



Respect the Workers Sustain the Services

Since our last ASU bulletin, campaign organisers have been visiting workplaces all over metropolitan and regional Victoria, running workplace and regional meetings and getting SACS workers all over Victoria involved in the Respect the Workers Sustain the Services Campaign.

If we are to be successful, we must have a groundswell of the majority of SACS workers across the state joining in to support the campaign. The first step in this process is joining the union. The sector is still relatively poorly unionised, with less than 50% of SACS workers in the ASU. If we don't stick together by joining the union, we will not win. Luckily, union membership is steadily climbing, but we need your help. If you come across a colleague today who isn't in the union, let them know that now is not the time to stand on the sidelines. If we want to make things better, it's time they joined.

The second step is to ensure your workplace elects an ASU delegate, so you can be sure that your workplace is kept up to date with all the latest news. If your workplace doesn't yet have a delegate, contact your local organiser to arrange an election today.

If you haven't yet had a workplace meeting about the campaign, arrange one today!

In addition to these organising activities, we are continuing to network with various sector peaks with a view to having them come on board as a supporter and/or agree to distribute information for the campaign.

Further, the union has written to the various State Government Ministers with responsibility for different parts of the 'not-for-profit' community sector campaign, outlining our concerns about the funding in the sector and sought meetings to discuss workforce ISSUES raised. We have now held meetings with

Hon Lisa Neville MP (Minister for Community Services), Hon Daniel Andrews MP (Minister for Health) and Hon Richard Wynne MP (Minister for Housing). At these meetings, we have indicated that we believe that the current funding models are inadequate to address the workforce crisis and suggested that a new model apply to the sector. Ministers have not been left in any doubt about the campaign or requirements of the SACS workforce!

Statement of Support count

Has your employer signed the Statement of Support yet? Check the list below. If your employer is not on the list below, then we haven't received it!

To find out how you can approach your employer to support the campaign, get in touch with your ASU delegate, or your Campaign organiser today!

Wodonga Campaign launch

On Thursday, July 24, the campaign will be officially launched in Wodonga.

On the day, ASU members will be talking about their experiences in the industry. The wild choir will be performing. There will also be a BBQ and fun activities.

If you're in the area, mark this in your calendar and bring your co-workers, clients, family and friends and help make your day a success!

Date: Thursday, July 24, 2008
Time: 12:30pm - 1:30pm
Location: Woodland Grove
(near the water tower)
High St Wodonga

Employers who are campaign supporters

Anglicare Victoria	Metro West Housing Services	Upper Murray Family Care
Catchment Youth Services	North East Housing Service	Uniting Care Ballarat
Carers Victoria	Northcote Community Information & Support Service	Uniting Care Moreland Hall
Disability Justice Advocacy Inc	Olympic Adult Education	Upper Murray Family Care
Diversitat	Port Phillip Community Group	VACRO
Glastonbury Child & Family Services	Prahran Mission	Valerie House Good Shepherd
Good Shepherd Youth & Family Services	Quantum Support Services	Victorian Foundation for the
Goulburn Valley Community Health Service	Sacred Heart Mission	Survivors of Torture
Housing of the Aged Action Group	St Kilda Legal Service	Women's Health West
Lakes Entrance Neighbourhood House	St Lukes Anglicare	Zena Collective
Mackillop Family Services	Sussex Neighbourhood House	
Melbourne City Mission		

Increase to Award rates of pay

On July 8, the Australian Fair Pay Commission handed down an increase of \$21.66 per week in the standard Federal Minimum Wage and in all Pay Scales for all Awards (for employees on 38 hours per week).

The decision takes effect from the first pay period on or after October 1, 2008.

These increases flow on to junior employees, employees to whom training arrangements apply, employees with a disability, casual employees and employees receiving basic piece rates of pay.

If you want a copy of updated pay tables for your Award, email info@asuvic.com or go to www.workplaceauthority.gov.au

Do you have a student on placement in your organisation?



