

Re: Education and Employment Legislation Committee inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022 – Response to Question on Notice

During the course of public hearings on 15 November 2022, in the inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, a number of unions were jointly asked a question on notice relating to communications relating to multi-employer bargaining.

To assist the Committee, we have collated the following by way of response:

1. On 15 November 2022 several unions (ANMF, ASU, ETU and UWW (Unions)) appeared before the Education and Employment Legislation Committee as part of its inquiry into the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022. During that public hearing, Senator Little directed a question on notice to the Unions (and to the ANMF and UWW in particular):¹

We've heard a lot about the introduction of the multi-employer bargaining part of this proposed legislation. You've indicated support for that proposition. Can you table to this committee any public information that refers directly to multi-employer bargaining prior to seeing it in this legislation and any communication from your union to members that relate to support for a multi-employer bargaining concept

...

Let me just get some clarity so we're not going back too far, because I know we've got this time frame we're talking about. Let's say go back six months. Don't provide stuff that doesn't specifically demonstrate a conversation around the concept of multi-employer bargaining. Thank you ... in addition to that, there would be numerous meetings that would take place. To your best endeavours, what meetings have taken place as well? Obviously verbal communication is a critical part of the process of involvement and getting answers to questions.

2. We understand the question to concern the extent to which the Unions had advanced the concept of "multi-employer bargaining" with their memberships prior to the introduction of the Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022. We refer to evidence given by the Unions in relation to an earlier question, which we are of the view addresses this question also:

Ms Gaske: There's nothing that caught me by surprise in the legislation, no, because they're all concepts that those of us who've been involved in industrial relations have talked about and debated for decades, in fact. So there's nothing in there that's particularly novel or unusual or that you wouldn't have expected to see in the legislation in circumstances where the government's made the commitments that it had made beforehand. There was nothing out of left field if that's what you mean.

Senator GROGAN: Yes, it is, because there's been a lot of commentary that this is a great surprise, that nobody had any idea and that there are some unknown elements that we're dealing with here. I'm just checking that there were no surprises, because these are the things that have been spoken about for some considerable time.

Ms Gaske: They're pretty straightforward solutions to the problems that we've been talking about, and they're solutions we've been talking about for a long time too.

Ms Butler: As Emeline says, ACTU and our affiliate unions have been calling for these for some years.

Mr Redford: If I could supplement, Senator. I think you're talking about the implementation of recommendations of the Respect@Work report; the implementation of recommendations from the Migrant Workers Taskforce that the coalition government commissioned; alterations to the existing low-paid bargaining scheme; and alterations to the existing single-interest bargaining stream. That's the package.

3. As the Australian cost-of living crisis intensified post COVID-19, Union members' focus on multi-employer bargaining as a solution to the failures of the existing collective bargaining regime has intensified.

¹ Proof Committee Hansard, Senate Education and Employment Legislation Committee, Fair Work Legislation Amendment (Secure Jobs, Better Pay) Bill 2022, Public Hearings, Tuesday 15 November 2022 at 24, 25
<https://parlinfo.aph.gov.au/parlInfo/download/committees/commsen/26331/toc_pdf/Education%20and%20Employment%20Legislation%20Committee_2022_11_15.pdf;fileType=application%2Fpdf#search=%22committees/commsen/26331/0000%22>

4. That bargaining across sectors, industries and supply chains has been advocated for by the union movement for a considerable period of time is reflected in ACTU (to which the Unions are affiliated) policy approved by its Congress in 2015, which states:²

