

AMWU NEWS

AUSTRALIAN MANUFACTURING WORKERS' UNION

REACHING NEW HEIGHTS

INSIDE

WOMEN'S TRIENNIAL CONFERENCE

SUBS VICTORY BY THE DOZEN

SAFETY HERO AWARDED

DELEGATES TALK FUTURE DIRECTION

AUTUMN 2016



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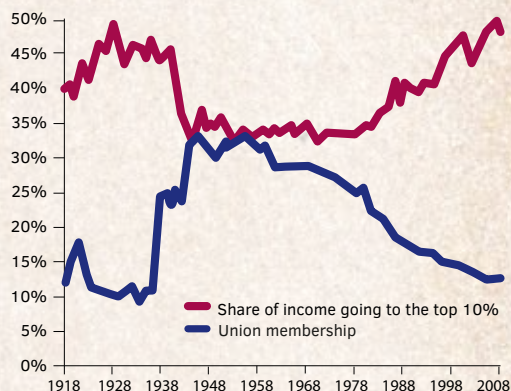
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UNION TAKES THE BIG PICTURE VIEW

Often, a picture tells a thousand words.

If you ever needed an illustration of the importance of unionism, you just need to look at this graph. What it shows is that as union density in the United States has declined in the latter part of the 20th century and the early 21st century, income inequality has increased.

UNIONS AND SHARED PROSPERITY



It's a problem so pronounced, that the World Economic Forum and the International Monetary Fund have both acknowledged the need for strong unions as redistributors of income. This isn't a message you normally come to hear from these conservative institutions.

At the heart of our mission is the objective of ensuring workers and their families get their fair share of overall wealth. It's a story played out each and every day at thousands of workplaces across the country. Union delegates and leaders sit across the table

from employers, demanding decent pay increases and conditions.

Of course, our mission is not limited just to individual workplaces. Earlier this year, after strong campaigning from the union movement, the Federal Labor Opposition adopted policies that would wind back the negative gearing and

capital gains tax concessions of wealthy property investors. It's a proposal that would see young workers and their families again realise the Australian dream of owning their own home and having the security of that asset in their retirement.

At the time of writing, the Turnbull Government has yet to confirm whether they will also adopt the changes to negative gearing and capital gains tax concessions.

In our last journal, I wrote to members about the review conducted by Greg Combet in the structure and operation of the union. As we debate the recommendations of the review over 2016, it would be easy just to focus on the details of organisational structure.

However, it is incumbent on us all to look at the big picture. The question at the heart of everything we do must be this – how do we ensure that our union is best positioned to close the gap between rich and poor?

I'm confident we are up to the challenge.

Paul Bastian
AMWU National Secretary

CONTENTS

4 SAFETY HERO'S PRIZE



5 VICTORY BY THE DOZEN

6 DELEGATES DISCUSS FUTURE

7 CINDY JOINS TOP FLIGHT CREW



8-9 FAIR GO FOR CASUALS-LABOUR HIRE

10 UNION DIVERSITY BRINGS HARMONY



11 BOOK - ECONOBABBLE

12 DELEGATE - KEVIN PROWSE



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Please contact your union organiser for updates.

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SAFETY HERO WINS \$10,000 ORORA AWARD

An AMWU health and safety rep has won Orora's \$10,000 "Hero Award" for using a tablet and phone app to digitise its paper-based reporting for the 21st century.

Damien Kelly, from Orora's Rocklea fibre packaging plant in Brisbane, took out the prize over teams from dozens of Australian and North American sites for making it faster and easier for workers to fill in and send forms, vastly improving safety and efficiency.

And it probably wouldn't have happened without him being on the new AMWU-Orora Fibre National Health and Safety Committee, giving him direct access to senior Orora executives and opening their eyes to the potential at all sites.

Mr Kelly was first told about the *iauditor* app when doing his OH&S training at the AMWU.



AMWU-Orora Fibre National Health and Safety Committee: (L:R standing) Dominic Rozario (Vic), Damien Kelly (Qld), Neil Berne (Tas), Adam Williams (NSW), Eddie Palelel (WA), Scott Sigley (Orora Ops Manager - Southern) (L:R below) Ben Foo (Orora HSE GM), Katrina Ford (AMWU Organiser), Sam Jury (SA).

He used it to replicate and improve all Orora's incident reporting forms, for easy downloading on company-supplied tablets and eventually mobile phones.

"I worked on the idea for a year but no one took much notice, then I was at our National Health and Safety Committee meeting and showed it at lunchtime to Katrina Ford from the union, who went back and told the executives: 'hey, look what this bloke's got'."

Mr Kelly, a production co-ordinator on five machines at Rocklea, said he adapted the app because of a stressful work backlog after he had spent time dealing with a safety incident, especially filling in all the paperwork.

"I knew how good the app was when a guy got his finger jammed in a machine and we had to take him to hospital," Mr Kelly said.

"I accessed the form, filled in the report on my phone, then emailed it to management on the way to hospital.



"By the time I got back 90 minutes later the fitters and sparkies had already ripped the buttons off and changed the machine so it couldn't happen again – it was fixed straight away, just how I like it.

"The guys love it too, no more writing on forms. It's intuitive now, it happens in real time with a tap of a finger and they can easily add pictures or any other info necessary."

But Mr Kelly didn't stop at enhancing templates of safety incident forms and first aid forms.

He's digitised numerous documents including spillage instructions, chemical handling sheets, site maps and made a guide to detecting production faults on machines – complete with videos and easy conversion to other languages.

Mr Kelly first took out the company's \$1500 global trophy for safety, then the overall \$10,000 "Hero" award which he will use for a California trip to look at Orora plants while on holiday.

