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Workers duded by doublespeak

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The legislators have failed with Work Choices, writes David Peetz

FOR academics, there are several main areas of concern surrounding the Work Choices legislation that has taken effect this week. First is the failure of legislators to take account of the large body of relevant empirical research and evidence.

The evidence shows that individual contracts -- actively promoted through Work Choices at the expense of collective bargaining -- do not, as claimed, produce higher productivity or higher wages than collective bargaining. This evidence on productivity includes macro-level studies of New Zealand's experience under the **Employment** Contracts Act 1991 by Brian Easton (1997) and Paul Dalziel (2002). And it includes micro-level studies of Australian and NZ workplaces by Clive Gilson and Terry Wagar (1997), Mark Wooden and others (2000, 2001) and Daryll Hull and Vivienne Read (2003).

The research also raises serious questions about the claimed **employment** gains from Work Choices. It prompted 151 academics to lodge a historic, joint 43-page submission to the Senate inquiry.

Second is the substantive effect of the legislation on Australian workplaces. Work Choices signifies a transfer of power from workers to corporations. The 151 academics found that Work Choices would increase, not reduce, complexity; force down minimum standards; widen inequality in the labour market; and curtail internationally recognised employee rights.

Third is the way in which public debate has been managed. Fifty-five million dollars of public money was spent on glossy advertising that delivered little substantive content and was sometimes misleading. Happy workers took part in a promotion for occupational safety, only later to see their faces on TV singing the praises of Work Choices. Yet the public was given just one week to make submissions to the Senate inquiry, the report of which was handed down merely two working days after hearings finished.

Even those responsible for developing and promoting policies of

individualisation saw through the rhetoric. Hence, in the relevant federal minister's own department, resistance to Australian **Workplace** Agreements and non-**union** bargaining was so high that departmental management had to resort to refusing to hire anyone who did not wish to sign an AWA, regardless of their merit.

Language has been carefully chosen so that uncertainty becomes flexibility. Weaker rights become reform. Entitlements that can be signed away at the stroke of a pen are protected by law. When the threat of a \$33,000 fine prevents good employers from including provisions in agreements that facilitate co-operative relations, this is work choices.

In places such as the Blair Athol coalmine in Queensland, a black list of dissidents was drawn up by employer Rio Tinto, then denied, disguised and, when revealed in an unfair dismissal case, said to be as innocent as if it were a blue, red or brown list. The debate illustrated a disturbing anti-intellectualism.

Researchers who drew on the extensive data to challenge the agenda were pilloried by corporate lobbyists as offering "unsubstantiated speculation and opinion" and being "out of touch with ... **workplace** realities". The evidence of 151 academics was dismissed by federal **Employment** and **Workplace** Relations Minister **Kevin Andrews** as lacking common sense. "You can get a group of academics to say anything," Andrews says.

Fourth is what it means for universities. Work Choices enables individuals and organisations who even suggest including prohibited content in agreements to be fined tens of thousands of dollars. The minister can decide what is prohibited content. This interference in agreement-making runs completely counter to the rhetoric of choice and removing third-party involvement from relations between employees and employers.

As it is, government ministers have already routinely interfered in university **employment** relations, dictating in minute detail to universities what they can do. They wouldn't even let universities include in collective agreements a clause saying new staff can choose between a collective or individual agreement. So much for work choices.

Attorney-General Philip Ruddock has signalled that federal government control over a range of areas, including universities, will increase further if the High Court upholds the Work Choices law. Because universities are corporations, the federal Government can override state laws to directly regulate the internal affairs of universities, not just use the threats of withholding funds to get its way.

It will be a crucial test of new federal Education, Science and Training Minister Julie Bishop's regard for academic independence when she decides which agreements do, or do not, meet the Government's requirements, and how far she will allow her colleagues' agenda of political correctness to be forced on universities. It will be a test because much of what we see is not just about a grab for power, it is also about seeking to suppress dissent. We see it in the way language and debate have been constructed. We see it in the way that education unions have been targeted under the Higher Education **Workplace** Relations Requirements.

We see it in funding rules that are being applied to community groups, that virtually stop them criticising government policy unless they have permission to do so. We see it in new sedition laws. We see it in the ironically named Building and Construction **Industry** Improvement Act, which gives workers in the building and construction **industry** fewer rights than common criminals.

What will be the next **industry** targeted? Mining? Manufacturing? Education?

Yet it is important that we, as academics and citizens, do not allow ourselves to be overwhelmed by the scale of the forces that are lined up and pushing the individualisation agenda. Historian and incisive critic of managerialist newspeak Don Watson reflected the views of many pessimists when he described Work Choices as ``the New Right's ... final victory in the cultural wars''. On this I strongly disagree.

There is a danger that expectations will be so shaped by what has happened that we will think, as Margaret Thatcher so incorrectly asserted, ``there is no alternative''. There are viable alternatives. We all have a crucial role in discussing and debating the implications of policies and the alternatives that are available.

Although the lobby groups representing large corporations have been spectacularly successful in having their policy agenda implemented by governments, they have pretty much failed to date in terms of shaping community attitudes.

The identity of worker is as important as ever. Indeed, the data show that working-class identity is as strong as it was 25 years ago and that people are becoming increasingly sceptical of the power that corporations wield. We think there is too much inequality, it's getting worse and something must be done about it. There still is time.

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