

ACTIVE STRONG UNITED

CANON FINAL OFFER STILL NOT GOOD ENOUGH!



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READY TO BARGAIN AT OCÉ

In early October, Océ contacted the ASU expressing a desire to begin negotiations for a new Enterprise Agreement.

Representatives of the workforce met with Océ on the 22nd October and the company outlined its ideas for a new agreement.

The company flagged its desire for a 3 year agreement with NO salary increase in the first year and CPI increases in years 2 and 3 with minimal changes to the agreement.

The next meeting is expected to be in early November when the ASU will put our claims to Océ.

FROM THE SECRETARY

The Fair Work Act



The ASU welcomes the Fair Work Act 2009 (FWA) - the new national industrial relations system that has replaced WorkChoices. The FWA became law in July 2009 however, some of the changes, such as the new Modern Award, will not become operational until 1 January 2010.

The FWA removes many provisions that existed in WorkChoices - which Australian working people believed were totally unjust - particularly the ability for employers to use individual agreements. This means no more Australian Workplace Agreements (AWAs).

At its heart the FWA strives to be fairer, ensures that employers must bargain in 'good faith', provides a safety net award system, allows workers to be represented by their union when collectively bargaining for an agreement, and sets up a strong independent umpire known as Fair Work Australia.

The new FWA provides 10 basic rights for Australian workers known as the National Employment Standards (NES). These are in addition to the conditions in your award. The NES include:

- A 38 hour week;
- A right to request flexible working arrangements for people who need to care for children;
- Guaranteed right to 4 weeks annual leave per year;
- Parental leave;
- Personal/carer's leave;
- Community Service Leave;
- Public holidays;
- Long service leave;
- Notice of termination and redundancy
- Provision of Fair Work information Statement to all new employees

The minimum wages in the award will be adjusted by Fair Work Australia each year and the whole award reviewed every four years.

The modern award will build on these where our industry standard is better. We must capitalise on these new laws when collectively bargaining to make sure that we get the best agreements we can.

EA BARGAINING



After a protracted six months of negotiations, Canon submitted their final offer to the ASU. Disappointingly this claim does not address one of the most important issues ASU members put in their claim.

The final offer does not include any “commitment to choice” for members in the event of a transmission of business. The ASU and NCC want a requirement in the Agreement, when negotiating a sale of the business, that Canon offer affected employees a choice between employment in the business post transfer, and a redundancy payment.

Why is choice so important in the event of transmission of business?

Since the commencement of negotiations, members across the country have stated ‘loud and clear’ that they believe Canon will move jobs to dealerships. Members have repeatedly voiced their concerns about what it would mean if they are moved from an internationally recognised corporation to a local small business.

In the event that a transmission of business should occur, our interests must be protected. Members should have the right to choose whether or not they want to transfer outside of Canon.

Other things that have not been agreed:

- Across the board guaranteed wage increase for all. The current Canon offer is \$1500. The ASU claim was \$3000
- Any monies remaining from the pool of funds once the across the board wage increase is paid will be

distributed on the basis of performance ratings and relativity to mid-point (the process is agreed but we have to wait to finalise the dollar offer)

What happens now?

In a previous vote on a draft agreement proposed by Canon, ASU members overwhelmingly voted against management’s offer. However Canon does not seem to be listening to members concerns.

The ASU is giving Canon one last chance. The ASU is attempting to meet with Canon to assure them that with movement on the Transmission of Business claim, we will be able to reach an agreement at the bargaining table.

As of the 6th October, the following claims have been agreed:

- Individual flexibility agreement to be instigated by the employee only.
- Wage increases effective from 1st March 2009.
- 3 year agreement.
- Pool of funds for salary increases to be determined by the greater of CPI, market value or 3%.
- All other changes and amendments agreed to prior to 2nd October 2009.

So far, Canon members have stood strong and united throughout the claim for a new collective agreement. Members need to continue to work together in these final stages of negotiations to ensure that we get the agreement we have been fighting for.

GETTING THE BALL ROLLING AT IBM

ASU members at IBM have expressed interest in beginning negotiations for an Enterprise Agreement now that the new Fair Work relation laws have come into play. IBM now has obligations to bargain for an agreement “in good faith” and cannot refuse.

