

**‘Collaborative Industrial Relations: Australia’s Future or Another Pipe Dream’
Address by ACTU President Ged Kearney to Industrial Relations Society of
Queensland Conference
Surfers Paradise, 27 August 2010**

I would like to acknowledge the traditional owners of the land on which we meet today and pay my respects to elders past and present.

Thank you for the invitation to speak at your conference today.

It’s good to be back here in Queensland. I spent a lot of last week both in Brisbane and in regional parts of your state taking part in our Rights at Work campaign during the federal election.

Today, I’ve been asked to speak about collaborative industrial relations. I’m not a lawyer nor an industrial officer. My background in the union movement is as a worker, then a delegate, and finally an elected official.

I do believe in the power of collaboration as a mechanism for positive change. And I think at the conclusion of this election – whoever forms Government – we now have a consensus on industrial relations that provides a foundation for collaboration in workplace policy going forward.

I took office as President of the ACTU at the start of July, and almost from day one we were in election mode. I quickly discovered how hard my staff would have me working! I’d hate to think how many kilometres I have covered in the past month and a bit.

Like most of you, I certainly didn’t expect to be standing here today with the result still in the balance and the make-up of our next federal Government yet to be determined.

Yes, it was hard work during the election campaign. But it was also an incredible privilege to be able to meet with so many workers from all around the country and in different types of jobs.

In those few weeks, I visited trucking yards for breakfast with drivers at dawn, served sausages to nurses and orderlies in hospitals at lunchtime, call centres, railway stations, building sites and factories.

Everywhere I went, I met decent, hardworking people whose aspirations are simple, yet so often unfulfilled.

They want a secure job, a job at which they can earn enough to provide for their family without forfeiting precious time.

They want to be safe at work.

They want to be respected and consulted by their employer.

They want productive and satisfying work that they have some control over, and that encourages them to learn new skills.

They want to be treated fairly and women, equally,

They want their workplace to be environmentally and worker-friendly.

The union movement has a responsibility to these workers.

As President of the ACTU, I am determined to continue driving that agenda.

I reckon there are great times ahead for us in the union movement and what we stand for and we have to grasp those opportunities.

Much of what I value and hold as important and hope to bring to this role comes from my background in a large family in the inner Melbourne suburb of Richmond.

My father was a small businessman. He ran a pub just down the road from the MCG.

I am the second youngest of nine children – six of whom are girls – meaning that I was essentially invisible unless I managed to shout the loudest which might explain a bit.

It was there in Richmond that I learned my political values, from my mother and father.

We were a large family in a largely working class suburb. It was there that I very much learned the power of the collective socially and politically.

In fact we nine children, as employees of my parents in the pub, formed our own union, The Kearney Family Union, we paid dues and even elected a secretary, and often took industrial action, which always ended when Mum refused to give us dinner!

And about fairness, I learned from that environment, from my parents, the customers, and the general hubbub of life in Richmond, the importance of sharing wealth; of charity without fuss; of respect for everyone, no matter what their occupation, status, education, how much they drank, or where they lived.

Not counting the Kearney Family Union, the ANF was the first and only union I have ever been in. I joined initially because I instinctively knew that you joined the union. That was 1985. During a heated dispute about shift lengths at my workplace I became a job representative, and helped organise a successful outcome.

I again felt the power of the collective to make change and was hooked totally. I was elected to Vic Branch council served as both Branch and Federal President, then Assistant Federal Secretary and Federal Secretary.

The values I have learnt and the experiences I have had as a nurse will along with those of my family, shape the type of ACTU President I would like to be and influence what I want to contribute to the trade union movement.

The ANF where I came from, is a campaigning union, that builds on values that are important to our members, those of social justice, of professional advocacy and leadership, and of course industrial outcomes.

We know that unions can be places that make you feel secure, productive and proud. I want every Australian to know that and I want them to feel the need to join. To feel part of a movement, a movement that makes changes for the better.

And I am determined to fight for more respect for unions from all our political leaders and commentators.

My message is this: If you want to know what's best for jobs, for public services, for our industries – ask the people that work in them, speak to unions and their members!