AMWU national organiser Katrina Ford said: "Guys off the shop floor are bringing innovations that management hadn't thought of and may have never got the oxygen if this committee... hadn't given them one-on-one access to senior executives."

Proud of you, Dad: AMWU safety rep Damien Kelly shows his big winner's cheque with his children (L:R) Deanna, Ryan and Tiana.

WORKERS DRIVEN INTO LETHAL FIRE ZONE BY ALCOA

The AMWU will continue to push for a thorough probe into how workers at Alcoa's Wagerup aluminium refinery south of Perth had their lives put at risk by the company sending them to work during WA's fire crisis in January.

Shaken AMWU members told of their fear as they were bussed through flaming paddocks to work long shifts in smokey and dangerous conditions.

The AMWU has made a submission to the Waroona Bushfire Special Inquiry set up by the WA Government asking for the Wagerup refinery fiasco to be further investigated, backed by video evidence taken by our members.

Labor MPs have quizzed the Barnett Government in Parliament over the episode and the union has also lodged an official report with the WA Department of Mines and Petroleum.

Workers were driven into the site, which is in the middle of a 10-km fire zone around the destroyed town of Yarloop, where over 150 homes had been razed and lives lost only hours earlier.

Danger ride: the view from the coach near the Alcoa refinery site on the night workers were driven through a roadblock.



"We believe the behavior of Alcoa management was dangerous, workers were pressured to get on those buses and head into a situation which was still an unfolding disaster for the whole region," said AMWU WA State Secretary Steve McCartney.

"Members feared for their lives. We believe our members' safety was needlessly and recklessly put at risk and sheer luck prevented a potential tragedy."

There was no discussion about how they would exit the job or about a plan if the fire took hold at the Wagerup site.

One Alcoa official is believed to have gained clearance for one bus and a convoy of workers' cars to go through a police roadblock in Harvey by wrongly stating they were essential personnel.

"We were told it was safe and the fire was under control," said one AMWU member, among over 100 workers on-site over the Thursday and Friday of the fires.

"Arriving at work with no escort, nothing could have been further from the truth. The place was on fire and there was no (clear) way out."

On Friday night no emergency escort was provided out from the refinery for buses carrying about 80 workers.

The road was blocked at a damaged bridge, the buses were forced to reverse into a paddock still on fire while a site manager escorting in his own vehicle found another route out.

The AMWU is calling for a thorough investigation into all these aspects of the episode.

UNION MATESHIP HELPS IN CRISIS

The generosity of AMWU members towards people effected by the WA fire disaster has raised over \$9000 for our union's South West Fire Appeal.

The area is home to many AMWU families. Within a day of the fires ravaging the regions, State Secretary Steve McCartney organised the appeal.

The funds raised were to be consolidated into the Lord Mayor's Distress Relief Fund Fire Appeal.

AMWU Deputy convenor at Alcoa's Wagerup refinery Kevin Prowse, also a member of the local Uduc Volunteer Bush Fire Brigade, was on the front line.

"It was a devastating event for our community, no doubt about it," Mr Prowse said. "But the support that we've been given from the local community and right around the state has been amazing."

The AMWU's WA Solidarity Social Club was also active with a delegation including Alcoa convenor Charlie Clarke and his wife Robyn joining the community's Yarloop Charity Ride. About 600 riders raised \$23,000 for fire victims.

Expert concern:
Kevin Prowse (see P. 12)





SUBS VICTORY BY THE DOZEN

The Turnbull Government's belated commitment to order a full fleet of 12 submarines worth \$50 billion signals a massive victory for the AMWU shipbuilders who forced it to abandon a cut-price proposal to scale back the build to eight.

If the Government lives up to a past pledge of a local build, the outcome of 12 confirmed in the Defence White Paper should mean billions of dollars of extra investment and thousands more future jobs.

"Every AMWU shipbuilding member who's campaigned over the past few years to make sure we get the full 12 submarines can be really proud of this outcome, this vindication, but we know our struggle is far from over," said AMWU National Assistant Secretary Glenn Thompson.

"This Coalition were set to hand the nation's biggest project to Japan until our members forced them to back down, but if we're going to have a national shipbuilding industry backed by an innovative supply chain across all states, we have to keep the pressure on."

The overdue Defence White Paper failed to take the possibility of an overseas build or diminished Australian content off the table, both of which remain live options under the "competitive evaluation process" between the Japanese, German and French bidders.



"This White Paper is a political document designed to shore up the Coalition's poor electoral prospects in SA, but its fine rhetoric about a continuous build of warships beyond 2018 gives no comfort whatever to shipbuilders who have already lost their jobs," Mr Thompson said.

"We cannot let this Turnbull Government go to an election if it hasn't ruled out an overseas build or hybrid build."

The White Paper confirms that nine new frigates will be built from 2020 in Adelaide, but also remains silent on where the large offshore patrol vessels to replace the Armadale-class patrol boats will be built from 2018.

The Government has already sent orders for two navy supply vessels offshore and mismanaged the procurement of a new icebreaker.

"This White Paper tells us little more than we knew months ago, when we need new orders right now," Mr Thompson said.

He said dozens of newly-redundant shipbuilders who protested in Canberra told the true story when they cast Malcolm Turnbull as the Grim Reaper, among the

Grim harvest: the AMWU's "Grim Reaper" protest in Canberra over PM Turnbull's failure to save 1800 ship jobs.



gravestones of 1800 shipbuilding jobs.

"PM Turnbull's fine rhetoric will not help 1800 shipbuilders who have lost their jobs with Forgas closure, the imminent shutdown of BAE Williamstown and reduced work at ASC in Adelaide," he said.

"There's another 1300 jobs at risk there with the scaling back of the Air Warfare Destroyer program, the PM must act decisively to bring forward new orders."

