



Gippsland Trades & Labour Council Inc

Secretary's Report 2010

John Parker

Gippsland Trades & Labour Council Inc

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Executive Summary

Firstly as Secretary of Gippsland Trades and Labour Council I recognise that this land was occupied by peoples prior to European forced occupation of this land. For this injustice the Gippsland Trades and Labour Council is truly sorry. Further we are determined to work with the indigenous communities to reconcile those wrongs that have been perpetrated in the past and will fight against the injustice that are continuing to be perpetrated by the current Governments and their agents against our indigenous people.

The Gippsland Trades and Labour Council (GTLC) is a dynamic organisation that has a proven record of supporting workers and communities and instigating positive change in the Gippsland region.

The GTLC is spearheading the local campaign for a just transition to sustainable jobs in the face of climate change. We recognise that industrial transformation as a result of climate change is inevitable and are striving to ensure enduring strategies for a just transition to new industries and technologies are in place.

The campaign for sustainable transition must take place in Gippsland. It must not only support workers but it must be driven by workers and their communities in our region. To achieve this we must continue to form partnerships with community groups and various levels of government.

Highlights

The GTLC has been in the forefront of number activities in industry and within the local community. These include:

- Spearheading the local Your Rights at Work Campaign, including the purchase of a campaign caravan and the mobilisation of activists
- Two Your Rights At Work Country Cavalcades
- Workplace Rights Expos
- Supporting a number of industrial campaigns including the MEC Yallourn Workers in their 40 week protest and Security Personnel at Hazelwood Power.
- Development of the Asbestos Home Removal Kit in conjunction with GARDS, an Australian first. The links between GTLC and GARDS (Gippsland Asbestos Related Disease Support Group) remain strong and continue to campaign alongside them for the eradication of asbestos.
- Received funding from Work Safe to instigate conduct research and training into Return To Work Practices and Procedures
- In the Cardinia Shire GTLC President, Colin Ross, has been elected as a Shire Councillor and Assistant Secretary Steve Dodd has assisted a number community groups
- Annual sponsorship of Gippsland Speedway Club's Neil Street Cup
- The formation of the Gippsland Apprenticeship Research Project in conjunction with Monash University
- Support of Bushfire recovery. In conjunction with Gippsland Tourism the GTLC supported the Walhalla Centenary Cricket Match and sponsored regional Tourism Awards. The GTLC with repairing fences in the Toongabbie area.
- Lobbying for an inquiry into subsidence along the Gippsland Coast, an ongoing issue
- Ongoing lobbying and support to save and support Coal Creek Heritage Village.
- Assisted the Wonthaggi State Coal Mine to obtain a grant to enabling them to re open the State Coal Mine

- Supported the Wonthaggi Rescue Station with the refurbishment of the Old Rescue Station
- Supported the Traralgon Football Club (Sponsorship Signs)

Ongoing Activities

- We continue to support a Family Picnic Day at Moe Race Course.
- We are organising Unions around Climate Change in conjunction with RMIT and VTHC
- We are establishing sub-committee Chaired by President Colin Ross, to bring together unions and the communities to support disabled workers in fair and meaningful employment.
- The Women's Action Coalition (WAC) was formed in 2009. It has had a very strong start and a promising future

If the GTLC, Unions and their communities are to achieve social and economic justice for all workers in the regions, we must commit to the following:

- Assist Unions in industrial campaigns
- Campaign for a social wage that is based on the true cost of living.
- Pursue safe and hygienic working conditions
- Fair and affordable public housing
- Full and free health services
- Environmentally sound and sustainable industries
- Full and comprehensive free public education systems
- Retirement

Over the next three years the GTLC will continue to pursue its goal of supporting both workers and communities through the principals of community unionism. It is through Australia's proud history of union solidarity that workers have superannuation, workers compensation, sick leave, annual leave and long service leave. It has fought for workplace safety, fair and affordable education, health and housing. The GTLC will continue the fight for economic and social justice.

One of our greatest challenges is to politically organise our membership and to counter prominent conservative political agendas. Gippsland needs a strong voice and not to be dictated to by city centric politics. Gippsland Upper House member, Johan Scheffer has shown strong leadership and we urge all Gippsland Labour Party branches to follow suit. The issues confronting rural and regional Gippslander's need to be high on the political agenda.

The coming years will be a time of great change, challenges and opportunities for the Union movement. Workers and the community must stand together in solidarity to achieve a society that is fair and just for all. Then and only then will we be able to live in peace and harmony with each other and the environment.

