



The University of Sydney
Faculty of Economics and Business

***Down and Out with Work Choices:
The Impact of Work Choices on
the Work and Lives of Women in
Low Paid Employment***

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**A report to the Office of Industrial Relations
Department of Commerce
New South Wales Government
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About the Women and Work Research Group

The Women and Work Research Group is based in the Faculty of Economics and Business at the University of Sydney. We provide a community of academic inquiry into all aspects of women's experience of work, employment, family and community in Australia and the Asia-Pacific Region. The Women and Work Research Group aims to foster research relationships with business, union, government and community groups interested and active in the field of women, work and family.

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We would like to sincerely thank the women who shared their work and life experiences with us.

“The employers, I think, have just lost respect and decency, especially for the bottom rung”

(Nancy, Cleaner)

EXECUTIVE SUMMARY AND FINDINGS

The report presents the experiences and views of twenty five women in low paid work who have been affected by *Work Choices*. Much of the public debate about *Work Choices* has focussed upon very specific industries, labour markets, occupations and localities, but for the most part this debate has excluded the workers and sectors most exposed to changes in regulation and the lowering of standards. Women in low paid sectors of the labour market, whose pay and conditions were previously determined by the former award system, are among the most vulnerable to the changes introduced by *Work Choices*.

This research presented here takes a different approach to a quantitative analysis of gender, work and employment conditions and complements the research undertaken in the *Women's Pay and Conditions in an Era of Changing Workplace Regulations: Towards a "Women's Employment Status Key Indicators" (WESKI) Database* report (WISER 2006). Research of a qualitative nature allows the women's stories to be told. Their voices speak of the lived experience of work and change at work since *Work Choices*. The narratives of these women go beyond statistics. Their voices demonstrate the full, felt impact of *Work Choices* in the workplace and beyond - in homes, families and communities.

Our research finds that several and significant changes have occurred in the workplaces of these women and in their employment relationships. For the most part, these changes have been negative and deleterious, reducing decency and democracy at work and in society. These changes have included reductions in pay for already low paid workers, less certainty about wage rates and pay rises, intensification of work, weakening of job security, less financial independence, less money for children and basic household costs, less representation and say at work and in the community, and poorer health and wellbeing. All of these outcomes weaken the capacity of these women to participate in the workforce and in their communities. This is not their choice and it is not a desirable outcome for society at large. These are all women who have pride in work and have been loyal and committed employees. *Work Choices* has not reciprocated their work efforts.

Underlying the changes has been a shift in the normative context for these low paid workers. The sense that employers have access to increased managerial discretion and ability to hire and fire 'at will' is very marked. Many of the changes also had negative impacts on the employment relationship to the detriment of the business. Rather than positively enhancing the workplace and the employment relationship, or developing 'high road' employment practices, *Work Choices* appears to condone poor management and to encourage the provision of low quality jobs and 'low road' employment practices.

The interviews show that changes brought about by *Work Choices* had a demonstrable knock-on effect *beyond* the workplace. Women are struggling financially as a result of change at work and this is having a direct affect upon their capacity for independence. In order to make ends meet, women are becoming more dependent upon family members, upon male partners and upon welfare payments. Women are struggling as individuals to deal with the impact that *Work Choices* has had upon their lives. There is considerable evidence that women have 'internalised' many of the changes and as a result feel more powerless and their self-esteem has declined substantially. Unsurprisingly then, interviewees' health has suffered. 'Welfare to Work' exacerbates these changes for some women, as they endeavour to co-manage the two systems.

Women sustain families and contribute to community life, however *Work Choices* is undermining their capacity to do this. As employment security declines and hours of work and earnings become less predictable, family life becomes less certain and more precarious. Predictability for care of children has declined substantially and relationships between family members have been adversely affected. Beyond their immediate families, these women are also constrained in their capacity to participate in organised activities and informal social events in the way that they did before, and in the way that they would like to continue. Their choices in work, at home and in the community have been diminished.

These women also have strong views on the changes now needed. They want fairer treatment, more predictability, more information, avenues for remedy, more respect and a greater capacity to participate in work, family and community life.

The findings are as follows:

In the workplace and at work the following had occurred:

Pay

- These were low paid workers (earning \$10-\$20 per hour) and they were, in the main, reliant on minimum wage adjustments.
- Despite the AFPC ruling of October 2006, no increase in minimum wage was forthcoming for some employees.
- When adjustments did take place, work loads frequently increased.
- Under-payment, not being paid, pay inequity and late payment were common.
- Women were moved from casual to part-time status, with the employer's purpose to lower the hourly rate.
- Loss of penalty rates occurred.
- Loss of penalty rates and new shift arrangements for a very marginal increase in pay occurred.
- Changes in other areas of work (such as lowering employment security) lead to an immediate decline in take home pay and lower pay in subsequent jobs.
- There was concern and uncertainty about the ability to receive future pay rises, whether they were to be mandated or bargained.

Hours of work

- They were less predictable.
- There were, in some cases, not enough hours.
- Unilateral changes to rosters were made by managers, often without warning.
- It was difficult to make hours worked 'fit' with other commitments, such as care in the home.
- Hours also had to be managed with 'Welfare to Work' in mind.

Leave

- There was uncertainty about annual leave arrangements.
- Leave - such as picnic days - were lost.
- There were reports that employers did not allow employees to use their sick days.

Work processes

- There was an intensification of work through speeding up work and labour shedding.
- Longer shifts, without breaks (such as toilet and tea breaks), were worked.
- There was a lack of attention to OH&S issues.
- Poor outcomes for business (such as lower customer service) were reported.

Employment Security

- Dismissal was a common occurrence, 10 out of the 25 women we interviewed were dismissed.
- Dismissal was sudden and without warning.
- No reason was given for many dismissals.
- Some 'suspected' reasons for dismissal were age, pregnancy and/or union membership.
- There was no recourse or remedy for dismissal.
- If new jobs were found post-dismissal, they were often poorer quality jobs.
- There was some good news. Some workers found better jobs after dismissal, with EBA or award coverage.