As we know collective agreements have proven time and time again to provide better wages and conditions for workers and greater job security. Members have expressed concerns over rumours they

have heard about site closures and job cuts. The best way to secure your job entitlements is through a union negotiated collective agreement.

The ASU advised IBM of our intention to commence negotiating an agreement.

ASU members have long wanted our rights protected in an easily enforceable agreement.

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² SuperRatings Pty Ltd ABN 95 100 192 283. The SuperRatings Fund Crediting Rate Survey uses crediting rate returns that are net of investment fees, tax and implicit asset-based administration fees. Explicit fees such as fixed dollar administration fees, exit fees, contribution fees and switching fees are excluded. All net return information is sourced directly by the super funds. It is assumed net return calculations are based on hard close exit prices or comparable prices where a super fund does not calculate a hard close exit price. Past performance is not a reliable indicator of future performance.

DIFFERENCE 1009

QFIT MOVING TO IBM

In the same month that former Qantas CEO Geoff Dixon is paid some \$11 million dollars for a total of five months work, Qantas completed its culling of 178 jobs in its IT division (QFIT). The work, covering projects, segment services and architecture was transferred to IT giant IBM on 1st November 2009.

Qantas has remained tight lipped about the take up from QFIT staff, publicly stating the rate was 'positive'. The QFIT rumour mill claims that less than 35 percent of those offered took up the opportunity to work with IBM.

All staff in scope were offered the opportunity to transfer with their work to IBM. However whilst IBM might be big in name, it is the company's industrial relations reputation that had concerned ASU members.

ASU members, many of whom are still in contact with their ex Qantas colleagues who went to work with IBM after the last outsourcing 'adventure', had been warned about the rigidity of the company's banding system (classification structure) and its one sided approach to conditions of employment. IBM uses policies and common law contracts to govern conditions of employment. Staff have no say in when or if policies are changed, and IBM has a loose interpretation of transferring common law contracts.

Armed with this information ASU members engaged in a 'keep your cards close' campaign. By sticking together and creating an environment of uncertainty for IBM, members

were able to get a number of key commitments:

- All conditions of employment (with the exception of staff travel and bonuses) transfer with all employees and will continue to operate until new conditions are negotiated
- Former QFIT staff will remain on the Qantas account in the foreseeable future
- Former QFIT staff will not be forced to work interstate unless they wish to

These commitments from IBM protect existing conditions and with changes to industrial relations legislation, provide a strong basis on which to start negotiations for an IBM agreement. Under new laws employers are required to bargain in good faith, meaning that IBM can no longer hide behind its policies.

The ASU has written to IBM to initiate bargaining for an Enterprise Agreement. This Agreement will lock in and make enforceable your conditions of employment. Under the new Fair Work Laws – no company in Australia can refuse to bargain.

OUR UNION'S ENVIRONMENT NETWORK

The ASU Environment Network held its first meeting on 10 September.

The Network is open to all ASU members interested in contributing ideas about the Environment and Climate Change. In the first meeting the Network set its Terms of Reference and had an open discussion about the members interests, ideas and involvement in the areas of the environment and climate change.

The Terms of Reference for the group are;

- To provide a forum for ASU members to exchange views on climate change issues.
- To provide policy advice to the ASU Committees of Management.
- To support ways in which members and delegates can be active in supporting climate change action in their workplaces and communities.

The Network is due to meet again

in November and welcome any member who would like to join us. If you would like to get involved or would like more information please contact Emily Mayo (emily@asu.org.au or 02 9310 4000).

UNION CLIMATE CONNECTORS

We have recently sent an email to all members inviting you to join Union Climate Connectors a joint initiative of Unions Australia (the ACTU) and The Australian Conservation Foundation (ACF). Climate Connectors offers Union members an opportunity to get informed and get active about Climate Change. Climate Connectors will provide members with the tools and information they need to make a difference in their homes, workplaces, and communities.

To get involved go to www.climateconnectors.org

THE ASU WOMEN'S NETWORK

domestic violence

The Women's Network meets quarterly to discuss issues that affect women across the Union movement. The Network aims to create and maintain a union that supports and promotes women within the ASU.

The November meeting will be addressed by Ludo McFerran from the Australian Domestic and Family Violence Clearinghouse. Ludo will speak about how the union movement can play a role in the campaign against Domestic Violence.