Emma Brelsford, one of two students presently on placement at the ASU

If yes, have you told them about ASU membership, and the benefits of being a union member, or that they can take up student membership? If not, why not spread the word today! For more information, they can contact us on 1300 85 55 70.

We have two students on placement...

Welcome to Emma Brelsford and Louise Osland. Emma is a third year social science student, undertaking a research project into wages and classification issues in the housing sector. Louise is a fourth year social work student, who will be working on a project around commemorating victims of domestic homicide.

Welcome to both students!



WORKFORCE SURVEY

The ASU is embarking on the largest SACS workforce survey undertaken.

If you have not registered your email address with the ASU, or you have not received an email invitation to complete the survey, go to www.asuvic.asn.au/14787_49384.7357.html and complete it today! Results will be collated and released at an up-coming member conference, and used to support our campaign claims and related submissions.

Industrial and EBA Update

In addition to the various campaign activities the SACS team have been working on, there is also another team of dedicated staff who work with members across the state every day in their enterprise bargaining and individual representation matters.

EBA's at a glance...

Over the past few months, the SACS team have been involved in negotiating more than 26 enterprise bargaining agreements. Over the same period, a further 12 have been finalised and are proceeding to certification.

Community Health Centres are also starting to gear up for negotiations for the new cross-sector Agreement. The draft 'Log of Claims' for negotiations has now been 'signed off' by the Delegates/Activists in Community Health and Organisers are in the process of arranging meetings at the various CHC's to formally seek endorsement from members for the Log. Contact your regional organiser if you haven't yet arranged a meeting at your workplace!

Industrial officers also have over 40 cases open, assisting individuals or groups of members over workplace issues varying from bullying, unfair dismissals to workplace grievances. In addition to this, our Member Contact Centre team have been dealing with an average of five to eight callers a day from the industry, seeking advice, information and representation in various workplace matters.

No wonder we feel tired at times!

Victorian Mental Health Reform Strategy

The ASU has been invited to participate in a Mental Health Workforce Policy Roundtable - Union Perspective with Hon Lisa Neville, Minister for Mental Health.

The Roundtable is one of a series being held to inform the development of the Victorian Mental Health Reform Strategy. It will focus on the union perspective of the overall framing, priorities and scope of the proposed reform strategy as presented in the *Because Mental Health Matters* consultation paper.

The ASU wants to hear from PDRS members who have a view on the proposed reforms for the union's submission. There will be a phone hook up of interested member to be held on:

Wednesday 23rd July at 4.30pm

To RSVP to this hook up, please contact Grace Contessa on 9342 3464 or email gcontessa@asuvic.com If you are unable to phone in but would like to provide your input, please contact ASU organiser Wil Stracke on wstracke@asuvic.com or phone 0419 505 640

SACS Member conference

Following our highly successful inaugural SACS industry member conference in 2007, a second is scheduled for September 4 and 5, 2008... So mark these dates in your diaries now! Please fill in the attached registration form to secure your place today!

What's happened to WorkChoices?

The Transition to Forward with Fairness Act commenced operation on 28 March 2008. It contains a number of provisions which change the minimum conditions and entitlements which applied under WorkChoices. Several key parts of the WorkChoices legislation have been preserved and continued under the transitional arrangements.

However, it is likely that the largest steps to dismantle WorkChoices will not be taken until towards the end of 2008 and into 2009, when the government's substantive bill is passed. The ASU, with the rest of the union movement, will lobby the Federal Government hard to make very substantial changes to WorkChoices. Some of our views on this are below.

The transitional Act replaces the old fairness test with a new no disadvantage test, abolishes the making of new AWAs and introduces ITEAs ("Individual Transitional Employment Agreements").

