

## **UNITED VOICE- QUESTION ON NOTICE**

At page 36, Senator Lines:

*If a group of aged-care workers in Western Australia were going to take industrial action, could the national secretary stop that? Would she be aware of it?*

If a group of aged-care workers in Western Australia were going to take industrial action, the process for taking protected industrial action would be followed pursuant to the *Fair Work Act 2009 (Cth)* ('the Act'). This requires that the members determine for themselves whether or not to engage in the industrial action, and the authority to submit the required application to the Fair Work Commission ('Commission') for approval of the protected action ballot, would lie with the WA Branch Secretary. Similarly, notice to the employer of the industrial action (once approved by a majority of workers in the protected action ballot) would be given by the WA Branch Secretary. The WA Branch Executive would be notified of the action, but would not be required to authorise it.

It should be noted that protected industrial action can only be taken with the permission of the Commission and in compliance with rigid notice provisions. The role of any union, in facilitating what can only be done with the approval of the industrial umpire, needs to be assessed in this context.

The National Secretary has the authority to take appropriate measures available under the Rules to protect and/or improve the wages and conditions of members or to take other steps necessary to pursue any industrial claim or dispute and to notify the Commission of the dispute (rule 25 (y)). The National Secretary is authorised therefore to apply to the Commission for a protected action ballot and can also notify the employer of the industrial action in place of the WA Branch Secretary. This would however, be highly unusual, as branches manage their own affairs, and even in the WA Branch Secretary's absence, an Assistant Branch Secretary or other delegate would be authorised.

The National Secretary cannot intervene and stop the action, being one determined by the members in accordance with the Act and being in the interests of improving or protecting wages and conditions.

At page 37, Senator Lines:

*Do you have a number for the number of amalgamations?*

At the hearing, United Voice's representative indicated that she did not have a number and erroneously remarked that 'it would be in the 10s or 20s'.

The correct answer is 58.

Since 1915, when the Federated Miscellaneous Workers Union was founded, what is now United Voice has amalgamated 56 times. The FMWU was itself a composite of three separate unions, including the Watchman, Caretakers and Cleaners' Union which was established in 1910. Attached, for the Committee's information, is a history of United Voice's amalgamations, published in Margo Beasley, *The Missos: A History of the Federated Miscellaneous Workers Union* (1996), pp 210-212.

Each and every one of these amalgamations occurred due to a decision of the union's members and without any reference to a public interest test, of the type proposed by the Bill.

# History of amalgamations

At the moment of its foundation in 1915, the FMWU was already a composite of three originally separate State-based unions:

- the Passenger and Goods Lift Attendants' Union of New South Wales (established 1909);
- the Watchmen, Caretakers and Cleaners' Union of New South Wales (established 1910) from 1914 known as the Miscellaneous Workers' Union of New South Wales; the Watchmen, Caretakers and Male Office Cleaners' Union of Victoria (established 1913) from 1914 known as the Watchmen, Caretakers and Cleaners' Union of Victoria.

The amalgamations effected since the organisation's foundation in 1915 are as follows:

- 1916 Watchmen, Caretakers, Cleaners, Lift Attendants and Gatekeepers' Association of Queensland
- 1920 Tent and Tarpaulin Makers and Machiners' Union of New South Wales
- 1920 Billiard Markers' Union of New South Wales
- 1921 Undertakers' Assistants and Cemetery Employees' Union of Queensland
- 1921 Female Office Cleaners' Union of Victoria
- 1922 State School Caretakers' Association of Victoria
- 1923 Licensed Billposters' Union of New South Wales
- 1924 Chemists Assistants' Association of Queensland
- 1932 Elliotts and Australian Drug Ltd Chemical Workers Employees' Union of New South Wales
- 1944 Photographic Employees' Association of Queensland
- 1945 Hairdressers and Wigmakers' Union of Queensland

- 1946 Watchmakers, Jewellers and Optical Workers' Union of South Australia
- 1948 Wharf Watchmen's Union of Tasmania
- 1949 Victorian Dental Technicians' Union
- 1952 Pharmaceutical Employees' Association of South Australia
- 1957 Dairy Factory Employees' Union of Western Australia
- 1958 Bag, Sack and Textile Union of Western Australia
- 1958 Lift Drivers' Union of South Australia
- 1959 Metropolitan Soap and Candle Manufacturers' Employees Union of Western Australia
- 1959 Metropolitan Wool Scouring and Fellmongery Union of Western Australia
- 1959 United Broom and Brushmakers' Union of Western Australia
- 1961 Saddlery and Leather Union of Western Australia
- 1961 Undertakers' Assistants and Cemetery Employees' Union of Western Australia\*
- 1962 Operative Stonemasons' Society of South Australia
- 1962 Federated Lift Attendants' Union of Victoria
- 1962 Tobacco, Cigar and Cigarette Manufacturers' Union of Western Australia\*
- 1962 Metropolitan Rope and Twine Employees' Union of Western Australia
- 1962 Photographic Employees' Union of Western Australia
- 1963 Collectors of Marine Stores Union of Western Australia
- 1966 Hairdressers' Union of Tasmania\*
- 1967 Australian Leather and Allied Trades Employees' Federation
- 1968 Chemical and Allied Trades Union of Western Australia
- 1968 Ambulance Services Union of Western Australia
- 1968 Amalgamated Foodstuffs and Allied Industries Union of Queensland
- 1970 Queensland Ambulance Employees' Union
- 1970 Sugar Workers Employees' Union of New South Wales
- 1971 North Australian Workers' Union
- 1971 Jewellers, Watchmakers, Optical Technicians and Allied Trades Union of Western Australia
- 1975 Coastal Aerated Waters and Cordial Manufacturers' Employees' Union of Western Australia
- 1976 Operative Sailmakers' Trade Society of New South Wales
- 1980 Metropolitan Water Supply Union of Western Australia
- 1980 Northern Territory Fire Officers' Union
- 1980 Australian Government Workers Association of South Australia
- 1980 Northern Territory Prison Officers' Association
- 1982 Hospital Employees' Industrial Union of Western Australia
- 1982 Pre-School Teachers and Associates Union of Western Australia

Appendices

- 1982 Cleaning, Security and Allied Employees' Union of Western Australia
- 1987 NSW Library and Information Staff Union
- 1987 Laundry Employees' Union of Western Australia
- 1987 Watchmakers and Jewellers' Union of Queensland
- 1990 Victorian Mothercraft Nurses and Allied Employees' Association
- 1990 Western Australian Bakers, Pastrycooks and Confectioners Union of Workers
- 1992 Federated Liquor and Allied Industries Employees Union of Australia
- 1993 Pastrycooks, Bakers, Biscuitmakers and Allied Trades Union
- 1994 Ambulance Employees Association of Victoria
- 1995 Bakery Employees and Salesmen's Federation of Australia
- \* Indicates the union was defunct at the time its coverage was taken in by the FMWU.

Sources:

Amalgamations up to 1985: information is from Dr Christopher Shell, *The Invisible Giant: A History of the Federated Miscellaneous Workers' Union of Australia: 1915-1985*, unpublished PhD Thesis, University of Wollongong, 1988. Amalgamations after 1985: information is from FMWU sources.