EFFECTIVE SECTORAL, INDUSTRY AND SUPPLY CHAIN BARGAINING

12. Congress notes that the Fair Work Act's primary focus is on enterprise level bargaining and does not adequately support bargaining across sectors or industries.
13. Failure to negotiate on a sectoral or industry wide basis limits outcomes of bargaining to specific enterprises and does not assist with industry-wide improvements including skills development, training and apprenticeships.
14. In particular, enterprise bargaining across an industry and/or through and within a supply chain is more reflective of the modern organisation of industries operating on the basis of joint production and joint employment. Further, individual agencies in the public sector do not generally have the powers of an independent enterprise but are subject to Government policy in relation to bargaining.
5. It should therefore be unsurprising that the Unions have communicated with their existing and potential memberships and the public more broadly in relation to multi-employer bargaining over the course of several years.
6. However, we understand the question to be confined to "conversations" and additionally "meetings" "around the concept of multi-employer bargaining" occurring within the past 6 months.
7. Unions regularly communicate with their members through a variety of media, including face-to-face conversations in the workplace, via telephone, at union meetings and in writing. Constructing a complete record of these interactions is not possible, and at any rate could run to a volume that would be unhelpful for the Committee's present task. Moreover, records are unlikely to exist as to the specifics of many conversations occurring in the workplace between and amongst union organisers and workplace leaders and union members.
8. Such communications traverse the spectrum from individual and workplace issues and broader industrial issues, including legislative reform that the union movement is advocating for to create better conditions for all workers.
9. Whilst this does not represent a comprehensive list of communications on the subject of multi-employer bargaining, we include the following to illuminate the points we make and assist the Committee:
- a. Communications of a general nature between the Unions and their members about bargaining reform (including multi-employer bargaining) include the following:
 - i. **Attachment 1** - UWU – General Members email – 27 October 2022
 - ii. **Attachment 2** - UWU – General members' email 31 October 2022
 - iii. **Attachment 3** – ANMF Social media sample
 - iv. **Attachment 4** – UWU Social media sample
 - v. **Attachment 5** – ASU Social Media sample
 - b. At the UWU National Convention held on 26 July 2022, UWU members working in the aged care sector passed the following resolution:

As national convention delegates from aged care we represent home care and residential workers from all over Australia.

We see the current bargaining system has failed us. Many of us have waited years for a pay rise or have bargained and taken action and been offered nothing or

² ACTU, Congress Policies, 2015 Congress <<https://www.actu.org.au/our-work/actu-congress/actu-congress-2015/congress-policy-resolutions/resolutions>>

insulting wages increases of as little as 2% which would have us going backwards. We need a different system that will work for our sector.

As such we endorse a campaign in support of industry bargaining and if it is achieved we will use those laws as soon as possible to see wage justice for aged care workers.

Since the convention, the UWU Aged Care Campaign Leaders groups (based in a number of States) have met regularly to discuss how multi-employer bargaining could work in the sector. The issue was also frequently the subject of social media engagement (see Attachment X – UWU social media sample).

- c. By about September 2022, 2300 UWU members had signed a petition, the text of which was:

Aged Care work has been historically undervalued, and low wages have failed to keep pace with cost-of-living increases over the years. The current bargaining system has led to workers in the same city, doing the same job for different providers, earning anywhere between \$22 – \$28 per hour, and working under wildly different conditions.

Fixing the aged care crisis means bargaining with the people who make the decisions.

For real and lasting change, aged care workers across different providers must be able to negotiate together, with the funder at the table.

We need a system that lifts us all up together.

- d. A sample of communications about members' decision to take steps toward implementing this strategy in the sector is as follows:
- i. **Attachment 6** - UWU – Aged Care Members Email 9 September 2022
 - ii. **Attachment 7** - UWU – Aged Care members email – 26 September 2022
 - iii. **Attachment 8** - UWU – Aged Care members email – 27 October 2022

[View in browser](#)



IR reforms open door to pay rises

Hi Friend,

Today members of United Workers Union won significant reforms designed to lift wages and end year-after-year of wages falling behind soaring cost-of-living increases.

In Industrial Relations reforms introduced by the Albanese Labor Government today, workers will have access to new laws that will make it easier to bargain for better pay.

By introducing Multi-Employer Bargaining legislation and other reforms, the Federal Government recognises workers need better laws to be able to lift wages after more than a decade of wage stagnation.

