



MEAA Delegates' Handbook



A practical guide to how to win at work



Federal President's welcome



Congratulations on becoming a delegate with the Media, Entertainment & Arts Alliance - MEAA.

Delegates are the most important people in our union. They have made a conscious decision to stand up and represent their workmates.

They are the bridge between rank-and-file members and MEAA staff.

You are the voice and presence of MEAA in your workplace.

To put up your hand as a delegate is a major responsibility but with that come the rewards of winning improvements in the workplace.

My own path to my present position began as a delegate at the Melbourne Symphony Orchestra in the early-1980s.

Helping my colleagues maintain strong pay and conditions, a healthy and safe working environment, and their professional integrity has been among the most satisfying outcomes of my career.

MEAA is a strong believer that workplace change is best achieved from the ground up through the empowerment and training of MEAA members. Union democracy occurs when power is devolved from MEAA officials to volunteer MEAA delegates. That is why we place such importance on you.

This booklet is intended as a guide for your role as a delegate and covers most of the issues and questions you will have.

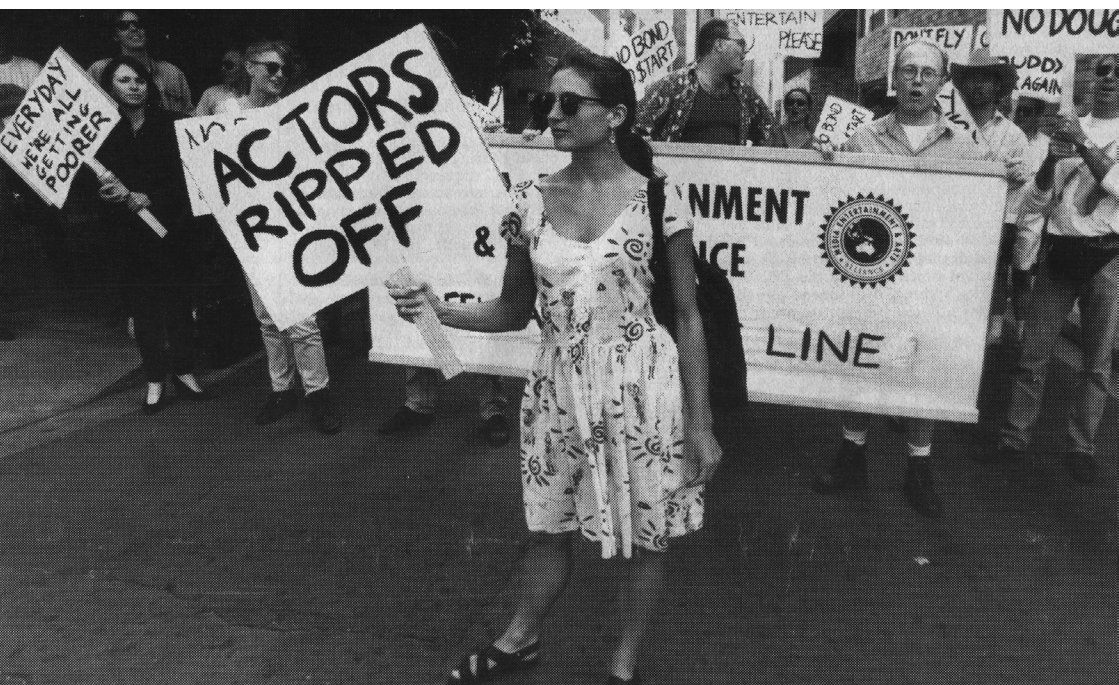
While this may initially seem daunting, remember that as a delegate you have the resources of MEAA's professional and experienced staff to draw upon. Never be afraid to ask for help.

Best wishes and remember: we are stronger together.

Simon Collins
Federal President

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About MEAA

MEAA is the largest and most established union and industry advocate for creative professionals in the media, entertainment and arts industries. We campaign on major issues, fight for our members' rights at work, stand up for workplace health and safety and advocate for protecting employment opportunities.

With more than a century of history behind us, we represent about 15,000 creative professionals across Australia.

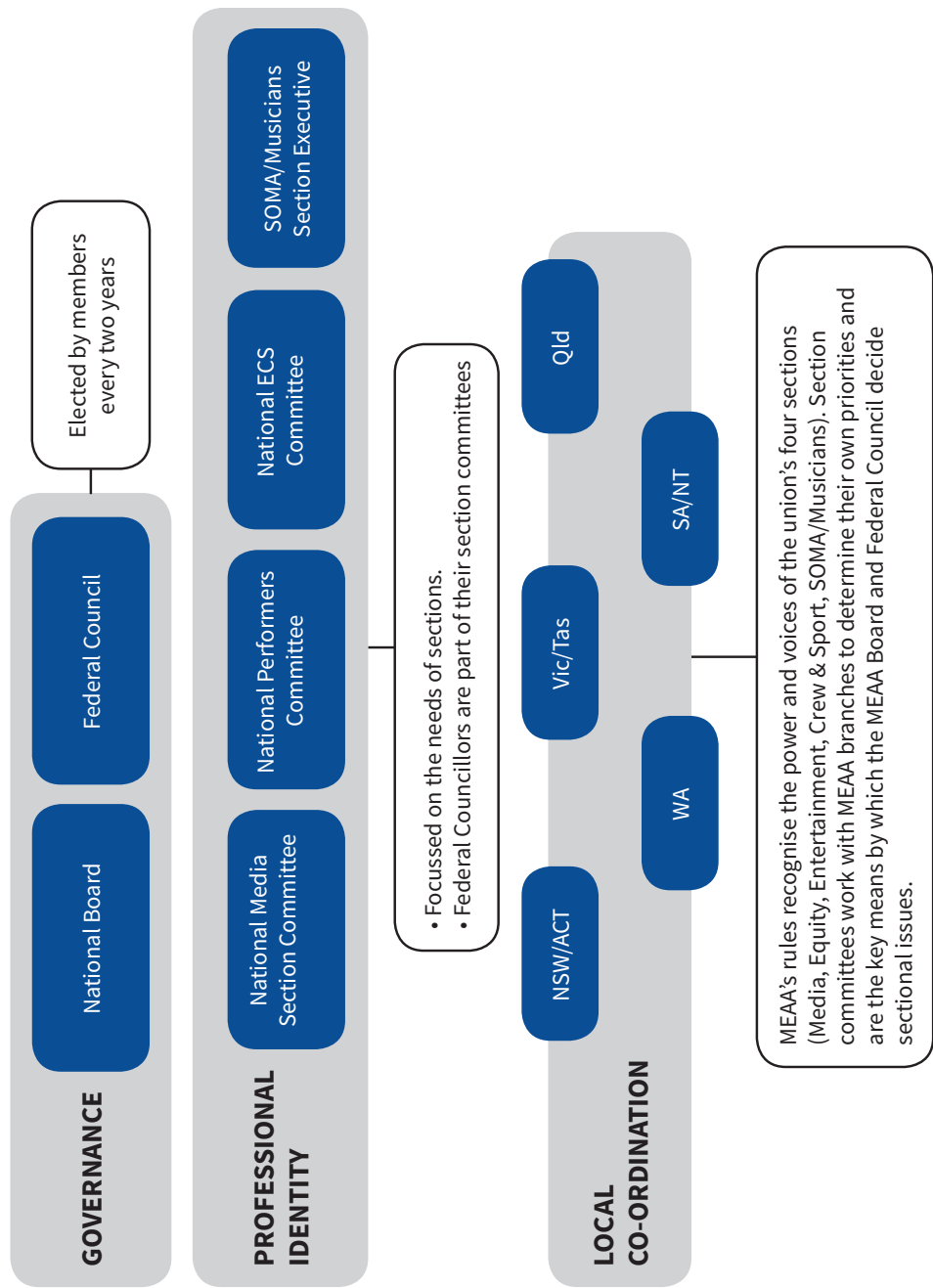
We want to make sure MEAA members get the respect, recognition and reward they deserve and we need to make sure your voice is heard loudly to make that happen.

