All change, all encompassing – the Secure Jobs Act

So, what's different with the Secure Jobs Act, you might reasonably ask, when the Australian supply chain already has experience with extensive sector-wide industrial disputes and action? How will it really make a difference?

Well, expert opinion is of the view that it's going to completely change the industrial relations landscape. It will set a new, and increased, floor in respect of terms and conditions of employment, and in pay, right across Australia, right across all sectors. We'll see how, and why, in one the later articles in this special report.

In the supply chain space, we have typically seen union action mostly directed at the largest companies that occupy key waterfront spaces such as terminal operators, towage providers and the like. But, under the Secure Jobs Act, unions will not only be able to take sector-wide action against, say, terminal operators and towage providers, they will also have the possibility of being able to co-ordinate action across all sub-sectors of the supply chain, and in organisations of a range of sizes. And they will have the possibility of doing this simultaneously.

So, everyone who is not, say, a container terminal operator or a towage operator, will probably be familiar with the indirect effects of industrial action. By "indirect effects" we mean all the many and various consequences in the supply chain of terminals and towage providers not working or not working effectively.

But anyone who is not a container terminal operator or a towage provider might not have experienced the direct effect of industrial action, that is, industrial action taken by your employees against your company.

Maybe you're a sized freight forwarder? You might get dragged into national industrial action. Maybe you're a truck operator? You could be vulnerable too. Are you a customs broker? Well, you're not exempt either. Warehousing? That's in the frame. Port Authorities? For sure. Ship agents? They ain't immune. Even the offices of shipping companies themselves – regardless of whether they are dry bulk, or containers, or break bulk, or tankers – could find themselves directly subjected to strike action by their own employees walking off the job.

Don't think that's likely? Well, why not believe the words of the leaders of the union movement?

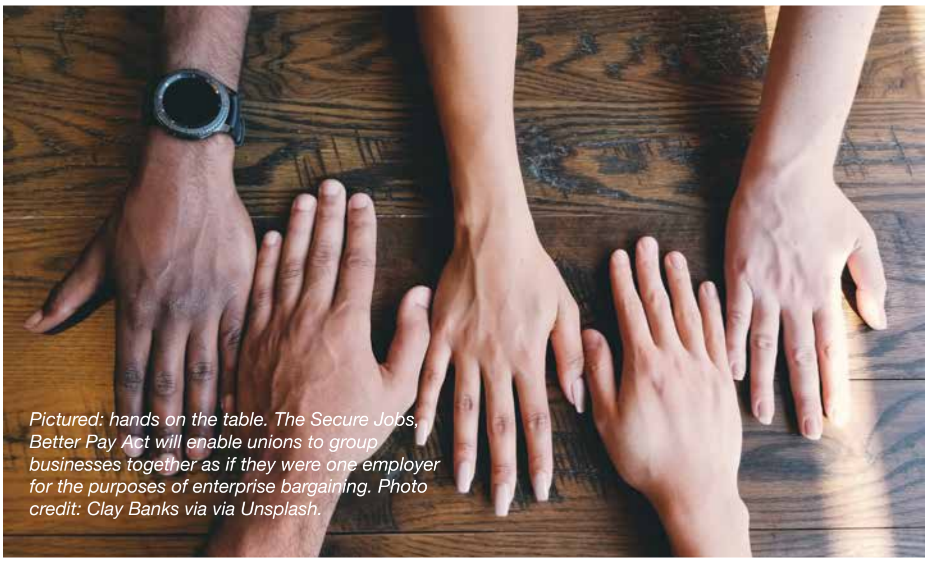
John Setka is the secretary of the Victorian-Tasmanian division of the Construction, Forestry, Maritime, Mining and Energy Union. And this is what he wrote to CFMMEU members in the "CFMEU Victoria Journal Spring 2022", page 4, second column (towards the bottom) and top of the third column: "Our next EBA [Enterprise Bargaining Agreements] are now not going to be restricted to s**t clauses, and ***we will have the power to go after the non-Union sites*** that exploit workers, have no safety, and are a direct threat to our wages and conditions. These sites are at the forefront of a race to the bottom and will affect your future wages and conditions if they're not tackled. We're not going to let that happen". [Emphasis added by Shipping Australia].

Just about every sector everywhere in Australia could be hit with waves of enterprise bargaining (and subsequent industrial action) in which numerous multiple employers (probably including direct competitors and maybe including organisations immediately upstream / downstream in the supply chain) are grouped together for the purposes of bargaining.

Unions can then force other employers – who had no part in the bargaining – to obey the terms of the agreement without consent. Think about what that might mean for the finances of your business if you are forced to match the terms and conditions of the market leaders.

Meanwhile, the Secure Jobs Act (which amends the Fair Work Act) makes the whole bargaining process a lot easier… for unions.

"What [was] said by unions in particular is that [multi-employer bargaining] is difficult to utilise and there are too many technical barriers or hurdles. As a result, there were few attempts to engage with multi-employer bargaining on a larger scale. What the amendments… do at a high level is to seek to remove many of those barriers, they'll make it much easier for parties, and for unions in particular, to engage in multi-employer bargaining", said Brooke West, Senior Associate Lawyer, with Ai Group Workplace Lawyers.



Pictured: hands on the table. The Secure Jobs, Better Pay Act will enable unions to group businesses together as if they were one employer for the purposes of enterprise bargaining. Photo credit: Clay Banks via via Unsplash.