Multi-employer bargaining means workers from different employers in an industry can negotiate for better pay and better conditions together.

We know that when workers stand together, they have more power to win fair outcomes.

See the great video below from workers about the benefits of new IR reforms:



'When I heard the Minister tell me and my fellow educators that they would fix this broken bargaining system and get wages moving again, I saw some hope on the horizon.'

- Jane, Early Childhood Member, Victoria

Reforms will help workers get better pay

1. Workers win huge shake-up to workplace laws
2. Federal Budget puts the focus on working women
3. WA public sector members WIN revised wages offer
4. Early educators hold historic workforce crisis summit
5. NT public sector workers smash wage freeze!
6. VIC government security guards win 6% above award pay rise
7. Qld private sector health workers strike!
8. Woolworths workers lodge protected action ballot
9. Casino members at Star Gold Coast win big!
10. WA aged care members at Regis win double!

Members win huge shake-up to workplace laws



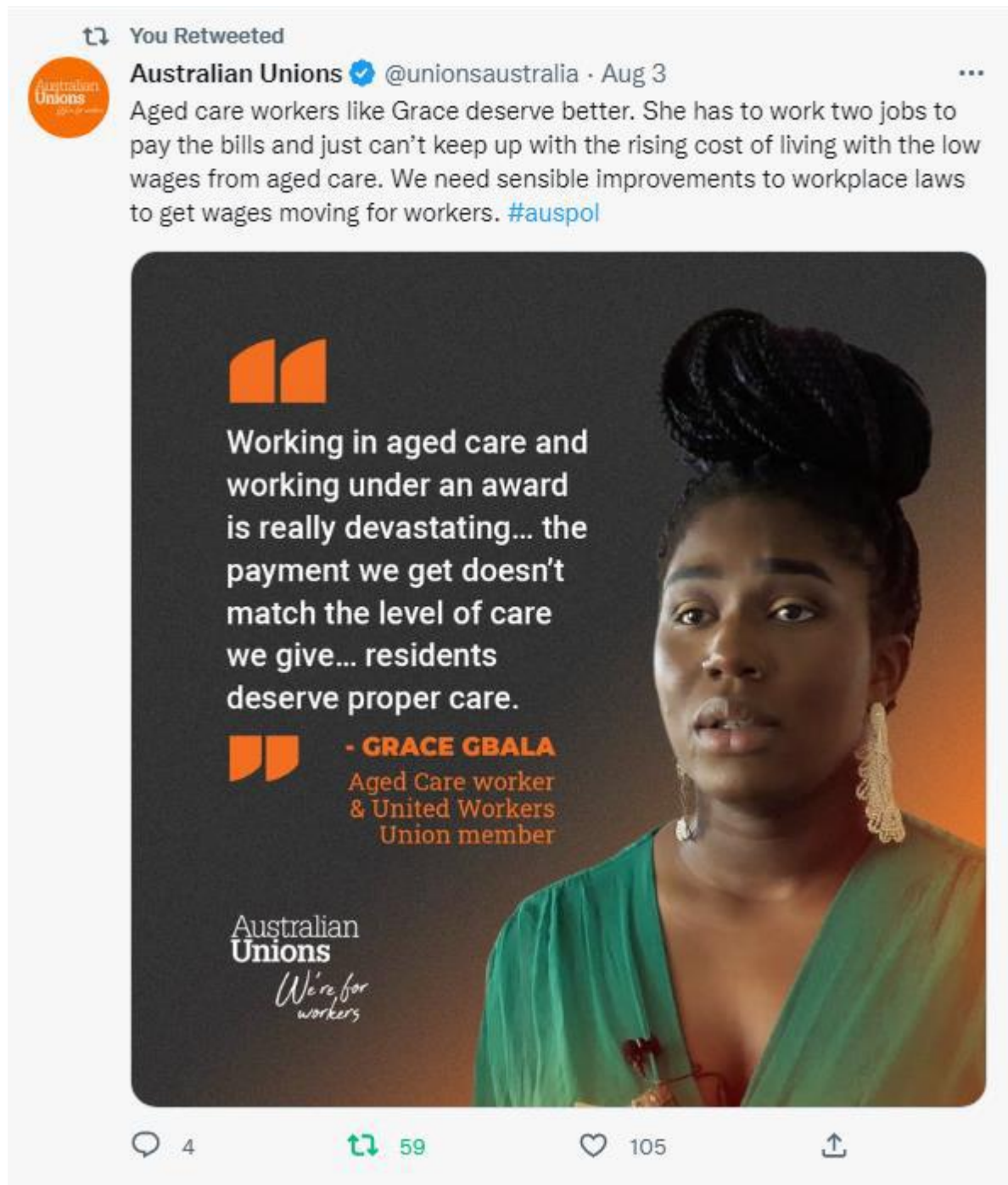
Female-dominated, low-paid care sector workers have been offered the hope new reforms will lift their wages, in sweeping Industrial Relations changes introduced by the Albanese Labor Government.