By working together, we can:

- Protect and advance our rights at work.
- Build power.
- Build community.
- Shape our industries.
- Provide services that our members and potential members value.

Delegates help build strength across our industries, and give members a real voice in making the decisions that affect them.

How MEAA is structured





Organising where you work

Employees achieve the most when union membership is strong. We must always present well-argued cases to employers and governments but with the added support of an organised workforce, our case will be rock solid.

What will happen if we fail to recruit and organise?

- You will lose credibility with your employers.
- Your colleagues will be less willing to take up their problems.
- Your ability to negotiate any issues will be weakened.
- We will lose influence with governments over issues in the media, entertainment and arts industries.
- We will find it increasingly difficult to provide services to members.
- Our arguments will have less impact when appearing in tribunals.

Workplace organising and recruitment are **your number one responsibility**. We need a strong and organised membership to:

- build a stronger voice for your industry;
- increase the average Australian's understanding of the important work we do every day and lift the standing of your profession in the eyes of the community;
- get the respect, recognition and reward you deserve.

The delegates' role

Delegates are the lifeblood of MEAA. The main purpose of your role as a delegate is to organise your colleagues making sure they are active, united and strong.

This includes:

- Recruiting new members.
- Encouraging other members to become active.
- Identifying issues that concern members or groups of members.
- Convening meetings with your colleagues.
- Distributing information to members.
- Representing the concerns of members with management.
- Assisting your organiser in running campaigns in the workplace.
- Advising members with concerns and connecting them with union information and support if they need it.
- Working on committees .

What you can expect

From the employer:

The employer will recognise that you are representing and speaking on behalf of members who are their employees.

You will be provided with freedom to talk to members and to deal with issues.

You will have the ability to attend meetings.

From MEAA:

MEAA is a source of advice and support on industrial, strategic, tactical and organisational matters.

You will deal with one or more of MEAA's professional and organising staff on a regular basis.

Be sure that you know their phone number, mobile and email details — and that they have yours.

Always keep your local office well informed about what's going on at work. This makes it easier to get the most relevant information and advice and, if necessary arrange someone to visit.

You are also the eyes and ears of MEAA — making sure that staff are up-to-date with what is happening in our industries and workplaces

Building power as a delegate

You can do this by yourself, with your organiser, or with other delegates where you work. One of our key goals as delegates is to shift people from:

Inactive

Silent

Non-believer



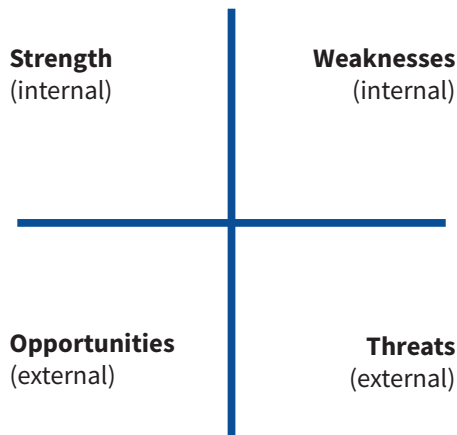
Active

Vocal

Believer

Work out what you need to know

Knowledge is power. To win we need to understand our strengths and weakness, our opportunities and threats. Take the time to carry out a SWOT analysis of your workplace with your MEAA organiser.



Ask yourself:

- What are our strengths?
- How might you take advantage of the opportunities you identified?
- What do the weaknesses mean for your colleagues and for MEAA?
- How do you propose to guard against the threats you identified?
- Can you move things from weaknesses to strengths?
- And can you move things from threats to opportunities?
- How does this tool help us to make decisions around our organising?

Assessing your workplace

We also need to know how many of your colleagues are a member of MEAA? How many are active? Are we organised? What are the key issues we are facing here?

Ask yourself these questions:

- What proportion of employees are MEAA members?
- How active and interested are they?
- Who are the natural leaders? Who do people listen to?
- Who are the potential members?
- Are there any obvious workplace issues?
- How quickly and effectively can we communicate?
- How do we make decisions as a group of members?
- What other factors might affect the level of membership and organisation in our workplace?

Two keys to success

1. have a plan, and
2. always talk one-to-one to employees whether they are potential members or potential activists.



Start your planning by making a map

To begin with, simply draw a map of who works together, formally or informally.

It might be a floor plan or a departmental chart, showing each work area and each worker who works where. Or it might be a relationship map of who speaks to who. Alternatively, you may want to work off a contact list, then you can identify where you have members and activists, and where you most need them.

Now add what you know about each person, for example

- Are they a MEAA member or not?
- What work do they do?
- Are they for/against/apathetic towards organising in your workplace?
- What is their age group?
- What is their first language?
- Are they leaders (at work or outside)?

Depending on where you work, you may need more than one map. Keep your map and membership information up-to-date. Add information as you get it. Build up a good, accurate picture of where you want to organise.

Ask other employees for their help if necessary and check your list with your organiser or union office.

Look at your map. Ask these questions:

- Where are we strong already?
- Where are our weaknesses?
- Who might be the best people to approach first?
- Who might be able to help by influencing others? And so on.

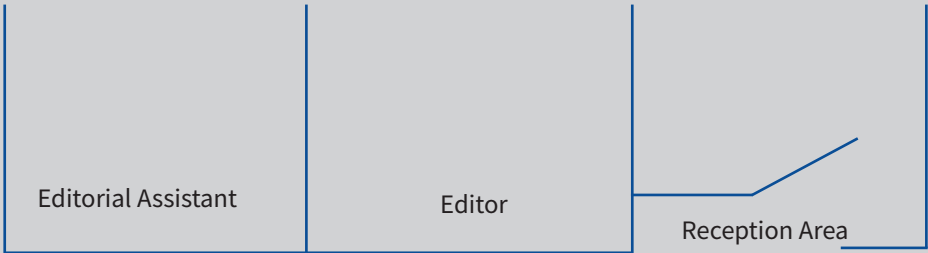
This is your road map to building membership, activity, and organisation.

Remember to note people's relationships/contacts with others so that you know who can influence them or who they can influence.

Ensure all the information you collect is kept confidential.

Over the next few pages are illustrated several different types of workplace maps.

