

11. Jeremy Pyner, former Industrial Officer BWIU/CFMEU and Secretary ACT Trades and Labour Council (TLC). (Interviewed by Ted Forbes – Australian Society for the Study of Labour History - 19 August 1997)

Mr Forbes - When did you first join a union and where?

Mr Pyner - Easy answer. The first union that I joined was in fact the BWIU (Building Workers Industrial Union) on the new Parliament House site in 1986. I got a job labouring on the new Parliament House site - no ticket, no start. It was actually during the deregistration of the BLF (Builders Labourers Federation). I was sort of shuffled around on the paper and I probably could have been covered by the BLF but in fact the BWIU was the first one to grab hold of me. That was in February 1986.

Mr Forbes – Right, so that was the first union you joined. What did you do before that?

Mr Pyner - I knew you would ask that! I must have been about 37 when I first joined a union. I am 48 now, so it was 11 years ago. Prior to that, I hadn't really been in industries which had been organised. I had done part-time teaching, I was a farrier for a number of years and of course, racehorse training. They were not very strong in terms of their having a high level of union membership. In fact, at my first exposure to a union, I joined.

Mr Forbes - You went to university didn't you, but was it here or in New Zealand?

Mr Pyner - Both. I graduated with a graduate degree in New Zealand and then came to Australia and studied here at the ANU.

Mr Forbes – You've been studying for a fair bit of your life, haven't you?

Mr Pyner - I was nine or ten years at university.

Mr Forbes - Were you ever a workplace delegate or a shop steward?

Mr Pyner - I was. In fact, when I joined the BWIU I was working for a company on the Parliament House site and that job finished within a month or so. Then I worked for Fernandos Brothers which was a large Portuguese formwork company which had a sub-contract with Subimo. There were about 100 people who worked for Fernandos and only about three or four of us spoke English. There was a company meeting about a particular issue and the matter of union delegate came up. I was nominated after having only worked for the company literally for a few weeks. Then I was the union delegate for Fernandos, the Portuguese formwork company, for about 14 months.

Mr Forbes - What made you decide to become an officer or how were you made an officer of the union? With your first position, and correct me if I'm wrong, you were not a branch organiser; you went in as an industrial officer, didn't you?

Mr Pyner - That's right. At the time of my joining the BWIU, the deregistration of the BLF was occurring, and it would be fair to say, in the context of the deregistration of the BLF and the politics and the industrial activity of Parliament House, that it was probably a bit too much for the resources and history of the BWIU branch here in the ACT.

Because of that, they brought in a couple of outsiders to add a bit of weight to the BWIU. Peter Berry was one, he became the secretary. George Wason was the other. He was the assistant secretary and is now the secretary of the CFMEU. I think even Dave Cunningham might have been recruited then to give the BWIU a bit of personnel assistance. So the BWIU was expanding its staff, and I was pretty active up on the hill in terms of union politics anyway, being the delegate for a large, pretty active company. The BWIU were looking for a research officer to become industrial officer. Someone found out that I had reading and writing skills and I was approached directly by the BWIU to become a research officer.

Mr Forbes - How long did you spend there as a full-time officer?

Mr Pyner - Ten years.

Mr Forbes - Why did you leave the union?

Mr Pyner - I am still a member of the CFMEU.

Mr Forbes - I mean the job you had with the union; why did you leave that?

Mr Pyner - Interesting question. It's like all of my career changes ...

Mr Forbes - I actually know why you left but everyone who hears this history won't, so it needs to be recorded.

Mr Pyner – Well, I'd spent several years with the BWIU/CFMEU and they were a pretty well-resourced organisation. I think if I'd got run over by a bus it probably wouldn't have been the end of the world. They could have recruited someone else.

I was pretty concerned about the wider union movement in the ACT and thought whether I could make a contribution to the wider union movement and use some of the skills which I had picked up with the CFMEU. In fact, it was literally over a beer, when names were being bandied around as to what the hell to do with the Trades and Labour Council that one of the organisers brought my name up. I went home and thought about it over the weekend and said, 'Maybe that could be the go.'

