



A•S•U

ASU NEWSLETTER

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Maryborough City Council

EB Update

30 September 04

The Australian Industrial Relations Commission has declined to certify the Maryborough City Council agreement because of a recent High Court Decision about what can be in a certified agreement.

The decision, known as the Electrolux Decision, found that only matters that relate to the employment relationship between employer and employees could be covered by a certified agreement.

Put simply, this means that agreements can't contain clauses such as union right of entry, salary sacrifice, corporate health, payroll deductions for health schemes etc, delegates training, and the use of contractors.

As a result a review of the agreement, containing only those clauses relating to the employment relationship between council and its workforce will have to occur and then be circulated and voted on again.

Those items already agreed to by Council but that can not be contained in the agreement can be transferred to a deed of agreement which is binding under common law provisions. We do not see any reason why such a document can not be entered into at the same time as the new agreement given that MCC has already agreed to these provisions. These changes apply to all certified agreement in Australia.

The ASU will meet with Council to commence discussions regarding the required changes and that payment of the wage increase and back date should go ahead as of the next pay period despite this delay.

Members will be kept informed of further developments as they occur.

Please contact your EB Reps or Union Organisers if you require any further information.

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