Example 1: Floorplan map



M = Member
N = Non member
R = Union representative or contact

Carol
M

Jean
N

Bill
M

NEWSROOM

Jan M	Katy M	Vicki M	Terry N
Dave N	Wiremu M	Jim N	Ray M

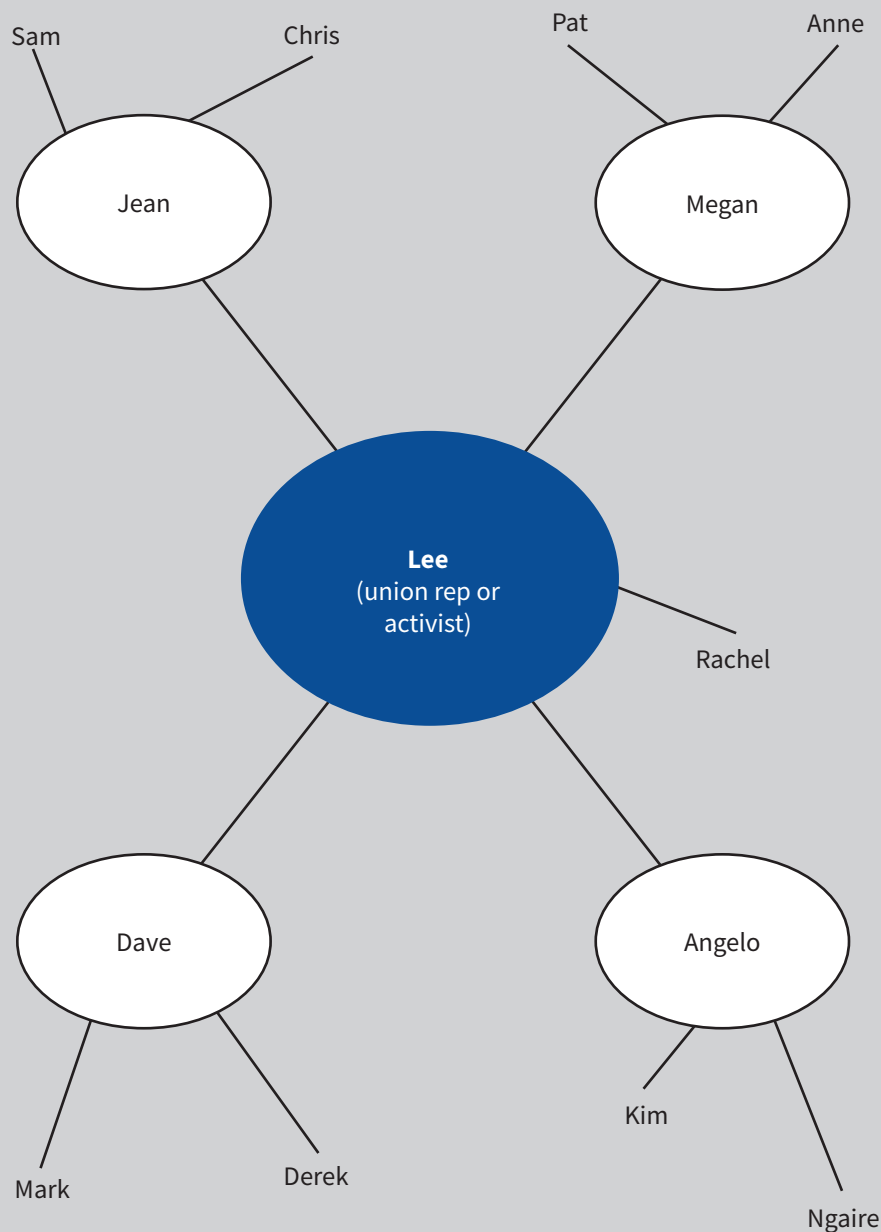
Cindy M	Ginny M	Betty N	Helen M
Jeff R	John M	Mel M	Jean M

Larry N	Keri M	Lillian R	Roberta M	Deputy Editor
Frank N	Bob M	Tula M	Ngaire M	

Further possible information to consider or include on the map:

- Who is pro-union, apathetic or anti-union?
- Who are potential activists?
- What are the natural social groupings?
- Where each group congregates in this workplace.

Example 2: Relationship map



Example 3: Profile map

	No. workers	No. members	P - part-time F - full-time C - casual	Issues	R - union rep C - contact	Other
Section A	10	9	F - 8 P - 1 C - 1	a, b, c & d	R - Tony	
Section B	10	3	F - 6 P - 3 C - 1	b & c		
Department A	10	6	F - 9 P - 1 C - 0	a & b		
Floor 4	10	1	F - 1 P - 1 C - 8	?		
Occupation 1	10	2	F - 3 P - 7 C - 0	b		
Occupation 2	10	7	F - 10 P - 0 C - 0	b, c & d	C - Maria	

Getting individuals involved

So we have carried out a SWOT analysis and we have mapped our environment, now we need to move people to action.

Will communicating through emails, phone calls, and leaflets be sufficient?

We need to communicate with people face-to-face.

Everyone in your workplace is different so approach them as individuals on a one-to-one basis.

- We need to choose the right time and place.
- Get them talking and listen to what they say and why.
- Identify what are the issues of concern for them.
- What do you want your colleague to do about the issue (attend a meeting, sign a pledge, become a member, etc.)?

One-to-one purpose driven conversations

1. How are you going to approach your colleague and introduce yourself?
2. What questions will you ask to build some rapport with your colleague?
How long have you worked here? What do you do? What project are you working on currently?
3. How will you identify their issues — how will you connect your colleague to the issue and ensure they are engaged in the conversations — what questions will you ask at this stage?
How are you finding things here at work? What's good about working here? What's bad about working here? If there was one thing you could change about working here, what would it be?
4. How can you agitate around the issue — how is this impacting your colleague's life?
How do you feel about that? Do you think that is right? That's terrible, can you tell me more about it? That seems unfair to me.
5. How can you connect that by being actively involved and working together as MEAA members you can win? (Share a local story about how by being in the union and working together you won.)
6. What action could they commit to as a step towards winning? (Become a member, sign a pledge, sign a postcard, attend a meeting and bring their co-employees, etc.).
I know several people feel the same way. Do you think it would help if we got together and talked about it? Would it help if we found out who else is

affected? Did you know we were able to solve a similar problem at xx? How would you like us to work together to get something like that happening here. We are planning to... Would you like to join us?

Handling objections

Many people will welcome your one-to-one approach because you are showing you are interested in their views. When asked why they haven't joined MEAA most people say: "I have never been asked to join".

Here are some common objections to joining:

- "I'm too busy."
- "I can look after myself."
- "I don't want to strike."
- "I can't afford it."
- "I'll get the benefits anyway. I don't need to join."
- "I don't want to stick my neck out."

We have a framework that we utilise to address these objections, built on the three Es: explore, equalise, elevate..

Explore

What is the real objection? For example: "unions just go on strike all the time" or "I'm just too busy" or "I don't like unions" or "OHS isn't union business"

What might lie behind these responses? What questions could you ask to explore them?

- What leads you to think that?
- What is it about strikes that concern you?
- Have you been involved in strikes yourself?
- So what's happening for you at work?
- Is there anything in particular that's creating time pressure for you?
- What about unions don't you like?

Ask more questions that explore if you need more information. **An objection is an opportunity to find out where the person is coming from.**

Equalise

Equalise means acknowledging their concerns are valid. It is possibly the most important stage in handling objections. It's about understanding the concern. It diffuses the potential argument.

- I understand your concern...
- I understand. Yes, times are tough...
- I understand, things have been pretty hectic for all of us.

- I understand, I've heard lots of others say that too.
- Yes, I can see why you would be worried about that.

Elevate

This involves moving their thinking about MEAA upward. By that, we mean that it's important that the individual makes this decision, that's why we take them back to their issue and ask questions so they can see that being a MEAA member is the best way forward.