I then went to see the secretary of the CFMEU and said that a couple of people had put my name forward to contest the election at the Trades and Labour Council. Their view was that I would be a better candidate than the other candidate who was being touted at the same time. And that's how it happened.

Mr Forbes - Did you have any political affiliations during the time you were an official? That includes now. These questions were for older retired officials but I'm asking you the same question in a slightly different way. Have you had political affiliations during the time you have been a unionist?

Mr Pyner - I have not had political affiliations.

Mr Forbes – OK, you never did. Were you a family man with children during this time?

Mr Pyner – Yes, most certainly, a wife and two kids.

Mr Forbes - What ages are they now?

Mr Pyner - They are 20 and 18.

Mr Forbes - Did union work affect your family life in any way?

Mr Pyner – Well, union work impacts on your life all the time, simply by being a political position, and also because the union movement is a conspicuous structure in our society and is often the subject of discussion. But in terms of direct impact, I have always made it an absolute necessity for staying sane that I do not take work home. I have only taken paperwork home half a dozen times in a decade and I still don't do that. I would much rather come to work early rather than sit at home with a heap of paperwork. There should be a divorce between family life and work life in a formal sense but you can't maintain that.

Mr Forbes - Did you present matters or get involved in matters before the Industrial Relations Commission or the Federal Court when you were doing both of these jobs, as a union official with the CFMEU and here.

Mr Pyner - I did a lot of advocacy with the CFMEU on a whole range of issues. In one form or another I did advocacy in the commission, which I enjoyed. But I think one of the downsides of coming here is that I don't do so much commission work, which I find ...

Mr Forbes – Deskillling!

Mr Pyner - I don't know about deskillling but there is a view in the union movement that affiliates like to have total carriage over their issues and they seem somewhat reluctant to use the TLC for that. I think that is a pity because I think I have probably got skills that can be taken advantage of and it would also then allow the less-resourced unions to divert their resources into other areas. But you can only tell them so many times. In fact, it was only this week that I got a judgment out of the Federal Court which was in fact the only Federal Court matter that I have dealt with since coming to the TLC and we had a good result there. In terms of formal commission proceedings, on behalf of individual affiliates, that only happens very rarely. Although, during the enterprise bargaining dispute with the ACT government some 18 months ago, we were in the commission all the time and I was the advocate for all the ACT unions on that issue. So yes, I miss that.

Mr Forbes - Could it be said by some people, if not claimed by you, that it is a pity in some cases where a local union official may not have the aptitude or particular gifts in advocacy that that person should not come forward and take advantage of the skills that are already there and are free and would be willingly provided?

Mr Pyner - Exactly. When I came here, I would have thought that one of the claims that affiliates would place on the TLC - as I said, not so much the well-resourced ones but the other ones - is that they would say, 'That is part of the deal that we get for paying dues to the Trades and Labour Council so we want you to run cases.' If I were some of the unions around town, that is something I would be asking me all the time. It is particularly important, not only in terms of the individual unions themselves, but also in terms of the role of the commission, which has been diminishing. I think one of the reasons as to why the commission is diminishing in stature – and I think we will live to regret this - is that the unions have had a slightly hotchpotch haphazard relationship with the commission and that just might come back to bite us.

Mr Forbes - As a full-time official, what role and responsibilities did you have in determining union policy and practice?

Mr Pyner - I can only talk back to the CFMEU days. I think that all unions have different internal processes for determining their policies. The CFMEU/BWIU had more of a caucus and advice before meetings, which was invariably like the committee of management or something where there could be changes of direction. But I think it is still generally the case that unions historically, and probably still do have a degree of difficulty in capturing membership sentiment and expressing that in formal policy which can then be acted on. The thing about the CFMEU, which is interesting, is that they were very much a campaign orientated union whereas other unions aren't. So the CFMEU, once a decision had been made to run a campaign, virtually everything was put aside and resources were poured into the campaign to ensure that they got a result. And I quite like that. I can relate to that.

Mr Forbes - Were you ever a delegate to your federal council?

