



# Year in Review

*2015*

Australian Institute of  
Employment Rights Inc.

*2015 has been an exciting year for the Australian Institute of Employment Rights as our role in advocating for of the public interest in workplace relations remains as important as ever.*

## AIER turns 10

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2015 sees the AIER celebrate ten years of promoting fair and decent workplace rights for all.

To celebrate our ten year anniversary AIER, is publishing a new book. *Employment Rights Now: Reflections on the Australian Charter of Employment Rights* contains thinking from some of Australia's leading workplace relations academics and practitioners.

This new and exciting book provides a critical overview of Australia's workplace relations system through the lens of the Australian Charter of Employment Rights. Reflecting on the ongoing relevance of the Charter's principles, the chapters in the book consider how well our workplace relations system matches the Charter's principles.

AIER will be launching *Employment Rights Now* at a celebratory event in Melbourne in November. The event will include a panel discussion on the work of the AIER and themes in the book, followed by a drinks function.

AIER looks back proudly on our achievements and influence over public debate in the last ten years, particularly the development of the Australian Charter of Employment Rights and the Australian Standard of Employment Rights.

## Workplace Relations Inquiries

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AIER made substantial submissions to both the Productivity Commission's Inquiry in the Workplace Relations System and the Australian Law Reform Commission's Inquiry into Traditional Rights and Freedoms.

Our [submission](#) to the Productivity Commission's Inquiry articulates an approach to workplace relations regulation founded in human rights and framed around the concept of decent work.

We argue that the workplace relations system must recognise the essential human nature of work. Workplace relations laws and policies regulate relationships between people. They are socially beneficial laws that should respect the dignity of the people engaged in work. The conventions of the International Labour Organisation are important benchmarks by which to assess the performance of our workplace relations system in meeting these goals.

Our [submission](#) to the ALRC Inquiry in to Traditional Rights and Freedoms focuses on the unjustified limitations in Commonwealth law, notably the Fair Work Act and Competition and Consumer Act, on freedom of association rights, in particular in relation to collective bargaining and the right to strike.

The rise of insecure and precarious work, the increase in the use of labour hire, and the pressure to reduce minimum standards are all significant challenges for Australian policy-makers. The AIER submits that to address these challenges the right to collectively bargain must be fully recognised in Australian law.

## 5<sup>th</sup> Annual Ron McCallum Debate: Free to Associate?

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The 2015 Ron McCallum debate focused on freedom of association and the role of unions and employer organisations in the workplace relations system, our society and politics.

The Institute's fifth Debate in the Justice at Work series was a great success. The audience of around 160 people appreciated a robust and at times controversial discussion.

The debate was chaired by Emeritus Professor Russell Lansbury and included the following speakers:

- Emeritus Professor Ron McCallum
- Michele O'Neil, TCFUA
- Stephen Smith, AiG
- Keelia Fitzpatrick, Young Workers Centre
- Michael Harmer, Harmers Workplace Lawyers

The panel provided different perspectives on this fundamental right offering a number of new proposals for consideration.

Ron proposed allowing for member-only union collective agreements, arguing this was one way to reinvigorate the union movement.

Michele O'Neil reflected on the changing nature of work and its increasing fragmentation and argued for creating a "new collective".

Stephen Smith argued that threats to freedom of association were to be found in union-backed income protection insurance products; industry redundancy funds where surpluses are

given back to unions; and union encouragement clauses.

Keelia Fitzpatrick argued that appropriate recognition must be given to procedural labour rights if freedom of association was to be protected.

Michael Harmer reflected on the need for a principles-based approach and posed the question whether the union movement was currently fit for purpose.

Like previous years, the AIER produced a substantial [discussion paper](#) for the debate that provides a comprehensive overview of the key issues.

## Fair Internships

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AIER has worked closely with Interns Australia this year on issues relating to the rights and protections for interns, particularly unpaid interns.