BIG WINS OVER RESMED BRING AGREEMENT CLOSER



AMWU members at high-tech manufacturer ResMed began 2016 with broad smiles when the Fair Work Commission confirmed their right to union representation at work.

A Full Bench of Commissioners threw out ResMed's objections and agreed to changes in our union rules that guarantee the AMWU will continue to represent manufacturing and warehouse workers at the sleep disorder equipment company in Sydney.

The judgement was the AMWU's second decisive courtroom win over ResMed within a month, and an important step in the journey toward making ResMed bargain with its manufacturing workers for their pay and conditions.

The company has used every legal and industrial tactic in the book to try to discourage any union activity among employees at its ultra-modern Bella Vista complex.

The Commission Full Bench described this employer's "legal/ industrial strategy to avoid having to collectively bargain."

It rejected ResMed's argument that over 130 AMWU members could instead represent themselves, finding there was no proper basis to deprive workers of the right to be union members.

Decisions by both the Federal Court and now the FWC are a big step to bring ResMed to the bargaining table with it's AMWU members.

"All our hard work is starting to pay off," said AMWU warehouse delegate Jitendra Singh.

"As union members, the company wasn't giving us much say but now we know we have the right. We do want better conditions and the union can properly represent the workers."

He was among 10 of our AMWU members vindicated for coming to the Fair Work Commission late last year to give evidence supporting union activity at ResMed.

AMWU National Secretary Paul Bastian said ResMed should stop trying to delay the inevitable.

"Our members, our legal team and our organisers have all been fantastic in their persistence and we won't let up," he said.

Our win in the Commission came hard on the heels of a landmark AMWU victory over ResMed in the Federal Court just before Christmas.

The Full Federal Court confirmed that the AMWU – or any union – is able to apply to the Fair Work Commission for a majority support determination if it is eligible to cover even one employee at a workplace where a future collective agreement might be struck.

Unions do not have to prove to the Fair Work Commission that our rules give us coverage of every employee or even a majority, as ResMed insisted in its failed Federal Court appeal.

STOP PRESS: The company – as expected – has appealed both recent decisions to higher courts. The AMWU will continue to defend the rights of ResMed workers to organise and be represented by their union.



Telling it like it is: witnesses at the Commission included AMWU members (L:R) Anh Tran (standing); Richard Leung (standing); Jitendra Singh (standing); Barton Smith; Domingo Bautista; Richard Ewe; Noel Diaz and Diana Phung

DELEGATES TALK FUTURE DIRECTION

Delegates from around the country have gathered in their states to hear from National Secretary, Paul Bastian, about the future of the union.

Delegates heard about some of the big achievements of the union in 2015 and the challenges we face in 2016.

The union continued to make substantial gains for members in collective bargaining last year with union agreement pay increases

averaging 3.5 per cent compared to 2.9 per cent in the rest of the manufacturing sector.

Mr Bastian also emphasised the political wins of the union. In particular, the amendments that the Government was forced to make on the China Free Trade Agreement was a big win for local workers. Delegates also heard a report on the successful campaign to ensure a viable

shipbuilding industry in the country. However, Mr Bastian also emphasised the difficult circumstances facing the union and the manufacturing industry generally.

Delegates were given a briefing on the Combet-Whittaker report commissioned by the AMWU National Council that recommends wide-ranging changes to the operation and structure of the union.

As expected, the briefing triggered strong discussion amongst delegates about what the union needs to do to prepare for the future.

Some of the Review recommendations discussed include:

- Create one union with one voice for all members while maintaining the identity of the many industries and occupations that make up our great union

- Build a more powerful and cohesive national union supported by active State Branches to better respond to national employers and influence the national political debate

- Use new technology to help give members the information and services they need in the easiest possible way

- Get ready to help our members face the big changes in our jobs and industries in the next decade

- Explore the option of joining forces with other unions to make the most of our resources and to build power in the interests of members.

The recommendations will now move to the State and National Conferences over the coming months for further consideration and debate.

Tasmanian Simplot delegate Shane Williams was optimistic about the future.

"It's tough to hear about the difficult circumstances facing the union. But I actually think this is an exciting opportunity to make some changes," he said.

"I don't want the standard of living for future generations to go backwards," he said.

Mr Bastian reported that the feedback from delegates was very frank.

"Our delegate forums are a great opportunity for our delegates to hear directly from the leadership of the union and for us to hear from our workplace leaders," he said.

"Honestly, they are one of my favourite parts of the job."



Telling it straight: Paul Bastian addresses the AMWU Delegates Forum in NSW.

RESPECT AND 45K FOR VISA WORKER



A first-class welder-fabricator who was ordered to weed the garden and wash windows as part of the job has won back nearly \$45,000 for unfair dismissal and underpayment of wages after the AMWU took up his case.

WA's Industrial Relations Commission granted the compensation to Perth member Farhang Zare who was sacked when he refused to do any more menial tasks and insisted on being paid the proper rate for his skills under his initial employment agreement.

The Commission found in Mr Zare's favour in two cases prepared with the AMWU, accepting that as a 457 Visa worker he was bullied and threatened with deportation if he did not do as he was told.

In the first case his employer Arc Holdings was ordered to pay him about \$23,000 for being unfairly dismissed, then in a separate decision handed down in January he gained a further \$21,467 for two years of underpaid wages.

On top of that, the firm was ordered to reimburse him \$475.20 it deducted from his final pay for wrongly claiming he didn't return his key.

Mr Zare came to Australia from Iran to join other qualified sheetmetal workers at Arc in April 2011 but

within three months the first-class welder had been demoted to a trades assistant at the firm which makes switchboards.

