

April 2010

## WorkChoices – Never Again ACTU fact sheet

At the last Federal election In November 2007, Australians sent an unequivocal message to the Howard Government that they valued rights at work.

The Australian public delivered a stunning rejection of Work Choices and John Howard was ejected from his own seat.

### **Tony Abbott and WorkChoices**

Tony Abbott has always been a strong supporter of WorkChoices and he still supports it, despite the Australian public clearly voting to reject it at the last election.

As Liberal leader, Tony Abbott has promised to bring back individual contracts and cut protection from unfair dismissal – he just won't call it WorkChoices.

**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 govt 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

## The impact of Work Choices

WorkChoices had a real impact on working Australians.

- More than a million Australians on awards have suffered a real pay cut of up to \$97.75 a week because of changes to the way minimum wages were set under WorkChoices.
- Hundreds of thousands of workers were pushed onto AWA individual contracts:
  - 70% of workers 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 and unknown numbers were sacked or treated unfairly and had no recourse.

## The Fair Work Act

With a strong mandate from the electorate, the Rudd Government has rolled back WorkChoices through the Fair Work Act.

The new Fair Work laws provide Australian workers with:

- 1. Protection from unfair dismissal**  
Workers in all workplaces are now protected from being unfairly dismissed for no reason.
- 2. No individual contracts**  
The former Liberal government's AWA individual contracts cut the pay and conditions of thousands of workers. New AWAs have now been banned.
- 3. An independent umpire**  
A genuinely independent workplace umpire has been established to resolve disputes.
- 4. Collective bargaining rights**  
Collective bargaining is at the centre of the Fair Work IR system and all workers have the democratic right to collectively bargain on all matters if a majority of the workers in their workplace want to. Employers must bargain in good faith.
- 5. A strong safety net:**  
Australian workers now have a safety net of 10 National Employment Standards and awards that cannot be taken away.
- 6. 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.

These changes are a good first step and more needs to be done — especially for workers in the construction industry and those covered by awards.

## Whatever the name, never again: profiles

The ACTU's new series of television advertisements feature real stories from workers under WorkChoices.

In each ad, an individual tells what happened to them and why Australia cannot go back to WorkChoices.

They are valid examples of what people experienced under WorkChoices and show that many employers were emboldened by the WorkChoices laws to attempt to dismiss workers unfairly and to use AWAs to reduce pay and conditions unfairly.

Where several of these workers stood up for their situation and were supported by unions in successfully pursuing a remedy, this was the exception to the rule under WorkChoices.

### Leigh Scott

Construction worker Leigh Scott, recently widowed with five children, was fired from his job in early 2007 because of 'lack of work'. He later found out that he had been replaced

by the foreman's teenage son. Leigh's wife had recently passed away and he was a single dad with five children.

*"How would you feel? Stopping those laws was the best thing we ever did. They wouldn't bring them back, would they?"*

### **Emily Connor**

Emily Connor had been working at a childcare centre for five years when she was told her services 'were no longer required' in 2006. She was asked to leave the premises within 10 minutes and was not allowed to say goodbye to the children or their parents. There were no prior warnings.

*"I don't ever want to have to go through that again. What this country did to stand up to WorkChoices, it was fantastic. We can't go back."*

### **Saima Tobin**

Fifteen-year-old Saima Tobin worked as a casual at a retail outlet to earn extra pocket money out of school. All the teenage workers were asked to sign AWAs. When Saima refused, she was taken off the roster and not offered any more shifts.

*"The other kids they signed it because they were frightened of losing their jobs. I didn't and I lost my job. Why would we go back to that again?"*

### **Louise Bruce**

Hospitality worker Louise (Lou) Bruce had been in the same job in a hotel for nine years and never missed a shift. New owners took over the business not long after WorkChoices was introduced, and in July 2006 told employees to sign AWA contracts that cut pay and took away penalty rates. Lou refused and was dismissed. She had no protection from unfair dismissal under WorkChoices.

*"There was never any discussion about it. It was like just sign it and hand it back. We just handed it back unsigned and they sacked us. That was WorkChoices."*

### **Media contact:**

Mark Phillips - ph (03) 8676 7266 or 0422 009 011; [mphillips@actu.org.au](mailto:mphillips@actu.org.au)