



ACCI BITES

As part of ACCI's responsibility to promote the views of business to national policy makers and opinion leaders, we place a strong emphasis on influencing public debate via the media. The following article highlights some of the policy areas in which ACCI took an interest during January, including Opposition work and family policy, national water security, OHS compliance costs and reduced industrial relations disputation.

ALP SHOULD REJECT UNION WORK AND FAMILY DEMANDS

ACCI believes that the ALP should reject the policy proposal to be considered at its April National Conference advocating the creation of new universal rights to seek a second year of unpaid parental/maternity leave and to seek part time work up until a child reaches school age (potentially 4 or 5 years of part time work).

Although the precise details of what is proposed are still sketchy, the independent industrial relations umpire, the Australian Industrial Relations Commission (AIRC), extensively considered these same ideas in an ACTU-initiated Test Case in 2005.

They were rejected by the AIRC in favour of a more balanced and measured approach which recognised that bargaining is the key to improving work and family balance and that not all businesses can assume the new obligations that are now being revisited.

The Opposition is considering creating these new rights as part of a workplace relations policy which would actually deliver less flexibility and less choice to Australian families. Bargaining, including Australian Workplace Agreements, has delivered a better work and family balance for hundreds of thousands of Australian employees – benefits that will be ripped away if employees are prohibited from choosing to bargain directly with their employer rather than a union.

These proposals fail to recognise what is already happening in businesses today under current workplace relations laws:

- employers and employees are already successfully negotiating work and family flexibility;
- Australia's growing fertility rate suggests that Australia is on the right track in a number of areas supporting

parenthood; and

- capacities to request additional parental/maternity leave and part time return to work are already included in the award system and are legally protected by *WorkChoices*.

It will be impossible for the ALP to create a workplace relations policy which is positive for families and for maternity if it does not empower employees to make their own choices between individual and collective bargaining.

It is improved direct relations between employers and employees and agreed working arrangements that reflect the genuine needs of a business that create better work and family outcomes – not a system that gives the AIRC more power.

New rules and obligations are not only unnecessary, but they carry the risk of discouraging successful negotiation of flexibility in this area. Australia's families and the country's fertility rate are far too important to simply adopt failed union ideas and abandon workplace negotiations in favour of a return to one-size-fits-all models.

NATIONAL WATER SECURITY

ACCI welcomed the Federal Government's January announcement of a new national approach to deal with water efficiency and over-allocation in the Murray Darling Basin.

The economic significance of water use in the basin clearly extends beyond the interests of any one State or Territory and it is appropriate that the Federal Government seeks to work with the States on better ways to manage scarce water resources.

Australian business has a clear stake in wanting a nationally consistent approach to water reform but there

is no doubt that this has been stalled due to a lack of agreement across many Australian governments. It is now time for a decisive approach in the interests of all Australians.

The \$10 billion, 10 point plan is a comprehensive response to a water management problem that without attention would ultimately devastate much of Australia's food and fibre production.

ACCI would welcome the opportunity to be involved in consultation on many aspects of the proposal in the coming months.

NATIONAL OHS COMPLIANCE COSTS NEED TO BE REDUCED

At the end of January, ACCI used the results of an MYOB Australian Small Business Survey, which found that occupational health and safety (OHS) compliance is a major concern for small business, to call for a national effort by Commonwealth, State and Territory governments to reduce the red tape compliance costs faced by business in complying with OHS laws.

This survey sends a very clear message to all governments – that OHS red tape compliance is out of control. For 31 per cent of small businesses it was in the top three red tape burdens. Workers' compensation compliance also ranked highly – in the top three burdens for a further 21 per cent of small business.

OHS red tape is the product of poor quality laws and bureaucratic overkill. For small businesses in the private sector, these laws are the responsibility of State and Territory governments. It is no surprise then that the MYOB survey also finds that "*small business continue to rate the state government's contribution to the development of small business worse than that of the federal government*" (p19).

The Commonwealth too has responsibilities. It should undertake a co-ordinating responsibility for development of solutions.

This isn't the first time governments have been told that OHS compliance costs need to be reined in.

ACCI small business surveys have ranked this issue highly since 2003. The *Rethinking Regulation* report to the Prime Minister twelve months ago said so. So too, has Productivity Commission research in 2003 and 2006.