Teamwork, cooperation and trust

- Management changes in staffing, hours, work organisation and redundancies, have led to breakdown in teamwork and cooperation among peers.
- There has been an increase in conflict, dissatisfaction and unhappiness at work.
- Trust and commitment within workplaces have been reduced.
- There is evidence of retribution and vindictiveness from employers when employees 'speak up'.
- These changes do not just have an impact on employees, but also have consequences for the business of employers.
- The 'injuries' as a result of decreased trust, cooperation and teamwork are often carried by women to subsequent jobs and new workplaces.

Managerial prerogative

- Unfettered managerial prerogative is on the rise.
- Employers unilaterally change work processes, hours and conditions.
- 'Hiring and firing at will' and 'managing at will' are common themes.
- There is no recourse or remedy; no voice for employees.
- There is evidence of employer punishment after improvement in wages (such as minimum wage increase) or conditions (such as additional carer's leave).
- Employees are fearful.

Voice and representation

- Decreased voice and representation at work is the 'flip side' of increased managerial prerogative.
- Despite the pressures, there is high employee interest and pride in their work.
- There is little evidence of employee participation in decisions about their work.
- There is no ability to bargain individually.
- Employees feel empowered by involvement in unions.

- Employers are obstructing union access to workers and presence in the workplace.
- Employees' knowledge or information about correct, appropriate wages and conditions is inadequate.
- Employees lack the experience and expertise, to enable fair bargaining.

These changes reached outside the workplace, impacting on *individuals* and the *families* and *communities* they sustain.

Individuals

- A feeling of insecurity and uncertainty was evident, growing and spreading.
- Finances suffered as a result of workplace changes (for example dismissal).
- As a result of changes and/or loss of pay, there was an inability to meet daily expenses, mortgages and personal debts, this constituted a 'financial crisis'.
- There was often no income for basic necessities.
- As a result there was an increasing reliance and dependence on partners, family and welfare.
- There was nowhere to go for advice about work, about managing strains of changed work arrangements.
- Reporting loss of self esteem, loss of confidence, feelings of embarrassment was common.
- Internalisation of guilt was obvious.
- Individuals were fearful and uncertain about their current (and future) situations.
- Poorer health was reported. More visits to the doctor and more medication were required.
- There was concern about ageing and labour market participation.
- Stress in managing 'Welfare to Work' as well as workplace changes was reported.

Families and communities

- Reduced, unstable and insecure household finances impacted on families.
- Increasing reliance on partners and families was evident.
- Unpredictable and unstable hours impacted on caring roles.
- Lower self-esteem, ill health and fear about the future carried over and 'knocked on' to families.
- Children keenly felt the effects.
- Participation in community events was unpredictable and uncertain.
- Relationships were adversely affected; strains and breakdowns occurred.
- Social participation was restricted.

RECOMMENDATIONS

Work Choices has had a deleterious impact on the women, their workplaces and the families and the communities they sustain. It is clear that changes are necessary to the national regulation of work and workplaces. We make the following ten recommendations:

1. That to overcome the uncertainties of the current minimum wage setting system, a guaranteed annual adjustment to the Australian minimum wage be introduced.
2. That the needs of women working in low pay jobs be explicitly considered in the deliberations of the Australian Fair Pay Commission.
3. That the federal government ensures that employees in low paid jobs are paid (at least) the mandated minimum wage by policing employer practices and enforcing the minimum wage in low paid jobs and sectors.
4. That the minimum wage, the annual adjustments and the penalties for non-payment be set out clearly and accessibly for employees and employers. This information should be made available in a format that is easily understood and available to employees and employers in low paid sectors, including those whose primary language is not English.
5. In order to address under-payment or non-payment of wages and the lack of understanding of the process of recouping unpaid wages, the federal government ensures the provision of an accessible avenue that enables workers to claim outstanding pay in a timely, inexpensive and non-legalistic manner.
6. That the right to request predictable working hours (including hours worked and scheduling of hours) for all employees be enshrined in federal legislation. This will allow women to better plan and balance their working and caring responsibilities.
7. In order to address the capricious dismissal of employees, that the right to take unfair dismissal action be reinstated for all employees, regardless of size of business or operational requirements.
8. In order to address the lack of choice in accepting employment, that employment conditional upon signing an Australian Workplace Agreement be prohibited.
9. That to promote genuine choice and employee input to shaping the terms and conditions of employment, the barriers to and restrictions upon collective bargaining be removed.
10. To promote trust and commitment in the employment relationship, that employees be given genuine rights to consultation and representation.

INTRODUCTION

On 27 March 2006, the Commonwealth Workplace Relations Act 1996 was amended by the *Workplace Relations Amendment (Work Choices) Act 2005*. The changes are significant and are intended to re-shape the employment relationship, however, the full impact of these changes on the various segments of the labour market is not yet known. In this report we are particularly concerned with how *Work Choices* has impacted on women in low paid employment.

Women are increasingly providing necessary growth to the Australian workforce. The latest data show that women's labour market participation rates have increased to 57.7 per cent (ABS, 2007), the highest rate on record. Despite their importance to the national workforce, they are often in vulnerable positions. Women are concentrated in low-paid, low-skilled sectors of the labour market, often under part-time and casual working arrangements. Women are also disproportionately represented among minimum wage earners and those on awards, which make women's pay and conditions in employment more likely to be affected by *Work Choices*. To date, however, the full effect of *Work Choices* on women in low paid jobs has not been reported or documented.

This report addresses this serious omission from the public record.

The focus of the research is on the following three key areas:

- Changes in the interviewee's workplace and working conditions as a result of *Work Choices*;
- The impact of these changes upon the interviewee and their personal, family and community lives; and
- The opinions of the interviewee in relation to changes in the national regulation of work.

Our assessment aims to inform public debate on the effects of *Work Choices*, to assist the State Government understand the implications for state service provision to vulnerable groups of workers and to provide recommendations for appropriate policy response.

Work Choices

Building upon the changes made by the Coalition Government in 1996, *Work Choices* significantly altered the legislative framework of employment relations. Observers, supporters and critics alike, see the *Work Choices* legislation as completing the most profound change in labour law at the national scale since the introduction of Australia's distinctive system of compulsory conciliation and arbitration over a hundred years ago in 1904. In that system, awards provided the safety net of pay and working conditions, and unions were guaranteed a role in representing employees.

