



**INDEPENDENT EDUCATION UNION OF AUSTRALIA**

Ground Floor, 120 Clarendon Street, Southbank, Victoria 3006

PO Box 1301, South Melbourne, Victoria 3205

Ph: (03) 9254 1830

Fax: (03) 9254 1835

Email: [ieu@ieu.org.au](mailto:ieu@ieu.org.au)

The Secretary  
Senate Employment, Workplace Relations,  
Small Business and Education Legislation Committee  
Parliament House  
Canberra

May 10, 2001

To the Secretary,

The Independent Education Union of Australia represents over 45,000 members in non-government education. We welcome the opportunity to express our views to the Senate Committee on the two Bills that it is currently considering.

The IEU wishes to formally support the ACTU submissions made in reference to the proposed Workplace Relations (Registered Organisations) Bill 2001 and the Workplace Relations (Transmission of Business) Bill.

Regarding the Registered Organisations Bill, we particularly endorse the threshold principle that there is little to be gained by separating out from the Workplace Relations Act, those matters pertaining to the conduct of unions. There are already in place within the Act stringent accountability mechanisms for unions as organisations.

The intent of the Bill, in our view, is to:

- a) Impose even more regulatory restrictions on unions as opposed to any other type of organisation
- b) Enable newly established organisations of employees to in effect represent employees before being properly registered
- c) Afford automatic benefits to organisations created by disamalgamation, thus covertly encouraging division and dispute
- d) Imply that there are areas of union conduct that need to be somehow “cleaned up”, despite already detailed requirements in the Act, for example, regulations pertaining to dismissal of union officers

Regarding the Workplace Relations (Transmission of Business) Bill, we make the following points:

- a) The intent of this Bill is to further weaken employees' industrial rights by restricting the transmission of enterprise agreements when there is a transfer of business or part of a business. The IEU can cite several cases in non-government education, particularly in the English and business colleges, where members would have been in danger of losing the protection of conditions and wages because of transfer or business succession were it not for the protection of industrial instruments.
- b) In other independent schools, the union has encountered many examples of long serving employees such as groundstaff and cleaning/maintenance staff being advised that their services are no longer required, and the employer outsourcing their jobs under a different title to other companies. In such cases, the employee's only choice is to be terminated or to accept inferior wages and conditions.
- c) The proposed Bill in no way seeks to improve the already weak industrial protection afforded under transmission of business legislation to workers faced with outsourcing or business restructure. It presents the flow-on of agreements in new enterprises as somehow restricting employers' rights to negotiate their own better agreements with workers. There is little evidence in recent landmark cases that restructures or outsourcing have been initiated in order to improve wages and conditions- e.g Madgwick's decision in ASU vs Greater Dandenong.
- d) The legislation around transmission of business is already complex to negotiate, and already only partially protective of employees' rights. Employees have the right, when they vote on a certified agreement, to expect some certainty that it will apply regardless of a change in business dealings. New employees are bound by an enterprise agreement already in place, and there should be no different set of rules for a new employer. Should the terms of an agreement be so inappropriate to the new enterprise, the Act already enables variation or for the employer to apply to terminate it.

In short, the IEU supports the ACTU submissions and recommends that both Bills be not proceeded with.

Yours sincerely

Loretta Cotter  
Acting Federal Secretary