

Saturday, 11 July 2009

Dear Members,

We reported to you last month that a meeting was held in Fremantle on 22 June 2009, with offshore employers and AMMA to discuss offshore enterprise agreement issues.

We advised you that while the MUA had been invited to that meeting it did not attend.

It was the view from the meeting of the 22nd it might be worthwhile to convene the same group again and again ask the MUA to participate.

This happened in Sydney yesterday 10th July 2009, with all three unions, AMMA and all employers bar Seatow in attendance.

AMMA expressed its view, on behalf of the employers, that there ought to be negotiations for renewal of the offshore agreements involving all three unions and all employers simultaneously i.e., pattern bargaining.

Pattern bargaining is not illegal but there is no avenue to take protected industrial action in pursuit of your claims should the 'sweetness and light' turn to bad humour, aggravation and a denial of your claims.

While this style of negotiating might initially speed up the process it would potentially see it grind to an angry halt and protracted proceedings unfold when the employers seek through the courts and tribunals, to deny the unions' access to protected industrial action; we cannot contemplate such a process.

There has been a suggestion that a single employer, or multiple employers acting entirely independently, might invite the three unions to sit around the bargaining table at the same time to discuss common issues, as happens from time to time in other industry sectors.

Meanwhile AIMPE will continue to bargain individually with employers and thereby preserve the right, under the law, to take protected action should it be deemed necessary.

The new Fair Work Australia Act commenced on 01 July 2009, which means bargaining must now be done 'in good faith'. AIMPE has written to all offshore employers seeking to initiate or begin bargaining under the new legislation. The new Act puts in place a bargaining procedure which supplants the Workchoices 'initiation of a Bargaining Period' and requires the bargaining process to commence anew.

If you seek clarification on any point raised in these reports do not hesitate to contact either Phil Olsen or Michael Bakhaazi.

Thank you for your ongoing support.

Phil Olsen
0418 920092

Michael Bakhaazi
0401 431166

412 Pattern bargaining

Pattern bargaining

- (1) A course of conduct by a person is **pattern bargaining** if:
- (a) the person is a bargaining representative for 2 or more proposed enterprise agreements; and
 - (b) the course of conduct involves seeking common terms to be included in 2 or more of the agreements; and
 - (c) the course of conduct relates to 2 or more employers.

[Division 5 deals with injunctions against industrial action if a bargaining representative of an employee who will be covered by a proposed enterprise agreement is engaging in pattern bargaining.]