He was initially paid \$8 less an hour, though still required to weld, cut, fit and bend without close personal supervision.

In May 2013, Arc gave him a backdated individual contract confirming him as a trades assistant and Mr Zare believes he was threatened with dismissal and deportation if he didn't sign.

"They used migration law as a threat," said Mr Zare, who is also a qualified welding inspector. "They said 'you know, if I sack you, you have to leave the country in 21 days'. It was hard to speak up."

After continually asking his employer to be paid the same as fellow tradespeople, he contacted the AMWU for help.

But Arc told him a 457 Visa worker had no right to join a union and reduced his hours, ordering him to do more menial jobs, including washing the floor.

When he finally put his foot down Arc sacked him, but the AMWU stood by him.

"Without the union's help I couldn't have even taken one step in this battle," Mr Zare said. "These days I'm calling my workmates and telling them all to join."

The Commission found the dismissal "harsh, unjust and unreasonable" and that Mr Zare was forced to sign his new contract "under duress."

In the second judgement, the WA Commission also found Arc management had written to Skilled Migration WA in 2014. Arc justified not employing a local by stating it was "very satisfied" with Mr Zare's skills, attitude and "work ethic that is so lacking in Australian employees."

This was after it had demoted him and illegally cut back his wages.

WA State Secretary Steve McCartney said the case showed the ugly reality of the broken 457 Visa system, putting all workers in an impossible position.

"On one hand we continually see overseas workers exploited and abused, plus they have to compete against local workers who then miss out on jobs," he said.



Skills vindicated: Farhang Zare at work at Arc Holdings, where the boss expected him to also wash windows and do the garden.

FRESH PUSH SO GENDER JUSTICE BLOOMS

AMWU women leaders held their National Women's Conference last month as global concern emerged that female progress in bridging the gender gap on pay and conditions has stalled.

Major research for the ACTU released for International Women's Day showed that Australian women's earnings have gone backward compared to men in the past 20 years, with women earning on average \$284.20 less per week.

Sixty per cent of tertiary graduates are women but earn only 82 per cent of the starting salary of male graduates.

Mothers returning to work after a year's parental leave suffer a 7-12 per cent wage penalty over the next two years.

And women retire with an average superannuation amount less than half of men's.

The AMWU is backing the call for a government-funded paid parental leave scheme of 26 weeks paid leave at no less than the national minimum wage and free childcare of 15 hours per week.

ACTU president Ged Kearney said the report was "overwhelming," showing Australia "has major problems to tackle."



Strong views: leading rank and file delegates in Sydney for the National Women's Conference in March, which is held every three years.

The ACTU is launching a case in the Fair Work Commission that domestic violence leave be included in National Employment Standards.

Unions also have issues, with research for the ACTU showing many female unionists feel "invisible" at male-dominated forums and the women's agenda is not integrally strategic to much union business.

In Sydney, the triennial AMWU National Women's Conference made recommendations to be considered by the AMWU National Conference in July and lead-up State Conferences.

The conference of rank and file female

delegates to state or national conferences was assisted by AMWU officials.

A key concern was that women on governing bodies of the union be fully included in consultation over the union's future, which is subject to review.

"The views of rank and file women are vitally important on all aspects of the review," said Anne Donnellan, AMWU National Organiser.

National President Andrew Dettmer, who briefed the conference, agreed that this was essential and noted that the proposals would be considered by

the Union's rank and file delegate forums and through the rank and file decision making bodies of the union such as State and National Conference.

AMWU figures show women have been hit hardest proportionally by the loss of manufacturing jobs, with female membership down by a quarter since 2013.

Ms Donnellan said the conference considered:

- strategies and priorities for organising and recruiting women across our union

- women's involvement in AMWU decision-making bodies, which is yet to reach the participation level agreed by AMWU National Conference in 2013

- prioritising domestic violence leave in bargaining

- need for specific campaigns on issues including bullying, sexual harassment, skills training and recognition, safe and secure jobs.

- all union campaigns (such as our casuals case, the manufacturing jobs campaign) being inclusive with regard for our membership's diversity.

CINDY IN TUNE WITH TOP FLIGHT WOMEN

Cindy Jarvis is an AMWU member whose determination is taking her places in aerospace, the next stop being the country music capital of Nashville, Tennessee.

The Boeing aircraft maintenance engineer was on song as the inaugural winner of the "Hoss" Beckman scholarship, which encourages women to achieve their dreams in aviation.

Ms Jarvis left on International Women's Day with all-expenses paid to attend the Women In Aviation International Conference. She was expecting to meet women who have flown through America's glass ceiling in aerospace, as well as sharing her own story.

"I enjoy the high standard of work in this industry, the tolerances are so exacting, so fine, down to microns – if you get it wrong a plane can fall out of the sky," she said.

"It's kind of interesting to be one of the few women in aviation engineering in Australia, but really we need more coming through."

"I think more women should be able to enjoy the challenge,

including the hands-on work and physical labour, but there still seems to be a stigma attached as though women are supposed to be working in the office.

"That mentality is from older times, no woman should feel scared because it's not like that any more. The majority of people I work with are awesome."

Ms Jarvis has seen big improvements in the nine years since completing her apprenticeship at a NSW shop maintaining RAAF Hercules C-130Hs, where a couple of managers didn't show any appreciation of gender tolerances, fine or otherwise.

"There were a lot of ex-military people that didn't like women being on the shop floor and even some managers made it hard for me," she said. "But I also made a lot of great friends that taught and guided me to qualifying as an aircraft maintenance engineer."

"The union helped me to ensure things were done fairly during my apprenticeship."

Ms Jarvis's enthusiasm for a challenge reflects her mother Jennifer, who was among the first few women in Australia to

skipper a prawn trawler.

