

Workplace Relations Amendment (Secret Ballots for Protected Action) Bill 2002

- Secret Ballots are already available under Division 4 of The Workplace Relations Act 1996. A secret ballot can be made on the Commission's own motion or if requested by members of the Union.
- The AWU is of the strong opinion that the mandatory requirement for a secret ballot before any protected action can take place would be an unnecessary burden on the democratic right of unions to pursue genuine bargaining claims. Many regulations already exist around the right to take protected industrial action. The AWU believes that this Bill is simply an unnecessary attempt by the Government to be able to interfere in and hold up the processes involved in taking protected action.
- The nature and circumstances under which industrial action is taken is not conducive to a complicated and cumbersome process. It is in this light that great consideration needs to be given to the fact that it is a fundamental human right to be able to engage in collective industrial action without unnecessary obstacles being placed upon the process. If passed this Bill would present an unnecessary obstacle.
- The procedure involved for AWU members to engage in protected action is democratic and fair. The AWU requires a vote that delivers at least 50% approval from members before the necessary steps to proceed are taken by the Union. In a high majority of cases the vote is taken at a mass meeting.
- The AWU is of the strong opinion that our members go through a genuine democratic process to determine if protected industrial action is to be taken.
- The current provisions available for secret ballots are absolutely adequate and there is no justification to make them mandatory. In the experience of the AWU Division 4 of the Act is very rarely utilised by the Commission or Union members.
- The AWU asks that it be noted that the contents of the Bill discriminates against Unions. As it gives preferential collective strength to non-union applications compared to those applications made by Unions for a secret ballot to engage in protected action. If passed the Bill would not allow non members to engage in protected action to further claims initiated by the Union through negotiation and protected action but would deliver to them any of the benefits gained by the Union when the agreement was certified.
- The costs associated with this Bill would cause greater pressure on Unions. Industrial relations was initially about conciliation between the parties but has increasingly become all about legal action and court proceedings. This trend is a great strain and disadvantage to Unions trying to represent their members.