I see the role of unions as not just being concerned with the experience of people at work. Unions' roles, if they are doing their job well, are to be an advocate for change that improves the lives of all Australians in all aspects of their life. All Australians be they young, aged, single, couples, with or without families.

We must develop good social policy that connects not only with our members, but the wider community, and be prepared to take the debate out to the people and ask for their support. Not hide behind careful rhetoric.

If you think about it, our movement is at its best when it is engaging with the community and leading a policy debate to improve the lives of Australians. Whether it is the minimum wage, social policy or workers' rights, when unions put their case to the public, they can really shine.

We cannot lose sight of the importance of campaigning to our movement. Governments, whether Labor or Liberal, will not simply implement change because unions ask them to.

Of course, strong advocacy does not mean you have to be about finding conflict for conflict's sake.

We can and should reach out to government, business and the wider community to work together cooperatively wherever it is possible to achieve the outcomes desired by members.

Many of you will remember that occupational super was one of the key proposals of Australia Reconstructed, a tripartite policy response initiated by the Hawke Government that included proposals on trade, investment and range of other matters.

It was a big picture attempt to deal with the big issues which were then facing Australia.

I look back to the late-40s and early-80s as pivotal in terms of Australia's development as a nation and the development of policy that set the course for several decades.

I really believe we are in need of that next wave of policy that will help build the nation over the next 25 years.

The union movement has always been prepared to engage in constructive dialogue about how to build our nation. After all it is in our members' interests to have a prosperous country.

This is best done by consultation and in a tripartite manner laying aside our prejudices and fixed positions in order to achieve a generational shift.

I am resolved to ensuring that with renewed energy, a strong commitment to the principles of fairness and social justice, and a willingness to seek out partners for change, the ACTU will continue to be at the forefront of public debate in this country.

We all want a collaborative society, where people work together for good outcomes, rather than fight over differing objectives.

Australia's social and economic history has great examples of change that has been achieved through collaboration. Our nation is strongest when we come together over shared values and goals.

And we must be prepared to engage in the wider social debates, on health care, education, tax reform and social reform.

The union movement has in the past championed many social changes and causes and I certainly intend to strive for more as President.

Mixing a social agenda with our industrial ones has been successful on many fronts, engaging the community, growing membership, achieving good social and industrial outcomes. My old union the ANF has been particularly successful in this area.

But many social changes have been through collaborative approaches with community groups, and industry, such as Medicare, superannuation and more recently paid parental leave.

It is the same in the workplace. There can be no doubt that a collaborative workplace is a productive workplace. Workers collaborating with employers, unions collaborating with business.

But over the decade of the former Coalition Government, collaboration was in short supply. And WorkChoices all but killed it off when business and industry jumped on the bandwagon.

And let's be honest: there are some within the union movement who also have difficulty with the concept of collaboration.

But I should also warn you to beware of the old stereotypes: today, more than 50% of union members are women, and increasingly our growth is in white-collar and service industries.

The three largest unions in this country are the Shop assistants, the teachers and the nurses. All female dominated unions whose industrial might I think is yet to be unleashed.

But back to WorkChoices: it created an imbalance. It slashed the safety net, encouraged unfair individual contracts, undermined collective bargaining, cut unfair dismissal rights, disadvantaged the low-paid and stopped workers from accessing union help.

The Fair Work Act turned that around, it restores the safety net through the NES and modern awards, it abolished individual contracts, provides a fair bargaining system and restores unfair dismissal rights.

There are, as yet untried, avenues to help the low paid and the rights of workers to access union help have been restored.

It is no secret that we hope to improve on those changes. We would like among other things to see improvements to the safety net and improvements to the bargaining system including the right to bargain at a multi-employer or industry level; to be able to bargain on any issues that are vital to workers interests such as job security or indeed climate change action.

It is common knowledge that unions want FWA to be given the power to settle disputes by making orders and we want Australian law to conform to the ILO's convention (to which we are a signatory) that industrial action should not be restricted except where it endangers people's health or safety.