"I've never met anyone as strong and independent," Ms Jarvis said. "She used to say that women had to work twice as hard as men to get half the praise. Mum passed away in 2008 – she still inspires me to improve and be the best I can be."

Ms Jarvis gained experience by working on Boeing 777 rudders, then hydraulic components of RAAF P3 Orions and now is at Boeing Aerostructures in Melbourne where she helps assemble

ailerons for Boeing 737s.

It's a supersonic pace when you add in her role as an AMWU delegate and her studies at Victoria University, where she is taking on a heavy course load for a Bachelor of Mechanical Engineering.

"I don't like people being taken advantage of or treated unfairly. I think a good delegate has to be passionate, stubborn and persistent, there for members if they're in trouble," she said.

Ms Jarvis's AMWU organiser Victor Jose described her

as a confident and capable contributor to the union's team of 17 delegates at Boeing.

"Cindy entered and won this award off her own bat with typical initiative. She's one of three female delegates down at Boeing and they are all very switched-on, never backward in taking up members' issues," he said.

Ms Jarvis flew out with the AMWU's best wishes and her mum's spirit as she prepared to mix it with the world's top-flight women.



Hi-tech team: Cindy Jarvis (3rd from right) with some of our other delegates at Boeing's plant in Port Melbourne.

Labour Hire!

FAIR GO FOR Labour Hire

The AMWU's mission to improve conditions and protect workers in labour hire will get a boost in 2016 from inquiries into the industry in Victoria, SA and Queensland.

Last year, AMWU activists employed in labour hire firms came together to demand that the Victorian Government conduct an inquiry into insecure forms of work. Recently, activists turned witnesses as they gave evidence in Melbourne and regional centres.

The Queensland Government has also invited submissions for its upcoming Parliamentary Inquiry, where the AMWU intends to lift the lid on exploitation in the coal industry.

Maintenance workers have told of being made redundant, then re-hired the next week as casuals via labour hire firms on wages up to \$60,000 less, without sick leave or annual leave.

In 2015, our Victorian branch won over 30 new labour hire agreements setting common wages, standards

and conditions of work, with portability of leave and severance pay helping give workers certainty.

These gains in job security can be entrenched with stronger laws, which should flow from the Victorian inquiry. (see box).

Workers gave evidence of having to take work at firms on below-award rates, being bullied, forced to work in unsafe places, not having paid leave, not getting promoted or trained up, and the resulting tensions in their family lives.

"Protecting labour hire workers requires an organising strategy across the sector; we can't rely on enterprise bargaining alone," said AMWU Victorian Secretary, Steve Dargavel.

The union estimates there are about 7000 labour hire workers in manufacturing in Victoria, with technicians and trade workers, labourers and machinery operators among the usual trades.

South Australia's low-key approach has proved effective with ReturnToWorkSA (formerly WorkCover)

putting 10 rogue labour hire operators out of business for underpayment of WorkCover levies and taxes.

"It's the 'Al Capone' method – get them on tax," said AMWU SA Secretary, John Camillo.

"Unions are co-operating with (RTWSA), Revenue SA and the Australian Tax Office to identify companies underpaying WorkCover, payroll or company taxes because they are the labour hire operators also underpaying workers."

Unions have a hotline to tip off RTWSA about suspicious operators. We also support the SA Parliamentary Economic and Finance Committee Inquiry into the system.

An AMWU survey of 157 labour hire workers found 82 per cent were casuals, with few having any control over their hours.

Seventy two per cent work labour hire because nothing else is on offer, with 91 per cent wishing to have the right to become employed by their host employer rather than the labour hire firm.

Labour Hire!

In Victoria, our union has proposed changes to the labour hire industry, including:

- a portable Long Service Leave scheme for casuals
- a government compliance unit to oversee compulsory licensing of all labour-hire operators
- a mandatory code of conduct with an annual fee and a bond payable to the government
- an industry trust for all employee benefits including leave and redundancy to protect against theft by sham contractors, fly-by-night operators and "phoenixing"
- a standard contract between the labour hire firm and the host employer guaranteeing pay and conditions for labour hire employees will be the same as for permanents in similar work

HARRY GIVES 'EM HELL OVER LABOUR HIRE



Crack-down call: AMWU member Harry Marshall tells the media the truth about labour hire, as Vic Assistant State Secretary Craig Kelly (left) gives support.

An AMWU member has spoken out at a union rally in Melbourne on why we need tougher regulation of the labour hire industry to ensure workers are paid properly and treated with respect.

Boilermaker-welder Harry Marshall has been a labour hire worker since he was an apprentice, with experience at over 40 labour hire agencies over the past 12 years, but never permanency.

He contrasted strong union sites, where bosses are expected to pay properly and strictly obey safety regulations, with other sites where labour hire firms underpaid workers.

Mr Marshall gave evidence to the Victorian Government's Labour Hire Inquiry in Geelong last year.

His submission said he had reluctantly worked

for a labour hire agency in 2015 that paid below award rates.

"But at the end of the day, work is work and sometimes you have no option when you need money to help yourself... survive," he said.

Mr Marshall said the agency sent him to a quarry site where workers had seen illegal operation of equipment, safety incidents went unreported, there was no first-aid facility and the amenities looked like they had never been cleaned.

The leading hand-foreman was intimidatory from the start, saying "you don't want to see me angry."

The same man was welding a steel structure, climbing up to five metres without any safety gear and gave Mr Marshall an expletive-laden response about "mind your own business" when advised there

was an Elevated Work Platform available nearby.

Mr Marshall was among workers expected to weld a large tarpaulin frame only a few metres away from a huge pile of highly-flammable woodchips.

The foreman laughed when queried on fire-prevention, later abusing workers who took extra time to ensure safety.