For example, in response to "I'm too busy":

- You told me earlier how tough it was managing all the additional workload?
- You also said how much better it would be if we managed to get some additional staff?
- And you agree that the only way that management will listen is if everyone is on board with the campaign?
- So the first step to fixing these problems is to join.

Discuss these objections with your friends and other members — and with your organiser — and work out how to handle them.

Planning your conversations

Discuss with your organiser who you could approach and utilise the purpose-driven conversation framework to plan your conversation.

Make sure you have the information you need (eg. how much are the fees, when is the deadline to hand in the survey, membership forms, etc.)

It is often helpful to do a practise with your organiser, then debrief afterwards about what happened.

Remember, the conversation needs to focus on engaging the other person, which means active listening 70% of the time.

If this conversation is not successful always leave the door open to try again down the track.



Share the load

Why isn't membership recruitment alone enough?

Numbers are important but only an *involved* membership will win

- the best working conditions;
- protection from arbitrary decisions; and
- dignity and job satisfaction for employees.

Developing activists

Do you already have a good member organising committee, or do you feel as if you are the only activist where you work?

Ideally, you should have a contact in each work area or each group. Use your map to identify areas where you need activists.

Some of your activists will be quiet people who simply pass on information, collect views, and keep in touch with you. But anyone who commits to any task is an important resource.

Looking for a potential activist?

Ask yourself, is this person...

- already a member?
- a leader in their work area, their community, their age group?
- well respected among colleagues?
- more of a 'questioner' than a passive 'accepter'?
- interested in general issues, not just personal ones?
- someone others talk to, listen to?

If you are not sure, **ask colleagues**.

When you have identified likely activists, how will you approach them? Use the same one-to-one technique outlined earlier in this section.

Involve potential new activists slowly

Ask them will you...

- be a contact in your work area?
 - hand out some flyers (or a survey) for me?
 - find out the views of five or 10 people in your work area?
 - help map your group?
 - talk to colleagues about attending a meeting?
 - be part of our organising committee?
 - talk to a non-member about joining?
-

With this approach, a person may gradually be willing to become more involved and carry out bigger and bigger tasks.

Networking and committees

Sometimes delegates feel a responsibility to do everything themselves and can get overwhelmed. Spread the load. Every activity by a member strengthens your workplace organisation. You cannot do it all.

When you have some activists, consider setting up an organising committee or network.

A committee/network will ensure continuity of union activity and build up involvement. If it is possible to meet easily, a committee is best.

But in a large group you may also need a wider network of people who can maintain two-way communication between members and the committee. Create a network using a phone tree or some other means of communication.

In small workplaces try to establish a network across a number of workplaces with similar interests and concerns.

Networks are a very useful way for both large and small workplaces or groups to share ideas.

Setting up a committee/network will:

- spread the work load;
- acknowledge the work everyone is contributing;
- encourage more involvement and commitment;
- create a pool of ideas and experience;
- produce a wider spread of contacts and skills.

An organising committee should comprise:

- 5%-10% of members, so that it is visible and is in contact with all workers;
- someone from each job, shift, department/section, work area;
- people from relevant cultures and genders;
- leaders that employees can turn to for advice, help.

Working in a committee

Your committee should be informal and run in a way that encourages people to take part. Don't let your committee be frightening or boring, or you will drive people away.

Of course an informal meeting is not the same as a disorderly meeting — disorder will put people off just as much as too much formality.

How to conduct a successful informal meeting

Before the meeting:

- make sure everyone knows when and where, and why they are meeting;
- try to allocate some tasks before the meeting. Who will chair it, who will take notes (the same each time or by rotation?), who will give a report (say, of a meeting with an employer).

During the meeting:

- use an agenda, make sure everyone knows what is happening (see below);
- don't let it get bogged down by unimportant matters or by repetition;
- discourage any one person or group from dominating — but encourage new/quieter members to participate;
- ensure a clear decision on every item. Everyone should know what it is, and who will carry it out.

After the meeting:

Brief notes or minutes should be written and distributed quickly. Only record decisions and action to be taken. Don't summarise discussion, just make sure people know what is expected of them. New members may need help and encouragement.

What about an agenda?

Have a regular agenda so that everyone becomes familiar with it. Keep it simple:

1. Who is in the chair (if it rotates), who's taking notes. Welcome first-timers.
2. Go through the last notes/minutes. Check that tasks allocated at the last meeting have been completed. Update your map and recognise achievements, talk about your recruitment activities ("We have got three new members and two new contacts").
3. Messages and information from our union.
4. Any reports from members (say, of a meeting). Ask, "What's new in our workplace?"
5. New matters. What next to strengthen our organisation? ("Shall we run a survey?") Allocate tasks and time frames.
6. Next meeting — time and place.

Networking

Creating networks within your workplace and across your industries is a good way to get people involved.

A network is even less formal than a committee. It can be more practical if regular meetings are difficult. It involves work areas and worksites keeping in touch about issues and sharing information, ideas and experiences.

Network members might agree to keep in touch with just five or 10 people each. For example, a network member:

- might ring around the network to collect experience about a new problem;
- spread the word about a negotiating success;
- share thoughts on organising ideas;
- hand out flyers, ensure survey forms are completed and collected.

If communication between network members is limited to telephone contact, try to make opportunities for occasional face-to-face meetings.

This encourages those in weakly organised areas and helps to build unity.

Make sure your mapping records network members and other key contacts.

Organising yourself

Remember that **every issue is an organising opportunity**. When you “win” an issue, big or small, let everyone know and celebrate.

Here are some more questions to discuss with your organiser and fellow activists:

1. Do you have a notice board for union matters? Is it up-to-date and tidy?
2. Is it easy for members and other employees to contact you, by phone, message or personally?
3. Do you keep an action list or other record of matters you are currently dealing with?
4. Do you know what union training programs are available?
5. Are you happy with your own record system? Do you keep it up-to-date? Do you regularly throw out old material you no longer need?
6. Do you take notes at all interviews with members, non-members and management?
7. And when making phone calls; and when attending meetings?
8. If you ever take the chair at meetings, you have had to deal with people

who seem afraid to join in the discussion, and also other people who seem unable to keep quiet! Think about how you have dealt with these situations. Ask yourself: “How could I handle them better — so that the quiet ones feel they can make a contribution, and so that the noisy ones back off a little?”

The delegate’s toolkit

As a delegate, you can end up with a lot of information, so work out a system to manage information that works for you. It will be easier to organise your workplace, if you are well organised. Following are some ideas that may help you.

1. Be contactable

Make sure members know how they can reach you or leave a message

2. Organise your records

As a delegate, you can end up with a lot of information. Work out a system to manage information that works for you.

- Keep it simple.
- Label material clearly.
- File material as soon as you receive it.
- Keep it up-to-date.
- Check your system regularly, and throw out what you no longer need.

3. Keep track of time

Diarise appointments, union meetings, and other commitments

4. Keep track of what you are doing

A simple to-do list will do. List everything you are currently dealing with. Cross items off as you deal with them, and check it regularly.

Whether you use these suggestions or not, develop a system of working that meets your needs. The more systematic you are the more success you will have.

5. Problem solving using what you’ve got

There is no magic to handling problems. The keys are:

- to be methodical, and
- to use all the resources/information available to you.

The ideas and support of your workmates are a major resource. Seeking them is also a convincing way of involving them in your workplace organisation.

Communication skills

By following a few guidelines you can improve your communication skills. Most union training courses also provide good opportunities to test and brush up these skills.

