parties who strive to reach an accurate outcome.

Often employers will also act as "investigators" of an alleged complaint or dispute. In acting in accordance with procedural fairness, such investigators must ensure that:

1. there are clear objectives, along with a reasonable time frame for the investigation prior to its commencement.
2. discretion be exercised with respect to privacy & confidentiality, especially where 3rd parties are concerned.
3. all information gathered is adequately tested to determine its veracity and truthfulness.
4. any enquiries undertaken do not unduly influence or pressure employees in providing information
5. adequate and reasonable time be provided to employees to provide all relevant information
6. the right to remain silent is respected and that no aspersions be cast were employees elect to remain silent.
7. employees have an opportunity to review all information that they give the investigator prior to its consideration, so as to verify its accuracy, and
8. employees must have an opportunity to be represented at all times.

Where possible, an employer should always attempt to have an external person undertake an investigation, so as to ensure the independence and integrity of the investigation process.

AUSTRALIAN UNIONS HELP POOR FARMERS GAIN NEW SKILLS



Farmer training in Preah Vihear Province, Cambodia

Preah Vihear Province in the northern part of Cambodia was a Khmer Rouge stronghold until they surrendered in the late 1990s. The provincial capital boasts a few bitumen roads and has only recently received piped water. Outside the town villagers have no electricity or sanitation facilities and depend on rice harvesting as their main source of food and income. As the Union Aid Abroad-APHEDA team bumped over the deteriorated dirt roads due to the onset of the rainy season into the capital there was evidence still of many landmines in the area waiting to be defused.

Pra Sana, a 41-year old woman with 7 children, ranging in age from 16 months to 21 years, was one of 10 students (7 of them women) who attended Union Aid Abroad's Farmer Training program on 10 June this year. Her husband, a former soldier in Hun Sen's army, had been crippled by a landmine. She was born in Preah Vihear Province and remained there during the Khmer Rouge era. Two of her siblings died during the Cambodian genocide. Pra supports her family by working as a labourer (earning approximately \$4 per day) and farming her land for rice. She is assisted by her husband and children in the daily chores. As her family has increased, so too has her difficulty in feeding them in this desperately poor area. Fish farming is one way she will be able to provide a nutritious and affordable diet for her family as she is planning to convert her 10 x 10m pond into a fish farm. Any excess stock she will be able to sell to neighbours. APHEDA's fish farming project contributes to environmental preservation by helping to decrease the depletion of wild fish stocks.

Included in the fish farming training for farmers is the supply of fish seedlings stock as well as instruction on the growing of organic vegetables which protects the soil from toxins, and also instructions on nutrition, hygiene and HIV/AIDS prevention. Union Aid Abroad plans to train 30 Cambodian farmers as farmer trainers this year. They in turn will train a further 105 farmer trainers.

Union Aid Abroad-APHEDA is the overseas humanitarian aid agency of the ACTU and your union. It is the only overseas aid organisation that places workers' rights at the centre of its work.

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