AWAs

Since 28 March 2008, AWAs are no longer allowed to be offered to, or made with employees. Existing AWAs are allowed to continue however and certain employers can also make ITEAs with employees. The ASU would rather have had the Government abolish AWAs retrospectively and bring to members' attention that when the AWA finishes, it does not actually expire unless the employee actively terminates the AWA. Again, we would rather it expired at its expiry date.

ITEAs Individual Transitional Employment Agreements

ITEAs can be made between any employer who employed people on AWAs at 1 December 2007. An ITEA can be made between an employer and employee, and will have a nominal expiry date of December 31 2009. After the nominal expiry

date has passed, an ITEA will continue to operate until it is terminated by either party.

ITEAs have to pass the new no disadvantage test, and will be measured against a relevant collective agreement or award.

Modern awards

The AIRC will also conduct a process of award modernisation. Modern awards will not extend coverage to those employers and employees who have traditionally been award free, however they can name specific parties, or apply to a specific class or category.

Along with the National Employment Standards (which replace the old Australian Fair Pay and Conditions Standard) modern awards will streamline the content of awards to deal with the following matters:

- minimum wages
- skills-based classification
- incentive-based payments, piece rates and bonuses
- types of employment (ie full-time, part-time, casual)
- arrangements for when work is performed (ie rostering, rest breaks, variations to standard arrangements)
- overtime rates, penalty rates, industry-specific provision for annualised salaries
- allowances
- leave, leave loading and arrangements for taking leave
- superannuation
- mechanisms for consultation and dispute resolution
- terms about outworkers
- incidental and machinery terms

Modern awards cannot include:

- anything which is not one of the above items
- anything that breaches freedom of association
- terms about right of entry
- discriminatory terms (with some exceptions)
- terms which discriminate between employees in different States

The National Employment Standard

The NES includes the following matters, and replaces the WorkChoices AFPCS with minimum conditions and entitlements for:

- annual leave
- ordinary hours of work
- flexible working arrangements
- parental leave and the right to request additional leave
- jury and emergency services leave
- personal and carer's leave
- public holidays
- notice and redundancy
- obligation to provide employees with a Fair Work Information Statement

The ASU is pleased that the new Federal laws allow many more minimum standards than the Howard Government allowed and this is coupled with a new 'no disadvantage' test which again sets a higher bench mark than the previous one under the Howard Government.

Making Agreements under Forward with Fairness

1. Individual Employment Agreements

The fairness test which was administered by the Workplace Authority under WorkChoices has been replaced by a no disadvantage test for ITEAs and collective agreements.

An ITEA or collective agreement will pass the no disadvantage test if the Workplace Authority Director is satisfied that the ITEA or collective agreement does not result, on balance, in a reduction in overall terms and conditions of employment.

What's happened to WorkChoices?

continued

As part of the no disadvantage test, ITEAs are assessed against collective agreements, relevant awards, or awards designated by the Workplace Authority, as well as State Long Service Leave provisions. Most ITEAs and collective agreements only begin operating after they have passed the no disadvantage test.

ITEAs which have passed their nominal expiry dates can be terminated by either party upon 90 days' notice. If an AWA or ITEA is terminated, an employee will be covered by the terms of any collective agreement which applies.

2. Collective agreements

Collective agreements can no longer be unilaterally terminated with 90 days' notice but collective agreements which have passed their nominal expiry date may be terminated by the AIRC if this is not against the public interest. This returns us to the pre WorkChoices position where the employer can no longer unilaterally, with 90 days notice, terminate the existing agreement and put you on very minimal Award standards.

Parties to a workplace agreement are now free to incorporate the terms of awards, collective agreements, deeds and other agreements, as long as these terms do not amount to prohibited content or contravene freedom of association. The ASU welcomes this but will continue to campaign

to have the Howard Government's 'prohibited content' allowed back into agreements.

Pre-reform certified agreements (i.e. pre-WorkChoices introduction on 27/3/2006) can be varied to extend the nominal expiry date, or to vary the terms of the agreement. The ASU believes this may be of benefit to some members. However, there are various conditions attached to this, for example, not being able to take protected industrial action in support of a proposed variation.

