

## NEWS Fair Work review

# Cochlear told to help union

Mark Skulley

Fair Work Australia has ordered bionic earmaker Cochlear to make some concessions to the Australian Manufacturing Workers Union in the dispute between the manufacturer and the union trying to represent its factory workers.

The industrial tribunal found that Cochlear breached its legal obligation to bargain in good faith with the union and should provide more information and feedback for its 434 production employees.

Commissioner Helen Cargill ordered the company to allow meetings with workers to discuss collective bargaining, with some access to the main lunch room

rather than a small room that can only fit six people.

She said Cochlear had mostly not breached the good faith bargaining rules, even though it had "fought hard and has taken every procedural point" in its "adversarial relationship" with the union.

The AMWU argued that Cochlear had stonewalled in negotiations for several years following a staff vote in 2009 that supported bargaining on a collective agreement.

NSW secretary Tim Ayres said the orders were welcome but still did not compel Cochlear to "come to the negotiating table in the spirit of reaching a deal". He said the Fair Work Act was failing Cochlear workers, given the week's review of

the laws recommends allowing the tribunal to force agreements covering new resource projects.

"This means mining bosses would have access to arbitration when it suits them," he said. "Cochlear workers have been trying to get a collective deal since 2007."

On behalf of Cochlear, the Australian Industry Group said the company had good relationships with staff and competitive wages.

"Cochlear is not prepared to enter into an enterprise agreement which would damage its competitiveness," said AiGroup director of industrial relations Stephen Smith. "The Fair Work Act does not require a company to enter in an agreement that it does not support."

Cochlear and the AMWU have a collective agreement with a nominal expiry date in 2007. Employees are covered by individual common law contracts and have had pay rises of 4 per cent in four of the last five years. They got a 3 per cent pay rise in 2008.

The AMWU applied for good-faith bargaining orders against Cochlear last year, arguing the company had not genuinely bargained, despite its employees expressing support for negotiating a collective agreement involving the union.

The company has applied for its own bargaining order, claiming the union has not followed an agreed protocol for bargaining.