There are still issues with rights to representation and also with workers who are not deemed employees but employed in a sham contracting arrangement.

And of course we will continue to argue for the abolition of the ABCC, and one law for all.

When there are differences about what is fair and just, about rights and responsibilities in the workplace, it's difficult to have collaboration.

We need to have a commonly agreed set of standards as the foundation for co-operation and collaboration in workplaces.

For collaboration to work, we need a framework that is built on compromise, but also on a balance in the power relationship.

As an example, let's think of the current debate about minimum hours in awards. I find this debate astounding.

For some industries to argue that workers should not have a minimum hours clause is to me an abomination. As a nurse I know many mums who travel sometimes over an hour to work, sometimes on public transport, or indeed paying for petrol, who have had to arrange paid child care.

It costs a fortune for some just get to work let alone be told you can turn around be sent home in one or two hours.

For rural and regional workers the situation is exacerbated by distance.

These casual jobs can mean the difference between making the mortgage payment, or paying the electricity bill or buying necessary medication.

To argue that kids having a paper round before school is the main reason for changing the law is simply unjust.

Such attitudes rile me and my colleagues.

I am sure there are employers who think unions have similar outrageous positions, but while such issues are at stake I cannot see collaboration occurring.

The Accord in the 80s was built on consensus, compromise and collaboration. From it emerged universal superannuation, an improved Medicare system, and far-reaching industry policy.

I'm certainly not advocating a return to an Accord - it has many, many critics with sound reasons for their criticisms - but this is an example of what can be achieved when we get together to collaborate.

Another example I mentioned before was paid parental leave.

From January 1 next year, 18 weeks paid parental leave will be a universal entitlement. But it took a long way to get there, and the road involved compromise and collaboration every step of the way.

We started with a basic premise that working mothers should have, as a basic workplace entitlement, a period of paid leave to recover from childbirth and bond with their newborn.

In the end it was achieved because business, unions and other groups were prepared to work together for that common goal.

Now the final outcome may not be ideal for everyone – indeed, we in the union movement see the 18 weeks scheme as a starting point – but I am confident that we have the basis for further collaboration to achieve the ultimate goal of 26 weeks leave at full pay.

That will be achieved through a combination of political lobbying, collective bargaining in workplaces, and community campaigning.

In the industrial relations sphere, I believe we are now in a good space to create a new workplace model that includes greater collaboration and partnerships.

It seems WorkChoices is dead. All major parties have espoused no plans to resurrect it.

From the outset of the federal election, the union movement set itself one over-riding and primary objective: that was to ensure that the improvements to workplace rights gained since the abolition of WorkChoices were locked in.

WorkChoices was one of the major issues of the election, and the Rights at Work campaign successfully ensured that both parties have committed to fair work laws.

Indeed, we now have a national consensus on a fair workplace system.

Australians believe fundamentally in a system that delivers a strong workplace safety net, job security and good workplace conditions.

This campaign by our members and unions around Australia has shown that wages, conditions and respect at work are key political issues.

We saw, from day one, Tony Abbott recant on his previous adherence to hardline, WorkChoices-style policies.

Remember “WorkChoices is dead, buried and cremated”?

He was forced to abandon his previous public commitments to individual contracts, to cutting protections from unfair dismissal, and to winding back the award safety net.

And he finished the campaign as he started: rejecting the policies of deregulated labour markets that have been a central plank of Liberal philosophy since the party was founded.

It is true that we do remain concerned that to date we have not seen a detailed IR policy from the Coalition.

There remain major workplace rights, including protection from unfair dismissal, individual contracts and award rates of pay and conditions that are not fully protected by legislation and which could be eroded by a Coalition Government.

We continue to harbour suspicions about Mr Abbott’s promises.

But at this stage we have little choice but to take his election campaign statements on face value and we will hold him fully accountable for his promises if the need arises.

So, with rights at work secured and the adversarial nature of WorkChoices laid to rest, unions are open to a more collaborative approach to workplace relations.

We will always put our members' interests first but we are not interested in conflict for conflict's sake.

I urge Australian employers to join us in good faith.

Thank you for your time.