

WorkChoices: Whatever the Name, Never Again CAMPAIGN FAQ

QUESTION: What do the Liberals have planned for industrial relations?

ANSWER: From the statements Tony Abbott and his shadow ministers have made, we already know that the Liberals' policy for the next election will include:

- The removal of unfair dismissal protection for up to a quarter of the workforce – giving employers the power they had under WorkChoices to sack people without a reason.
- Reintroduction of WorkChoices-style individual contracts that undermine workers' rights and could be used to cut pay and conditions.
- Slashing the minimum pay and conditions for young workers and up to 2.5 million casual workers.
- New restrictions on the rights to collective bargaining and industrial action.
- New barriers to joining and being represented at work by a union, including over health and safety issues.
- Cuts to or abolition of penalty rates, annual leave loading, public holiday pay and other award conditions.

And this is just the tip of the iceberg. Big business groups are also urging the Liberals to go further.

They want bans on strike action accompanied by big fines for taking industrial action, 'flexibility' in agreement making, curbs on union membership, restrictions on what can be included in agreements, and even less protection from unfair dismissal than the Liberals are proposing. Some business lobbyists even want the Liberals to abolish the entire award safety net.

QUESTION: What was the impact of WorkChoices?

ANSWER: WorkChoices had a real impact on millions of working Australians.

- More than a million Australians on award wages suffered a real pay cut of up to \$100 over the past four years because of changes to the way minimum wages were set under WorkChoices.
- Hundreds of thousands of workers were pushed onto WorkChoices AWA individual contracts which cut their take home pay and took away basic conditions:
 - 70% of workers on WorkChoices AWAs lost shift loadings
 - 68% lost annual leave loadings
 - 65% lost penalty rates
 - 49% lost overtime loadings.
 - 25% no longer had public holidays.
- More than 3.5 million Australians lost protection from unfair dismissal meaning they could be sacked for no reason. Unknown numbers were sacked or treated unfairly and had no recourse.

QUESTION: What were the main changes made by the Labor Government through the Fair Work laws?

ANSWER: Labor's Fair Work laws which replaced WorkChoices began operating on 1 July, 2009. They restored many of the rights that were lost under WorkChoices:

1. Protection from unfair dismissal:
Workers in all workplaces, including small businesses, are now protected from unfair dismissal.
2. No individual contracts:
The former Liberal government's AWA individual contracts cut the pay and conditions of thousands of workers and new AWAs have been banned.
3. A strong safety net:
All Australian workers now have a decent and comprehensive safety net through 10 National Employment Standards, and modern awards that protect basic pay and conditions.
4. Collective bargaining rights:
All workers have the democratic right to collectively bargain if a majority of the workers in their workplace want to. Employers must bargain in good faith.
5. Rights to union membership and representation:
Every worker has a protected right to join a union and to have access to representation and information in their workplace.
6. An independent umpire:
A new independent workplace umpire has been established to protect workers' rights and resolve issues between employees and employers.

QUESTION: Hasn't Tony Abbott said WorkChoices is dead?

ANSWER: Since he became leader of the Liberal Party in December, Tony Abbott has said the 'phrase WorkChoices is dead' but not the policies. He has made it quite clear he wants to reintroduce WorkChoices, but he just won't use that name.

He was Workplace Relations Minister under John Howard. And he was one of the strongest supporters of WorkChoices after it was introduced in 2006.

Mr Abbott has made no secret of his desire to bring back the two key elements of WorkChoices: the removal of unfair dismissal protection and the use of individual contracts to cut wages and conditions.

But he has been deliberately deceptive by claiming that "the phrase WorkChoices is dead". Pick apart his words, however, and you will find the only part of WorkChoices Mr Abbott doesn't like is its name.

QUESTION: Where's the proof that Tony Abbott wants to bring back WorkChoices?

ANSWER: In Tony Abbott's own words it is clear he wants to bring back WorkChoices, he just won't use that name:

Look, I think if we have reasonable individual agreement arrangements, if we keep the unfair dismissal monkey off the back of very small business, if we have a strong cop on the beat, like the ABCC, I think we'll have a productive, a fair and a free workplace.

Tony Abbott, 5 April 2010, Q&A, ABC TV

You know, at four elections running, we had a mandate to take the unfair dismissal monkey off the back of small business and we will once more seek that mandate. At four elections running, we had a mandate to introduce statutory non-union contracts and we will seek to renew that mandate.

Tony Abbott, 12 February 2010, Address to the Queensland Chamber of Commerce and Industry

JOURNALIST: ... Is [WorkChoices] still part of your manifesto now?

TONY ABBOTT: Well, the phrase WorkChoices is dead. No-one will ever mention it again, but look, we have to have a free and flexible economy.

