Howard's Work Choices lies exposed

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It took very little time for the federal government's lies about Work Choices to be exposed. Many workers were sacked on the day Work Choices came into operation, immediately revealing that the new law's sole purpose was to screw workers. As each day passes, more injustices against workers are revealed, making it clear that the laws are giving bosses greater confidence to wield the hatchet.

As for the $55 million spent on propaganda promising that award conditions would be protected, you only have to read the Office of the Employment Advocate's own findings to realise that it is bulldust.

On May 29, OEA head Peter McIlwain revealed to a Senate Estimates Committee that every Australian Workplace Agreement (AWA) lodged under Work Choices has removed at least one protected award condition. Penalty rates, shift allowances and annual leave loading have been abolished in the majority of new individual contracts, leaving employees thousands of dollars worse off than they would be under an award.

McIlwain also revealed that:

– annual leave loading has been erased in 64% of AWAs lodged under the new laws;

– penalty rates have disappeared in 63%;

– shift allowances have been removed in 52% of AWAs;

– 16% of agreements have dropped all award conditions and replaced them with just the government's five minimum conditions;

– 40% of the agreements have dropped government-recognised public holidays;

– 31% of agreements modified overtime loading, with 29% changing rest breaks and 27% altering public holiday payments; and

– more than one in five new workplace agreements (22%) contain no pay increases over the life of the agreement.

McIlwain also confirmed that leave to attend union-provided training is now prohibited in workplace agreements.

Previously, workers were protected by laws that prohibited sackings if the reasons were related to a pay or conditions entitlement under an industrial award or agreement. This law discouraged employers from sacking employees and replacing them with workers on lower terms and conditions, as happened at Cowra Abattoirs in NSW after the introduction of Work Choices.

Section 792 (4) of Work Choices waters down these protections, making them available only where it

can be proven that the “sole” or “dominant” reason for a dismissal was that the worker was entitled to certain pay and conditions under an industrial award or agreement.

In addition, clause 643 (8) of the new industrial relations laws protects big businesses from any unfair dismissal claim where a worker is sacked for so-called “operational reasons”. No such exemption existed under the previous industrial relations laws.

Under Work Choices, if a company has 100 or fewer employees, it is not subject to the unfair dismissal provisions of the legislation. Now companies are rushing to use it to indiscriminately sack workers.

For example, the Australian Industrial Relations Commission (AIRC) recently struck out an unfair dismissal case brought by nine sacked workers from the Melbourne-based company Triangle Cables. The long-term employees were sacked on March 28, the day after the IR laws came into force. A few weeks beforehand the company had restructured its operations to ensure that it only had 97 direct employees, just below the 100 or less threshold.

The AIRC accepted Triangle Cables’ argument that its labour hire companies and several of its overseas operations should not be considered in the employee count. This meant that the AIRC was unable to hear the unfair dismissal applications.

Work Choices is being used against workers and unions in other ways as well. In western Sydney, an Australia Post-owned warehouse blocked the National Union of Workers from accessing the site after a member was killed in a forklift accident. The young worker was crushed at the parcel distribution centre on May 25.

Workers were upset when the company ordered them to resume work immediately after the lethal accident. When NUW organiser Mark Ptolemy sought access for a health and safety check, he was told by management his visit was unlawful and the police would be called if he didn’t leave.

Retail giant Spotlight attracted nationwide media attention at the end of May when it tried to impose AWAs on its workers that granted a $0.02 an hour pay rise in return for removing penalty rates, overtime and holiday pay. The AWAs would undercut workers’ pay by up to $90 a week. The AWAs also removed paid rest breaks, breaks between shifts, maximum and minimum shift lengths and the cap on the number of consecutive days worked.

The extreme nature of Howard’s anti-worker laws has prompted widespread unease. For example, an address by the Catholic Bishop of Parramatta, Kevin Manning, to police association delegates in NSW raised some moral questions. The May 24 Sydney Morning Herald reported Manning as saying: “How will you feel as individuals when you are required to police public protests or situations related to the legislation which you may find morally questionable? A just society cannot expect its police force to enforce laws that undermine human dignity.”

P.S.

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