

PRESENTATION TO ACTU CONGRESS 23 - 25 OCTOBER 2006
BY JOHN SUTTON, NATIONAL SECRETARY CFMEU

The CFMEU supports the Industrial Relations Policy that is before this ACTU Congress for endorsement.

It is a good solid policy that is the product of a great deal of hard systematic work.

As one of those on the Working Party responsible for drafting the Industrial Relations Policy and the Good Faith Bargaining Policy that is at the heart of the material before you, let me extend particular thanks to Cath Bowtell, not just for herding us overseas, but also for her diligent and patient work since we got back, and the hard part of drafting started.

Delegates, no union in Australia has felt the lash of the Howard Government more than the CFMEU. Both the Mining and Construction Divisions of our union have been subjected to full frontal attacks by the Howard Government, arm in arm with certain employer interests. We are still enduring massive attacks from the Howard Government. In construction some 900,000 workers and the various construction unions are currently being subjected to some of the most extreme industrial laws in the so-called democratic world. For instance, we presently have laws in operation which allow workers to be subjected to secret interrogations, under threat of 6 months gaol if they fail to cooperate and answer questions about matters such as what was said at a routine union meeting.

I have little doubt that if the Howard Government is re-elected in 12 months time they will have no compunction in spreading similar intimidatory, undemocratic laws to other industries, in fact, I don't think workers in any section of our society can feel safe from a Government that is prepared to resort to such neo-fascist measures.

Delegates, there is an urgency about the tasks before us in the trade union movement. Never has organised labour in Australia been under such systematic attack from an Australian Government.

I sense there is a widespread appreciation of the situation we are in. The leadership of the ACTU has spelt out to us yesterday, as if we need any reminding, that the very essence and fundamentals of Australian democracy are at stake. I know we will be equal to the challenge before us.

But let me return to the industrial relations policy before you. When we defeat the Howard Government, we will need to go through a process of rebuilding our great Trade Union movement to overcome the damage of the Tory years.

One critical element of policy for many of us in the rebuilding process will be the capacity for unions to bargain on a multi-employer basis. Classical enterprise bargaining where unions have to move around one employer at a

time and expend vast resources on bargaining with small employers is a dead end road. It will be nigh on impossible to rebuild our movement if we are constrained by artificial bargaining rules that prevent us from bargaining on an industry or pattern bargaining basis.

I have been asked about the definition of these terms. Frankly, it seems to me that the exact definition of these bargaining approaches is pretty fluid. I recently commented that pattern bargaining seems to be a closely related cousin of industry bargaining - the main difference being that under one approach common arrangements are arrived at firm to firm with one document being signed and in the other approach a multitude of individual documents are signed.

The reason I mention this is that if there was one issue at the Working Party that generated some excitement and tension it was around the issue of whether our new system should permit this kind of multi-employer bargaining.

Apparently, the Labor Party leadership harbours serious concerns about the legitimacy or appropriateness of industry bargaining in a modern Australian Industrial Relations system.

Some pretty clear messages were transmitted to our Working Party about this. The upshot of the deliberations of the Working Party is that industry bargaining is mentioned in the policy as a legitimate approach, but only touched on lightly. On the other hand, the real compromise we have arrived at sees pattern bargaining emphasised and re-emphasised as a critical element in our new policy. The CFMEU regards this as a fundamental, non negotiable element of the policy. We must not be constrained by absurd, artificial laws which prohibit sensible, efficient bargaining that most small and medium sized employers themselves see as desirable.

A range of unions today stretching from the Nurses, to the Teachers, to the CEPU and ourselves have all stressed this critical element.

Now we've heard a valuable speech by Kim Beasley this morning that contained a number of important announcements but one thing it did not contain was any mention of multi-employer bargaining. I don't choose to read anything negative into that at this time - a great deal of the detail of Labor's policy is yet to be finalised. But the particular matter I raise here and now is much more than a minor detail. It is fundamental. We must be prepared to go into hard-nosed negotiations with the ALP in the lead up to the National Conference to make it clear where we stand on multi-employer bargaining and achieve the outcome we need on this issue.

Another element I would mention in closing is one aspect where I disagree with my comrades from the CEPU. Peter Tighe has expressed concerns about the issue of Arbitration as a Last Resort as outlined in the policy. The

CFMEU expresses the contrary view - we very much support this element of the policy and regard it as a key aspect.

The CFMEU has various militant sections to our union and we are conscious that last resort arbitration could be used against us at some stage in the future, but nonetheless we believe that there are broader interests at stake which justify this feature of the policy. At the CFMEU we accept we have a higher duty to the movement - particularly to those unions and workers who are in weak bargaining positions.

Surely none of us want to see a continuation of the democratic abuses that have gone on in recent years where a majority of workers in a workplace have voted to support a collective agreement only for the employer to reject outright that he or she will engage in collective bargaining.

Who can forget the situation such as those of Morris McMahon and Boeing where decent Australian trade unionists are left to rot on picket lines that stretch into years. We cannot allow industrial relations laws to permit good men and women to rot on never ending picket lines. Arbitration of last resort will be an effective remedy in these situations, albeit that it may only be used in a small minority of situations.

Delegates in my time at ACTU meetings over the years, I have never seen a policy which has more hard work and effort go into than this one. In short it is an excellent policy which we must win the ALP and the Australian public to.

Thanks.