

# Employment News

## Industrial Relations Laws spark Union Turf War

MINING industry bosses say the Rudd Government's new industrial relations laws have already led to the re-emergence of historically damaging turf wars between unions.

Veteran union leader and Australian Workers Union president Bill Ludwig has backed the employer criticism and will press Labor to amend its plans to prevent a return of turf wars.

The Australian Mines and Metals Association warned yesterday that right-of-entry provisions in the Fair Work Bill, yet to pass through parliament, had reignited conflict between unions seeking to poach members.

The association said the changes were certain to undermine productivity and industry stability as the Rudd Government battled against the impact of the global economic crisis. As Deputy Prime Minister Julia Gillard dismissed the concern last night, Mr Ludwig said he, too, was uncomfortable with aspects of the new law allowing more unions to enter workplaces.

"It's just not practical, especially where you've got unions with overlapping coverage. It just doesn't work," said Mr Ludwig, whose union's coverage of mining workers is facing challenge from the Construction Forestry Mining and Energy Union.

"We are making submissions on this and we certainly hope that it will be listened to."

The left-wing CFMEU and AWU, associated with the Labor Right faction, have competed for membership for years, but the Howard government's Work Choices laws restricted the right of union officials to enter workplaces, reducing the scope for poaching of members. Mr Ludwig said the new laws opened up the opportunity for union turf wars. "No employer wants a turf war," he said, adding that the CFMEU wanted to go "where they are not invited".

"We'll be doing the best we can do to keep them out," he said. His comments came as a Senate inquiry on the laws held its first public hearing, in Brisbane, yesterday.

The AMMA's Christopher Platt told the hearing the broadening of right-of-entry provisions would "directly result in an increase in overlap of union representation".

"In the last month, members of AMMA have reported receiving notices from the CFMEU seeking entry to workplaces where the AWU has traditionally maintained coverage," he said. "This is a real example of a union already relying on the new right-of-entry laws to broaden access.

"The existence of overlapping union coverage and the capacity for more than one union to represent employees will increase union turf wars and increase uncertainty in relation to union access and representation rights, putting at risk the currently low levels of industrial disputation, productivity and job growth throughout the resources sector."

Last night, Ms Gillard said through her spokeswoman that the Government would ensure union demarcation disputes did not return to the industrial relations scene. "Representation orders that can prevent a union from representing employees in a particular business or industry, will be available in the new system," Ms Gillard said.

"If unions are competing for members and this is causing any kind of concern or disruption in the workplace, an employer will be able to apply for an order excluding one or other of those unions." The orders could "be made by Fair Work Australia on application by an affected employer, union or the minister".

The row follows similar warnings from big construction companies that the laws will promote turf wars. University of Adelaide law professor Andrew Stewart said there could be more conflict, but it was unlikely to be significant. There was potential for more turf wars “and I’m sure there will be one or two flare-ups, but I think they will be limited and I don’t think they will have anything like the negative effects that the employer groups have put forward”, he said.

Employer groups are concerned that under the proposed new system, any union could seek right of entry to undermine a prior decision by employees to appoint another union to bargain, or to challenge a decision not to appoint any union. “This factor will be exacerbated by the creation and operation of modern awards,” Mr Platt said.

“Modern awards will merge industries and occupations and therefore disturb existing coverage arrangements.” Mr Platt said it was imperative that the Government stick to its pre-election commitment to maintain existing right-of-entry laws and ensure there was no return to the days of union turf wars and workplace disputation.

Dave Noonan, national secretary of the CFMEU’s construction division, said there was no increase of notices. “I’m not aware of any increase. I think that from time to time the union serves notices to go in and see its members where we have them,” he said. “I think that’s entirely appropriate.

“As to the Mines and Metals Association, this is an extremist group that wholeheartedly supports the discredited Work Choices model.

“They haven’t accepted the verdict of the Australian people at the last election and they are still deeply in love with John Howard’s Work Choices.” The Master Builders association has entered a submission to the Senate arguing that the new laws threaten to disrupt industrial harmony and productivity, and make it more complex and difficult to make enterprise agreements.

It warns this “ultimately will detrimentally affect jobs”.

“We highlight clauses of the bill that enhance union power with respect to rights of entry to work sites, inspection of books and documents, recruitment of members, and to act for workers who are not members of the union and who may not have sought its intervention,” the submission says.

(c) Patricia Karvelas, Political correspondent AAP