

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

*Industrial Relations Act 1999 – s. 287 – application for statement of general ruling*

*Industrial Relations Act 1999 – s. 288 – application for statement of policy*

**The Australian Workers' Union of Employees, Queensland AND Queensland Chamber of Commerce and Industry Limited,  
Industrial Organisation of Employers and Others (No. B879 of 1999) AND Queensland Council of Unions and Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers and Others (No. B1049 of 1999)**

**UNION ENCOURAGEMENT PROVISIONS**

COMMISSIONERS FISHER, BECHLY, SWAN

21 December 2000

**STATEMENT OF POLICY**

1. This Statement of Policy gives effect to the decision of the Full Bench on 1 November 2000 regarding union encouragement provisions. The Statement of Policy relates to s. 110 of the *Industrial Relations Act 1999* (the Act), "Union Encouragement Provisions Permitted".
2. This Statement of Policy provides guidance to the Commission constituted by a single Commissioner sitting alone about how to deal with applications to insert union encouragement provisions into awards.
3. However constituted, the Commission will have regard to s. 3 of the Act and must have regard to s. 126 of the Act.
4. On application, an award may be amended to include a union encouragement clause in accordance with this Statement of Policy and found at Schedule 1.
5. Applications which seek a union encouragement clause differs from that shown in Schedule 1 will be determined on a case by case basis.
6. The Commission will determine such applications in accordance with relevant provisions of the Act including where appropriate, s. 281 of the Act.
7. Application to amend an award by seeking to include reference to a particular registered industrial organisation of employees, having the right to represent the industrial interests of the employees concerned, will be considered by the Commission on a case by case basis.
8. Existing demarcation orders pursuant to the provisions of the Act or its predecessors are not to be disturbed as a result of this Statement of Policy.
9. Demarcation issues between registered organisations of employees will be resolved in accordance with the provisions of the Act.
10. This Statement of Policy operates from 21 December 2000.

*NOTE:*For procedural aspects associated with this Statement of Policy, see Practice Note 2/2000, Union Encouragement Provisions.

**SCHEDULE ONE**  
**UNION ENCOURAGEMENT CLAUSE**

1. Union Encouragement

This clause gives effect to s. 110 of the *Industrial Relations Act 1999* in its entirety. Consistent with s. 110 a Full Bench of the Queensland Industrial Relations Commission has issued a Statement of Policy on Union Encouragement (reported 165 QGIG 221) that encourages an employee to join and maintain financial membership of an organisation of employees that has the right to represent the industrial interests of the employees concerned.

At the point of engagement, an employer to whom this Award applies shall provide employees with a document indicating that a Statement of Policy on Union Encouragement has been issued by the Queensland Industrial Relations Commission, a copy of which is to be kept on the premises of the employer in a place readily accessible by the employee.

The document provided by the employer shall also identify the existence of a union encouragement clause in this Award.

2. Union Delegates

Union delegates and job representatives have a role to play within a workplace. The existence of accredited union delegates and/or job representatives is encouraged.

The employer shall not unnecessarily hinder accredited union delegates and/or job representatives in the reasonable and responsible performance of their duties.

### 3. Deduction of Union Fees

Where arrangements can be entered into, employers are encouraged to provide facilities for the deduction and remittance of union fees for employees who signify in writing to their employer, their desire to have such membership fees deducted from their wages.

Dated this twenty-first day of December, 2000.

Order accordingly.

G.K. FISHER, Commissioner.

R.E. BECHLY, Commissioner.

D.A. SWAN, Commissioner.

Mr R. Livingstone (of Livingstones Australia on behalf of a group of 10 Companies.

Mr N. McLary for the Printing Industry Association of Australia and the Queensland Country Press Association – Union of Employers.

Mr T. Kowalski for the Motor Trades Association of Queensland Industrial Organisation of Employers.

Mr K. Law for the Restaurant and Caterers Employers Association of Queensland Industrial Organisation of Employers.

Mr J. Murdoch (Barrister) and with him Mr I. Turner for the Australian Mines and Metals Association (Inc.) Queensland Branch.

Mr D. Williams and Ms H. Meggoirin (of Minter Ellison) on behalf of Grainco Australia Limited.

Mr R. Cullen for The Australian Sugar Milling Association, Queensland, Union of Employers.

Mr B. Cox for The Hairdressing Federation of Queensland – Union of Employers.

#### *Appearances:-*

Mr D. Dawes and Ms D. Ralston for the Queensland Council of Unions.

Ms Y. D'Ath, Ms T. Lane and Mr D. D'Arcy for The Australian Workers' Union of Employees, Queensland.

Mr M. Carey, Mr A. Crack and Ms R. Keys for the Director General for the Department of Employment, Training and Industrial Relations for the Crown.

Mr J. Martin for the Australian Liquor, Hospitality and Miscellaneous Workers Union, Queensland Branch, Union of Employees.

Ms A. Stubbs, Mr G. Power, Mr M. Smith and Mr G. Black for Queensland Chamber of Commerce and Industry Limited, Industrial Organisation of Employers.

Mr R. Dempsey (Jones Ross) on behalf of Offshore Island Resorts.

Mr A. Rowe and Mr C. Lentini for the Queensland Hotels Association, Union of Employers.

Ms S. Haire for the Australian Industry Group, Industrial Organisation of Employers (Queensland).

Mr G. Trost for the Queensland Cane Growers' Association Union of Employers.

Mr L. Gillespie and Mr C. Casey for the Shop, Distributive and Allied Employees Association (Queensland Branch) Union of Employees.

Released: 21 December 2000