

# Board of Education report

*Kay Poustie, Chair, ALIA Board of Education reports on the first meeting for 1995*

The Board of Education met in Canberra in February and was pleased to welcome Jan Gaebler, President of ALIA to the meeting. We also welcomed three new Board members, Donna Reid and Roy Sanders, who were elected for a period of three years and Kerry Smith, the General Councillor elected to the Board for 1995.

Board members have worked exceptionally hard over the past twelve months to bring two projects to fruition and we were pleased to obtain General Council endorsement for both projects at the March meeting. These projects are as follows.

## *The framework for continuing professional development*

The Board has been aware that many members have been wanting a commitment to continuing professional development from ALIA and we are sure that this document will demonstrate this commitment.

*The framework for continuing professional development* is now ready to be published and will be distributed to financial members on request free-of-charge. We are hoping that it will be ready for launching nationally by the middle of the year and that each State will hold a launch of this resource to bring it to the attention of members.

The framework is a personal career planner aimed at enabling members to plan their continuing professional development in a meaningful and systematic way. It offers members a flexible approach to career planning that is based on their own personal priorities and the availability of courses and resources wherever they are located.

The framework will also enable members to use the document for performance appraisals and salary negotiations as it will provide for a systematic identification of individual needs and a record of activities undertaken.

## **Review of education statements**

The Board has undertaken a re-

view of all the ALIA Education statements. Many people contributed to this project with Statements being circulated to education institutions and divisions for comment. The final draft was approved by General Council and the new Statements will be circulated as soon as possible. The Board owes special thanks to Ros Membrey for her tenacity and hard work to bring this project to a close.

All Board members are available to local divisions for workshops and presentations on any matters involving education, training and continuing professional development and we are always happy to hear from members who



*Kay Poustie, Chair,  
ALIA Board of Education*

may wish to discuss issues relating to the Board. ■

## **Crucial decision gives green light to non-union bargaining**

In the most important decision since new federal industrial laws were introduced last year, a Full Bench of the Australian Industrial Relations Commission has dealt a severe blow to trade union attempts to make employers deal with them when pursuing enterprise agreements in organisations where is little or no trade union membership. In doing so, the Commission has confirmed enterprise bargaining as a voluntary process.

In the much-publicised *Asahi Case* late last year, a commissioner had ordered the company to negotiate an agreement with a union, even though there were no union members in its workforce. All employees had expressly refused to join the union and were strongly opposed to its involvement. The decision caused a storm of protest from employers and the Federal Opposition argued that the decision made the new industrial laws unworkable. The Metal Trades Industry Association appealed the decision to a Full Bench. They were supported by the Federal Government who argued the commissioner had erred in law.

The Full Bench has now upheld this objection. In doing so, the Commission has made clear that no person can be *ordered* to

negotiate and has confirmed that the new industrial relations system is a voluntary process. It is now clear that a union can only play a direct role in enterprise bargaining if it actually *represents* the workforce at the enterprise. But those employees are free to choose who will represent them.

This vital decision can be seen as not only destroying union arguments for automatic rights to involvement in all enterprise negotiations, but also as setting aside claims that the system is incapable of facilitating enterprise bargaining in the non-union sector. Of course, a primary objective of the new laws was encouragement of enterprise agreements in the 70 per cent of private sector organisations which are non-unionised. Clearly this decision will speed that process. Specifically, many private sector employers who have been reluctant to take up enterprise bargaining for fear of being forced to allow unions into their organisations, may now feel able to do so. There seems little doubt, therefore, that a major outcome of this decision will a significant increase in development of Enterprise Flexibility Agreements (EFAs) which to date have been few and far between.

*Phil Teece*