

HR Nicholls Society

Fair Work Australia and low paid health workers

From the Introduction to the presentation of the Copeman Medal 2011
to the Hon J Lloyd PSM, Montague Hotel, South Melbourne, 1 December 2011

Tonight we honour John Lloyd who as a public official was upright and active in his arbitration and building site enforcement appointments.

Stephen Sasse, a senior building industry and industrial relations executive, has prepared an appreciation of John which in Stephen's unavoidable absence will be read by Ken Phillips. Then the medal will be presented by Charles Copeman himself who has travelled especially from Sydney to be with us.

John Lloyd has made a mark because he was active in his appointment. Building industry employers appreciated this, as Stephen will confirm, because this reduced violence, intimidation and cost on building projects, in particular in Victoria. John was an active enforcer of order and civil behaviour in the building industry. Sometimes people need outside help. The Cole royal commission confirmed the need in the building industry. John provided the enforcement the building industry needed.

What's it like when officials don't carry out their appointed tasks? We can see this in the case of the organisation of the union for low paid health workers.

Low paid workers are given special protection in the Fair Work Act: the fixing of employment terms for them is streamlined and involves FWA more. There are over 550 pages of additional legislation regulating unions, including express obligations on union officers of care and diligence and good faith and not misusing official positions. The obligations are enforceable by the General Manager of Fair Work Australia.

The Governor General appoints the General Manager of FWA, indicating the importance of this position. Before this office was created the Industrial Registrar had similar functions.

In April 2009 the Industrial Registrar began an investigation into whether Health Services Union money was spent on prostitutes for its national secretary and whether he had taken \$101,533 from the union. After the new General Manager office was created he would have taken over this investigation.

The Health Services Union represents many low paid health workers. It is not easy to represent workers in difficult or unpopular migrant-filled jobs or in welfare jobs. Health workers particularly need a well run union. When there are problems in their union, health workers are owed the attention of the General Manager of FWA to ensure the union is properly run.

The investigation into the two complaints at the HSU should have been simple and short and it seems to have been entirely within the General Manager's functions. Care, diligence and good faith in relation to prostitutes and money that is not yours is not hard to work out.

In two and a half years this simple investigation has not been completed. Health workers have been denied the attention they were owed from an important statutory office holder.

Another victim of this inattention or dereliction of duty is the former national secretary of the union himself. He needed a quick resolution of the investigation. There might be an explanation for what happened; or there is none in which case the worst result would have been the repayment of the money in question. Either way he would have got on with his life. He would have probably continued as a member of parliament noting the lack of Liberal talent on the Central Coast of New South Wales.

Instead Craig Thompson's reputation has suffered and the HSU is mired in controversy.

Employment issues in particular industries or situations may need outside resolution. John Lloyd provided it very effectively for the building and construction industry. The union covering low paid health workers, in fact those workers, also need official help given the allegations against the former national secretary. They have been denied it and they are still waiting.

John Lloyd set a fine example of how statutory office holders in employment matters can work for the public good.

A Bisits
President