Mr Pyner - No.

Mr Forbes - Do you believe that the 13 years of a Labor government was a help or a hindrance to the trade union movement? And if you do agree, in what way?

Mr Pyner - The issue begs the question as to what should be the relationship between organised labour and political labour. I am of the view that the organised arm of labour, the industrial arm of labour, needs to be distinct from the political arm of labour. The reason I say that - and it is very easy now to underscore your point with the advantage of hindsight - is that there is no doubt that the 13 years of Labor probably did not do, in 1997, the labour movement a great deal of good. That goes to issues of whether or not the political arm of labour is prepared, or capable, or willing, to receive a few backhanders from the (industrial) labour movement. I think there is a perception in the wider electorate that the relationship has been too close. And I feel that, on a number of issues, organised Labor's positions were compromised after advice as to whether or not those positions could be sold politically.

Mr Forbes - The question doesn't mention it but we are really talking about the effect of the Accord and the view expressed by quite a number that the Accord really did leave our muscles pretty flaccid and weak, and that the rank and file just did not comprehend that it really needed to struggle in these present changed circumstances.

Mr Pyner - I could talk about this for ages but, in terms of where we are now - the number of phone calls that we get here from people believing that the Trades and Labour Council is a government operation or something, is unbelievable. I don't know how they get that view but the issue also goes to the perception by the membership or the potential membership as to where they derive their benefits from. If it is true that the Accord produced benefits which were available when people woke up one morning but they did not have them the next day, then they somehow have instilled in them a psychology in which they are not in total control over their industrial arrangements. I think that is a major issue now. How many employees actually believe that the conditions that they have got are due to the benevolence and good interest of their employer?

Mr Forbes – Yes, most union officials have realised that.

Mr Pyner - So a strong, vigorous, separate labour movement is what we want.

Mr Forbes - Good. What do you believe was the role and the result of the ACTU involvement in determining trade union policies and practice? That goes to the role that the ACTU had in determining what our position was with regard to the Accord.

Mr Pyner - I guess on one simple understanding of things, it probably is a sensible idea to have an Accord. I am not all that good on this particular part of union history, but I have a feeling that the ACTU lost its independence quite early on in the piece. As to where the initiative or where the actual imprimatur came from in terms of the Accord, I don't know. But once the deal had been done, it was then sold universally. A lot of unions had a lot of opportunity quite early on in the piece to have their two bob's worth or argue the toss. And I don't know of too many people who had the ability to shake a few things around town or in Melbourne who did that.

Mr Forbes - Do you think there was a perception that Hawke, coming in the early 1980s so recently from the trade union movement, was our mate and our man in there, and that inclined the trade unions to be a bit more unquestioning about what the Accord really meant? Do you think they would have gone for it if they had got Keating immediately as a leader or Bill Hayden?

Mr Pyner - There was a problem. I think there was a perception that the unions had got their man, as Hawke obviously was, in the House and that therefore the unions had the Prime Minister's ear ...

Mr Forbes - Even that he had an obligation to comply.

Mr Pyner - Yes. That might have been the initial perception, but I think that disappeared very soon. What happened in fact was that, rather than the labour movement being able to neuter Hawke, I think he effectively neutered the labour movement. You still hear chaps like Reith going on that they were the union movement's buddies and all that sort of stuff. But the union movement has also got to understand that they stand exposed once one of their kind has suddenly got a position and then can do the bloody deals. So I see it the other way.

Mr Forbes - What effect did the push for enterprise bargaining have on your union, both the union officers and the rank and file? Did it impact on membership numbers and methods of organising?

Mr Pyner - Big question. The union that I came from, the CFMEU, adapted and effected enterprise bargaining reasonably well. It goes back to the issue of campaigns that I mentioned before, and they were very capable of delivering a campaign and winning enterprise agreements in the field. But the effectiveness, even within the CFMEU, was limited to the commercial area. If you went into their own membership and the off-site area, or in the government area, then the discrepancy between the conditions of engagement between the on-site area and the off-site or government areas was increased.