Listening

Listening should be active, not passive. If you don't listen you will not be able to assess a situation accurately.

Active listening:

- at meetings, take notes;
- watch the “body language” and facial expressions of the person speaking;
- look interested in what is being said to you;
- hear the person out — don't jump to conclusions, don't interrupt with a response too soon; and
- remember — being a good listener shows respect for the other person.

Note-taking

Note-taking is a good habit. If you phone the MEAA office for information, take a note of the response — or you may find yourself making the same phone call again next week. After a meeting or interview, check your notes, clarify anything you are not sure of and check them for legibility. Keep them until the matter is concluded.

To be a good note taker:

- always carry a notebook and pen;
- don't trust to memory;
- write brief notes and write clearly;
- record the main points only, especially, names, place, time, facts; and
- keep your notes.

Interviewing

There are some guidelines on one-to-one organising conversations in the earlier chapter on “Organising where you work”. If a worker comes to you with a problem, the same general advice applies:

- talk in a quiet place with no time pressure;
- make notes and explain why you are doing so;
- listen actively;
- ask questions to get the facts straight. Clarify the issues by restating them;
- discuss options. Agree on the next step (if there is one);
- after the interview check your notes;
- if necessary, record what you need to do on your action list and be sure to report back to the worker.

Speaking

Whether speaking at a formal or informal meeting or a negotiation with employers:

- Organise your ideas before speaking.
- Only start when people are ready (watch reactions - “do they understand what I’m talking about?”).
- Limit what you have to say — keep it short.
- Speak more slowly and clearly than usual. Make sure everyone can hear you.
- Before finishing, repeat your main message.

Reporting

Every union activist has to give reports at some time or other. Reports are often an important part of a meeting. You may have to report on a negotiation, or a union meeting you have attended. Adopt the same approach as is suggested above for speaking:

- keep it clear and simple.
- if the matter is complicated, try to use a handout or butcher’s paper stuck to a wall.

The ABC of good reporting:

- A** be **Accurate** — but use your honest judgement. Stress key facts and issues, ignore what is irrelevant.
- B** be **Brief** — the report should only be as long as is necessary. If you ramble, people will lose your thread and stop listening.
- C** be **Complete** — do not ignore facts which don’t suit your own point of view — or you will discredit your report and yourself.
- D** be **Direct** — follow the rules for good speaking. Present the material clearly and simply.

Conducting a meeting

This section supplements the guidance on organising committees in “Organising where you work”.

Meetings should be informal wherever possible. The objectives should be to complete the agenda to involve members, and to reach decisions by consensus rather than voting.

Try brainstorming a problem.

This can be a good method of tackling a complicated, difficult issue. And it helps to

involve everyone:

- ask everyone for ideas, however wild;
- list them without discussion;
- then group them, put similar ideas together;
- now evaluate each idea or group of ideas — test them against your objectives.

If you are in the chair:

- get agreement that people will not talk over each other;
 - keep discussion flowing freely, try to involve everyone;
 - avoid private debates which exclude other members;
 - in a long discussion, summarise occasionally and invite new contributions;
 - try to deflate tension, hostility; and
 - make sure decisions are clear.
-



Representing individual employees

Your workmates will come to you for all sorts of information and help. For example, you may get questions about:

- Some of the services provided by our union.
- “How do I get maternity/paternity leave?”
- “Do you think my mother should be getting a pension?”
- “What is our union doing about ...?” or “what are you doing about....?”
- And dozens of others.

Three golden rules

1. Ask yourself, why is the question being asked? Is it just a passing interest, or is there an important problem for the individual? Could it affect a group of employees?
2. Give an answer on-the-spot **only if you are sure it is correct**. If in any doubt, say that you will check. When you have **checked** (from your own resources or through our union office), get back to the person **as soon as possible**.
3. Keep a brief note - first, as a reminder if you have to check, second, so that later you can ask the person “Is everything OK now?” and, third, because your records may uncover a more general issue.

Don't let employees think you have a magic wand.

If they want issues resolved, they need to get involved. They will see the difference in management's response when you all work together.

What about personal questions?

Sometimes a worker will ask a question or seek advice about **a personal or family matter**. For example, about an alcohol problem, a domestic issue, or financial matters.

If it is not work-related, you should not give direct advice. But you may know of a government or non-government agency which can help. If you do not, then our union office can probably tell you. Assure the worker of confidentiality.

But a family issue may still be work-related — for example if the worker is having difficulty in caring for a dependent because of their work hours, or if they need time off for a family emergency. Then you may need to consider whether to talk to management on behalf of the worker and/or seek advice from our union office.

Handling work problems

Whatever the issue you should go about resolving it in a systematic way. Employees may raise such problems as:

- “I don’t think my pay is right”.
- “My supervisor has it in for me — seems to think I never do anything right”.
- “This person I work with keeps touching me. How can I get rid of them?”

Here is a general procedure you can adopt to resolve workplace problems raised by individual employees — often referred to as “grievances”:

1. **Interview** the member, making notes of the facts and issues. Be sympathetic but ask questions — “How long did you work?”, “Can I see your pay slip?”, “Why do you think the calculation is wrong?”, “Have you queried it with the pay office, what did they say?” and so on. Get the full story. If you have to take the issue up with management or our union office, you need every detail in your notes.
2. Now **assess** the situation:
 - a) Do you need more information? Who can supply it?
 - b) Is it an issue you have dealt with before?
 - c) If you need to talk to management, which particular management person? Or is it something you need union office advice on?
 - d) Is it an issue which could affect other employees? If so you may need to talk to your contacts or network
3. When you have made your assessment tell the worker how you think the problem could best be handled. Get their agreement to what you propose.
4. If in doubt, contact your organiser or our union office to discuss the situation. In some workplaces, there is a grievance procedure or policy agreed with the employees. You should follow any grievance procedure set down and agreed with management.

Natural justice at work

Whether at work or anywhere else, we are all entitled to natural justice. Broadly, this means that a person is entitled to:

- know what their alleged offence is;
- know what evidence is relied on; and
- have a right of reply.

These entitlements become important if it is alleged that a worker’s behaviour or work

performance is unsatisfactory. If the matter is a minor one, the supervisor and the worker will usually be able to resolve it, whether or not they wholly agree.

If they cannot resolve it — or in cases where there is any question of a formal reprimand or warning or even dismissal — a worker should be entitled to have a workplace representative or workmate present at any discussion.

In such a case you should follow the process outlined above about grievances.

Your interviewing skill is again most important:

- What is alleged?
- In what way does the worker disagree?
- Were there any other witnesses?
- Does the worker think that they are being “picked on”?

An important reminder!

Most people regard their problems as urgent. But in reality there are few issues that require instant action.

Make sure you know all the facts and all the options before you respond.

To this information you need to add your own local knowledge of the worker and the supervisor.

What is their normal behaviour like? Is this a one-off problem, or is there a pattern of behaviour on one side or the other?

Discuss your problem with another activist — preferably someone who knows a little about the local situation — or talk to your organiser.

A calm discussion of the facts with someone a little removed from the scene can be very helpful.

Equity issues, discrimination and harassment

Our union strongly condemns every form of discrimination and harassment.

Your employer has a legal responsibility to ensure that discrimination and harassment does not occur in the workplace (whether by supervisors or employees) and to take firm action to stop it if it does occur.

Discrimination means treating a person less favourably than another person because of some personal characteristic, such as their race, gender or a disability.