The agenda will also cover the upcoming women's network event in Parramatta, and a proposal for an ASU activist mentoring program.

The meeting will be held in Redfern with teleconferencing facilities for those that want to dial-in: Level two, ASU office 39 Renwick St, Redfern (Close to Redfern & Central Stations), at 5.30pm, Monday 16th of November 2009
RSVP: donna@asu.org.au (Donna Cooper)
Refreshments will be available.

ASUWN 

KNOW YOUR RIGHTS

KNOW YOUR RIGHTS AT WORK FACT SHEET 8: BARGAINING UNDER THE NEW FAIR WORK LAWS

The new Fair Work Act, which gives working people added protection and secures your right to bargain with your employer, was introduced on the 1st July 2009. It is important that we understand the benefits that this new legislation can bring.

The Fair Work Australia legislation acknowledges that collective bargaining is the national standard for negotiating workplace conditions and entitlements. The Howard Government's legislation tried to take away the ability for employees to collectively bargain for their entitlements. Now this right is back and cemented.

Your Rights under the Act:

Collective Bargaining is the process where employees, employers and bargaining representatives bargain for an enterprise agreement.

The new collective bargaining rights give you a guaranteed right to get together with your workmates and negotiate with your employer the terms of your employment. You are also guaranteed the right to be represented by a bargaining agent of your choice, like your union.

No one can coerce, intimidate or limit your ability to collectively bargain. There are now legal protections for all working Australians to work together to improve their working conditions. Bargaining must be done in good faith, which means all parties must come to the bargaining table in the spirit of true negotiation.

All it takes is over 50% of your workmates to decide you would like a collective agreement. The effect of the new law is that Fair Work Australia can make orders requiring your employer to listen to you and start negotiating with you and your bargaining agent, if your employer does not agree to bargain.

FWA will approve an agreement if it:

- Has been genuinely agreed to by employees
- Does not contravene the National Employment Standards (NES)
- Passes the better off overall (BOOT) test
- Contains the mandatory terms
- Does not contain unlawful terms

What can we bargain about?

Under the new legislation we have many more options about what we want to include in the agreements that define our working arrangements. We can now bargain about matters that pertain to the relationship between an employer and an employee. This includes penalties, allowances, wages, training and leave entitlements.

We can also include matters pertaining to the relationship between an employer and employee. This means we can bargain to get delegate training leave, leave to attend union functions and allow the union structures to represent you in your workplace.

More information can be found at the FWA website www.fwa.gov.au

INTERNATIONAL NEWS

THE WOMEN OF CAMBODIA. UNION AID ABROAD – APHEDA'S TAX APPEAL

On the UN's Human Development Index, Cambodia ranks 136 out of 179, putting it behind such countries as El Salvador, Sri Lanka and Burma. While Cambodia has made some advances in reducing poverty rates in the last decade, most of this reduction has occurred in the capital Phnom Penh and other large provincial towns. For those households where agriculture is the primary source of income, poverty is much more likely. In fact, 90 per cent of Cambodia's poor live in rural areas. As the economic environment falters across the world, more and more rural women are finding themselves underpaid, exploited, or simply without any income at all.



Women learning fish breeding in Cambodia

Why contribute?

Funds raised in this appeal will be used in areas such as women in the unions.

While unions exist in Cambodia, women's voices are seldom heard within the union movement. Women are rarely involved in union decision-making and few occupy the top positions of union leadership. It is vital that this imbalance is addressed.

Union Aid Abroad-APHEDA, along with our partner organisations in Cambodia, runs both skills training and union development projects which we hope you'll support. With the rise in unemployment and urban to rural migration, they are in great need of expansion. As we mark our 25th year of training and development projects, we ask you to assist us with as much as you can, to strengthen opportunities for these women and empower them with real skills to improve their livelihoods and that of their communities.

How to Donate

Go to the APHEDA website and make a credit card donation using the secure internet form. Go to SECTION C & click on "End of Financial Year Appeal". Or Phone us on 1800 888 674 (toll free) and have your credit card details ready. Or send a cheque or money order made out to:

APHEDA EFY Appeal

Level 3, 377 Sussex St, Sydney NSW Australia 2000

Include your name and address so that a receipt can be sent to you.

THANK YOU!