So there was a problem not only within their own membership, between their own members, but there was also a problem between that industry and other industries, which is the ongoing issue now. They were effective in delivering pattern bargaining. There were a lot of debates in the mid-1980s over enterprise bargaining and its appropriateness, not only for the building industry, but for all industries. The position of the CFMEU in the end was that they embraced enterprise bargaining within the context of pattern bargaining, and given their internal structure, that did significantly alter the manner by which organising was done. But as an organisation, they were pretty effective in getting enterprise agreements up in places where they had the ability.

Mr Forbes - Were union officials suitably skilled and resourced to handle decentralised bargaining and was it necessary for your union to provide any specific training to enable officials to cope with the changes?

Mr Pyner - The answer is simply no. In moments of total paranoia and conspiracy theories, it is so easy to say that the reason why we got enterprise bargaining was just to soak up the time and resources of union officials because it is so exhaustive and so time consuming. I don't think any union has come to terms with enterprise bargaining in terms of its allocation of resources and training.

Mr Forbes - Was management skilled enough to bargain effectively at the site level?

Mr Pyner – No, they had no idea.

Mr Forbes - I found that too. They knew claw-back, and that was all.

Mr Pyner - They had no idea. Even Bob McMullan is now talking about jettisoning the Brereton thing. But those early views of enterprise bargaining were either pretty barbaric or pretty provincial. By the time it had become refined in the early 1990s, people were already testing the wind and there was a distinct easing back by employers I think with the anticipation of changes in the political sphere.

Mr Forbes - Do you think that enterprise bargaining affected the relationship between the union and its members in your union?

Mr Pyner – That's a tricky question. On face value, I guess you could mount a very strong argument to say that enterprise bargaining should firm up the relationship between the union and its members.

Mr Forbes – Certainly, it has been found to have done so in some sections of some unions.

Mr Pyner - Yes, but it is so hard to maintain it. I would say the problem there goes to the delegate structure. I was absolutely staggered to find when I came here that some unions do not even have delegate structures. Yet the delegate is the critical person in terms of maintaining the relationship between the union and the outcomes of enterprise bargaining, just as the delegate should play a critical role in the outcomes between the union and its members in terms of centralised bargaining. Which I prefer! I wanted to get that in because I am a centralist on this matter. Make no mistake about it!

Mr Forbes - Decentralised bargaining reduced the relevance of the award system. What do you think about that statement?

Mr Pyner - Decentralised bargaining - the problem with enterprise bargaining, even in the Hawke years when it got going, was that the process became a process in itself and was to be ongoing forever and a day. Once that had been put into place, or once that principle or process had been put into place, then the award system had a use-by date stamped on its forehead. Now there is a clamour for a more centralised system and Blind Freddy should have been able to see the limitations of the process when it was first put forward.

Overall, from a union point of view, you tend to go out and seek those deals which are good for your members but the inevitable upshot of enterprise bargaining is that there is going to be increasing marginalisation of employees from decent and proper wages. It's as simple as that. There is no answer to that other than a strong and vigorous award system.

Mr Forbes - What wages system would you rather work under?

Mr Pyner - I've got no problem at all with enterprise bargaining in a properly structured, properly participative enterprise bargaining system. But there has to be a recognition in the process that there will be times in the history of the enterprise when there is probably not a great deal to bargain about or with. When that process has been exhausted, it is then necessary, obviously, to be able to access a vigorous and decent centralised wage fixing system, and a conditions of employment determining system, which should be running parallel to it. I would be very surprised in five years' time whether we have even a vague mirror reflection of the AIRC. I do not believe that the AIRC will be in existence much longer.

Mr Forbes - I will ponder that reply.

Mr Pyner - And that would be a pity.

Mr Forbes - That's an understatement, old son. What do you believe are the reasons behind the declining rates of union membership and do you have any views about how it might be rectified?

Mr Pyner - Some of the problems are obviously to do with the enterprise bargaining system that we have been talking about. I don't think unions made the transition to enterprise bargaining as well as they could have. They did not establish the enterprise bargaining process as being a dynamic arrangement, and once you lose what has been a dynamic arrangement then you really wonder why you bother having a union at all. That is one issue.