Sexual harassment is behaviour of a sexual nature which causes another person distress (such as unwanted sexual propositions or physical contact, or the display of offensive posters).

As a union representative, you have the responsibility to:

- discourage members from discriminating against other people in your workplace on any ground such as race, gender, sexual preference;
 - deal with it responsibly if it occurs; and
 - co-operate with management in any genuine attempts to stop or prevent discrimination.
-

There are several federal and state laws that ban discrimination at work. To fight discrimination you should:

- make it absolutely clear that discriminatory behaviour is unlawful and opposed by our union;
- assure members who complain about discrimination that our union will support them if their complaint is justified; and
- ensure that management has developed a policy and procedure for handling any discrimination issues, and that these are known to employees. If there is any doubt about the way discrimination issues are handled, you should raise the matter with the management and begin negotiations for an agreed policy and procedure. If in doubt, consult our union office.



Grievance Investigation form

Date: _____ Delegate's Name: _____

Best Contact No: _____ Email: _____

Deadline for filing this grievance: _____

Who is involved in this grievance?

Member: _____ Department: _____

Best Contact No: _____ Email: _____

☐ Full Time

☐ Part Time

☐ Casual

Supervisor or other management involved:

Name: _____ Title: _____

Best Contact No: _____ Email: _____

Witnesses or other persons involved:

Name: _____ Title: _____

Department: _____ Best Contact No: _____

Name: _____ Title: _____

Department: _____ Best Contact No: _____

What are the facts in the case?

Why is this a grievance, breach of award/agreement, WHS?

What are the issues?

What do the facts mean for the members?

What are the Options?

What can be done industrially? What are the organising opportunities? What can the member do?

Action?

What do you believe should be done? Consider if it likely to be successful, and is realistic. Is there a role for members/s with the problem? Is there potential to gain the support of other members? Is there potential to recruit new members to MEAA?

Managing Expectations?

It is important to be clear from the start what can and can't be done, don't give false hope, if the chances of success are low or non-existent the member should be told at the beginning.

Can do

Can't do

Next Steps

Timelines

Will you need records to help prove this case?

Check the appropriate ones:

☐ Pay slips

☐ Past grievances

☐ Sick leave records

☐ Rosters

☐ Correspondence

☐ Email

☐ Personal file

☐ Other (list below)

What (if anything) is required from MEAA?

Timeline of events

1. Date of first meeting with member(s): _____

2. Date resolution plan developed: _____

3. Date member(s) informed of resolution plan: _____

4. Date and types of actions (eg. Meeting with management, etc.):

5. Outcomes (if any):

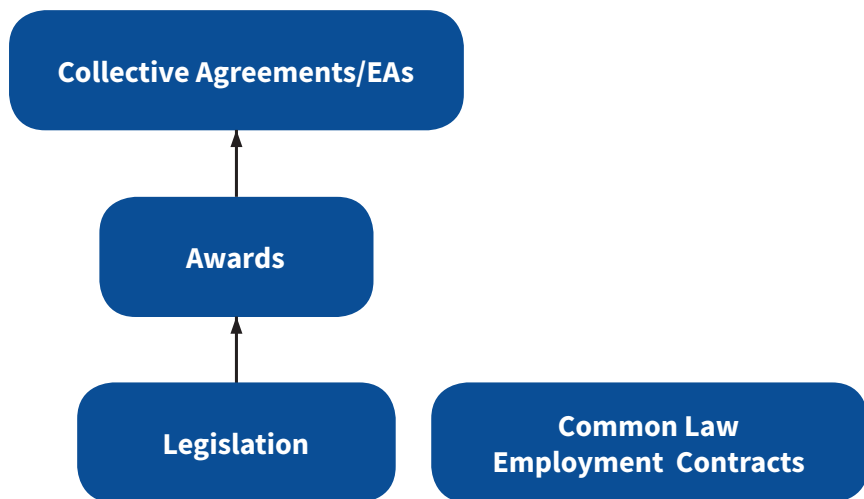
6. Further action required (if any):

7. Date issues concluded: _____

8. What was the outcome?

To assist you at any stage of the grievance please do not hesitate to contact MEAA Workplace Advice and Support on 1300 656 513.

A brief overview of the industrial relations system



Legislation

Legislation is generic — it applies to everybody working in Australia, international employees and citizens (unless you are employed by a state government employer other than in Victoria).

The **National Employment Standards**, introduced in January 2010, are:

- 38-hour week.
- Up to 12 months unpaid parental leave.
- Flexible work for parents.
- Annual leave — four weeks.
- Paid personal leave (sick and carer's) — 10 days.
- Emergency/community service leave — the right to ask for unpaid leave.
- Long service leave.
- Public holidays.
- Notice of termination and redundancy — (varies depending on length of service/age, etc.)

Awards

Sitting on top of the NES are **Modern Awards**. They are the second level of the safety net. Modern Awards go above and beyond legislation — they are industry wide standards.

In the industries in which MEAA has coverage, our Modern Awards are the *Live Performance Award*, *Broadcasting and Recorded Entertainment Award*, *Journalists Published Media Award* and the *Amusement, Events and Recreation Award*.

An Award is a legally enforceable decision of an industrial tribunal. The key minimum wages and conditions of most employees are covered by Awards.

Awards are made after a tribunal has heard submissions from unions and employers. These submissions are very comprehensive.

MEAA also keeps Awards under review. When there is a need for change in any Award, our union and employers go back to the tribunal and seek a change — called a “variation”.

These are persuasive facts to explain to any potential member who is reluctant to join our union. Can they, as an individual, prepare and deliver such award submissions to a tribunal or an employer?

Collective agreements

Many workplaces have enterprise or workplace agreements which will ordinarily apply instead of an Award. Do you have an agreement? Have you got a copy?

Agreements have the same legal standing as Awards in that they will set your conditions of work. Contact your organiser if you think the terms of an agreement are not being followed.

These agreements are negotiated collectively by workers (with the support and assistance of our union office) and their employer.

Collective agreements are another strong argument for workers to be involved in organising and our union.

Without organisation, how will workers negotiate a collective agreement? How can your negotiating team get access to the best research and experience without the support of our union?

Our union office has a great deal of knowledge and experience of agreements and negotiations in similar workplaces, and access to a wide range of research.

You should stress these facts to those reluctant to be involved.

Common law contracts

Common law contracts are negotiated with the individual employee and are underpinned by the minimum National Employment Standards, the Award and/or an agreement.

Common law contracts cannot provide for less than your entitlements under the NES, the Award and/or an agreement.

An exception to this is if someone is still employed under an Australian Workplace Agreement. If this is the case, the union office can assist in transferring the member from the AWA so that they can enjoy the conditions under the agreement or Award.

Our union also provides standard contracts which you can ask your employer to consider when employing you or simply to compare your current conditions with the industry standard.



Commonly Asked Questions

Here is a list of commonly asked questions. Have a look through and see what is pertinent to you. Take a look at your agreement to work out the answers and discuss with your organiser:

- 1.** Which section of the agreement deals with settling disputes/grievances?
- 2.** How many consecutive days am I allowed to work?
- 3.** How is overtime calculated?
- 4.** What are the penalty rates for night or weekend work?
- 5.** Can permanent part time hours be altered?
- 6.** How much notice must the employer give to change your hours?
- 7.** What are my per diem entitlements?
- 8.** How do I claim for living away from home entitlement?
- 9.** What is your existing tour loading?
- 10.** What is my turnaround time?
- 11.** How is my travel calculated?
- 12.** What are the annual leave provisions?
- 13.** What rights do I have as a contractor?
- 14.** How is grading determined?
- 15.** How many calls in a 4-week cycle and how many of those are playing calls?
- 16.** How long can a non-playing call be rostered?
- 17.** What is the minimum break between the last call and the first call on the next day?
- 18.** In your orchestra what are the current R&B provisions?
- 19.** What are your noise health and safety provisions?
- 20.** When does a concert call conclude?
- 21.** Under what circumstances can you be paid overtime?
- 22.** As a Performer how long can I be on hold before I get paid?

