

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

Submission of Michael Hull

General Considerations

Australia has a long history and tradition of law and practice that values workers. There is a monument outside the old Emily McPherson School of Domestic Science (now part of RMIT) that gives substance to that tradition. The capital of the column of this monument bears the digits 888 – 8 hours of work; 8 hours of recreation; 8 hours of sleep. This monument commemorates the 8 hour working day, established before Federation in Victoria in 1896.

The Inquiry might care to consider that this piece of Victorian legislation was enshrined in law 30 years before workers in the mid-west of the United States were repelled by the US Army when demonstrating for similar working conditions in that country!

One of the earliest Acts of the Australian Parliament after Federation was the establishment of an Arbitration & Conciliation Commission, designed to regulate relationships between employers and employees. The timing of this initiative demonstrates the cultural commitment of Australians to a “fair go” for all people engaged in Industry regardless of rank or position.

Certainly the 20th and 21st centuries have brought changes to the milieu in which Australian businesses operate. There is undoubtedly a good case for streamlining the regulation of industrial relations in the interests of predictability and efficiency of operation.

However, the current legislation is not “streamlining” of industrial relations – it effectively challenges ways of thinking that are ingrained in Australians’ views of themselves. The longer term consequences of the proposed legislation should be carefully considered, because it is probable that it may well lead to the institutionalization of yawning chasms between “haves” and have-nots”. Australians will not, in the longer term, take kindly to challenges to the fabric of our culture that will promote social divisions that promote unrest and are likely to create a vast pool of underprivileged, disenfranchised, disenchanting and angry people.

Government Advertising

In its publicity, the Government has sought to promote the idea that employees will have basic rights protected under the proposed legislation. This is misleading. It is clear that employees’ rights under current arrangements terminate when that arrangements terminates. This will happen when an employee changes employer or simply changes job with the same employer, when a Workplace Agreement ends or when an individual contract expires. When this happens, employees are entitled only to those few basic rights covered by the legislation – everything else is negotiable.

Debilitating Effect on Those with Least Bargaining Power

Employees, or potential employees in high demand occupations are well-positioned under the proposed legislation to negotiate wages and conditions equal to those that they enjoy under the current system.

However, those people less well-positioned will be adversely affected. The unskilled and semi-skilled are, by the nature of their employment, more likely to change employers and discover that many of their previous employment conditions quickly disappear. Those doubly disadvantaged with poor language skills and poor educational standards will be obliged to accept work on minimum conditions or see themselves and their families plunged into the vicious cycle of inter-generational unemployment and under-employment.

The comment in the Parliament by the Minister demonstrates a woeful lack of appreciation of reality of life in the less skilled end of the workforce. He said that such people were at liberty to take their accountants along to negotiations with employers. The skilled and unskilled don't retain accountants. Accountants don't attend meetings with employers free of charge in any event.

Social & Family Impact

As an Australian attending conferences in the United States, I have, on many occasions, been ashamed to see the way that my American colleagues treat semi-skilled and unskilled workers, especially those whose first language is not English. These individuals have a ridiculously low hourly rate – often about \$US5 per hour; they are expected to work as required with working hours changed without notice; they are treated as sub-human.

Australian workers treated in the same way will react similarly to their American counterparts. There are vast urban and suburban tracts in major American cities where it is not prudent to travel. There are whole areas where Police will not go, except in force. A necessary corollary of such social dysfunction is that those who are better off must build walls and employ security guards around their houses and communities to keep others out.

If this Bill is enacted without careful thought about the longer term consequences, we will significantly increase the numbers of Australians living in poverty. We will enlarge the poverty trap and ensure that we have in our cities, suburbs and regional areas increasing numbers of unemployed and under-employed, disaffected, alienated and hostile people for generations to come. We are on the verge of creating for ourselves communities in which life becomes increasingly less liveable.

Do Senators really imagine that such an outcome is a desirable one for Australian society?