Mr Marshall said he got a text the next Sunday night saying he was no longer required at the quarry – not the first time this had happened.

He fully backed AMWU action to improve the industry, including participating in the Labour Hire Inquiry.

"I don't know where we'll be in 10 years time if we don't get the ball rolling now," he said.



Testimony: Harry Marshall and AMWU Organiser Zeljko Cimbara give evidence to the Victorian Parliamentary Inquiry Into Labour Hire and Insecure Work.

AND Casuals

CASUALS: CASE TO GIVE CONVERSION REAL TEETH

Casual employees having a right to permanency took a big step forward in March when the AMWU put the case to a major Fair Work Commission review.

The union case that any casual who has worked with a company for six months is automatically converted to a permanent employee – unless the person decides otherwise – was due to be opened by AMWU President Andrew Dettmer.

Our view is that the current casual conversion provision, which requires the employer's consent, does not work in practice and has failed to discourage the disturbing trend towards the use of "permanent casuals" – a contradiction in terms.

Casualisation has shown disturbing growth in manufacturing, with the proportion of workers increasing from 14.1 per cent in 2000

to 18.9 per cent by 2015.

Existing awards give the employer a right to refuse permanency, though not "unreasonably". The reality is anything but reasonable – employers routinely avoid or delay, fuelling the growth of long-term casual employment.

Employers are obligated by the Award to inform casual employees of their right to convert. However, they often don't tell or, if the employee does ask, they get stalled with excuses, sometimes for years.

The precarious nature of the work means many workers are fearful of asking, due to concerns that they will be sacked or have their hours reduced.

The result is lives of uncertainty, many living week-to-week on the basis of not knowing what shifts they will have,

often unable to plan family activities or to secure loans because of their casual status.

Casuals often work when sick and holidays can be a financial burden because there is no paid leave.

It's a recipe for financial, emotional and psychological stress which which flows through to families.

At work, casuals often miss out on training, promotions and vital safety instruction offered to full-timers. Many describe it like being treated as second class citizens in the workplace.

The AMWU presented factual analysis to the Commission Full Bench, backed by real-life evidence from officials and members collected over the past year by our National Research Unit coordinated by Sally Taylor.

"This is an opportunity to provide

casual employees with choice, to bring certainty and real stability to their lives, and to stop the trend towards Australians being forced into insecure work which is a mark of the 'working poor' in so many nations," Ms Taylor said.

"The system doesn't work as intended – it's broken and the emphasis has to be shifted from the employer to providing casual employees with the right to choose permanent work. It's a human right."

The AMWU case is part of the Fair Work Commission's four-yearly review of modern awards, including the manufacturing, graphic arts, vehicle and food awards of 2010.

Final submissions are due by July and a decision is expected later in 2016.

Casuals

STRAIN PUTS SIMON OFF TEA

Simon Hynes may look back on his years as a casual at Christie Tea as being strung along like a teabag that's been left hanging in the cup far too long.

It left a sour taste when after three years of working full-time hours management refused his request to be converted to permanency despite that being a right under a new award in 2010.

He had been blending tea and doing production support work with 25 other



Reform demand: Simon Hynes does the dangling – for his partner

shop floor employees at the Adelaide-based firm which supplied tea to Aldi supermarkets and hotels.

"Four of us applied for permanency, the rest didn't, but management told us it would be 'unfair' on the others to make us permanent," Mr Hynes said.

"A lot of the others were too scared to ask, most were women from a migrant background and there was a fear factor, they did whatever the boss said.

"At least half had been there for 10 years, one of them for about 20 years, still casuals."

With no sick leave or holiday leave, Mr Hynes found it impossible to plan for his future. He usually worked when he was ill and over the Christmas holiday season, he was forced to cut back on spending.

Mr Hynes said he suspected the company was wary of having to pay redundancy to permanent employees should it shift closer to its eastern-seaboard market.

"My wife's a nurse, we had two kids still at home, and there was stress for her because we really relied on her wage, with the penalty rates," he said.

Not having sick leave hit home hardest when his left hand was badly hurt in a 2012 work accident, with the company claiming financial



BOXFUL OF
GAINS OUR
SPECIALTY
P.11

hardship so Work Cover had to eventually cover his payments.

In 2014 the company let him go and soon after shut down production as it changed focus.

"The company gave those women a bunch of flowers but no redundancy because they were casual," Mr Hynes said.

"What's the point of having a clause in the award for casual conversion if you can't use it? It's ridiculous. If a person has worked at a place over six months they should be made permanent – regardless."

He felt so strongly that he's told his story for the AMWU's case at the Fair Work Commission.

"Just to think, I don't even drink tea – I'm really a coffee man."

DIVERSITY GOES WITH UNITY

The AMWU marked Harmony Day on March 21 to celebrate our union's culturally diverse make-up. Many of our members came to Australia as refugees, seeking a safe life free from war or persecution on political, racial or religious grounds. Others migrated to join family or pursue the opportunities that Australia provides. The day – like our union – is all about inclusiveness, respect and a sense of belonging for everyone. Harmony Day coincides with the United Nations' day for the elimination of racial discrimination.

JAGATH BANDARA

Jagath Bandara is a well-known AMWU organiser in Sydney and also a campaigner for the kind of tolerance he experienced here when he had to leave his beloved motherland of Sri Lanka due to political oppression between 1987 and 1990. "My concern is that politicians around the world have changed since then; there are some short-sighted people prepared to use the race card for power," he said.

Jagath grew up at a time when a right-wing Government used the security forces ruthlessly against young left activists, shutting universities to stifle protests for a progressive and vibrant democracy. Up to 60,000 people were abducted and killed. He was part of a leftist youth movement which wanted to end race-based politics and to build solidarity among working people.