The changes introduced by *Work Choices* have occasioned intense debate in the political and community spheres. For many people, the heart of the debate over *Work Choices* lies with the question of how the law is likely to affect the most 'vulnerable' employees in the Australian community, rather than those at the upper end of the labour market. The fate of women, disproportionately located in low-wage areas of employment and traditionally more reliant than men upon the former award system, has been of central concern to many researchers and policy-makers in the States and Territories.

Work Choices has an estimated coverage of 85 percent of the Australian workforce and 75 percent of the NSW workforce (Legislative Council of NSW, 2006, pp xi-xii). Rather than relying on the conciliation and arbitration power of the Constitution (s.51xxxv), *Work Choices* primarily draws on the corporation's power (s.51xx). Through this mechanism, *Work Choices* seeks to deliver a 'unified national system', overriding State industrial relations systems and States' power in industrial relations in the private sector.

The reach of old, federal institutions has been reduced and new bodies have been created. The Australian Industrial Relations Commission no longer sets minimum wages. The Australian Fair Pay Commission now carries out that function, as and when it sees fit. The power of the former system in maintaining employment standards has also been considerably reduced by the abolition of the 'no disadvantage test' which had ensured that employees were, at least not worse off under Australian Workplace Agreements (AWAs).¹ Further, no new awards will be made except for those resulting from the 'award review' process.

There are now five, legislated minima under the Australian Fair Pay and Conditions Standard. This replaces the wide range of minimum standards and the no disadvantage test, the traditional award 'safety net', which existed before. The Standard is all that must be adhered to in agreements: the minimum wage; four weeks annual leave; ten days personal/carer's leave per year; unpaid parental leave of 12 months; and maximum working hours of 38 per week, averaged over twelve months. All other terms and conditions are now negotiable.

The nexus between awards and agreements has been broken. There are several forms of instruments now available for codifying working conditions. They are all variants of 'workplace agreements'. These are Australian Workplace Agreements (AWAs), union workplace agreements, non-union workplace agreements and greenfields workplace agreements. The Act contains considerable detail as to the form, content and making of these agreements, including 'prohibited matters'.

¹ Further amendments to *Work Choices* were announced in May 2007. The changes included the introduction of a new 'Fairness Test', the renaming of the Office of the Employment Advocate (OEA) to the Workplace Authority and the renaming of the Office of Workplace Services (OWS), to the Workplace Ombudsman. The Workplace Authority will now vet new agreements according to the 'Fairness Test', but this test is only to be conducted on agreements for employees earning less than \$75,000 per annum. Furthermore, it is not retrospective, so agreements lodged before May 2007 which have lost protected conditions, will remain in force.

Work Choices also places new restraints on union activity in workplaces and industrial action by unions. Furthermore, there is less security of employment. Unfair dismissal protections in firms with 100 or fewer employees have been abolished. In addition, for firms of any size, dismissals are allowable for 'operational' reasons. The interpretation of operational is broad and includes 'economic, technological, structural or similar nature relating to the employer's undertaking, establishment, service or business' (Catanzariti, 2006, p.82).

As well as there being understandable differences of opinion as to the merits of *Work Choices*, there are complicated issues to resolve when assessing the impact of the new laws, from whatever perspective. For one thing, many pre-*Work Choices* contracts and agreements remain in place. For another, State laws and agreements remain, at least for now, important for many workers. Furthermore, and perhaps most importantly for this research, the impact of the legislation depends on how employers and others choose to implement the legislation. The Commonwealth Government has decided not to collect as much data as its predecessors and not to release much of what it does have. The evidence thus far suggests that the effect of the new law has been uneven and varied across occupations and industries and from one place to another. There is certainly enough evidence to show that once secure, core conditions have been removed from new agreements, especially AWAs, and that significant obstacles have been put in the road of free collective bargaining (see, for example, Considine, 2006; McIlwain, 2006; Peetz, 2007a, 2007b; Cooper and Ellem, 2007).

A Focus on Women

For some time, independent researchers have been trying to draw a detailed picture of what is known about the impact of *Work Choices*. The way in which changes in labour law and employer practice affect women workers in particular has long been recognised as both important and distinct from the impact on men. The precise nature of the institutions established by law to set standards and regulate employment relations is vital in determining wage equity as between women and men (Whitehouse, 1992, 2004; Preston and Crockett, 1999; Preston, 2003; Whitehouse and Frino, 2003; Todd and Eveline, 2004).

Studies exploring the likely impact of *Work Choices* pointed to potentially significant effects on working women and men, especially those most disadvantaged in the labour market: the low paid, youth, working carers, casuals, those employed in smaller workplaces, and those with relatively little workplace power or 'voice'. The likely outcomes that were identified include impacts on earnings, loss of conditions such as penalty and overtime rates, less say over working time and lost employment security (Briggs and Buchanan, 2005; Briggs et al, 2005; Edgar, 2005; Plowman and Preston, 2005; Group of 151, 2005; Ellem et al, 2005).

The impact on wages and conditions is only one aspect of the debate about the effect of *Work Choices* on women. In recent years, balancing work and family has become one of the most common areas of private concern and public discussion. Demands for labour are increasing, and for women workers in particular. At the same time, there is pressure to lift the birth rate as the population ages. Thus, the demands on Australian women are both intense and at times contradictory. Women still shoulder the great bulk of nurturing and caring - so policies must be cognisant of this enduring gender role difference (HREOC, 2007). Research in Australia and elsewhere shows that women need both predictable working times and flexibility at work to accommodate their dual roles if they are to be able to participate in the paid workforce (Earle, 1999; Baird, 2004, 2005; Pocock, 2003, 2006; HREOC, 2002a, 2002b). How any piece of labour legislation addresses the rights of women to work, to increase their participation rates as the federal government wants and to be fairly remunerated at work, while facilitating 'work-life balance' is, then, one of the fundamental policy matters of our time.

This qualitative study complements quantitative research completed in 2006, namely the development of the 'WESKI' index through the 'stocktake' project commissioned by HREOC. The qualitative research presented here pursues a deeper analysis of women's experience, goes beyond the issue of minimum wages (which new projects commissioned by the AFPC are pursuing) and examines a range of employment outcomes including many beyond the pay packet such as access to leave, control of working time, employment security and impact on self and family and community. Research of this nature allows the women's own stories to be told and their voices speak of the lived experience of work.