It is not clear how, or if, the government will change regulations which deal with prohibited content.

Industrial Action

Employees on expired (but not terminated) ITEAs and AWAs cannot take part in protected industrial action, even if they have voted on it.

Lawful industrial action can only be taken during a bargaining period for a collective agreement and cannot be taken without a secret ballot. The ASU's position is that we remain opposed to the secret ballot process and that the old and tried method of members voting to take or not to take industrial action at a general meeting should prevail. Secondary boycotts remain unlawful, as does industrial action taken in pursuit of

pattern bargaining. The ASU does not support secondary boycotts or pattern bargaining remaining illegal. This is obviously designed to weaken member and union solidarity across industries and to inhibit us from achieving our objectives within industries, such as Local Government, Water, Energy, SACS, etc.

Right of entry provisions remain largely unchanged. The ASU's position on right of entry is that the minima may be prescribed by legislation but that a right of entry clause should also be allowed to be placed by the parties in the EBA.

The ASU, over the next few months while the substantive bill is being prepared by the Federal Government, will campaign to remove the worst aspects of WorkChoices including such things as the provision that if a company has less than 100 employees, there is no jurisdiction for unfair dismissal, which has particularly affected us in the SACS area and the almost unlimited scope of the 'operational reasons' exclusion from unfair dismissal for all employers.

We expect a fair, sensible, workable system of industrial relations for our members and will soon contact members on how they can assist the union in the campaign to wind back WorkChoices.

ASU PROFESSIONAL DEVELOPMENT

Understanding Criminal proceedings

The ASU's first professional development workshop was delivered on May 22 to a packed room. The demand from members to attend workshops on understanding criminal proceedings has been so high that another workshop was run on June 11 and regional sessions will occur in the near future in Bendigo, Warrnambool and hopefully Geelong and Gippsland.

The session on May 22 was two hours long. It soon became apparent that there was no way that the two magnificent presenters Wil Crawford and Marika Dias could complete the agenda in the time given. As a result, all future sessions have had another hour allocated.

Both presenters come from the SACS sector and work in Community Legal

Centres. The sessions are very obviously meeting an unmet professional need within the SACS sector as well as giving ASU Staff an opportunity to meet with members and future members.

The ASU would like to take this opportunity to thank the presenters and future presenters of the Understanding Criminal Proceedings workshops. It has been a great opportunity for the ASU and its members to learn more about Community Legal Centres

If you have any ideas for future professional development courses please contact Industrial Organiser Julie Kun, jkun@asuvic.com or phone 9342 3480.



Homelessness Update

With the release of the Green Paper, a Federal Government discussion paper regarding reform in the Housing, Homelessness and Family Violence (HHFV) sector, the ASU and its members felt the sector needed to meet to discuss appropriate action.

On Wednesday June 18, 2008, approximately 80 (HHFV) workers came together to discuss how to push forward in the ASU's campaign to achieve decent wage and conditions outcomes throughout the sector in light of 'The Green Paper'. A number of resolutions were overwhelming passed. The resolutions contained a number of action items (see below). In addition, the ASU, through the national office, put in a submission to the Green Paper, along with many individual housing workers who have done the same.

The attendees at the meeting demonstrated a real passion to not only see change but to be part of that change. There is an Irish expression 'You'll never plough a field by turning it over in your mind'. If we sit by and do nothing except think of change, NO change will occur and the status quo will remain of workers in our sector being underpaid and under appreciated.

Luckily we don't need to sit idly by. The time to act is now and here are a few things you can do:

- Sign the petition, which can be downloaded from <http://www.asuvic.asn.au/petition.pdf> and get your colleagues friends and family to do the same;
- If you are a housing worker, have a worksite meeting to discuss the Respect the Workers Sustain the Services Campaign and the Housing Campaign
- Talk to colleagues about joining the union.
- Send us your stories of working in the HHFV sector to gcontessa@asuvic.com

For a copy of the ASU national submission, go to
www.asn.asn.au



Salary packaging update

The Federal scene . . .

