



## **MEDIA RELEASE**

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### **Senate holds the keys to restoring controls in the Fair Work Bill**

The peak national employer body representing Australia's resources sector, the Australian Mines and Metals Association (AMMA) has today recommended to the Senate a series of amendments to the Fair Work Bill that will address the sector's concerns in relation to excessive union powers and the new bargaining framework, yet ensure Australian workers continue to have access to a proper safety net.

Over the past two decades the Australian resources sector has transformed its workplaces from a culture of industrial disputation and division to one of direct employee engagement. These changes have increased productivity and reduced industrial disputation to the lowest levels on record, with the sector forecast to contribute \$159 billion in minerals and energy exports in 2008-2009.

The AMMA Director of Workplace Policy, Chris Platt, said that retaining this culture would become very difficult if the Senate passed the Fair Work Bill in its current form.

"The time for the Senate to act is now, while there is still some opportunity to insist on amendments that address the Bill's proposed roll-back in terms of flexibility for the sector and to ensure there are appropriate mechanisms and controls in the new laws to counteract damaging union claims and conduct under the new bargaining framework", said Mr Platt.

"We are already witnessing defiant unions ignoring sensible calls from the Deputy Prime Minister to exercise wage restraint in the interests of protecting jobs in this turbulent economic time."

"Yet the Government's Fair Work Bill, if passed by the Senate in its current form, will provide the union movement with all the tools it needs to demand and achieve unsustainable wage increases at the expense of Australian jobs and future economic stability."

To address concerns about increased industrial disruption, the ability for employers to continue production during extended union strikes and employer exposure to arbitrated outcomes the AMMA has suggested more than thirty substantial amendments to the Fair Work Bill in its submission to the Senate.



# Australian Mines and Metals Association

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*Proposed Recommendations and Amendments to the Senate include:*

**Remove automatic access to non-member records**

- Protect privacy of all employees by limiting union access to employee records to circumstances where it has the written consent of the affected employee (union or non-union member) or an order of Fair Work Australia providing authority to access particular employee records;

**Prevent automatic (default) union representation without express written approval**

- Remove the union default bargaining rule and only allow union representation where employees have expressly requested and provided written approval;
- Ensure that a bargaining representative can only be covered by an agreement where a genuine majority of employees vote for that particular representative (union) to be covered by the agreement;

**Provide certainty for billion dollar resources sector Greenfield projects**

- Prevent rogue unions from putting at risk billion dollar resources projects by amending or clarifying proposed notification and agreement requirements under the Fair Work Bill to allow employers to enter into Greenfield agreements with one or more (not necessarily all) eligible unions

**No Means 'No'**

- Ensure good faith bargaining orders cannot be imposed on employers who exercise their rights to not make concessions or agree to unrealistic terms to be contained in an agreement

**Ensure resources sector companies can maintain production and supply**

- Allow companies to continue to operate by specifically excluding the engagement of alternative labour from the definition of capricious or unfair conduct.

**Retain prior levels of industry flexibility in hours of work, rostering and leave**

- Ensure workplaces with remote rostering requirements can continue to effectively operate FIFO (fly-in, fly-out) and Norwegian rosters by restoring the 52-week average rostering period and allowing 12-hour ordinary shifts to continue.
- Allow resources sector employees to cash out Annual Leave by agreement.

**Review transitional legislation before passing Fair Work Bill**

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**Media Contact:** Minna Knight 0407 636 153 or [minna.knight@amma.org.au](mailto:minna.knight@amma.org.au)