

# Submission

to

Senate Employment, Workplace Relations and Education  
Legislation Committee

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

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Dear Committee Secretary

I am writing to register some of my concerns about the Workplace Relations Amendment (Work Choices) Bill 2005.

A workplace relations system that allows employee dismissal without explanation or recourse will actively work against preventing and eliminating discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin. When the person making the final decisions cannot be called to account by those who are disadvantaged, the system will inevitably skew towards that which most (financially) advantages the person making the final decisions, the employer.

In addition, I will reiterate the concerns already submitted by John Harland, that such a legislation would:

- hamper the innovation and problem-solving capability of our nation, though hampering free communication within the workplace,
- reduce workplace safety, through engendering fear of raising legitimate concerns in the workplace,
- impair workplace equity, particularly the rates of pay to women, young people and disabled workers,
- reduce productivity through engendering or exacerbating distrust between workers and employers,
- reduce the viability of the tourism sector, through limiting people's vacation opportunities,
- reduce wages for most workers, even if boosting average wages through premium payments to selected professions or trades,
- lead to an epidemic of workplace bullying through people believing that other workers may be undercutting them while being forbidden to confirm or deny this,
- engender a very negative zero-sum model of national development.

In sum, the proposed legislation would disable our nation in competition with other nations through hampering our ability to innovate, to communicate, to trust, and to concentrate on the job, for fear of losing it.

This is particularly problematical at this time when we face major problems of readjustment and of finding new ways forward in the face of climate change, peaking of oil-production, falling commodity prices long-term and other major challenges.

Our continued welfare as a nation will rely on our ability to meet new challenges, not merely to produce ever more of the same.

Innovation and problem-solving

Problem solving and innovation in a society come only partly from recognised experts. Most of each comes primarily from ordinary people working each in their own speciality and communicating with others, whether immediate colleagues, friends or even with their taxi driver or hairdresser.

Communication is stifled in a society where people fear to speak up for fear of losing their job. It is not merely that they may fear saying something that is actually contentious; they may simply be fearful of saying something that is not clever-enough, that might make the employer think less of them.

The proposed Industrial Relations legislation would create such widespread fear of dismissal or other retribution that almost nobody will speak up and only the old ideas of the few will be heard, and not the new ideas of the many.

#### Workplace safety

Workplace safety is only partly amenable to regulation. The primary path to it is to empower each person to watch the safety of themselves and those around them.

This requires that people can speak up without fear.

The proposed Workplace Relations legislation threatens to make for more dangerous workplaces because few people will dare to speak out about safety.

#### Workplace equity

The past thirty years have seen real gains in equity in the workplace, particularly for women and for disabled people. In each case our nation has gained immeasurably from those people being able to contribute at an appropriate level, rather than as menials.

All these advances are threatened by the Workplace Relations bill because those groups are most vulnerable to the difficulties of negotiating reasonable individual conditions with employers well skilled and experienced in such negotiations.

#### Real productivity

People need to be able to trust those working with them, if they are to share ideas and to share tasks and to contribute fully to an enterprise.

They also need to feel that they can trust their employer to repay them fairly for any extra real effort they put in, as against their simply putting on a show of "Productivity" through the simple repetition of measurable tasks.

The Workplace Relations bill threatens real productivity by making everyone suspicious of everyone else around them, believing some to have been more favourably treated in their individual contracts yet being unable to discuss this with them to clear up any misunderstandings.

#### Disadvantaging small and micro businesses

Tourism is a significant and growing earner of foreign exchange for the Australian economy, and is rich in small businesses.

Yet tourism cannot survive on foreign earnings alone. Although people from distant places spend much more per capita, there are far fewer of them than there are travellers from within the country. The shorter the distance people travel to a place, the less they are likely to spend, but the more of them there are likely to be. The major earners for most tourist destinations - apart from showpieces such as Uluru or the Great Barrier Reef - are people from within the same state.

If people's ability to take holidays - particularly short breaks - is reduced, the tourism industry suffers heavily. The loss of public holidays, especially long weekends, drains money from rural and regional areas of each state.

This, in turn, makes it more difficult for rural communities to adapt to changes such as reductions in forestry operations, falls in commodity prices and salination of farmland.

Reduce wages for most workers, even if boosting average wages The claim that the proposed legislation might raise average wages is unlikely to be borne out.

Even if it were, the wages of many workers are certain to fall. With the loss of penalty rates, leave loadings and other conditions, it is likely that the wages of most people will fall. Even more so if people can be dismissed for "operational reasons" and reemployed under Australian Workplace Agreements.

Any gains will be limited to professions or trades in particularly high demand.

#### Workplace bullying

The proposed Workplace Relations framework makes for sharp inequality in the workplace, particularly between those who are good at negotiating individual conditions and those who are less so. This will create strong jealousies.

The biggest part of this issue will probably not be the resentment towards those who have more, but distrust of those who are seen as undercutting the conditions of others. This is certain to lead to abuse and violence in some cases.

The illegality of revealing the nature of individual agreements will make this problem far worse, rather than allay it, because workers will have no way of demonstrating such suspicions to be in error.

#### A zero-sum model of national development

A nation is strong when all its citizens work together for mutual gain. It is weakened when its citizens are fighting each other for a share.

The Workplace Relations bill creates a zero-sum model where each party can only gain by depriving the other. This is the worst possible model for our nation.

The major cultures through which our nation has advanced, particularly Multiculturalism and the existing Industrial Relations culture, are frameworks allowing for everyone to share the gains and advances. There is no justification for overturning this positive model for a winner-loser or zero-sum model.

#### Summation

A liberal democracy relies on the free exchange of ideas and information. Much of the Workplace Relations bill is concerned with making work agreements secret, and thus rendering a lot else unable to be said. As outlined in this submission, the follow-through effects of such secrecy are likely to be far-reaching and destructive.

The Workplace Relations bill is revolutionary in all the worst senses of the word. As with failed revolutions throughout history, it posits a simplistic model of human interaction that ignores the depth of the existing culture. Such a model cannot work because peoples real needs are not fully met and they must, necessarily, fall back on the pre-existing culture to fill in the gaps of the bare framework created by the revolutionaries.

Successful reforms, whether revolutionary or evolutionary, have built on the existing cultures of their people. Failed reforms are those that ignore the humanity of people and posit a simplistic ideal of human interaction. The Workplace Relations bill has all the characteristics of such past failures.

We appreciate your consideration and redressing, of these concerns.

Sincerely

Ruth Harland