

Lisa Heap – AIER -10th Anniversary event

AIER the next 10 Years

I acknowledge that we meet today on the traditional lands of the Wurundgeri People of the Kulin Nations and I wish to acknowledge them as Traditional Owners.

I would also like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today.

How exciting is it to be here to celebrate the 10th Anniversary of AIER! It's a testimony to all those who have been on the Executive Committee past and present that we are still here.

I would like to recognise past Executive Director – Rob Durbridge and current Executive Director Clare Ozich.

Finally I acknowledge the inspiration of founding President Mordy Bromberg, UK founder Keith Ewing and key sponsor of AIER Michael Harmer.

When asked to speak tonight I thought about talking about my book Chapter (Promoting an Understanding of Labour Rights as Human Rights) which is really an exploration of the moral, ethical and operative fabric of AIER and how it has worked.

However, you can all buy the book and read that.

Instead, taking some license as the longest serving ED, I decided it was too good an opportunity to miss and that I would make an impassioned plea in recognition of the importance of AIER.

Thus I'll focus on 3 things

1. The importance of AIER advocating a rights based approach and the impact of AIER's work
2. The significance role that AIER has had in influencing key parties
3. The difficulties in sustaining the momentum around AIER's work.

Firstly, the importance of the rights based approach.

In my Chapter I argued that AIER's human rights based approach

- is logical given the alignment of values between human rights instruments and values and principles that have underpinned Australia's historical system of workplace regulation
- is useful because it situates the conversation about labour law and workplace culture and practice firmly within a framework that acknowledges that workers are human beings.
- creates a greater awareness of the rights that underpin our labour laws and the workplace practices that should accompany them, thus creating moral authority for the rights pursued and helping at the same time to educate about these rights.

But this approach is not without controversy. Unions are suspicious (human rights are anti collective?) and more comfortable talking about "institutional rights". Employers balk at it because they think of HR litigation and don't like the potential to be labelled as human rights abusers. Governments play lip service to it.

AIER has maintained its approach both because it's right and also because it works.

As far as I'm aware the AIER Charter was the first, and remains the only, comprehensive blueprint of workplace rights in Australia that articulates universally appropriate standards based on international labour standards. It remains as relevant today as when it was released in 2007.

AIER's approach works when teaching young people. Workright – the curriculum resource AIER created with the Teacher Learning Network, for teaching secondary school students is one of the most important pieces of AIER's work. Where do you start when those you are working with have no understanding of unions, laws, or the IR system? You start with what they believe is right and wrong and how they would like to be treated at work. You start with them as people – and they very quickly move to the rights based framework.

AIER's approach works when there is hardly any system left that can help to facilitate the realisation of rights and all you have is appeal to moral authority. Here I cite the work that AIER has done with NZ unions, particularly the NZPSA to frame their campaign for pay equality for women in a rights based approach.

It works when motivating and building the confidence of union delegates to ask others to be involved and when recruiting members to the union. The work that I've done with The Australian Services Union Activist Delegate Program is testimony here. Delegates like talking about concepts of dignity and respect they like engaging other workers around what it means to be human and to be a worker. Human rights frameworks are really useful here.

So the message is: It works. The AIER is the only body that has consistently championed this approach for over a decade. This work needs to continue.

Onto my second theme:

The significance role that AIER has had in influencing key parties

AIER is a small organisation it punches above its weight and it is important that it is here but it's generally under recognised.

One of the important roles it plays is to be the outlier that calls out when things are wrong or when pragmatism has taken over. I cite two examples here.

In 2010 AIER was granted standing to present its submission regarding the requirements of the *Fair Work Act 2009* pertaining to dispute resolution procedures in collective agreements in the matter *Woolworths Ltd t/as Produce and Recycling Distribution Centres* [2010]. AIER argued that the Fair Work Act required that the mechanisms to settle disputes included a requirement that a matter that remained unresolved be finally determined by an independent party. Up until the point of AIER's request for standing no – one, including the ACTU, was going to present the argument in favour of an interpretation of the FWA that effective dispute resolution required access to the independent umpire. Now we were not successful on that occasion but we were right. It's a position that need to continue to be argued – including continuing to argue for legislative amendment to that effect.

My second example relates to insecure work. AIER has consistently argued for legislative change in this area and has pushed bodies such as the ACTU and a number of unions to alter their views and take action in this space. AIER former President, Paul Munro AO, sat as a member of the Howe Inquiry. The body of work arising from this inquiry is significant and should not be

overlooked. AIER presented a comprehensive suite of legislative change to the inquiry. This is still relevant for consideration.

I note the work that current ED Claire Ozich has continued in this space presenting this year to the ILO's 4th annual Regulating for Decent Work Conference on the rights for interns working in Australia. A group of workers that has to date been largely ignored, including by the trade union movement.

So this brings me to my third point and that is that it's really hard to sustain this work without institutional support. AIER has never managed to attract government funding (and maybe it shouldn't). A small number of unions have been regular supporters. But they haven't funded large amounts. The ACTU has never provided any funding to AIER.

Without the institutional support of Michael Harmer it would not continue to exist. But this won't be enough for the future.

To cite Joni Mitchell - *"You don't know what you've got till it's gone."* Too often I believe the work of AIER is overlooked. Unions and the ACTU overlook the work of the AIER. Maybe they think they have got the area covered? I know for a fact they are more inclined to put more money into organisations that about other public policy areas.

Contrary to what we originally hoped, employers in Australia have never, and are unlikely to provide funding to AIER. We haven't managed to crack that polarised divide yet.

If we look at the next 5 years it's clear that there will continue to be a contest over labour rights in this country, regardless of the political persuasion of any government. In this environment it's important to have an outlier organisation, who, to quote and overused phrase, "can keep all of the bastards honest."

AIER has always stood for the public interest. It's never drifted from its moral compass (the Charter) and therefore remains one of the few bodies that can be relied on to tell all parties and bodies what's needed to ensure realisation of human rights a work.

It needs to continue to exist and that means we will all need to be advocating for its future. I ask you to think about the ways that you can contribute to making sure AIER is here for 10 more years.