The report will also contribute to a national report making a qualitative assessment of the impact of changes in work regulation on vulnerable workers. The Victorian, South Australian, Queensland and Western Australia and ACT governments are all conducting similar studies. In total, case studies of more than 120 women workers in low paid jobs will be documented.

RESEARCH METHOD

A qualitative study using interviews

For this study a qualitative approach has been deliberately selected to meet the objectives of the study. Whereas other methodologies, such as survey-based quantitative research, allow researchers to construct 'snap-shots' of events, of change and continuity in behaviour, they do not allow for an analysis of the processes that lead to or constrain change, or to interrogate the implications of a given change for individuals or groups. For social science researchers, qualitative methodologies allow us to move beyond the 'where?' and 'when?' to which quantitative, closed ended, questionnaire research is often limited and enables a focus upon the 'how?' and 'why?' that is at the heart of our research.

Because we sought to investigate the real impact of *Work Choices* on low paid women in NSW, we selected interviews as the most appropriate data collection method. A number of writers have pointed out the strengths of the interview method for researchers. For instance, Whipp argues that interviews give researchers the capacity to draw upon '(d)etailed, vivid and inclusive accounts of events and processes' (Whipp 1998, 54). Esim argues that interviews can be particularly useful for researchers attempting to elicit rich data from women about their life experiences and can, at the same time, eliminate 'power hierarchies' in the research process (Esim 1997). This report on our research draws heavily from these interviews and, wherever possible, presents verbatim text from the interviews. The intention of the use of these quotes in such a way is to 'enable the reader to 'hear' what the researcher heard' (Reinharz 1992, 39). That is, where possible, we allow the women to tell their own stories in their own words. We believe that 'hearing' the 'voices' of the women we have interviewed is made all the more important by their absence from the current public policy debate about *Work Choices* and change at work. They tell us that the experiences of employers and employees in the booming Western Australian resources sector are a world away from the working and broader lives of low paid women employees in NSW.

Recruitment of interviewees

The threshold for low pay was based on the quantitative data provided by the WESKI report. The WESKI report highlighted the industries and occupations where women were congregated and most reliant on minimum award wages. These are the categories of employees which were likely to be affected by *Work Choices*. Taking the lead from this report, our research team sought to make contact with 'key industry stakeholders' in these sectors to make them aware of our research and to ask for suggestions for ways of publicising our project among workers in the target areas.

We used a number of techniques to recruit interviewees.

In making contact with industry stakeholders we also outlined and discussed the:

- members of the research team;
- aims of the research;
- occupations/industries we hoped to recruit interviewees from;
- types of issues we wished to discuss with interviewees;
- confidential nature of the interviews; and
- funding for the research.

(See Appendix 1 for an example of the letter sent to stakeholder groups.)

Where we received a response from a 'key industry stakeholder' organisation we followed up with written material, as well as over the phone and in person meetings where appropriate. Contact was made with the following stakeholder groups in the target industries.

Employers including:

- NSW Business Chamber;
- Employers First;
- Retail Traders & Shopkeepers Association; and
- The Australian Industry Group.

Unions, including:

- Unions NSW;
- The Shop Distributive and Allied Employees Union;
- Liquor Hospitality and Miscellaneous Workers Union; and
- Australian Manufacturing Workers Union.

In addition to contacting these 'key industry stakeholders', the research team attempted to access 'community stakeholder groups'. Here we targeted organisations which had a representative role, an advocacy function, or a community service responsibility which we believed would put them in contact with potential interviewees. In a similar fashion to our initial contact with 'Key industry stakeholders', in our initial contact with these we wrote outlining the nature of our research and our request for assistance in recruiting interviewees. Community stakeholder groups contacted in relation to the research for this project included:

- Community legal centres with an interest or specialisation in employment matters;
- Neighbourhood and community centres;
- Women's centres and organisations; and
- Churches.

Many of these organisations included an advertisement for the project and calling for potential interviewees to contact the research team in their local area or service-based bulletin. For example three Dioceses of the Catholic Church included an advertisement of the research project in their monthly bulletins.

The research team also used the media, specifically newspapers, to advertise the research project in an attempt to recruit interviewees. In order to make the most of our budget for advertising the research team selected two metropolitan geographic areas with large populations of workers employed in the targeted industries and occupations; far-Western Sydney and Canterbury Bankstown. We placed advertisements in the free local press (*The Penrith Press* and *The Canterbury Bankstown Express*, see Appendix 2). In order to reach a broader NSW audience, we placed a paid advertisement in the Catholic Church's publication *The Catholic Weekly*. In addition we wrote and distributed press releases to selected regional and metropolitan areas. Three targeted local newspapers ran stories advertising the project: *The Penrith Press* (February 9 2007); *The Glebe* (February 15 2007); and *The Maitland Mercury* (February 23 2007).

In addition to these methods, the research team relied upon 'passive snowballing' to recruit potential interviewees. Interviewees were asked to pass information about the project on to colleagues, associates and family members. If people were interested they could then contact us at the University. A message on Associate Professor Baird's phone requested them to leave their name and number and we returned their calls. In line with the ethical standards expected of us as professional university-based researchers, there was no coercion in any of these methods.

Of all of the recruitment methods media, advertising via community groups and snowballing were the most successful in recruiting interview participants. Contact with 'key industry stakeholders' was relatively unsuccessful. Employer groups provided no 'leads' at all to potential interviewees and where we did make contact with potential interviewees through unions, it was in an indirect fashion. A typical scenario was that a member of a union who had seen an advertisement of the project via their union provided leads and introductions to workmates, family and friends as potential participants.

Selection

The research team ensured that the recruits met selected criteria before being interviewed. We sought women in the sectors identified by the WESKI report as being 'at risk'. These were child care, cleaning, retail, cafes and restaurants, and aged care. During the pilot phase of the interview process, it became clear that some women in other sectors should be added to our target group as it was clear that low pay and minimum conditions were the norm for women in these sectors. Thus, for NSW, women working in clerical, process and community areas were also interviewed. It was not intended that the interviewees be representative of the population as a whole, nor of women in these sectors. We sought women in a range of household earning and relationship types: women with children; without children; women in dual earner households; sole mother-earner households. We sought women working under all possible regulatory instruments: an award; collective agreement; individual agreement or AWAs. We sought women working as casuals; as part-time; and as full-time employees.