Fixing our broken bargaining system will mean workers in essential areas like early education, aged care and disability support, most of whom are women, will have a chance to push for improvements to wages they so clearly need.

By introducing Multi-Employer Bargaining legislation, the Federal Government recognises low-paid workers need better laws to be able to lift wages after more than a decade of wage stagnation.

However there is still a lot of detail in the reforms to be resolved, and the reforms must then be passed by cross-benchers in the Senate to come into effect.

United Workers Union members know they will need to make their voices heard at every stage to make sure the reforms deliver their full promise.



Work and workplaces have changed.

The way nurses, midwives and carers can bargain for their working conditions and wages need to keep up.



You Retweeted



Australian Unions @unionsaustralia · Oct 25

Allowing workers to band together across workplaces to bargain is an essential way of getting wages moving again.

[#Australianeedsapayrise](#)

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26

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You Retweeted



Michele O'Neil @MicheleONeilAU · Oct 23

For wages to rise we need bargaining to work. Multi employer bargaining is essential for workers and the economy [#insiders](#)

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361



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abc730  @abc730 · Aug 24

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 Official

Workers and their union representatives would be allowed to negotiate deals on pay and conditions with multiple employers at once and sometimes across entire sectors, under proposals the trade union movement will take to the upcoming jobs summit. [#abc730](#)



[abc.net.au](#)

Union demands at job summit will centre on collective bargaining: Mc...
Workers and their union representatives would be allowed to negotiate deals on pay and conditions with multiple employers at once and ...

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 You Retweeted



Australian Services Union @ASUnion · Sep 1

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Happening now! Australian Services Union members have a seat at the table of the Jobs and Skills Summit held at Parliament House. Together, we're fighting for a fairer system and wage rises for ASU members.



Promote

1 7



Australian Services Union @ASUnion · Sep 1

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Australian Services Union - along with the broader union movement - is using this opportunity to call for a fairer system, better bargaining and an increase in wages to keep up with the cost of living.

1 3

CHANGE AGED CARE UNITED

“We bargained each fortnight for 7 months. It just went round and round in circles. The system is broken and we need a fair system.”

Carla, BlueCare, WA

AGED CARE NEEDS MULTI-EMPLOYER BARGAINING NOW.

220923_aged care_indus...

CHANGE AGED CARE UNITED

“This is what we need to make it fair across the board. So you're getting the same wage no matter where you go - same job, same pay.”

Carla, BlueCare, WA

AGED CARE NEEDS MULTI-EMPLOYER BARGAINING NOW.

220923_aged care_indus...

CHANGE AGED CARE UNITED

“We are proud to be part of the national strategy which is going to bring about a huge and POSITIVE CHANGE to all aged care workers right across the industry.”

Madison, Regis, WA

AGED CARE WORKERS DEMAND MULTI-EMPLOYER BARGAINING.