After a few tense moments in the last week of June, the Coalition agreed to support the Federal Labor Government's amendments in the Senate to restore the use of income net of reportable fringe benefits as the measure for the level of Family Benefits payable. This move recognised the significant level of salary packaging in community services organisations.

This change to the legislation ensured that staff in not-for-profit organisations did not suffer a loss of family tax or child care benefits after July 1, 2008. We understand that Centrelink has fixed the payments for about 90% of potentially affected customers. There may be some problems for the remaining 10% who have more complicated cases - if there is a problem contact the Centrelink call centre.

There is no doubt the ASU campaign was instrumental in achieving this result and it shows how coordinating together can net results. The ASU campaign saw thousands of emails, letters, phone calls and representations being made to our politicians which overturned these unjust laws.

What we have also seen is a recognition on the record by countless politicians that the work done in community services is valuable but low paid. This was highlighted by Treasurer Wayne Swan, Minister for Families, Housing, Community Services and Indigenous Affairs Jenny Macklin and in the Senate inquiry and report released on June 24, 2008.

And for CHCs in Victoria . . .

As union members would know, potential loss of salary packaging in Community Health Centres has been a major issue. This follows an ATO ruling that CHCs were not 'not-for-profit' organisations but instead an arm of government and therefore ineligible to package staff salaries. The implementation of this ruling was deferred until June 30, pending a State Government review of governance arrangements. The review is now almost complete and a Discussion Paper has been released by DHS for comment/feedback.

From an ASU perspective, the options discussed in the paper are all positive as each of the two new options proposed for a new governance structure for the various stand alone CHCs will still allow members to continue to package their salary at the current level and will maintain Community Health as separate from the public health system. A third option is for CHCs to voluntarily merge with a public hospital, which is not our preferred outcome but which is simply a reiteration of an existing arrangement.

A working group of members coordinated by the union has provided feedback to enable the ASU to provide a submission to the DHS's review. To see a copy of our submission, contact gcontessa@asuvic.com

CALLING ALL ASU DELEGATES

All Union Delegates Meeting

**10am @ Dallas Brooks Hall
Wednesday 30 July 2008**

The Victorian Trades Hall Council Executive has called a mass meeting of union delegates and we urge delegates to attend.

Hear reports on:

- Attempts by the Australian Building and Construction Commission to jail CFMEU Senior Official, Noel Washington
- The overall ongoing Your Rights at Work Campaign.

Noel Washington, Senior Vice President of the Victorian CFMEU, has been charged with refusing to cooperate with the Australian Building and Construction Commission (ABCC). He is due to appear in the Geelong Magistrates court on August 8.

In a high profile test of the ABCC's powers, Noel faces jail under charges by the Department of Public Prosecutions for refusing to attend an interview with the Australian Building and Construction Commission (ABCC) - an organisation set up by the Howard government to harass, intimidate and bully workers and their unions in the construction industry.

The ABCC want Noel to answer questions relating to union meetings held at Bovis Lend Lease in 2007.

He says: "I'm not going to talk about what happened at a union meeting. I'm not going to give up workers, our members or any official of the union."

Noel says: "The ABCC are the biggest bullies I've ever dealt with. The laws they have at their disposal have no place in a so-called democratic society like Australia and they use those laws freely to go after ordinary workers.

"They frighten people, they threaten people by forcing them to attend these interrogations, workers are not entitled to choose their own legal representative and they are forbidden to talk to anyone about what took place in these interrogations.

Australia's reputation as a country with decent rights for working people has taken a battering with these laws. The International Labor Organisation has condemned the ABCC and made personal representations to Workplace Relations Minister Julia Gillard about the issue.

For more information please contact Lisa Darmanin on 0407 308 503 or email ldarmanin@asuvic.com