In order to be selected as an interviewee, it was essential that the women who had contacted us and volunteered to participate in the study, had experienced change at work - for better or worse - since *and because of* changes to national labour law. This methodological point must be strongly emphasised and clearly understood. We must also emphasise that we were obliged to exclude from the interviews a number of women who contacted us. They had indeed experienced change at work, they sometimes had strong views about *Work Choices*, but if they were not within the target groups and if there was not a clear causal link between the changes to law and changes at work, then we could not use their experiences in this particular study.

Eleven potential interviewees were rejected (and five women were excluded from the data after being interviewed) because they did not meet the criteria for the project. There were a number of reasons for rejecting potential interviewees. We rejected at least one woman on the basis of each of the grounds listed below:

- The woman was under 18 years of age (we only interviewed women who were 18 years or older);
- The woman's occupation or income put her outside of the scope of our area of inquiry;

- The woman was a state public sector worker and hence not covered by *Work Choices*;
- The woman was employed as a domestic helper in a private home on an informal arrangement;
- The woman reported that she had had an 'issue' at work since the commencement of *Work Choices*, but this could not be linked to a change in employment arrangements or conditions; and
- The woman was not in paid employment during the period we investigated.

Who was interviewed?

In all, interviews of twenty-five New South Wales women are drawn upon for this report.

Industry

The interviewees were from across the target industries where women typically earn low wages:

- 4 child care workers;
- 4 clerical workers;
- 3 retail workers;
- 2 hospitality workers;
- 2 cleaning workers; and
- 10 manufacturing process workers.

Age

The largest group of women was aged 35-44 (8), followed by 45-54 (6), 18-24 (5), 55+ (3) and 25-34 (3).

Living arrangements and family income mix

The women interviewed represented a range of living arrangements. The largest group of women, eleven women, lived with their husbands or partners, without dependent children. Most of these women had children who had either left the family home or who were at the time of the interview working and contributing to the household, and hence not classed as 'dependents' for the purposes of our study. Other women did not have any children.

Five women lived with their partners and their children. Two women were sole parent income earners living with their children. Five women (of varying ages) lived with their parents, and two other women lived in shared accommodation.

Region

Six interviewees lived and worked in rural and regional New South Wales and 19 in Sydney.

Education

The women who were interviewed had varying levels of educational attainment. Six women had certificate or diploma-level qualifications in addition to four women who had graduated with degrees. Four women had year 12-level qualifications, while five had year 10-level qualifications. Six women had less than year 10-level qualifications.

Employment arrangements

The majority of women were or had been permanent employees. Of the 18 permanent employees, 10 were full-time and 8 worked part-time. We also interviewed 7 casual employees.

Seven women were employed under collective agreements. Six women were employed under the relevant award (most of these were from the child care industry). Four women, two in retail, one child care worker, one clerical worker, and one cleaner were employed on AWAs. The remainder had their wages and conditions determined by non-registered individual agreements or could not identify what their employment arrangements were.

The years of service of our employees ranged from under a year to thirty-three years. Usually, years of service were related to age, with women in the younger categories having less than 1 year of service, and women in the older categories having more than 5 year's service.

Union membership

Of the 25 women interviewed, 10 were union members.

A summary of the key characteristics of the interviewees is summarised in Table 1 at Appendix 3.

The interview process

The interviews conducted to collect data for this research were long - lasting for between 40 and 90 minutes - depending upon how the discussion unfolded, the circumstances the interviewee described and other commitments of the interviewee. The researchers developed a 'pro-forma' for the interviews which guided the discussion between researcher and interviewee. The pro-forma (See Appendix 4) included questions relating to:

- Changes in the workplace as a result of *Work Choices*;
- The impact of these changes upon the interviewee; and
- The opinions of the interviewee in relation to changes in the national regulation of work.

While guided by the pro-forma, interviews were open ended and interviewees were encouraged to answer questions in a 'natural' and 'conversational' way and researchers were flexible in using the pro-forma in a way which best suited the circumstances being described by the interviewee, rather than adhering strictly to the order of questions outlined in the pro-forma. Researchers probed for detail and sought clarification on details where needed. Researchers ensured that each interview covered the material outlined in the pro-forma, allowing for consistency in the topics explored in the interviews. An interpreter was used where necessary for interviews with non-English speakers.

Interviews were conducted either in person, or where this was not possible, over the telephone. 'In person' interviews were conducted in a variety of places depending upon where the interviewee felt most comfortable and in the most convenient place for them. This included in the interviewee's home, in a shopping centre, in a class room, and at the University. The 'in person' interviews were conducted both in Sydney and in regional areas.

The women who were interviewed as a part of this study have all been given pseudonyms to preserve their anonymity. Interviewees were given a choice as to their pseudonym but where they had no preference were assigned one by the research team. In addition, any revealing details (such as names of employer, suburb of residence, colleague, spouse and children's names) have been excised from quotations. It has been important to present some basic details of the interviewees (industry or occupation and, where relevant other details such as age or family income earning model) in order to contextualise the quotes and to make the analysis logical. Being able to ensure our interviewees that they would remain anonymous was an important pre-condition for women participating in the study. Most of the women we interviewed spoke of being frightened at the prospect of their participation in the study being made public, fearing repercussions from past and current employers. It was not only interviewees who were anxious about having their identity revealed. In the course of our interviews women would often raise the experiences of co-workers, former co-workers and friends who they believed had also been affected by *Work Choices*. On two occasions, in line with our 'passive snowballing' technique, interviewees approached friends to participate in the study, but on both occasions the interviewed women reported back that their colleagues were too fearful to be interviewed.

Permission was obtained from interviewees for the taping of interviews and the tapes of each interview were fully transcribed soon after completion. After transcription text of the interviews was checked by the interviewer against the tape of the interview and interviewer notes to ensure word perfect accuracy. The interviews were then closely analysed and themes arising from each interview were noted. As much as possible, the women's own words are used to illuminate points.