"Some of my closest friends were killed during this period, I didn't want to leave but my parents were adamant I had to get out. They sent me out of the country," Jagath said. From Singapore, he and four other young Sri Lankans had nowhere to go, so they crossed to Malaysia. A people smuggler promised to get them to Australia by boat, but they were



robbed and abandoned in Java, Indonesia. Villagers sheltered them and helped them get to Jakarta, where they contacted the Australian Embassy with the support of an Indonesian friend who expected nothing in return. "The diplomats knew exactly where we had come from, the problems we'd faced and helped – that's the difference now. We were given a three-week visa to enter Australia. I got a fair go when I arrived and the Government officials listened to my story and issued me with refugee status under the UN Convention." Jagath worked in a five star hotel in Sydney and organised workers into a union, then joining what is now United Voice in 1997. He graduated under the ACTU Organising Works Program and worked for United Voice before joining the AMWU in 1997.

"No matter where you are in the world, collective action is necessary. You can't help and liberate people suffering by individuals acting alone. If you want a society based on equality and justice, you need progressive unionism."

SILVIA TEJEDOR

Silvia was 14 when she arrived with her family in Australia on Friday, October 24, 1975. Fleeing the chaos, political instability and persecution of the Argentine military government, they jumped on a boat from Buenos Aires to nearby Uruguay. An Australian chartered flight took about 180 adults and 90 children from Argentina and Uruguay to Melbourne.

Argentina had been under right-wing military rule for decades. For Silvia's father, Carlos, it was the 1973 Pinochet coup in neighbouring Chile that triggered his decision to leave. Carlos was a union delegate. The repression of any left-wing movements, the torture and "disappearance" of many people he knew, convinced him that he and his family were in great danger.

The Tejedors were among migrants and political refugees settled in Melbourne's Maribyrnong migrant hostel. It was a huge upheaval. Silvia spoke no English and initially resented her parents for uprooting all their lives. But every day Carlos and Graciela told Silvia how lucky they were to escape



Argentina when they did. If they hadn't come to Australia, they too would have been among the thousands who "disappeared".

It wasn't long before Silvia learned English, in special migrant classes at the local high school. It also wasn't long before the Tejedors had their own home in Sunshine. Carlos started as a fitter and turner the next working day after their arrival, with both parents working hard and long hours.

Silvia became a technical officer in electronics for the Department of Defence. Like her father, she became a union delegate. She has twice returned to Argentina but says she no longer belongs there. Australia is her home. She remains an active AMWU member.

Silvia has a message for children in detention and refugees fleeing conflict and persecution worldwide. "Don't lose your heart, don't lose your pride and never lose sight of who you are and where you've come from".

HARIS KUMBARIC

Haris Kumbaric is a service technician at ECL Group, repairing and maintaining petrol bowsters. The father of two young children is originally from Bosnia-Herzegovina, as is his wife Alma, whom he met here. Haris arrived in Australia on June 28, 1995 at age 19 with his parents and sister. They had fled their town Bosanski Brod on the Croatian border in 1992 after Milosevic Government forces invaded. "That first night over 1000 shells fell on my town. As we watched from over the river, my town was burning," he said.

They fled to Germany, where they lived for three years with other Bosnian refugee families in Berlin. First they stayed with a friend, then in barracks for refugees and finally in a three-bedroom apartment with two other families. Haris was not permitted to go to senior secondary school, but mastered German at



a language school and got a job as a kitchen hand-cleaner at Burger King. He saved for their airfare to Canada or Australia, with Australia accepting them (after an initial refusal) as refugees when a cousin in Melbourne sponsored them.

"Australia is my place 100 per cent now. We lost our country but now I feel I have a country. Here it doesn't matter where you come from – workers' rights are workers' rights everywhere. We've come here to work, we all want to do our best, we're all honest taxpayers. We need unionism, it is something for everyone."



BOOK REVIEW: ECONOBABBLE

We all know that economic policy matters. It affects our wages, the investments on our mortgages, the quality and cost of health care and education. It plays a huge part in determining the prospects of our kids having a better life than we've had.

But what passes as economic debate in this country happens in a language which is so deliberately confusing that it excludes or bores most people. It's been manipulated to shape our views on policy issues.

And it's usually to the detriment of ordinary workers.

In *Econobabble*, Richard Dennis from the Australia Institute exposes the tricks of "econspeak" and how they shape our public debates, at the expense of sensible policies and the population's wellbeing. For example, Dr Dennis explains how the positive connotation of "surplus" and the negative connotation of "deficit" are used to justify unjustifiable cuts to social programs like health and education, even when the economic interest of ordinary people is hurt. The fact is, sometimes

a deficit is good and a surplus is bad. It explains how the language around "free trade" is used to justify a system that is neither free nor fair, but puts the wellbeing of multinational corporations above ordinary people.

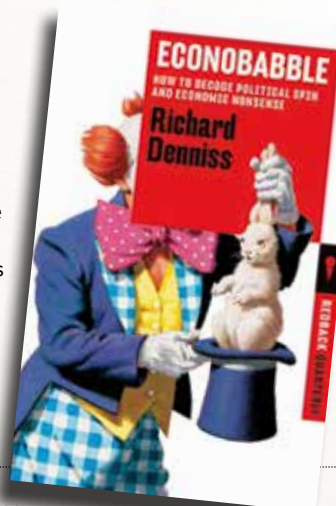
Econobabble explains how the language used in our policy debates has been hijacked by vested interests and the conservative side of politics, to justify an economy that is designed to benefit those same interests.

This isn't a book for economists – they know the sins of their profession. It's for ordinary people who want to be better informed about the debates that shape their families' and their communities' futures.