Negotiating on workplace matters

“Effective negotiation helps you to resolve situations where what you want conflicts with what someone else wants. The aim of a win-win negotiation is to find a solution that is acceptable to both parties, and leaves both parties feeling that they have won, in some way, after the event”

— **James Manktelow & Amy Carlson**

Apart from individual problems and grievances, there are a range of issues you can negotiate with management.

What issues might be negotiated?

The list can be almost endless.

Some issues can be obvious — for example, if there are sudden changes in work methods employees will probably let you know very quickly!

But other issues may be hidden. Why?

- The issue may have been around so long that employees just accept it — “that’s how it’s always been”.
- Employees may fear confronting the management about an issue.
- Sometimes morale in a workplace is very low, but it is difficult to specify precise issues.
- It may be that no-one has ever had the thought: “This could be a better place to work in, if only...”

While negotiating, the employer may want some exchange of benefits. Consider such proposals carefully and always seek advice from our union office.

Identifying workplace issues

How can you identify issues? In recruiting and organising one-to-one in your workplace you have been picking up ideas of what people are thinking. You can test these by conducting a **workplace survey**.

A survey is a good way of involving workplace committee/network members and other activists, as well as encouraging discussion among the employees generally.

If you decide to conduct a survey consider:

- Will the survey go only to members or will you try to involve non-members?
- How will you explain the purpose, without giving people unreal expectations about what can be achieved?

- How will you design the survey questions? Ask your organiser for advice.
- Will it be easy to interpret the results clearly?
- Can you test the survey questionnaire on a small group, before issuing it generally?
- When distributing the survey, can committee/network members identify more potential activists to help?

Ideally each worker should receive a hand-delivered copy from someone who can take a little time to explain it. That person should stay while the worker completes it; but if that is not possible, someone should pick it up, say, the next day.

After the survey you should let employees know the results, and keep them involved.

Preparing for negotiations

Preparation is the most critical phase for successful negotiations. Your team will certainly do a good job if they are well prepared.

Have clear objectives — what do you want to achieve?

- Make sure you have **support from members**.
- **Collect all the relevant facts** and information about the issue(s). Use the ideas and experiences of employees on the job.
- Write down as clearly as you can the **key arguments** in favour of your claim.
- **Plan your tactics for the negotiating table.** Who will be on the team, who will be the spokesperson, who will take notes?
- **How will management respond?** Who will represent management - are they decision makers?
- **What are your options?** If necessary, do you have a compromise or fall-back position?
- **How will you inform employees of the results after the negotiation?** You must keep the support and involvement of employees.



A useful tool to work out what information you will need to bring to negotiations is the following. Sit down and work through with your committee and your union organiser.

MEAA position (what do we want and why)	Employer's response (what are the anticipated counter arguments that the company will use)	MEAA counter response (this will help identify additional information that you may require)

Don't forget that there are two aspects to a claim — one is the strength of your argument, the other is the strength of workplace support.

Consider letting the employer know about your claim before the first meeting. This may speed up the negotiation. In this way you might avoid them saying “We will have to think about it”.

At the negotiations

Your preparations will now pay off. At the negotiations:

- the chief spokesperson must control the team;
- ensure that one member makes careful notes;
- be firm but polite;
- don't be side-tracked — stick to the issues;
- do not discuss or debate offers with your colleagues at the table — seek an adjournment; and
- check management offers for clarity — be sure you understand any offer.

Some people use “tricks”. These usually depend on acting — for example, pretending to get angry, shouting, walking out, threatening industrial action and so on.

You are strongly advised not to use such tricks. The best “trick” is for your union team to be well prepared, know you have workplace support, and present your case strongly and logically.

In negotiations, DO NOT:

- conduct negotiations alone — this can lead to confusion and misunderstanding;
- make a “deal” beyond your authority — have the support of your workplace (and where necessary, our union); and
- debate issues with your own colleagues during negotiations. If things seem to be going wrong, call for an adjournment and discuss the matter in private.

When management responds, listen carefully and ask questions to make sure you have the correct picture. Try to find out what is important to them, and see if there is any common ground. If there is an offer, make sure you understand what has been offered.

At the end of the meeting:

- Summarise the final position to check that everyone agrees what it is.
 - Commit any agreement to writing and have both sides confirm it by signing it.
 - If your claim is rejected or there is no offer likely to be acceptable, say that you have to consult with members and our union.
 - If the management make an offer which appears acceptable — do you have the authority to settle? If you are not sure, take it back to members.
-

After the negotiation

Assess the result and the way your team and the management performed. Learn from your experience, especially if you are going to have another meeting.

If you have reached a satisfactory agreement:

- Prepare a report and recommendation for members and our union office.
- What needs to be done to make the agreement work? Assign a member of the team to check that the agreement is carried out.
- Celebrate your success with your team and others who contributed.

If an offer is less than you expected, or if there is a complete rejection:

- Review your objectives and expectations.
- Prepare a report for the members and our union office. Can you go back and try again?
- If you are to try again, what new information and arguments do you need?

- If you recommend accepting the current management position, under what circumstances could you go back later - do you need more facts, more support from employees?
- Remember that there are few instances in which a good claim cannot be renewed. Negotiations on some issues can take a long time. The important thing is to keep making gains!

How can members show support?

There are many ways members can display support. **“Display”** is the key word here. What you want is for the decision makers to see that member are serious about the claim and are united in their support for it.

Here are some ideas — can you think of others?

- If your claims are based on a survey of employees, management will know that your claim reflects workplace opinions.
- If members of your organising committee/network talk to employees about the claim and collect information from them, this will also be known to management. Activists should promote discussion at meal and other breaks.
- Unity of purpose and solidarity can be demonstrated by everyone wearing a coloured ribbon or badge, or even wearing the same coloured clothing. Management will soon know why they are doing it. A petition is another way to demonstrate support.
- If there is a health and safety issue, everyone might wear a band aid in an obvious place.
- Produce flyers/photo petitions which support your claim. Use them to lead discussions at meal breaks.
- When initially presenting the claim, all employees affected might take the claim to the employer *en masse*.

The workplace committee can use its imagination freely.

Introducing an element of fun does not detract from a show of solidarity. In fact it may help employees who are afraid of being involved in a “dispute”



Organising checklist

Now here are some more questions for you to think about and discuss with your fellow activists and your organiser:

- ☐ Have you considered surveying your colleagues to find out what issues concern them? Think broadly about the kind of issues that could be raised, and don't forget health and safety issues.
- ☐ What Award(s)/agreement cover your work? Do you have any collective agreements? If you are unsure or feel you may not be up-to-date, talk to your organiser.
- ☐ Do you have an agreed grievance procedure? If so, does it work well? If not, discuss any problems with your organiser. If there is no agreed procedure, is there an "understood" way of taking up workers' problems? Is it satisfactory?
- ☐ Is there a policy and procedure for dealing with discrimination in any form? Is it sufficiently known to workers?
- ☐ Have you considered the training needs of workers? Do workers have reasonable access to training opportunities?
- ☐ Do you have a methodical way of dealing with questions and problems raised by individual workers? Go through the way in which you have dealt with any recent questions — this will help you to see if your approach can be improved.
- ☐ Are you negotiating any issues with the management at present, or are you planning to do so? Make a note of the process you followed or propose to follow. Compare it with that suggested earlier in this section — you don't have to follow that approach in every detail, but it is useful to check that you have not left out any vital step.