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It was a hard fight to get Southern Cross Care to the bargaining table. Once we got to table, Southern Cross Care blamed their funding and budget. They didn't even say they wanted to do better! It shouldn't have been this hard to get Southern Cross to the table. We've come to a deal now, but we should be better off. We can't get the things we need until the bargaining system is fixed. My workplace and aged care can't be fixed until we have a fairer bargaining.

Deborah, aged care worker at Southern Cross Care

IT SHOULDN'T BE THIS HARD!

220915_aged care_failed...

Churches of Christ cannot afford to wait until the outcome of the Work Value Case. We are in crisis now and they need to give their employees some hope things will change for the better now! We need to feel valued now! The rising cost of living has exposed our poverty level wages to the point where our disposable income is getting eaten away and employees are looking to other fields that are better paid with better conditions in retail, hospitality, and warehousing.

Monica, aged care worker at Churches of Christ

IT SHOULDN'T BE THIS HARD!

220915_aged care_failed...

We need the Churches of Christ management and Board of Directors to pay a meaningful increase to our wages to reflect our importance to the industry and providers. I feel personally disgusted that Churches of Christ who profess Christian values have totally ignored and neglected us over the last 2 years with our EBA negotiations. We should not have to fight so hard over such a long time to be treated with the dignity and respect we rightfully deserve.

Debra, aged care worker at Churches of Christ

IT SHOULDN'T BE THIS HARD!

220915_aged care_failed...

BlueCare bargaining meetings have been a waste of time. BlueCare have dragged these meetings out with no outcomes for their employees, they have just gone around in circles. BlueCare have demonstrated that they don't care and won't listen. Shame on them! The current bargaining system is failing workers.

Sarah, aged care worker at BlueCare

IT SHOULDN'T BE THIS HARD!

220915_aged care_failed...

BlueCare are robbing Peter to pay Paul. Taking income protection off us to pay us 2%. It's a joke. No 'bargaining' occurred and BlueCare did not participate effectively. BlueCare simply pointed the finger at the government and lack of funding, blaming them for not being able to pay us a livable wage! It's time to change the bargaining process to make sure all parties are at the table and avoid employers like BlueCare taking no responsibility and passing the blame.

Carla, aged care worker at BlueCare and bargaining representatives

IT SHOULDN'T BE THIS HARD!

220915_aged care_failed...

I should not be able to go down the road and work for different provider and get paid much more money doing the same role! Same job, same pay! Multi-employer bargaining I believe is the answer to avoid providers like BlueCare blaming funders (the government) for not paying us what we are worth! I don't think they would be saying that if they were sitting at the same bargaining table. No more scope goals!

Shirley, aged care worker at BlueCare

IT SHOULDN'T BE THIS HARD!

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CHANGE AGED CARE UNITED

“These changes will make us equal and even more powerful.”

Madison, Regis, WA

AGED CARE WORKERS DEMAND MULTI-EMPLOYER BARGAINING.

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CHANGE AGED CARE UNITED

Aged care needs multi-employer bargaining NOW!

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BREAKING - Aged Care Reform continues!

Hi Friend,

My name is Leanne and I'm an aged care worker in South Australia.

Did you see yesterday's news?

The second piece of aged care legislation – the *Aged Care Amendment (Implementing Care Reform) Bill* – **has just been passed** in the lower house!

This is the second aged care bill passed by the new federal Government. Along with the *Aged Care and Other Legislation Amendment (Royal Commission Reponse) Bill* passed in August, the following measures have been legislated:

- 24/7 nurses on shift in residential aged care
- a cap on home care administration charges
- increased transparency and accountability for providers
- a new aged care funding model
- a star rating systems and new Code of Conduct for aged care providers
- guaranteed minimum mandatory care minutes

We are now one step closer to historic aged care reform, Friend! This legislation is a result of brave aged care workers like you who have spoken out about the issues in residential and home care, who campaigned, bargained, and took action.

Together, we got the new Labor government to listen and act!

