

Union recognition

PROTECTING OUR PROTECTORS

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Replacing a failed recognition law

Imbalance of power in current law

Unions operate in a hostile legislative environment

The law does not recognise trade unions as legitimate representatives of workers

A new law which genuinely encourages collective bargaining

To protect workers against having to accept inferior terms and conditions

Current law

Employment Relations Act 1999; replaced previous system based only on voluntarism

1980 – three in every four workers had terms set by collective bargaining, today around one in four

Law requires large majorities in secret ballots; notice to employers; restricted rights of access; employer ability to challenge union claim for recognition

Towards a radical review

Focus is on rectifying the major defects of current law

Aimed at addressing power imbalances

Abolish all existing aspects of the 1999 law that are based on 'equality of treatment' between trade union and employer

A new law that would give preferential treatment to trade unions

A new law that is short and easy to understand and restrictive on employers to encourage voluntary agreements

Key principles of new law

Trade unions are legitimate representative bodies – not dependent on size or density

CAC with a duty to promote collective bargaining

Validity of claim for statutory recognition based on a simple 10 per cent support

No requirement to prove receipt of notification

No requirement to have sought voluntary recognition

Right of access once notification is issued

Bargaining unit (BU) is that selected by the union

Key principles – ULP and coverage

Unfair labour practices (ULP) outlawed – but limited to employer activity with burden of proof on employer to show that the practice complained of was not unfair

Automatic recognition where an ULP is upheld or where the employer has proposed an alternative BU

Restrictions on derecognition

Award of statutory recognition gives right to collectively bargain over wide range of issues

Key principles - duration

Statutory recognition award applies for minimum of five years

Continues regardless of transfer of employer