Putting it all together — organising to win

List the issues of concern in each of your workplaces and categorise these as:

- **Widely felt** — the issue is of concern to a large number of people in the workplace.
- **Deeply felt** — Members care very strongly about the issue.
- **Winnable or Partly winnable** — can you win the issue (or at least a bit of it)?

Rate the issues in a table like the one below from 0 to 3, with 0 meaning no, 1 a low score, and 3 a high score.

Issues	Widely felt	Deeply felt	Winnable or partly winnable



Organising resources

Meeting Attendance Sheet

Workplace:

Date:[illegible]

Bargaining Overview

Phase One – Preparation	Phase Two, Part 1 – Work- place Organisation	Phase Two, Part 2 – Work- place Organisation
Stage of Bargaining - Membership Mobilisation		
<ul style="list-style-type: none"> • Complete up to date mapping exercise – review membership numbers/ density, set up database • Review number of delegates/activists/ contacts in place • Review what union training has occurred • Review paid education leave rights • Talk to key members/ leaders • Consistent with industry plan, write campaign plan (eg. review strengths and weaknesses, develop goals & objectives, strategies and key activities) • Develop methods to identify issues in the workplace (eg. surveys, one-on-one contact, workplace meetings, review previous grievances) 	<ul style="list-style-type: none"> • Identify leaders and activists, eg. phone members at home • Facilitate training for delegates/activists • Continue to develop campaign plan, messages and themes • Set objectives — industrial and organising outcomes • Predict employer response 	<ul style="list-style-type: none"> • One-on-one contact including use of leaders/ activists • Prioritise issues • Develop activists and leaders • Set up workplace organising and set up communication processes • Small group meetings (on/ off site) • Recruitment of new members • Test support before any action

Phase Three – Negotiation & Taking Action	Phase Four – Reach & Finalise Agreement	Phase Five – Review & Plan for Implementation
<ul style="list-style-type: none"> • Endorse claims • Coordinate, plan and commence workplace activities with leaders/ activists (eg. meetings, public actions — service log of claims) • Report back on progress of formal negotiations • Mobilise support • Seek endorsement for and take protected action • Ongoing recruitment 	<ul style="list-style-type: none"> • Debrief members on outcomes of negotiations • Take proposed final agreement to members for consultation • Conduct formal voting procedure/ ballot • Endorse agreement or commence renegotiations • Publicise and celebrate outcomes • Recruitment 	<ul style="list-style-type: none"> • Conduct debriefing meeting with members • Review outcomes against initial plan with delegates, key activists and officials • Establish a plan for implementation/ compliance with the agreement • Continued network and recruitment strategy

Continued next page

Bargaining Overview (continued)

Phase One – Preparation	Phase Two, Part 1 – Workplace Organisation	Phase Two, Part 2 – Workplace Organisation
Stage of Bargaining - Industrial Activities		
<ul style="list-style-type: none"> • What are the existing industrial arrangements (eg. type of agreement, nominal expiry date, etc.?) • Is there a relevant Award? What's in the Award? • What is the industry or comparable rates of pay, conditions and/or current issues? • What issues are outstanding from previous rounds of bargaining? • Prepare draft claim and suggested clauses e.g. dispute resolution? 	<ul style="list-style-type: none"> • Develop bargaining strategy and negotiating tactics which complement organising activities • Check the claim complies with legislation and relevant union policies • Negotiate ground rules for bargaining, eg. negotiation protocol • Predict employer strategy and likely responses 	<ul style="list-style-type: none"> • Ensure demands are well researched, supported and winnable (not pie in the sky) • Assess the alignment of forces for and against the claim • Develop and serve claim (combine workplace, union and industry issues) • Assess impact of claim and tactics on support from members and allies
Stage of Bargaining - Research/comprehensive campaigning		
<ul style="list-style-type: none"> • Understand the company — command and control (owners, funding, investors), operations, (suppliers) stakeholders (clients, community, other unions) • Industry or comparable rates of pay, conditions and/or current issues? • Identify real decision makers • Media strategy? (messages, members and allies to speak, website, visuals, stunts/letters) 	<ul style="list-style-type: none"> • Identify points of influence (company profit centres, key decision makers, growth, key relationships beyond the company, interaction with government) • Identify potential allies • Identify campaign themes • Launch – media? Release survey results? 	<ul style="list-style-type: none"> • Set up meetings with delegates & politician/allies/ community groups — seek support • Joint media releases with supportive community groups • Consider alternate strategy — consumer, political, capital- shareholder, community, legal regulator, international • Determine best tactics

Phase Three – Negotiation & Taking Action	Phase Four – Reach & Finalise Agreement	Phase Five – Review & Plan for Implementation
<ul style="list-style-type: none"> • Notify bargaining period • Participate in formal negotiations • Keep records of formal negotiation meetings and outcomes • Initiate protected action (allow time for secret ballot application, ballot process & notifying employer) • Maintain open lines of communication • Response to employer tactics 	<ul style="list-style-type: none"> • Finalise agreed outcomes of negotiations • Draft and record final agreement • Conduct union ballot process and get internal approval • Ensure employer ballot is appropriate • Check and monitor employer compliance with lodging process 	<ul style="list-style-type: none"> • Ensure copies of the finalised agreement are kept by the union and at the workplace • Negotiate arrangements for implementation of the agreement • Ensure compliance with agreement
<ul style="list-style-type: none"> • Assess on-the-ground strength, industrial and political environment • Tactics reflect real strength and are subordinate to goals • Assess impact a tactic in one area has on the situation in another and on support • Prepare to use or respond to media • Supportive politicians/ allies to come to meetings, rallies, sign petitions, sign letters of support 	<ul style="list-style-type: none"> • Write and thank allies for participation and invite to celebration 	<ul style="list-style-type: none"> • Maintain relationship with allies/politicians • Help members/ staff learn from experience

Notes

Notes

Contact us

If you would like to meet with a MEAA staff member in person please send us an email using the form on our website at meaa.org/contact or phone MEAA Member Central on 1300 656 513 to organise an appointment. The best way to ensure we are able to fully assist you is to book an appointment in advance.

Phone: 1300 656 513

Email: members@meaa.org

Web: meaa.org

Facebook: @withMEAA

Twitter: @withMEAA

Instagram: @withMEAA

Federal Office/New South Wales Branch

245 Chalmers St
Redfern NSW 2016

Victorian Branch

Level 3, 365 Queen St
Melbourne VICTORIA 3000

Queensland Branch

Level 4, 16 Peel St
South Brisbane QLD 4101

South Australia Branch

Unit 4/241 Pirie St
Adelaide SA 5000

Western Australia Branch

Suite 1, 12-14 Thelma St
West Perth WA 6005

New Zealand Equity

Level 1, 283 Karangahape Rd
Auckland NEW ZEALAND 1010