John Parker
Secretary

Strategic Challenges for GTLC for the next Five Years

Over the past few years the Gippsland Trades and Labour Council has adopted a number of policies. To expand and articulate these policies as the views of the Gippsland Trades & Labour Council I move,

“That the Gippsland Trades & Labour Council Delegates consider the following items for recommitment and adoption at the November GTLC Meeting and that any additional items or amendments are forwarded to the Secretary by 30th September 2010 for consideration by the Council”

Purpose

The Gippsland Trades and Labour Council shall always demand that Unions have the right to collective bargain on behalf of their members without political interference.

The GTLC must commit to:

- Developing close links with communities
- Assisting Unions in Industrial Campaigns
- Campaigning for a Social Wage that is based on the true family cost of living.
- The pursuit of safe and hygienic working conditions
- Fair and affordable public housing
- Full and free health services
- Environmentally sound and sustainable industries for the Gippsland region
- Full and comprehensive free public education systems
- Retirement
- Long term Sustainable Jobs

We must develop policies and form partnerships in each of these areas.

The union movement must form its views from the workers within the community. Their interest and those of their communities must be the base we form our policies.

I submit the following policies for development:

Human Rights

The Victorian Charter of Human Rights and Responsibilities Act passed through the Victorian Parliament in July 2006. The Charter largely protects civil and political rights and falls far short of the position advocated by the GTLC. The Charter does not protect social, cultural, economic, civil and political rights. The GTLC believes that these rights are indivisible. The Charter cannot offer protection of human rights against the Victorian Government while the Government can change laws and override common law.

A Bill of Rights must be adopted in both the State and Federal Constitution not just enacted in Victorian Law because of the division of powers between State and Federal Parliament.

In formulating a Bill of Rights to be adopted by both state and federal constitutions there are sections of the community that we believe deserve particular attention; the homeless, particularly the young, indigenous Australians and refugees.

The homeless have no rights, they are a forgotten underclass.

Land rights and the protection of cultural heritage have for 200 years been abused.

Refugees in Australia on a bridging visa, for example, cannot work, have no access to medical care, education or Centrelink payments – they are stripped of all rights and dignity. Children are incarcerated.

If basic human rights are enshrined in the constitution it is then the responsibility of all institutions to meet these standards.

All legislation enacted by government would also be required to meet these standards. The government would be required to put in place mechanisms to monitor non government organisations.

Full access to the law must be given to people who feel their rights have been breached.

With rights come responsibilities. Education about rights and responsibilities would be an integral part of any introduction of a Bill of Rights.

Government organisations are unwilling to take a leading role in Human Rights. It is the obligation of political activists to activate the broader community in this matter.

The general culture of the developed world is toward individualisation of citizens. An attitudinal shift towards understanding of the responsibilities towards our fellow citizens that come with human rights would have a positive impact on our society.

The Gippsland Trades and Labour Council will campaign for the introduction of a Bill of Rights within the Australian Constitution.

The Bill of Rights will ensure that all persons (whether permanent or temporary) that are within the territory of Australia be ensured that their basic economic, social and legal rights are maintained on a basis of equity and fairness to all and will include:

- Adequate standard of living (housing, food, clothing etc)
- Freedom from arbitrary arrest and detention
- Freedom of assembly
- Freedom of association
- Freedom from discrimination
- Clean, healthy environment, protected for future generations
- Cultural and intellectual property rights
- Disability rights
- Equal access to services
- Education
- Equal access to natural, cultural and economic resources
- Equality before the law
- Right of ethnic, religious or linguistic minorities to belong to and enjoy their own cultures

- Fair trial
 - Health and access to medical care
 - Independent judiciary
 - Liberty and security of the person
 - Right to life
 - Natural justice and procedural fairness
 - Right to work
 - Equal pay for equal work and equal opportunity for all workers regardless of gender
 - Safe working conditions
 - Right to form unions, right to collective bargaining
 - Right to participate in the cultural, economic and social development of the community
 - Presumption of innocence
 - Privacy
 - Indigenous land rights
 - Right to self determination
 - Freedom of movement
 - Right to vote
 - Freedom from torture and cruel, inhuman or degrading treatment or punishment
 - Freedom from violence or threats of violence
 - Freedom of thought, conscience and religion
 - Right to silence
 - Freedom of speech
 - Freedom from slavery
 - Right to seek asylum
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Union Rights

- The Gippsland Trades and Labour Council demands that Unions have the right to collective bargain on behalf of their members without political interference.
 - The Gippsland Trades and Labour Council demands that there is, equal pay and equal opportunity for all workers, regardless of gender.
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The Rights of Indigenous People of Australia

The Gippsland Trades and Labour Council recognises that this land was occupied by peoples prior to European forced occupation of this land.

