



BARGAINING BEWARE!

Remember: you have the right to request that your employer negotiate with the ASU towards a new Enterprise Agreement at your workplace. Please speak with your ASU Delegate, ASU Organiser or call the ASU Member Contact Centre on 1300 85 55 70 for more information about this process.

If your employer agrees to bargain with the ASU for a new Enterprise Agreement:

- Your employer must, under the Fair Work Act, put out a notice to all staff stating that they are entitled to appoint a "Bargaining Representative". This can be anyone and there is no limit to the number of bargaining representatives who can participate in the negotiations. You do not need to appoint the ASU as we are deemed to be the default bargaining agents for SACS workers.
- If you receive such a notice, please ensure that you get in touch with the ASU, as your employer is not required to do this
- Your employer must then bargain in good faith with the ASU. This includes not unnecessarily delaying the time it takes to reach an agreement.
- ASU members need to develop a Log of Claims that consists of all of the items that members wish to claim in the new Agreement. Members then need to vote to endorse the Log.
- Once the Log is complete the ASU can then "serve" it on your employer and this forms the basis for the bargaining.

If your employer does not agree to bargain with the ASU:

- If following a request by the ASU to participate in an Enterprise Bargaining process, your employer refuses to bargain, ASU officials can discuss with members at your workplace the prospect of applying for a "majority support order". If we can demonstrate, usually by way of a petition, that the majority of workers at your worksite want the ASU to bargain on their behalf, your employer must then participate in an Enterprise Bargaining process. Those who sign the petition don't all have to be Union members.

The best way to ensure that your employer will agree to bargain with the Union and take your claims seriously is to ensure that there are as many ASU members as possible at your worksite and that those members are active in their support of their Log of Claims. Before engaging in a negotiation for an Agreement it's a good idea to involve as many of your colleagues as you can in a meeting or series of meetings to let them know what is about to happen and to ask them to join the ASU.

Please speak with your delegate, ASU organiser or the ASU Contact Centre for any assistance that you may need.

Case at Fair Work Australia *timetable change*

ASU members will be aware that the case has now begun, with workplace inspections held through September. Unfortunately, due to the delay in formation of a new federal Government post election day, timelines for submissions for various parties with an interest in the case have been extended. This has resulted in an extension of the timetable extending into 2011.

The new key dates are as follows:

- Australian Government, ACTU and any other supporting party has until 5 November to file,
- remaining parties have until 3 December to file,
- applicant to file witness statements and other evidentiary material in reply by 17 Dec 2010,
- full bench hearings for evidence to take place 31 Jan – 4 Feb and 7-11 Feb and final oral submissions 11-12 April

For more information on this, or to browse submissions to date, or to subscribe to an e-bulletin to receive automatic case updates, go to www.fwa.gov.au and click on the "Equal Remuneration Case" link.

State Conference Report

ASU State Conference was held on October 6 and 7 this year. State Conference meets once a year and is made up of elected delegates from all industry divisions of the ASU. State conference is the supreme policy-making body of the union. At this year's conference, a number of policy items were tabled and endorsed originating from SACS members.

Continued page 2.



Check out a range of ASU and union-related videos at our dedicated YouTube channel at www.youtube.com/user/TheASUVic
For photos of events involving the Australian Services Union, check out our Flickr photo gallery at www.flickr.com/photos/asuvic/sets/



IT'S NO TIME TO BACKTRACK ON *Equal Pay*

The Australian Services Union has urged the Federal government to take the Brumby Government's lead and continue their support of women in the social and community services (SACS) sector, after reports that the Gillard government are keen to put the budget surplus ahead of the reality of equal pay for women.

Last year, the ASU signed a deal with the Gillard government for an Equal Pay test case with Fair Work Australia in a bid to curb the sub-standard pay and conditions on offer for SACS workers in not-for-profit organisations. The outcome of the case was to be a major stepping stone in the fight for fair wages for those who look after those most disadvantaged in our community, including the homeless, troubled teenagers and women experiencing family violence.

Disappointingly, the Federal Government has told Fair Work Australia it cannot afford higher wages that might result from a test case without cutting services. ASU Assistant Secretary Lisa Darmanin says that the time for lip service is over.

"We knew the Equal Pay case would cost money for the Federal Government, but it is as if they have just come to the realisation on what it will all cost. It is time to pay women in the social and community services sector what they are worth. The federal government makes choices everyday about funding, and if it is serious about wanting to look after women in the workplace, then they should follow the lead of the Brumby government. This Equal Pay case must be a priority, not just lip service."