The ACCI Blueprint for OHS law and practice, *Modern Workplace: Safer Workplace* suggests legislative, workplace and administrative solutions. If laws are

focused on practical duties and equally shared rights and responsibilities between employers and employees, then compliance costs will be reduced without compromising OHS outcomes.

ACCI called on the States to use their new Council for the Australian Federation to authorise independent research into the actual costs of compliance, as the Blair Government has done in the United Kingdom. The Commonwealth must support that work.

To date, the States and the Commonwealth governments have amazingly opposed research on the cost of OHS compliance that ACCI suggested be conducted by the Australian Safety and Compensation Council (ASCC), even though governments authorised research on the cost of workplace injuries.

The New South Wales Government could take the most meaningful step of all, by proceeding with legislative reform that it has proposed but now delayed until after an election because of union opposition. In that State, the legal duties on employers are unworkable, resulting in NSW having a worse OHS record than other States and damage to the State's reputation as a place for doing business.

CFMEU CONFIRMS UNION STRIKES IF IR REFORMS ARE TORN UP

Following the release of the January *ACCI Review*, which featured a lead article on Australia's historically low industrial disputation figures and the important contribution made to this by the reforms of the last 13 years, the CFMEU rushed out a media statement which made it clear that unions would once again threaten the economy with strikes if industrial relations reforms, including changes made following the 2003 Cole Royal Commission, were to be "*ripped up*."

The CFMEU statement blatantly says that "*workers would take industrial action*" if current penalties in industrial relations (IR) laws did not apply. It promises a "*worker backlash*" in the form of industrial action in the event that a future government or parliament "*relaxes*" those laws. It claims that business "*will bare [sic] the consequences*."

The CFMEU was responding to an ACCI analysis linking industrial relations reform to historically low strike levels.

The CFMEU statement lets the cat out of the bag. Behind the union campaign against *WorkChoices* and the emotive television ads is the ugly face of those militant unions who want *WorkChoices* to be torn up so that they can again impose their will through strikes and industrial muscle.

The CFMEU statement is quite an own goal. It discloses a union agenda that the ACTU campaign has tried to mask.

The laws the CFMEU wants torn up are not just WorkChoices but also the 2005 Building Industry Improvement Act, which created the Australian Building and Construction Commission, as recommended by the Cole Royal Commission. These laws are directed not just at unions, but also employers and employees.

Strikes and bans will take us back to the bad old days when large and small businesses in the construction industry, and the public, bore the consequences of high building costs and lost productivity due to what the Cole Royal Commission found was “*a culture of lawlessness.*”

The CFMEU threat is no idle union claim. Last year

ACTU secretary Greg Combet said, “*We used to run the country, perhaps we should again.*”

Prior to the 1996 Federal Election the then ACTU secretary Bill Kelty claimed that “*if they want a war, we will give them the full symphony*” of industrial action if the government changed.

Current trade union policy on industrial relations puts at risk the low strike reputation that Australia has achieved after a generation of effort. The CFMEU now confirms that.

ACCI has called on the new federal Labor leadership to reject these regressive union attitudes and those aspects of policy which would expose Australia to the strikes and industrial muscle of militant unions.

BUSINESS WARNED OF SCAMS MISUSING ACCI NAME

ACCI warns Australians and Australian businesses, that there are a growing number of scams misusing variants of the ACCI name.

We are aware of at least two scams - one consisting of a job offer by email and another seeking to conduct a detailed survey by phone - using ACCI's name or variants such as the “*National Chamber of Commerce*” or the “*Australian Chamber of Commerce.*”

These illegal activities are not done with the authority of ACCI. We strongly condemn them and are exploring if the perpetrators can be prosecuted.

Unsolicited emails are a major burden on the Australian economy and ACCI does not support their use.

ACCI is also aware of people purporting to conduct telephone surveys on behalf of the “*Chamber of Commerce.*”

ACCI does conduct four genuine quarterly surveys asking, in writing, general questions about own business and general economic conditions. We may use telephone, fax or personal contact to follow up on these surveys, but only if the surveys have already been faxed or posted to the business or by prior agreement with the business. ACCI does not conduct surveys through cold calling.

Businesses that are suspicious should not answer any questions, but should take down the details of the caller and contact ACCI to check that the survey is legitimate.

If the survey is not legitimate, businesses should report the misrepresentation to the Australian Competition and Consumer Commission (ACCC).