Obviously the manufacturing topography of Australia has changed enormously. You've got a situation now where one in four employees in Australia is a casual employee. Forty thousand full-time jobs have gone, according to the last ABS statistics. Obviously, all of those factors are conducive to a decline in membership. From my perspective here, unions are increasingly defensive or prickly about their own viability or their own relationship with their members and that is a source of concern from the TLC's point of view.

The unquestioned success of the global Right to highlight, glorify and promote the success of individual pursuit in the workplace, which has now been formalised through AWAs, (Australian Workplace Agreements) is another concern. There is also a general societal reluctance now to act collectively.

Another issue of concern is that our best union members are still 55 year-old Yugoslavs and our worst are early-20s Australian born. One of the reasons for that is obviously the federal government's policies in that we are now witnessing the dislocation of certain age groups in our society from ever entering work. Once they have done that or their experience of work has been so horrendous that rather than saying, 'I am going to ring up the union and see what I can do about it,' they actually drop out of the work. That is happening all the time and I think that has profound implications for our society.

Mr Forbes - The ACTU plan for the creation of 20 super unions is now complete. What is your view of this change? Has it fulfilled expectations of applying greater resources or efficiencies into the trade union movement? Did it have any effect on you as an official? Was it received well by the membership?

Mr Pyner - That is an interesting question because it asks two things. It is asking about the culture of unions and their memberships on the one hand and it is talking about political, economic, bureaucratic pragmatics on the other hand. With regard to the former, I can appreciate a wheelwright or a plumber or whatever with a specific union history and culture, and I can understand why that member might have been greatly concerned to see their union being gobbled up by an organisation which was going to lose that individual identity - big problem.

Even though people move in and out of a number of occupations during their working life, nonetheless, a lot of people do carry at least a portrait of their parents' occupation somewhere on them and once that has been broken then we've got major problems in terms of our own membership. So that's a problem.

I think some amalgamated unions have a better ability to maintain that individual, specific cultural identity of their membership than other super unions. Yet on the other hand, I have no problem at all. It makes a great deal of sense to see amalgamation with utilisation of resources. The principle is appropriate. There are differing abilities of certain super unions to discharge or take advantage of the advantages which arose out of amalgamations. But generally, I don't have a problem with amalgamations. But I have seen some union cultural identities disappear.

Mr Forbes - I can remember the Coopers Union back in 1961 or 1962. I went out to a cooperage in Richmond and at that time they had 23 members in the whole union. And they were still holding out.

Mr Pyner - And you can you understand why they were holding out!

Mr Forbes - Yes. A little while later when I worked for TUTA, I said to a class, 'What's a cooper?' Nobody knew.

Last question: would you be pleased if one of your children became interested in becoming a union official? Let's say one of them walked up and said, 'Look Dad, my union has offered me a job as branch organiser and I'm going to take it.' Would you be pleased and why?

Mr Pyner - I would be pleased because in the end the union movement deals with equity and fairness in the workplace and I would like to think that this is one area where I might have influenced my children. The one thing that I would like to leave behind is that there are people in the workplace who do it hard and if they are prepared to work in a reasonably thankless industry, that would be a good decision for them to make.

Jeremy Pyner, Secretary ACT TLC

One of them is a union member, the other is not in employment. But it wouldn't worry me at all if they chose to work for a union because at least they would have formally displayed some kind of commitment to equity and fairness in the workplace.

Mr Forbes - So you're saying that union organising, if carried out vigorously and properly and ethically, is a respectable profession?

Mr Pyner - It is probably not a respectable profession ...

Mr Forbes - From the workers' point of view!

Mr Pyner - Exactly. When people find out that you're a union official, they can suddenly take a disrespectful attitude to you. But I have never come across a member, who has any direct participation in their union, who does not have a degree of self-respect and in the end, that is what the union movement is based on, because so many people in employment have had that respect knocked out of them.

Mr Forbes – Thanks Jeremy.