"The Heads of Agreement settled on a phase-in of increased pay to workers in the sector, taking into account budgetary pressures, so now is not the time to backtrack. If the government has to make a choice between paying for a fighter jet or increasing pay for women who look after the most disadvantaged in our community, then we say it is in the community's best interests to pay these workers what they deserve."

"The ASU will continue to fight for equal pay for our members, and lobby in all parts of the political arena to ensure that our members get justice. Queensland and Victorian governments have already committed to funding the outcomes of this Equal Pay case. The State Government funds the majority of the sector, and we applaud the Brumby government for prioritising Equal Pay in this state. We expect the Federal government to do the same, putting an end to pay discrepancy around the country."

State Conference Report

from page 1

At this year's conference, a number of policy items were tabled and endorsed originating from SACS members. These covered topics such as:

- the Northern Territory Intervention
- the establishment of a sub-branch for faith-based members of the ASU
- tackling the effects of family violence in the workplace

A number of SACS specific industry workshops were also held:

Technical issues:

1. Dealing with a preparing for the transition to the Modern Award classification structure (see related story on this for details);
2. Industry bargaining: Delegates continued to examine this issue. Discussions around preparations and strategies required for further advancement of the interests of SACS workers. This issue will continue to be looked at in detail at our scheduled conference for February 2011.

Campaigning:

Delegates undertook a review of what has worked well and what could have been improved in the following areas:

1. activating the workforce, including increasing union membership
2. public actions to support our campaign, including our 2 rallies in 2010;
3. electing and supporting ASU delegates in the workplace

Following this review, a number of recommendations were made to focus on in 2011. These were:

- holding a specific industry conference in February 2011;
- developing strategies to increase union membership, in order to build strength for threats we face in 2011;
- improve support systems for delegates, through mentoring programs and an increased focus on delegates rights in enterprise agreements to access education and training
- a further national day of action to be held in May 2011.

Delegates and the SACS campaign team will now work on plans to put these in place, some of which will need further feedback from members, via the February conference.

WAYSS DELEGATES TAKE ON A CHALLENGE! *and win!*

WAYSS is a housing service based in the southern suburbs of outer Melbourne, where ASU members are lucky enough to have three dedicated delegates in Jan McKenzie, Colleen Sweeney and Fran Ryan.

Members at WAYSS had wanted to negotiate an enterprise agreement for a number of years. With the move from the SACS Award to the new Social Community Disability and Home Care Award 2010, their CEO agreed to negotiate with them with a view to ensuring certainty around some of the above Award conditions provided to staff at WAYSS.

The negotiations were not always easy. Delegates had not bargained on their usual good working relationship with the CEO being jeopardised by an employer representative that wanted to rush an agreement through with little in the way of real negotiations. Even though it offered several above Award conditions, delegates felt that proper negotiations would achieve a better outcome for both members and the agency.

And this proved to be correct. When the ASU and WAYSS finally sat down at the table, they achieved a great outcome, including the maintenance of

existing sick leave entitlements, pay increases totalling 10 per cent over three years and paid parental leave of six weeks. Their EBA will also include things such as three days union training leave and paid leave to protect property in times of natural disaster, such as floods or bushfire.

As it turned out, the hardest thing to negotiate was a clause around having workers transition to the new modern award classifications next year, thereby ensuring they get the full benefit of any wage increase awarded through the ASU Pay Equity case. In the to-ing and fro-ing of negotiations, the good working relationship between management and delegates was restored!

As well as getting a great industrial outcome, delegates have worked very hard on increasing the future strength of the union and as a result, membership has gone up by 15 per cent. It was a job well done, according to WAYSS delegate Jan McKenzie.

“From my perspective, negotiating an agreement was a steep learning curve. My fellow delegates Fran and Colleen did a fantastic job and in the midst of it all, managed to not only recruit new members, but lift the profile of ASU within the organisation.”

THE SALVATION ARMY - UPDATE

ASU members at The Salvation Army (TSA) are continuing their fight to get management to reverse the decision to cut conditions by implementing all of the provisions of the Modern Award. ASU Organisers have now held workplace meetings at most TSA sites and staff have been signing a petition aimed at restoring entitlements at TSA so that they are in step with the rest of the sector.

One of the conditions that has been reduced by TSA management is payment for sleepovers. ASU members at TSA are angry about this as they believe that since funding for sleepover shifts has not been reduced, there is no reason why payments to the workers doing these shifts should be reduced. The ASU is currently preparing an application to Fair Work Australia on behalf of a number of ASU members wanting to restore the old SACS Award sleepover rates. If there are other ASU members at TSA who receive a sleepover allowance who want more information about this, or would like to have their sleepover payments restored, they can contact Wil Stracke at wstracke@asuvic.com or phone 0419 505 640.

