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Unions Drive a Barge Right Through Right Of Entry Laws

A recent decision by Fair Work Australia (FWA) forcing a resource employer to recognise and bargain with a union organiser - despite the union having no coverage of workers in the workplace - has significantly expanded union bargaining rights despite Labor Government promises to the contrary.

Resource industry employer group, AMMA, has confirmed Fair Work Australia (FWA) has ordered a resource industry employer bargain with an official of the Maritime Union of Australia (MUA), despite the MUA not having constitutional coverage of workers.

“Union access to workplaces has been completely opened up under the Fair Work Act. This has happened despite past promises made by the Labor Government to maintain a sensible balance and consider the interests of the 85% of workers who choose not be associated with a union,” AMMA Chief Executive, Steve Knott said.

“The potential for this type of decision to lead to union demarcation disputes and ‘turf wars’ should also not be underestimated.”

Mr Knott said in the early 1990's the Hawke/Keating government introduced sensible rules about union representation on Australian worksites. This was linked to award responsiveness and what was termed 'conveniently belong and effectively represent'. The effect of these rules, which were also retained by the Howard Government was to eradicate damaging union membership turf wars and restrict the number of unions accessing sites to between 1 to 3.

“There are now virtually no restrictions or limits on union access to worksites and barely any similarities between the previous right of entry requirements under the Workplace Relations Act and those applying at the present time,” Mr Knott said.

“In recent bargaining rounds AMMA members have reported unions and bargaining representatives seeking bargaining status on worksites to have risen from 1-3 to in some instances over 20 different bargaining groups or unions.

“The obvious competition over membership, along with challenges dealing with large numbers of unions and their competing interests is productivity sapping for employers and belongs to a bygone era.

“The government must step in and restore the union 'conveniently belong and effectively represent' rules.

“This decision has far broader implications than just for employers in the resource industry, and, if allowed to stand, its impact could well extend to all employers entering into bargaining for a new agreement.

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"This is a significant expansion of union bargaining rights, going much further than what was promised by the government when it was consulting with the industry over the provisions of the Fair Work Act.

"It belies belief any responsible government could sit back and watch union turf wars further trash this country's productivity performance," Mr Knott said.

To view the decision, click [here](#).

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