The typical interviewee was unlikely to be a union member. None of the women we interviewed could be construed as an 'activist' of any sort. Some interviewees were at pains to point out that they came from a conservative political background and perspective:

I come from a family of small business people who always, always voted for the Liberal party

(Jodie, Child Care Worker)

I'm a conservative person. Anybody from the country that's lived for (several) generations on the land like I have are conservative

(Nancy, Cleaner)

Many others made it clear that they had never really taken an interest in politics. Most simply described themselves as being 'average', 'a typical mum', 'a good employee', 'a loyal employee'.

Why did these women make contact with us and agree to be interviewed? Our interviewees had many different reasons for speaking to us but they had one thing in common; a desire to tell their story. Many expressed gratitude that someone was taking an interest in their experience. Trish's comment was typical: 'I'm really pleased that the university is doing this study' (Trish, Clerical Worker). Many interviewees hoped that by telling their story, they would raise the community's awareness of what was going on in the 'real world' for women working for low wages: Jan put it like this:

“And it’s just not me or one or two of my friends, there are so many women in my age group who for 12 months, just about 12 months now, have had no job. And like I have friends, now we get together every week, when this happened, it took us a few months, because it was like shell shock, to realise what had gone on to the full extent because it just doesn’t happen, bang, it just takes a few months to sort of fully realise the impact of it.”

(Jan, Child Care Worker)

Melanie summed up her reasons for contacting us succinctly and captured the mood of most of our interviewees:

“So, I just don’t want it to happen to anyone else pretty much.”

(Melanie, Child Care Worker)

The report is structured in the following way. The first section covers all changes the interviewees experienced at work and in the workplace as a result of *Work Choices*. This is followed by a discussion of the impact of the changes beyond the workplace; on the individuals themselves, in their homes and communities. The interviewees also spoke of the changes they would like to now see, and these are covered in the third section. The findings overall are then discussed and are followed by the recommendations.

THE IMPACT OF *WORK CHOICES*

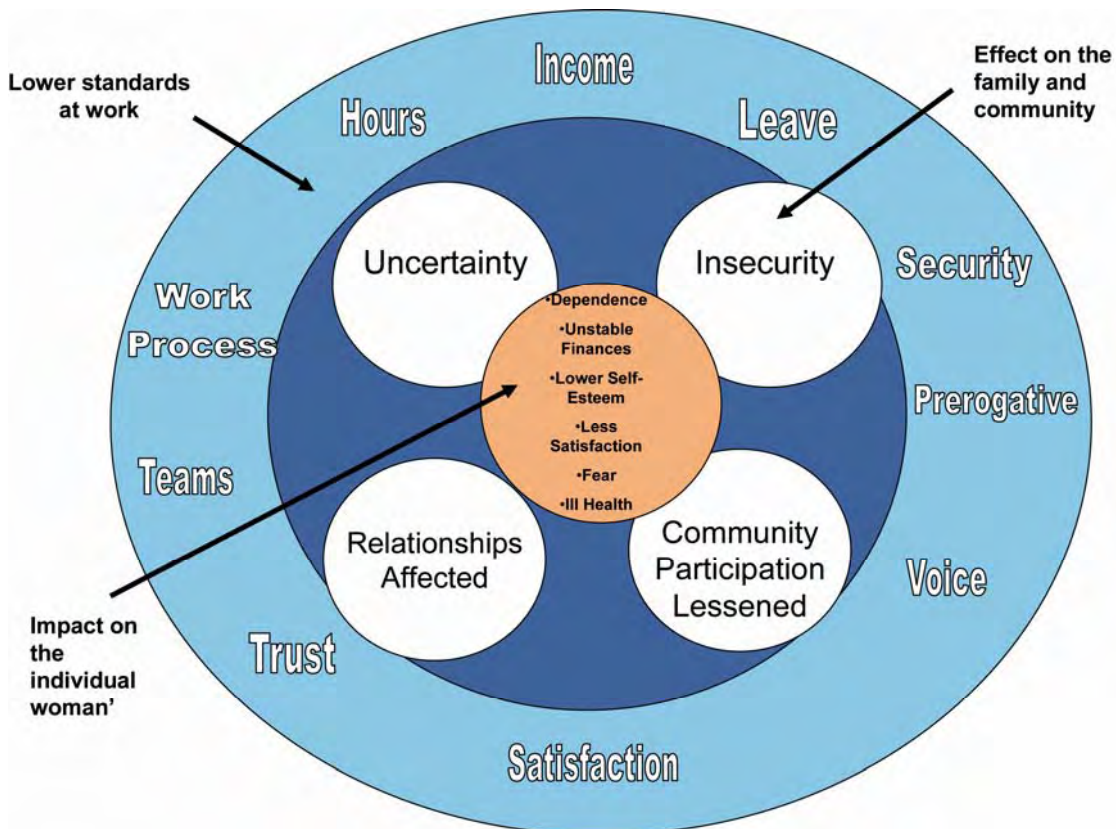
Following the commencement of *Work Choices*, the women workers we interviewed experienced a number and sequence of changes. In particular, women experienced a reduction in their employment conditions and the quality of their employment. However, the effects of the changes were not limited to the workplace and the women's employment conditions. They flowed directly on to their well-being as an individual and their capacity to participate as a full member of their family and their community.

The report considers the impact of *Work Choices* on women:

- As a worker in the workplace;
- As an individual; and
- As a member and participant in a family and community.

The totality of the impact of *Work Choices* is illustrated in Diagram 1.

Diagram 1: The impact of *Work Choices* on women in low paid jobs



CHANGES IN STANDARDS IN THE WORKPLACE AND AT WORK

Soon after *Work Choices* was introduced, many of the women interviewed experienced deterioration in their employment standards. Some of the women suffered a loss in income while others were unable to secure the pay increases to which they were legally entitled. Women who were dismissed had no income at all. Women described having less control over their hours; not a new phenomenon but one increasingly being experienced by these women. Entitlements to leave were reduced and managers exerted pressure to prevent women from accessing their various leave entitlements. In some cases, work became more intense, as employers used the law to reduce staffing. The women reported being powerless to challenge the increased, unreasonable, and unsafe workloads that resulted. In relation to job security, women told how they were dismissed without reason and how that had undermined their sense of security, well-being and commitment to their next job. In relation to a range of conditions at work, from pay rates and employment arrangements to the number and timing of shifts, women reported that managerial power and prerogative had increased. In many cases they felt that they were powerless - that avenues for effective response and having a say had been removed. The exceptions were where a union still had some negotiating role/presence or provided protection.