Your demands were heard at the Jobs and Skills Summit

United Workers Union's National Aged Care Director Carolyn Smith represented aged care workers at the Jobs and Skills Summit in Canberra last week.

Continues ...

Because it's time for wage justice

Something is very wrong in our workplaces and industrial situation, Friend. **Wages have been falling behind for 10 years** and aged care workers like us who are chronically undervalued have especially been impacted by slow wage growth.

"Blue Care are robbing Peter to pay Paul. Taking income protection off us to pay us 2%. It's a joke. No 'bargaining' occurred and Blue Care did not participate effectively. Blue Care simply pointed the finger at the government and lack of funding, blaming them for not being able to pay us a liveable wage! It's time to change the bargaining process to make sure all parties are at the table and avoid employers like Blue Care taking no responsibility and passing the blame."

- Carina, aged care worker in QLD

We need change to ensure **we get a fair share again**. There is a way to achieve decent wage growth and better conditions and that is through collective bargaining.

But our **workplace laws are out of date** and living standards keep going backwards as our wages have not kept up with the cost of living.

Work has changed - so we need **simple, fair and accessible bargaining** that gives us the power we need to actually get pay rises.

[Click below](#) to watch aged care worker Grace explain why the current bargaining system is broken and needs to be fixed.



Multi-employer bargaining would allow workers from across the aged care sector to **act together to achieve a better outcome for all**. Unions would have the ability to strike agreements for workers across a number of employers in the same industry.

Fixing our broken bargaining system is the best way forward to ensure we can win **better pay and secure and safe jobs to build a life upon**.



[View in browser](#)



Aged care needs multi-employer bargaining NOW!

Hi Friend,

Two weeks ago, leaders in residential and home care across the country came together and endorsed a [demand for multi-employer bargaining](#) in aged care.

Multi-employer bargaining means workers from multiple providers negotiating together, with the funder at the table. We know that when workers stand together, they have more power to win fairer outcomes.

[Click below](#) to hear what aged care leaders across the country had to say about the plan to fight for multi-employer bargaining:



Multi-employer bargaining is the solution to the aged care wage crisis

Aged Care work has been historically undervalued.

The current bargaining system has led to workers in the same city, doing the same job for different providers, earning anywhere between \$22 – \$28 per hour, and working under wildly different conditions.

Right now, in real terms, aged care wages are LOWER than they were a decade ago. The work value case is a step in the right direction, seeking to correct the



'I feel valued, I feel like we have finally been listened to. They have acted on it, they have kept their promises. This is a really good step in the right direction.'

- Mandy, aged care worker, Queensland

Aged care workers across the country have fought long and hard to see a Federal Government take action to fix the aged care crisis, and this budget is proof that we are getting somewhere. But we're not done fighting.

Here's what still needs to happen to fix aged care - and how we're going to win it!

- 🟡 Ensuring wages don't stall or go backwards after any correction resulting from the work value case. Aged care workers need a pay correction AND a pay rise.
- 🟡 Ensuring workers have secure jobs with enough hours - to fix the understaffing crisis.
- 🟡 Reforming the broken enterprise bargaining system, so workers can negotiate and win fair wages and conditions.

The solution: MULTI-EMPLOYER BARGAINING.

Multi-employer bargaining is the answer to the aged care workforce crisis and ensuring fair aged care wages that keep up with the cost of living - now and into the future.

We know that when workers stand together, they have more power to win fairer outcomes.

Make sure you [sign the petition](#) calling for a multi-employer bargaining system that lifts us all up together.

In unity,

The Time for Change - Change Aged Care team at
United Workers Union

P.S. The Fair Work Commission will soon decide the work value case, delivering a pay increase for aged care workers. Be first to know the details: [Register here](#).

P.P.S. Find out how much YOUR wages have fallen behind, and [how much](#) you are missing out on: [Click here](#).

P.P.P.S. Do you follow our Facebook page [Time for Change - Change Aged Care](#)?