Tony Abbott, 1 December 2009, press conference after winning Liberal leadership

JOURNALIST: Do you believe the future Coalition Government should bring back individual statutory agreements, or widen the flexibility that is there now

ABBOTT: The point I make is that under the former government and the industrial flexibility that the former government made possible, we had the greatest prosperity and the greatest employment growth and the fastest growth in wages that this country has ever seen.

Tony Abbott, 14 September 2009

The Howard Government's industrial legislation, it was good for wages, it was good for jobs, and it was good for workers. And let's never forget that.

Tony Abbott, 19 March 2008

If we're honest, most of us would accept that a bad boss is a little bit like a bad father or a bad husband – notwithstanding all of his faults, you find that he tends to do more good than harm. He might be a bad boss but at least he's employing someone while he is in fact a boss.

Tony Abbott, 2 July 2002

QUESTION: How does the new Fair Work law compare to WorkChoices?

ANSWER: By any reasonable analysis, the Fair Work laws are a vast improvement on WorkChoices.

The Labor Government has abolished Australian Workplace Agreements, restored protection from unfair dismissal for millions of workers, put in place a strong safety net – including a modern system of awards – and established an independent workplace umpire.

The Fair Work Act also guarantees rights to collective bargaining and union membership and representation.

This is light years away from WorkChoices, under which employers used individual contracts and the lack of unfair dismissal protection to strip away pay and conditions for vulnerable workers, including women and young people.

This doesn't mean that the Fair Work laws have delivered everything workers and unions want.

While the basic framework of the Fair Work Act is a great start, unions will continue to seek further improvements that are necessary to better protect workers and ensure fairness in Australian workplaces.

QUESTION: Are unions campaigning for improvements to the Fair Work laws?

ANSWER: The ACTU and unions are actively pressing for further changes that will improve the current laws. While the Fair Work laws are a big step forward, we know there are still gaps and unfinished business.

We will continue to strengthen the safety net, including ensuring all workers with caring responsibilities have the right to request flexible arrangements.

We will campaign to improve the rights of workers to representation including access to paid meetings and to ensure that their representatives and delegates have paid training leave.

We will continue to campaign to help workers use collective bargaining. Workers must have clear access to arbitration by the independent umpire to resolve disputes. There are still unnecessary restrictions on the content of bargaining and of collective agreements. We need better rights for workers to be represented and consulted in their workplaces, and the right to take industrial action needs to be better protected.

We also want to improve the legal protections for contractors so they have their rights at work protected as well.

The ACTU and unions are also actively campaigning to abolish the discriminatory laws for workers in the construction industry. The construction laws continue to retain some of the worst elements of WorkChoices. Under the construction laws and the Australian Building and Construction Commission, construction workers can face jail for refusing to attend an interview and can be fined thousands of dollars for taking industrial action. It is not acceptable to have one law for construction workers and another law for everyone else.

Unions will continue to press for improvements to the new harmonised Occupational Health and Safety laws, their regulations and codes of practice. We will also campaign to protect and improve workers' compensation arrangements and to prevent any reduction in injured workers' rights and compensation entitlements.

QUESTION: Haven't some workers been disadvantaged by award modernisation?

ANSWER: It has been our position since day one that the modernisation of the award system should improve standards for workers and must not result in a reduction of take home pay or overall conditions for employees.

Workers will benefit from the streamlined award system, which provides a stable and secure safety net and will enhance compliance by employers. But there is no escaping the fact that there have also been some disappointing decisions by the new industrial umpire Fair Work Australia which we believe should have delivered a better result for low-paid workers.

Nevertheless, these decisions should not be a green light for any employer to cut workers' pay and conditions.

The law makes it clear that it is not intended that any current employee ends up worse off. The ACTU and unions have been working hard to hold the government, Fair Work Australia and employers to this standard.

Unions are currently seeking commitments from employers that they will not cut pay and conditions, and if they do we will vigorously pursue collective agreements, Take-Home Pay Orders and other legal remedies.

Unions will bargain to lift workers above the safety net. We will explore all options, including the low-paid bargaining stream, to help workers raise their conditions above awards and improve their job and income security under enterprise agreements.

Remember, under a Tony Abbott-led Liberal Government, the entire award system itself would again be threatened, just as it was by WorkChoices.

QUESTION: Why are unions running this campaign?

ANSWER: It's the duty of unions to inform Australian workers of the Coalition's plans and to make the protection of workers' rights an election issue.

It is very important that Australians are reminded of the damage caused by WorkChoices and of the changes since 2007, and are aware of the Liberals' agenda to go back to WorkChoices.

This isn't something that unions have dreamed up. The Liberals by their own words have declared their intentions, although they are deviously trying to avoid any connection with WorkChoices.

Unions will use all necessary resources to hold accountable any political parties that threaten workers' rights and will make sure that accountability takes place at the ballot box.

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