

Civil contractors, universities beg for bargaining carve-outs



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Infrastructure contractors and universities are demanding the Albanese government urgently carve them out of its new multi-employer bargaining regime as unions put the sectors in their sights.

The Civil Contractors Federation on Thursday called on the Senate to block the Secure Jobs, Better Pay Bill after reacting in “anger and dismay” that the government’s proposed exclusion of construction from multi-employer bargaining [failed to extend to civil](#) and argued it risked disrupting billions of dollars of infrastructure projects.



Workplace Relations Minister Tony Burke has ruled out excluding mining but said it was not realistic to say multi-employer bargaining would affect the sector.

Meanwhile, the peak body for regional universities, including Charles Sturt University and Southern Cross University, demanded its own exemption after warning the laws would expose the country's largest export industry to sector-wide strikes and undermine its international standing.

However, unions have accused employers of running a "scare campaign" without basis in reality.

The push for more carve-outs is a response to the bill's broadly worded "single interest" bargaining stream which could potentially rope in much of the economy provided they shared similar geography, work or terms and conditions.

While the government on Thursday amended the bill to exclude commercial construction, it has still left open civil, which is dominated by the Australian Workers Union and CFMEU.

CCF national chief executive Chris Melham said the bill would put at risk private investment that made up half the country's annual \$84 billion civil infrastructure investment pipeline.

"This ill-considered 'policy on the run' approach is regulatory discrimination that will cause serious disruption to Australia's infrastructure sector – caused by widespread industrial strikes when there is a disagreement – including the construction of Australia's roads, railways, bridges, pipelines and the utilities sector," he said.

He said many contractors negotiated directly with their employees but the multi-employer bargaining laws – which include a union veto on employers unilaterally putting an agreement to a vote of staff – appeared to preference union deals.

"Civil construction has a small number of large companies with very strong bargaining power and a huge number of small business employers without any real bargaining power which creates a perfect environment via pattern bargaining for abuse of small businesses and consequently their elimination from the market," he said.

Regional Universities Network said the laws could rope in “fundamentally different” universities into the same deal despite different markets, student cohorts or staffing sizes.

“There is a genuine risk that universities will be exposed to industrial action on matters that are not relevant to them and will result in poorer outcomes for each party,” it said in a submission to the Senate inquiry on the bill.

“This could fundamentally undermine the international standing of Australia’s universities, and largest service export industry, and risk the impact that Australia’s higher education sector makes to Australia’s economic prosperity, not to mention the potential impact this could have on Australia’s domestic students.”

National Tertiary Education Union president Alison Barnes slammed the comments as “an absurd scare campaign from delusional university managements which seem more interested in trying to emulate big business than addressing core issues in the sector”.

“There is no evidence to support the idea universities would be exposed to industrial action for no reason,” she said.

“University managements need to drop the scare tactics and focus on giving staff a fair pay rise, more secure jobs and safer workloads.”

The NTEU told a Senate inquiry last week that it intends to use multi-employer bargaining to cover non-university higher education providers, where it said staff are poorly paid and not covered by enterprise agreements.

However, it has not ruled out using the laws for universities. While enterprise agreements largely cover the sector, many regional university deals have expired.

Dr Barnes said the union was bargaining with universities across Australia but that it was “really disappointing to see some regional university managements use tactics like non-union ballots to try to ram through sub-par deals”.

The Electrical Trades Union, whose members in civil are not included in the construction exclusion, wants to use multi-employer bargaining for renewable projects, [such as solar farm construction](#), which it says have poor wages.

Workplace Relations Minister Tony Burke ruled out further exemptions for mining, arguing it was unlikely to be affected given none on the west coast had yet to get majority worker support for an agreement.

“If they are not going to be able to get over the line on a single enterprise stream, I really don’t think it is real-world or realistic in any way to think that that would suddenly be able to happen in a multi-employer stream,” he said.

University of Sydney Associate Professor Chris Wright played down the likelihood of more strikes, submitting to the bill’s inquiry that Denmark had multi-employer bargaining yet had lost fewer days to industrial disputes than Australia in recent years. That was despite union membership at 65 per cent in Denmark compared to 14 per cent in Australia.

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