Income

Wages earned from work is the primary source of income for the majority of women in Australia and the cornerstone of any work and family policy. The interviews revealed that maintenance of an adequate (not extravagant) and secure income was a major concern of working women in low paid sectors. For these women, being sure of the amount of their wages, receiving their pay on time, receiving monies owed on dismissal, receiving legislated minimum pay rises and receiving a predictable income were all important concerns. All of these income related issues were less certain after *Work Choices*.

Despite the fact that the Australian Fair Pay Commission set the minimum wage at \$13.47 per hour in October 2006 (AFPC, 2006), there are adult, female employees among our sample who did not receive the legal minimum. Although their employers are clearly breaking the law, these workers feel there is little scope for recourse or do not know of the processes they could use to retrieve pay. Some of the women were aware that minimum wages had been increased and also knew that they had not received the increase. As one worker explained:

I seen it on the news last year, on telly, about the pay rise that the government, I seen it on the news. So I was waiting and waiting for it and nothing happened and I got all the payslips there to say that there was no change in my pay rate and so we just didn't get it.

(Amber, Process Worker)

Underpayment of wages appeared to be a significant problem for the women we interviewed from non-English speaking backgrounds. Su, a cleaner originally from China, was paid just \$10 an hour as a casual employee:

Facilitator 2: How much do you get?

Su: Only \$10.

Facilitator 2: Only \$10?

Su appeared to accept her situation because she felt that her age and background made it too hard to find a job that paid properly:

Su: Yes, so I... because I want to find a good job but I don't know how to find.

Facilitator 2: You don't know how to find it?

Su: Yes, because my English no good and I old. (Su, cleaner)

Many women are reliant on the minimum wage (see WESKI, 2006) and also reliant on mandated increases (AFPC, 2006; Healy & Richardson, 2006) as their labour market power is not sufficient to guarantee that they can negotiate regular increases to their hourly. Women we interviewed expressed a desire to know when to expect the next increase in their minimum wages so that they could plan their commitments accordingly.

The government should have a law that says that how long the employer will give the workers pay rise. How regular, how often and how much they get, because sometimes they don't know how to ask and they wait for three, four years, they want pay rise, but the inflation is keep coming up.

(Sunny, Process Worker)

In addition to not complying with *Work Choices*' minimum wage legislation, there was evidence of employers not abiding by existing agreements:

It said in the EBA..., that when you leave, when you get put off, if you're there for over 12 months you're supposed to get two weeks in lieu. I didn't get anything.

(Amber, Process Worker)

Under-payment of wages is an area where the introduction of *Work Choices* has led to a worrying attitude shift among employers, even those who are not using *Work Choices* agreements. As the experience of Laura, a young retail worker, shows, employers were not continuing to pay the correct award standard, even though they had not moved their employees off the award.

Laura: [The employer] said, we don't use AWAs here, they're going to go out with the next elections, there's no point in bringing one in. I just said, okay. She said, this is just the award wage we've set up for this business, so this is what it is and we'll put it up to \$12 for you because that's what you're used to.

Facilitator: So the rate which was given, the \$11-something.

Laura: Eighty five, yeah.

Facilitator: \$11.85, did that sound right to you?

Laura: I, from doing legal studies at school and just talking to my father, was under the impression that the award wage for just retail for an 18 year old was 13-something dollars an hour. I thought that might've been it, but at the time I wasn't going to bring it up and I thought maybe because it was a public holiday and I wasn't on an AWA because they were a small business, you might get penalty rates. But a friend of mine at school worked for Subway and they didn't get penalty rates on the weekends, so I just didn't think of bringing it up.

As it happens, both Laura and her employer were wrong. The amount payable at the time to an 18 year old casual under the NSW Shop Employees (State) Award was \$12.92 an hour. For the shift that Laura worked on a public holiday, she was entitled to double time and a half.

As the quotes show, underpayment of already low paid workers is a problem that is apparently exacerbated in the new *Work Choices* regime. Furthermore, their ability to receive their entitled level of pay is more difficult, in two ways. Firstly, there is confusion and lack of knowledge about how to claim underpayment of wages. Secondly, post *Work Choices* women were more insecure in their jobs and felt that employers would retaliate against complaints by dismissing them:

One of the tech trained (child care workers), ... her parents said, "You're not being paid the right wage and go and join the union." She tried to get me to join one and I said, "I wouldn't advise that because I know what they're like, I've heard what they did at their last centre good luck to you because", I said, "That will be the first and last time you get it." And fair enough, they gave her two weeks notice but they got rid of her. They... yes. They said, "After Christmas don't come back. And there's your \$80, see you later." So that's what they did to her. She was only like 20 years old and, you know, just doing what her parents had recommended.

(Jan, Child Care Worker)

As well as not keeping to the rules of employment by underpaying on the minimum hourly rate, employers are not paying for hours worked. Employees, themselves, had to be vigilant to ensure they received wages owed to them. As Amber, who earned just above \$13 an hour and packed food into boxes for ten hours a day, said:

I thought my pay's not right. And everyone was saying out there, everyone tells you, keep every payslip, keep what hours you work ...

And so I was keeping it all and it just wasn't adding up and so I went to Brian and Emily the secretary, John sent me to her and she said well that's what you've been doing, you haven't been bundying on and I said, well, that doesn't mean you can keep me ... like you've got to pay me for it because I was ... you knew I was here and I was working and they said oh well we're going to have fix it up. Well, many a times I was going to John, oh John I didn't get paid for this day - 'oh yeah, yeah, it'll be in your bank'.

And even one time I went back and he said 'oh you didn't get paid for this and that' and so I was in his office, seriously, and he pushed a few buttons on the computer and said 'there you are, Amber, I'm sorry, I've fixed it up, it's all there, it's in your bank account now'.

When I went home I checked my back account and there's nothing in there and so ... He says anything just to cover himself. He done that just to get rid of me out of the office and I still haven't been paid for a lot days that I've worked It's just ... oh, I couldn't believe it.

