



WorkChoices **is** radical; and that's a good thing

Ken Phillips

The main reason why unions are doing so well in their campaign against WorkChoices is because they are appealing to long-held conservative values.

This conservatism is not primarily economic, but rather based on deeply held cultural and moral precepts.

First, there is the structure of the working week, the nature of public holidays and the connection with traditional ideas of the family. Then there is the idea that a stable society is heavily dependent upon security in employment. Further, there is the paternalistic notion that individuals are incapable of determining their own work contracts and need someone older and wiser to do this for them. Each of these ideas is profoundly conservative.

WorkChoices dramatically upsets and reshapes these cultural values.

WorkChoices gives workers and employers the right to eliminate pay loadings on public holidays, on weekends and on shift work. What is supposed to happen is that average hourly rates are increased to compensate for loss of 'loaded' rates. Workers are paid less on weekends, but receive more midweek. Weekly pay stays the same, but the hourly structures alter. Until now, the industrial relations system largely stopped this happening. Why?

Pay rate loadings were originally in-

troduced as a disincentive to businesses operating on weekends, public holidays and outside '9 to 5' hours, and to compensate workers for working in these periods. It reinforced the structure of a society where work, leisure, family and religious norms aligned with the Christian ethic. In Australia, the man worked from 9am to 5pm, children went to school from 9am to 3-30pm, the family gathered at night for dinner, football was played and watched on Saturday, Sunday was for church and the family roast, and public holidays followed the Christian calendar. So dominant was this lifestyle pattern that it became entrenched as a fundamental conservative value underpinning family, church, community and state. And labour awards under the old industrial relations system were deliberately structured to bolster this.

But Australian society has changed. Public holidays still follow the Christian calendar, but churches know that they must function in a secular society. Religious beliefs are diverse. People want shopping and hospitality services at any time. Sport is watched and played on any day of the week. Schools run before-and after-school programmes to accommodate parenting needs.

The old industrial relations system, however, was unable to adapt to these changed norms. Awards and industrial agreements maintained pay loadings but under the notion of workers 'rights' rather than workers 'imposition'. Labour law, rigid and inflexible, enforced subservience to older values.

Few people understand the extremes to which the system would go to enforce the outdated cultural norms. Fewer than ten years ago, a shearer in Queensland was jailed for daring to shear sheep on a Sunday, defying the shearers' award in doing so. Assaults against non-compliant workers, vandalism of their vehicles, and destruction and sabotage of businesses' plant and machinery have been common, even recently. The system had a heavy totalitarian element to it, all in the cause of enforcing older conservative values.

Another example where WorkChoices defies Australian tradition lies in its practical commitment to belief in the power of the individual.

Labour tradition has long held the view that individuals do not have the intelligence, wit, inclination, education or capacity to negotiate their own work contracts. To 'protect' individuals from their own incapacity, the

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collective (unions) negotiated contracts through the industrial relations processes. This was enforced rigorously. Any individual who did not conform to the required collective behaviour threatened the collective, and ultimately themselves, and had to be disciplined. This occurred through legal sanction, intimidation, bullying and sometimes physical abuse of defiant workers.

In reality, the industrial relations system imposed the worst aspects of the tyranny of the collective, and it did so in the name of enforcing conservative values. In many respects it is the uglier side of the Australian mateship ethos. It continues to operate as a core cultural value—at least in the union movement.

The unwillingness to acknowledge the capacity of the individual at work has, however, been challenged in the last two decades. This is demonstrated by the rise in the self-employed, independent contractor sector, which now stands at some 28 per cent of the private-sector workforce. These 1.9 million Australians have demonstrated that they believe they have the capacity to negotiate their own contracts. The take-up of Australian Workplace Agreements also reflects this.

Many workers now believe that, with the right tools and a suitable legal framework, they can negotiate their own work contracts. They do this primarily to make work fit more readily with their lifestyles. Under individual contracts, pay is not normally the big-ticket item of negotiation. Rather, what really matters are changes to work hours to fit in with child care and other lifestyle needs.

Of course, the unions claim that this phenomenon is a sham and an employer 'con'. Like many other defenders of old conservative values, they are doing little more than simply denying that people are capable of managing their own work affairs and ignoring the obvious fact that society has changed.

Another conservative position under attack by WorkChoices is the idea that security in employment is essential to a stable society. This argument suggests, for example, that if people don't have a secure job (presumably for life if they want it), they can't get a bank loan or may lose their house if they lose their job. This creates a vulnerable, unstable society.

Fear of losing income is, of course, a sensible prudential concern for everyone. But most people now realise that jobs are only secure if firms are making good profits.

Job permanency has been replaced by the realisation that what is important is continuity of income. This is not necessarily achieved by a single



job with one employer. In fact, nowadays, that can be a risky strategy. What's necessary is to be entrepreneurial in the approach to work. People need always to be alert to the next job; and that includes the 61 per cent of the workforce who have a permanent job. Sometimes multiple contracts and casual jobs are a safer way to create continuity of income. The possible mix of work and jobs has now become vast and represents a new 'norm'.

Society has changed, as have the individuals which comprise it. Lifestyles are now a significant mix of many influences, with the ideas of family, community, state and stability being somewhat different from the past.

In making changes under WorkChoices, the Howard Government has not created a new work environment. Instead, it has simply pushed labour law to catch up with a changed society. Yes, the Government has de-powered the institutions that ran the old system: the unions and industrial relations commissions. Yes, it has assaulted powerful conservative values. But even if these values are no longer universally held, they still resonate in the imagination as values to be respected.

Unions say that workers need the protective umbrellas of permanent employment, a union, and a rigid, paternal, industrial relations system.

In creating WorkChoices the Howard government has focused its sales pitch on economic arguments—that, basically, WorkChoices means more jobs. However, the cultural debate has been left almost exclusively to unions, giving them an unchallenged run in this area.

With the Rudd Opposition now lining up with unions on key policy planks, the next federal election will place central cultural values before the community. The union/Rudd team offers a strong appeal to conservatism. In 2007, the ALP is the conservative party.

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