In the meantime, bargaining at Westcare is continuing and we have seen some progress. Unfortunately, TSA has cancelled two of the scheduled meetings, so we hope that negotiations will continue in a timely fashion in the future.

There will be a phone hook-up for ASU delegates or interested members at TSA in the near future to talk about the situation and the next steps in the fight to maintain fair working conditions, so please keep your eye out for a separate alert once a suitable date has been set.

It is important that TSA staff is up to speed with what is going on with their conditions and that we continue to build on the already impressive membership growth that we have seen in recent months so that we are in a good position to achieve our objectives. If you are yet to have a meeting with an ASU organiser at your workplace, or would like to hold another meeting, please contact Wil Stracke at wstracke@asuvic.com to arrange a time. Wil can also be contacted if you would like a copy of the petition for your site.

SACS Members Conference 2011

REGISTER NOW!

On Thursday, February 24, the ASU will hold a SACS members conference, aiming to take stock of industrial and campaign activities and developments since the last industry conference and plan for the next 12 months. Members will have the opportunity to get involved in workshops throughout the day, and put forward resolutions and recommendations to ensure a bright outcome for SACS members in the coming years.

Make sure you fill out the details on the registration form, included with this edition of UMag.

National Day of Action: postponed In recent meetings, ASU delegates have acknowledged that due to developments since our successful day of action on June 10, and time required in arranging another successful day of action, it has been foreshadowed that the next date for a national day of action should be postponed until May 2011. Organising by SACS Metro Delegates Committee will begin to finalise date and other details for this. Any member wishing to be part of this should get in touch with the ASU office on 1300 855 570.

IMPORTANT INFORMATION FOR ALL SACS WORKERS REGARDING THEIR CLASSIFICATIONS

On July 1, 2011, all workers who are currently classified under the Victorian SACS Award structure will move across to the new Modern Award classification structure.

Many of you will be familiar with the existing SACS Award classification structure, which consists of Social Worker, Youth Worker, Welfare Worker and Community Development Worker classifications. You may not, however, have had a chance to work through the new classification structure set out in the Modern Award. This is very different as it is a single stream, eight level structure with broad generic definitions.

No matter what happens in the Equal Remuneration Case, every ASU member under the old SACS Award will be moving across to the Modern Award in mid-2011. And since your Award classification determines your rate of pay, we will need to start preparing for this process now.



Workers at MIND participated in the recent site inspections

Equal Remuneration Case *Site inspections*

During September, and as part of our SACS Equal Remuneration pay equity case, the Full Bench of Fair Work Australia visited SACS workplaces in Victoria, South Australia, Queensland and New South Wales to see first hand the kind of work that you do.

In Victoria, they went to a number of agencies, including Moreland Community Legal Centre, MIND, North East Housing Service and Melbourne City Mission. The Full Bench also visited services in other states, including a domestic violence unit, disability services, mental health programs, a drug and alcohol service and a sexual assault counselling service.

Congratulations and a big thank you goes out to all the ASU members at the different services who did such a great job in describing their work and answering all the questions put to them by the members of the Full Bench.

Apart from the SACS updates provided by the ASU, members can get updated information from the Fair Work website at www.fwa.gov.au where a separate Equal Remuneration Case section has been set up in recognition of the high interest level and importance of this case.

The first step is to make sure that you have an up-to-date agreed position description (PD) covering your position.

Many members have PD's which are not up to date and do not properly reflect the current level of work responsibilities and duties they perform. Some members may not have a PD. In either case, it will be difficult to ensure that those members move across to the right classification under the Modern Award.

So the first thing you need to do is to get a copy of your current PD and make sure that it is accurate and up to date. If you do not have a PD or if you need more information about this, the ASU has an information sheet which gives some guidance around how to write/update a PD which is available for members. To request a copy, contact our Member Contact Centre on 1300 855 570.

When updating your position description, it is important that you refer to the Classification Translation Principles set down by Fair Work Australia. A copy of the Principles is available at www.fairwork.gov.au/pay/classification-translation-principles.

ASU officials are also able to attend your workplace to provide information about this process via a half-hour presentation. If you are interested, email the ASU at gcontessa@asuvic.com and we will contact you to arrange a suitable time.

Commencing in March 2011, the ASU office will be holding workshops/forums for our members, aimed at ensuring you have the information/support you need to translate across to the right classification under the new Award. These workshops will be for members only and are planned to occur in Melbourne as well as the major regional centres. A schedule of dates/locations for these workshops will be released in early 2011, so keep your eyes peeled.

ASU Members can also talk to their ASU local delegate or contact the ASU's Member Contact Centre if they require assistance and advice throughout this process.