For this injustice the Gippsland Trades and Labour Council is truly sorry.

The Council determines to work with the indigenous communities to

- Reconcile those wrongs that have been perpetrated in the past.
- Fight against the injustice that is continuing to be perpetrated by the current Governments and their agents against our indigenous people.

Rights of Refugees

The Gippsland Trades and Labour Council (GTLC) calls on the Government or a future Government to undertake a Royal Commission into issues relating to the detention and the treatment of refugees, asylum seekers and immigration detainees over the past twenty years.

Asylum seekers who come to Australia are automatically locked in concentration camps. Thousands have been penalised for seeking asylum from persecution, a right they have under international law.

The 1966 International Covenant on Civil and Political Rights (ICCPR), to which Australia is a party, prohibits arbitrary detention and provides that a detained person must be able to take proceedings before a court that can determine the lawfulness of detention and order release where detention is unlawful.

Australia is also in breach of Articles 3 and 9 of the Universal Declaration of Human Rights which protects the right to liberty and freedom from arbitrary detention.

When Australia signed the Refugee Convention and Protocol it agreed to be bound by all of its provisions. However, the Australian Government pays no heed to them, for example: Article 33(1) of the Refugee Convention states that refugees should not be returned 'in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened...' yet nine asylum seekers who were held on Nauru were killed after being sent back to Afghanistan.

It is the view of the Gippsland Trades and Labour Council that mandatory confinement of asylum seekers and refugees is a crime against humanity and that the perpetrators of this crime should be prosecuted.

It is unacceptable that any person is detained for more than three months without trial to determine their identity. The Government must bring Australia's refugee policies in line with international human rights standards. It must end mandatory confinement, grant permanent protection to all TPV holders and should never again return to the abhorrent 'Pacific Solution'.

Health

The Gippsland Trades and Labour Council believes that it is the responsibility of all society to ensure that all people are cared for on the basis of equality.

The Gippsland Trades & Labour Council will continue to demand that all citizens have the right to a full and comprehensive public health system that is managed by the Federal Government.

The Gippsland Trades and Labour Council determines that the Federal Government should manage a public health system that ensures that all persons in the territory of Australia has full and free :-

- Access to Doctors of their Choice
 - Access to Public Hospital
 - Access to Dental Care
 - Access to Mental Health Services
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Occupational Health and Safety

Union Charter off Workplace Rights

Occupational Health, Safety, Compensation and Rehabilitation

This Charter of Rights sets out the rights and responsibilities of all workplace parties in the provision of decent and fair health, safety, compensation and rehabilitation systems and practices within Australian workplaces.

Regardless of jurisdiction, changes to occupational health and safety, compensation and rehabilitation law must not result in a diminution of the rights and entitlements of any worker.

Workers

Every worker has the right to:

- A safe and healthy workplace
- Travel to and from work in safety and with appropriate protections
- Return home from work free of injury or illness
- Enjoy retirement without suffering adverse consequences of workplace injury or illness
- Enjoy the highest level of protection, representation, compensation and rehabilitation, regardless of the jurisdiction within which they work
- The highest level of protection to prevent injury illness and disease
- Take collective action over any health and safety matter, including the right to cease unsafe or unhealthy work
- Discuss, negotiate and be consulted and involved in all issues affecting their health, safety and welfare

Representation

Every worker has the right to be represented on health, safety, compensation, rehabilitation and return to work issues, by their elected Workplace Health and Safety Representative and their union. Every worker has the right to elect health and safety representatives.

Discrimination and Bullying

All workers (or prospective workers), including health and safety representatives, will be protected by law from discrimination, harassment, bullying or detriment to their employment because they have raised a health and safety issue, lodged a compensation claim or been involved in consultation on workplace health and safety matters.

Employer Responsibilities

Persons who control, manage or own workplaces have an absolute duty of care without limitation to provide and maintain safe and healthy work environments. Employers will not shift jurisdictions to attempt to avoid their OHS and workers compensation responsibilities and obligations. Employers are subject to all the obligations and responsibilities contained within this Charter.