Notably, Clare Ozich from AIER and Colleen Chen from Interns Australia presented a paper at the Regulating for Decent Work Conference on the rise in organisations advocating for the rights of interns.

The [paper](#) considers the context in which internships, particularly unpaid internships, are becoming more prevalent and the establishment of different types of organisations and their respective strategies to counter the exploitation of young workers.

The presentation was well received at the conference.

## Decent Work

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AIER attended the 4<sup>th</sup> Regulating for Decent Work Conference held at the ILO in Geneva in July this year.

The conference was opened by the Director-General of the ILO, Guy Ryder, who commented on the context in which we were meeting:

“even before the [economic] crisis the world of work was undergoing profound changes – as a result of technological change, increased migration, ageing societies and shifting employment patterns – in a direction often away from, not towards, achieving social justice, which is the mission of this Organization where you meet. And these changes will continue and will bring about a very marked evolution in the world of work.”

He went on to discuss the four thematic areas for the ILO’s “future of work” centenary conversations, which are:

- Work and society (a topic we considered in last year’s [Ron McCallum debate](#))
- Decent jobs
- The organisation of work and production
- The governance of work.

AIER attended workshops on unacceptable forms of work; the rise in precarious work in various countries around the world; the new “on-demand” economy and its implications for work; and economic crisis in Europe, austerity politics and the implications for labour rights.

Further [reflections](#) on the conference can be found on our website.

## AIER Out and About

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AIER has been slowly raising our profile in the broader community and in the media.

The Executive Director has done a number of interviews on ABC and community radio including a discussion on the union movement following the ACTU Congress. Listen to [State of the Unions](#).

The Executive Director has also had comments published on the changing nature of work in the [Huffington Post](#) and reflections on the need for proper work breaks in the [New Daily](#).

The Australian Institute of Employment Rights hosted a panel discussion at the Progress conference in May on the future of work.

The panel of Clare Ozich, Executive Director of AIER; Jess Walsh, Victorian Secretary of United Voice; and Gary Maas, Victorian Secretary of NUW discussed the implications of the increasingly fragmented nature of work.

AIER’s Executive Director participated in a panel discussion on [“Responding more effectively to workplace grievance”](#) hosted by the Victorian Association for Dispute Resolution and the Victorian Association for Restorative Justice.

The AIER website is being kept up to date with new material. We are sending out a regular monthly email to our subscriber list, which has an excellent opening rate, and we are slowly building a twitter profile.

## AIER governance

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Our Executive Committee is based on the principle of tri-partite representation of employees, employers and independent persons, as exemplified by the International Labour Organisation (ILO).

The following were members of the Executive throughout 2013

The Honourable Paul Munro AM-  
President

Fiona Hardie – Vice President -  
Employer

Paul Richardson – Vice President  
Employee

Mark Perica – Treasurer

Mark Irving – Ordinary Member  
(until June 2015)

Michael Harmer – Ordinary Member  
(from June 2015)

Sean Reidy – Ordinary Member

Trevor Clarke – Ordinary Member

Tim Gunstone – Ordinary Member

Clare Ozich – Executive Director

## Funding

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The AIER is a membership organisation, independent of government or any particular interest group. Membership is open to individuals and organisations

The financial future of the AIER is assured for the next two years thanks to the generous support of Michael Harmer and Harmers Workplace Lawyers.

We are indebted to our members whose ongoing financial support is vital to the running the organisation.

In addition AIER would like to acknowledge the generous support of the following organisations:

Harmers Workplace Lawyers

Civil Air

National Union of Workers

Hardie Grant Publishing

Australian Education Union

Australian Manufacturing Workers  
Union

## Our staff

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AIER has a small team of highly dedicated skilled employees and contractors.

The Executive Committee would like to recognise and thank the AIER team

Clare Ozich – Executive Director

Jane Ponton – Business Manager

Keith Harvey – Senior Researcher

Lisa Heap - Consultant

## Making Contact

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