And it's a book for progressive activists, so they can know the tricks used against them every day. Written in plain English, it's a book everyone can and should read so when they read the latest headline about

the importance of "flexibility" in this or that market, or the importance of government "living within its means", they will know what is sense and what is just... econobabble.

Tom Skladzien, AMWU Economist.



The AMWU is giving away 20 copies of *Econobabble*. Please email news@amwu.asn.au with your name, address, membership number or mail to AMWU News, 2nd floor, 251 Queensberry Street, Carlton South, VIC 3053.

UNION NEWS IN BRIEF



EARLY FINISH A GAS FOR AIR LIQUIDE MEMBERS

Persistence has paid off for a small group of AMWU members in Adelaide who successfully overcame an employer bid to wind back their break time.

Nine members at multinational gas giant Air Liquide stuck with overtime bans for almost a year until management agreed to a compromise proposed by the AMWU which saw them secure a new enterprise deal with total break time intact.

Delegate Joe Pelin said break time was important for members on what is often hazardous work filling cylinders with oxygen, nitrogen, argon, CO2 and acetylene.

In late 2014, the company had made the first year's 2.75 per cent pay rise of their new agreement dependent on the workers giving up their 10-minute afternoon tea break.

After the company refused to look at compromises, the workers responded with overtime bans, 24-hour strikes and a demonstration outside the company's Elizabeth South plant. Mr Pelin said the AMWU suggested a way through.

"All of us agreed to stick together and

because of that, in the end, there was an outcome for us."

The workers received their pay rises late last year, with backpay, after Mr Pelin led negotiations with Roy Pane (AMWU Bargaining Rep) and organiser Stuart Gordon.

BOXFUL OF GAINS OUR SPECIALTY

Members at Specialty Packaging Group in Melbourne's South have broken through on casual conversion as they boxed up their first union

agreement after joining the union.

They won wage rises of up to 7.5 per cent, better rosters and guaranteed full-time employment after six months of working as a casual.

Specialty had been a low-profile offshoot of Orora which had a non-union agreement employees didn't like.

They never knew if they would be compelled to take an annual leave day with only five days shut-down notice, dependent upon production.

Most of the 29 permanents and nine casuals joined the AMWU.

Father of the Chapel Dave Thomas said shut down days will now be limited to five a year, with a full fortnight's notice.

But the final sticking point was the company's refusal to consider converting its casual employees to permanent after six months, leaving some who had been casual for years in limbo.

Employees rejected the company EBA and voted to authorise industrial action, a watershed which led to management conceding to casual conversion to result in full-time work for four people.



SA LATEST FOR AUTOTECH K MART DEALS

Automotive technicians at Kmart Tyre and Auto in South Australia have clinched a better deal for working away from home base.

Our 75 members in SA early this year voted up their new union agreement to join Kmart members in both Victoria and NSW who approved theirs late in 2015.

Members at 15 sites in SA were concerned over auto technicians being sent to a different Kmart site to meet extra demand or plug a staff shortage without sufficient notice or compensation.

Now they must be given at least 24 hours notice of the need to work elsewhere, have the right of refusal if it is over 20km from their normal Kmart workplace, and will be compensated with an extra payment for extra kilometres travelled.

The agreement also includes an updated classification structure to help



members progress their careers more smoothly, plus tool box insurance to the value of \$7500.

"Auto technicians are performing a skilled and valuable service to the public and we believe this agreement properly recognises the professionalism of our members at Kmart," said SA Vehicles Regional Secretary, Scott Batchelor.

AMWU member Justin Bartle said: "The guys seem pretty satisfied with the way it went; the union kept us in the loop the whole time."

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DELEGATE PROFILE

KEVIN PROWSE

Alcoa Wagerup refinery, WA

I've been a delegate at the Wagerup alumina refinery since 2003. They needed someone from the mechanical fitters and I was happy to step up. Now I'm in maintenance support. I set up the plans, organise permission, get the replacement parts ready, get the job packs (work packs) ready and provide support to our maintenance teams who overhaul and fix equipment like pumps and gearboxes. There's always maintenance to be done and the plant runs 24-7 all year.

I was nominated as AMWU Deputy Convenor under Richard Rae a few years ago. There's 96 tradespeople we look after and I try to make sure that in our workplace we uphold a lot of values that can so easily slip – honesty, integrity, valuing each other and teamwork. These are core union values which have also been really proven as we apply them across our life, particularly in the recent fires in our area.

I'm a Fire Control Officer in

the Uduc Volunteer Bush Fire Brigade. In those bigger fires they use us to control five trucks on the fireground.

The January fires were ferocious and, to keep things in hand, we really had to knuckle down. It was severe around Yarloop; many homes were lost and our captain lost his house. That's when you all really need to give each other moral support. My own house was under threat. I was away from work 13 days all up. The fire came through the Wagerup area around the refinery and Alcoa have serious questions to answer about workers kept on the job. Safety always has to be number one, whatever the other implications.

Our community bonded together and pushed through the crisis in a way you wouldn't think possible. They were

magnificent and when things were unsafe they worked together. It's a great feeling when you work together knowing you can rely on your mates. It's very much what we speak about in our union training; an honesty and a support for collective action that helps keep our living standards.

We're about to negotiate a new EBA and we've got big challenges. It's about the way to maintain numbers, about job security, lack of income protection and shift remuneration. Alcoa haven't been forthcoming on business changes, not giving any reassurance about the effect on members' families – they are worried about their jobs.





Worried about something?

- Are you losing interest in work?
- Are you having relationship problems?
- Have you experienced a major loss, such as the death of a loved one, unemployment or divorce?
- Are you drinking too much or using drugs?
- Have you contemplated suicide?
- Do you just need someone to talk to?

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