

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

## **Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005**

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**Organisation:**

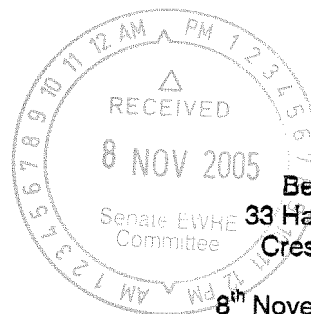
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8<sup>th</sup> November 2005

Secretary,  
Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005  
Senate Employment, Workplace Relations and Education Committee  
Department of the Senate  
Parliament House  
Canberra  
Australia

### Submission to Work Choices Bill Inquiry

I would like to express my very deep concern regarding the proposed Industrial Relations legislation.

I am fearful that we are moving further and further away from the fundamental democratic principles that have been such a strong part of our culture and community spirit. The right to organise and to strike on behalf of better conditions, and to have collective representation is one of these fundamental rights.

A healthy government system is made up of a number of inter-active and inter-related levels, including local governments, school councils, and trade unions. These are so important in representing local interests, and in providing means of participation in decision making and government for a broad range of people with differing links within the community.

It deeply disturbs me to hear government politicians saying that under the new legislation if workers don't like the conditions they are offered they can simply go elsewhere (a statement made in parliament and as replayed on 'Background Briefing' recently). Apart from the way this statement totally disregards the needs of a significant proportion of working people who do not have that luxury, being unskilled or low-skilled in a time when unskilled labour is not at a premium (or when specific skills are not wanted), I find the statement appalling even with regard to those who might theoretically be able to take their skills elsewhere. For it holds within it a complete lack of respect or valuing of the community ties that people build up over years of working together and which would be severed and destroyed if they had to move to a different workplace, perhaps even a different location, uprooting their whole families in the process.

Indeed so much of recent government legislation seems to me to be undermining community ties at a time when these are desperately needed and should be being bolstered and strengthened and valued. We are facing an epoch in history in which such ties will very likely be tested and called upon in many different ways – with climate change causing more frequent natural catastrophes, terrorism growing because of so much dissention in the world, and unstable petrol prices which could cause chaos in an increasingly globalised world food economy.

I also feel sick to think of what faces many small business employers who will be faced with terrible decisions between perhaps going out of business, or being forced to reduce (or fail to increase at appropriate times) the wages of staff who they have come to know and value, in order to remain competitive.

Furthermore, I would like to tell you my own past experience of being helped by a union. This was when I was in my early 20s and worked in a hotel. My employer would not pay penalty rates and other benefits even after I pointed out the omission, claiming that I was misinformed. (I also noticed he always hid the hotel trade magazines when they arrived, so

none of us could see the rates printed in them.) One day I went to the union with my pay slips and they tactfully and efficiently pointed out his mistake and used their position and authority to make him change his habits and give his employees their legal entitlements (which he'd been neglecting to do for years). At the time I assumed that he wouldn't want me to work for him anymore (as a casual employee I was on an on-call basis), but he did keep employing me and the matter did not adversely affect our relationship, which was important as he was often in the hotel while I was working.

When I think of young people in this situation under the new IR laws, it seems irrelevant whether or not it is their 'right' to certain conditions and pay rates, if this right can only be enforced by them taking their employer to court, with all the associated costs and acrimony this would involve.

How much underpaid would you need to be, or how bad would your conditions need to be (eg not getting adequate relief breaks, or holidays, or being told to work in unsafe conditions) before you went to the expense and stress of a court case? Would it be worth it if you were underpaid \$10 per week? Twenty? Would it need to be fifty dollars a week to make it worth it? (Fifty dollars a week might be an enormous amount to someone on a minimum wage, but by the same token, the amount required to even investigate the possibilities of a court case would also be even more prohibitive the lower your wages are). And would it be ever worth risking contaminating the relationship with your employer, or losing the job altogether?

The recent Background Briefing program on ABC Radio about the strike at Boeing highlighted so many of these concerns about the practical exercise of 'rights' in an environment in which the basic right of association and collective action is not respected or valued or systematically entrenched with appropriate institutions. The callous response from the government that these workers could choose to take their skills elsewhere makes me feel sick at heart, that such deep loyalties, friendships and community ties forged through years of working together could be so completely devalued in this way. I feel that politicians who make such statements are completely out of touch with what it is like to be a general employee.

Another television program which highlighted the likely adverse affects of this legislation was documentary maker, Morgan Spurlock's *30 Days*. I'm referring to the episode in which he and his girlfriend attempted to live on minimum wage, doing minimum wage jobs, for a month. Minimum wage in the US, while guaranteed by law, has not been raised in the past 8 years. As such it is crippling for people who have no other choices in life, and completely destructive of family life.

Decent wages and conditions are essential to good community life and to the maintenance of strong families.

Trade unions are a form of community that should be respected and valued. They have historically contributed untold benefits to all Australians, and the fact that so many of us now take these benefits for granted is a measure of their continuing success and important role.

While changes to the system are always useful in response to changing circumstances, this kind of destructive wholesale damage to a vital part of Australian democracy is going way beyond 'reform' and is the kind of revolution that will change the society for the worse in deep ways and for decades to come.

Yours sincerely,



Beth Spencer