Compensation

Following a physical or psychological injury, all workers have the right to a fair, just and equitable compensation system, which promotes the best medical and like support, the most effective rehabilitation for injured workers and facilitates a safe return to work that offers genuine job security.

Rehabilitation

All workers have the right to return to safe, suitable, meaningful and sustainable work, following the provision of quality rehabilitation services, commensurate to need.

Role of Regulator

OHS law must be effectively enforced by regulators in all jurisdictions. The regulator must also consult and provide information, support and advice to all workplace parties, including unions. They must ensure that workplace representatives are supported and protected and bring prosecutions in a timely, appropriate and courageous manner. Regulators will actively monitor self-insuring companies and ensure transparency and fairness of their workers compensation and return to work systems. An inspectorate must be adequately resourced, pro-active and willing to fulfil an enforcement role as well as an advisory role.

Penalties

Penalties must be commensurate with the degree of the breach, including recognition of gross negligence. Penalties should be sufficient to act as a deterrent. A range of penalties, including but not limited to infringement notices, fines, moieties, imprisonment, enforceable undertakings, and adverse publicity orders must be provided to allow for a range of penalties for breaches of health and safety and compensation laws to be actively applied.

Development of Laws

All occupational health and safety, compensation and rehabilitation laws are to be developed in a tripartite manner.

All laws must be developed incorporating but not limited to the ILO

Conventions, Protocols and Recommendations concerning health and safety.

Workplace Health and Safety Representatives have the right to:

- Be democratically elected by a process determined by workers, in conjunction with their union
- Utilise legal rights and powers to represent workers on health and safety matters
- Inspect the workplace
- Access relevant information and be informed of all incidents
- Be consulted by the employer before workplace changes occur that may affect health and safety
- Issue notices when breaches are detected
- Call in government inspectors
- Direct workers to cease work where there is a belief of immediate risk to health and safety
- Seek resolution of health and safety issues
- Perform all OHS activities on paid time and have adequate facilities
- Be assisted by any person at any time
- Be protected by law from discrimination, harassment, bullying, intimidation and prosecution
- Access training of their choice in paid work time
- Appeal any decision of a regulator or court regarding any health and safety, compensation or rehabilitation matter

Unions have the right to:

- Enter workplaces on health and safety issues
- Investigate breaches of health and safety laws
- Represent members and prospective members
- Initiate investigations and prosecutions for occupational health and safety breaches
- Initiate cessation of work in unsafe areas
- Access all relevant information and reports

Workers' compensation standards are to:

- Be available to all members of the workforce
- Provide compensation for all injuries that arise from travel to, from or during work including and during recess breaks
- Be available upon the death of a worker and for dependants of that worker
- Be based on the 100% replacement of loss of income
- Provide total cost of medical rehabilitation and other related expenses
- Provide lump sum compensation for permanent disability
- Ensure common law rights
- Support rehabilitation and return to work
- Ensure that workers are entitled to timely and effective claim determination and dispute resolution processes
- Ensure the worker has access to the doctor of their choice
- Not be eroded by companies seeking to self-insure in order to obtain lower OHS and workers' compensation entitlements for workers

Rehabilitation will include the right to:

- Union representation
- Early intervention of workplace injury and illness
- Consultation about all aspects of rehabilitation
- High quality, appropriate, effective and timely rehabilitation plans and services
- All documentation and information relating to their rehabilitation
- Fair and equitable rehabilitation plans and services
- Privacy in the management of all records and information
- Personal choice of medical provider and rehabilitation service

Workers must not be adversely affected by any employer moving between jurisdictions in relation to their OHS and workers compensation entitlements.

Any proposed move between jurisdictions will only occur following genuine consultation and agreement with workers and their representatives and a process of public review, including public tribunal hearings.

Consistent with ACTU OHS and Workers' Compensation Policy and international standards, Australian law must ensure healthy and safe workplaces and a compensation and rehabilitation system which ensures that no worker is disadvantaged should they be injured at work.

All workers have the right to join a genuine trade union. Union organised workplaces are safer workplaces.

Education

Past Government's lack of commitment to ensuring Australia's Skill levels are maintained has been disastrous.

The traditional trade training system has all but been destroyed, leaving this country with a critical shortage of skilled workers. Meanwhile millions of dollars are spent on corporate welfare giving employer grants for fraudulent so called Australia Apprenticeships that leave the workers with no real long term prospects.

