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## ❖ NOTICE ❖

**TO: ALAEA MEMBERS – FORSTAFF AVIATION AVALON**

**RE: FAIR WORK AUSTRALIA ACT 2009**

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New work laws commenced on 1 July 2009 being the Fair Work Australia Act 2009 (FWA 2009). FWA 2009 represents a move away from the draconian WorkChoices that undermined working families and their unions'.

Some of the improvements are as follows;

1. **Right to union membership & representation** – WorkChoices diminished the basic democratic right for workers to belong to a union of their choice by the ability for employers to create an environment of intimidation via threats of dismissal, pressure, discrimination & victimization.

FWA 2009 outlaws adverse action by employers discriminating against workers due to union activities. FWA provides greater protection for union delegates against potential discrimination during collective bargaining. FWA 2009 enshrines in law the right for employees to be represented by their union when needed such as consultation and dispute resolution procedures.

2. **Stronger safety net** – The new safety net consists of 10 legislated National Employment Standards (NES) and a new set of modern awards. The NES includes maximum weekly working hours, requests for flexible working arrangements, parental leave and related entitlements, annual leave, personal carers and compassionate leave, Community service leave, long service leave, Public holidays, notice of termination & redundancy pay & Fair Work Information statement. This is a significant improvement compared to the 5 basic entitlements under WorkChoices.
3. **Collective bargaining** – Collective bargaining is the corner stone of FWA 2009. Workers will be able to insist that their union/s bargain on their behalf to secure a collective agreement. The new FWA 2009 states that employers must bargain “in good faith” and must be serious about negotiating a collective agreement. These were 2 fundamental rights removed by WorkChoices. The agreement must meet the “BOOT” Better Off Overall Test and Fair Work Australia, will have the ability to settle disputes where there have been serious and persistent violations of good faith

**"To undertake supervise and certify for the safety of all who fly."**

bargaining. Whilst unions will no longer be signatories or parties to collective agreements, they are covered by the agreements via union constitutional coverage under union rules registered under FWA 2009. Union provisions such as paid trade union training leave are allowed in collective agreements under FWA 2009.

4. **Improved unfair dismissal protections** – After a 6 month qualifying period people working in a business of employing more than 15 employees are now protected from unfair dismissal. Under WorkChoices it was 100 employees. FWA 2009 will improve unfair dismissal matters for members of your family, friends and your neighbours.
5. **New award system** – A modern streamlined award system is being created under FWA 2009. Awards set minimum standards in industries or occupations, making terms and conditions in awards very important not only for awards covered employees – also for employees covered by collective agreements. Under the new award system unions can run test cases to improve award conditions that can also be used in collective agreements. In essence – it is in all workers and unions interests to have a strong and vibrant award system.
6. **Fair Work Australia (FWA)** – FWA will replace the Australian Industrial Relations Commission (AIRC) 1 January 2010. FWA will be the new independent umpire and will have powers to mediate, conciliate, and call compulsory conferences. One of FWA main roles will be assisting with bargaining, including supervising industrial action and facilitating bargaining for low paid workers. FWA will have new teeth with new grounds to arbitrate when bargaining fails. The courts will also be provided a new role in overseeing the application of awards and the NES.

FWA 2009 is a step in the correct direction improving the lives of working families however, there is more work to be done such as;

- The abolition of the Australian Building Construction Commission (ABCC) which discriminates against building and contraction workers treating them as second class citizens.
- Removing the restrictions on the content of collective agreements in terms of matters only pertaining to the employment relationship.
- Improving bargaining rights for workers and improved union relationship in EBAs.

The ALAEA will continue to campaign for improved conditions for aviation maintenance & engineering members and their families.



Brad Stewart  
National Union Organiser