These schemes add nothing to our long term national skill pool.

Attacks on our universities, both staff and students, are showing signs that our future academic base will also suffer the same shortages that our traditional trades are currently experiencing.

This will put at risk Australia's future ability to stay at the leading edge of economic and social technology in the coming decades.

The Gippsland Trades and Labour Council has grave concerns about Government's ability to fully understand the reasons for, and therefore deal with, the current skill shortages in Australia.

Current policies to import skilled labour, including young workers, to fill apprenticeship positions in rural areas, which compromises Australia's ability to maintain and develop its intellectual standards for future generations and ignores the needs of young Australians.

It is our view that there are adequate levels of willing and capable people in Australia who could be trained to the levels required by business and industry.

We are also concerned that major corporations are shirking their responsibilities towards training and apprenticeships in the pursuit of profit for their shareholders.

We believe that a training levy should be applied to large corporations especially to resource sector to fund and assist those who provide proper and meaningful training.

Further, training requirements should be set on all Government work and Government Contractors in order that Australia maintains a skilled workforce without the need to import labour from overseas.

The Gippsland Trades and Labour Council believes,

- That it is the right of all Australians to have access to unlimited learning that enhances their social and economic needs.
- That a modern society provides fee child minding centres for its children to allow their parents the flexibility to meet their social and economic needs.
- That all our children have access to well resourced Kindergarten that is staffed by qualified staff.
- That it is the elected Governments responsibility to ensure that society maintains a high quality public education system.
- That all citizens have free access to tertiary education that will allow them to advance their educational needs.

Asbestos

The Gippsland Trades and Labour Council calls on all nations throughout the world to;

- ban the use of asbestos;
- to embark on an eradication process to remove asbestos from all societies
- to educate workers and communities about the safe handling of asbestos during eradication;
- to support all sufferers of asbestos related disease.

That the Gippsland Trades and Labour Council continues to support GARDS in attempts to establish a domestic asbestos waste management centre/s to allow disposal of small amounts of non fibrous domestic asbestos from the public.

The Gippsland Trades and Labour Council is continuing to work towards establishing a Memorial for Asbestos Victims.

Energy

The union movement has represented workers in the Latrobe Valley based energy sector since its inception and feels entitled to a seat at the table during any discussions on the industry's future.

We accept that global warming is real, that it poses huge risks for the for the environment and the economy and that existing thermal electricity generation plants, particularly those using brown coal are a major contributing factor. We call on the Government and the power companies to begin the process of developing a long term strategy for a smooth transition to a low carbon economy.

We want to ensure that workers in the Gippsland region receive fair and equitable treatment as industry goes through this inevitable transition to cleaner and more sophisticated technologies.

To this end the Gippsland Trades and Labour Council (GTLC) has formed a partnership with RMIT to develop a transition program that will lay the foundation for a low carbon economy.

Our objectives are to:

- Create a strong and diversified Gippsland economy with high quality jobs
- Secure a 'just transition' for workers in the region in a carbon-constrained economy
- Provide input into local economic development policies/issues
- Strengthen a highly skilled workforces as a competitive advantage
- Coordinate and build labour cohesion in regional economic development efforts
- Secure a voice for organised labour in economic development in the region
- Mobilise organised labour to seize and expand opportunities for partnership with regional job creation efforts, building on mutual interests.

We will lead and initiate:

- Commissioned research to investigate industry and employment trends, training needs, workforce quality, etc. that will inform policymaking.
- Ways of securing investments that help create quality jobs.
- Work with local government to secure a transition to a carbon-constrained economy

- Work in partnership with employers, farmers, community organisations and local governments on mutual economic development goals.
- A business-union practitioners' network to assist in attracting companies to the region (e.g. participating in business re-location inquiries, public regional marketing initiatives).
- Promotion of the region to potential employers.
- Advice for at-risk companies on how to save their business and become more energy efficient.
- Support and promote the development of social enterprises, such as the Eureka Factory.
- For the establishment of a community and/or ME Bank Branch and other community minded financial institutions in the region.

We aim to have a workforce with the sophistication, skills and knowledge to deal with issues that climate change and new technologies are going to present to local industry.

The devastation to the Gippsland community from selling off of the State Electricity Commission cannot be repeated. The Government should now be looking to buying back into the power industry. We now have a unique opportunity to develop a sustainable future for the region.