But if they overpaid you they'd take it straight out straightaway.

(Amber, Process Worker)

The issue of not being paid for work done was not uncommon, especially if extra time was spent at work:

'but if we stayed back longer than 6:30 they wouldn't pay us for it.'

(Melanie, Child Care Worker)

Adding further to the difficulty of living on minimum wages, there were instances where shift loadings have been removed unilaterally by the employer:

The shift loading has gone at our work

(Kate, Process Worker)

Facilitator 2: Do you get overtime pay if you work more hours?

Helena: No. No. No, even... even Saturday and Sunday working the same.
Everything same.

(Helena, Process Worker)

While such 'bad' employers have always existed, the important issue now is that *Work Choices* has not done anything to discourage such employers and indeed, as the later section on managerial prerogative reinforces, appears to have sent a message to those bosses that such behaviour is now allowable. Elizabeth Wynhausen (2005) referred to this as the 'level of permissible bastardry'. The evidence from the women in this study confirms that this level persists or has even increased under *Work Choices*.

The implications of being dismissed (discussed further below) are profound and affect all aspects of these women's lives. Specifically in terms of income, the impact is felt immediately and directly in the weekly pay packet. In the first instance there is no income at all, and then in almost all the cases, the women experienced a decrease in pay level in their next job. This downward spiral was often exacerbated by a desperate need to find another job. In this case, for instance, Leanne, who was a conscientious employee and a manager of two fast food outlets, had been dismissed without explanation. She was in desperate need of employment:

I mean financially, I had no wage at all

(Leanne, Fast Food Worker).

Later in the interview Leanne explains that she had to take whatever work she could get:

I only found casual work. Because I needed to earn money, I took virtually the first job that I could get, which is sometimes very casual. I could get, sometimes, 30 hours a week, I think, is the max I've had. Sometimes I can get 18 hours a week

(Leanne, Fast Food Worker)

As a result, for this woman, her total pay had been drastically reduced, and so too had her entitlements.

Oh yeah. I virtually get half the money that I was earning before.

(Leanne, Fast Food Worker)

The hourly rate is a lot less, but then again it's a casual rate (so I get a loading, but I get no holidays. If I'm sick, I get nothing. If I don't go to work, I don't get paid now, because I'm casual. Whereas before, being on full-time wages, you got four weeks a year holidays. I didn't get any loading before, but still...It's still not equal to the wage that I was getting before.

(Leanne, Fast Food Worker)

As the quotes show, Leanne's precariousness in the job market and in life has increased substantially, yet she still had to meet her debts and cope with more shocks:

It is only a casual job and virtually only took the job to be able to pay my bills ... I was committed to a car payment. I was committed to just debts that most people have...one for me, because then I found out - only December of this year - that I had breast cancer, so that's been another kick in the bum. So I'm actually still looking for full-time work now.

That whole time that I was sick I had no income. I had no sick leave. I had no holiday pay, because it was gone.'

(Leanne, Fast Food Worker)

Work Choices has also increased the uncertainty of employment arrangements for women, especially about future pay. In the retail sector there is considerable discussion of the prospects of being moved from the certainty of award arrangements to the uncertainty of AWAs and the implications of this for total earnings. Ivana, for example, works in a major department store and has started to worry about what she will be entitled to in the future:

We were all on award contract and we all signed the same pay, same hours, same everything, but now since the new Work Choice Act has come in they're now considering taking AWAs within retail industry. Also they're considering changing the penalty rates.

(Ivana, Retail Worker)

This same employee likes the award system because it gives her security and predictability, conditions that may disappear under the proposed AWAs:

Facilitator: What about your pay and conditions. What are the good things about working where you are?

Interviewee: I like the fact that we get days in lieu and that we weren't rostered on that day, I can find another day off and take it and be paid and public holidays, if it falls on the day I was working I can take the day off and still be paid. Sunday, the time and a half, and overtime pay.

(Ivana, Retail Worker)

Rochelle, another retail worker, had already experienced much of what Ivana feared. Her employer removed penalty rates for working on Sundays and public holidays in exchange for only a small increase in the base rate.

We got a new AWA which offered us a tiny pay rise; a couple of cents. Also it would give you the option of what they called preferred hours which was you only get a flat rate but you might be able to work for up to 60 hours a week or something like that.

Preferred hours was basically giving us a flat rate; so knocking out all penalty rates, knocking out overtime and Sunday loading and that sort of thing.

I did work out one week that the extra 10 hours (work) only gave me an extra \$40 a week so the preferred hours was not cancelling out the benefits of working four hours on a Sunday.

(Rochelle, Retail Worker)

There were many dismissal cases and these inevitably lead to worries about the ability to negotiate a good outcome, to receive a reasonable income, the need to pay bills and to meet normal living expenses. Such situations are compounded when there are children to support and a mortgage to repay. Jodie worked in child care and had also been dismissed without explanation. The following job search was stressful:

Every position that you go out for, you think, is it going to pay enough to eat and pay the bills because you're fully aware that each new position that you go into you could well have to negotiate a new award, a new workplace agreement. I needed a job and wasn't in much of a position to turn anything down and yet I needed...we have a mortgage, we have bills to pay.

(Jodie, Child Care Worker)

I didn't have a job to go to and I didn't know where our next mortgage payment was going to come from.

(Jodie, Child Care Worker)

The regularity of pay is a further concern for workers on minimum wages. In this case, Celine is from a non-English speaking background. She is in low paid, process work and the employer has stopped paying regularly:

Interpreter: She said she doesn't get paid regularly.

Facilitator 2: You don't get paid regularly, so sometimes you get one week then it's two weeks apart and three weeks?

Celine: Yes. Sometimes three weeks.

Facilitator 2: Really? Without being paid?

Celine: But the boss he told us no money.

(Celine, Process Worker)

Employers like this appear to have taken advantage of the liberalising of labour laws and there is little to no meaningful or useful recourse for workers such as Celine. The ability, skills and confidence to ask for pay that is rightly due, a pay rise, or pay equity, is a genuine problem and came up on numerous occasions. In one particular instance the employee realised that she was being paid less than her co-workers but didn't know how to negotiate for equal pay rates:

Sunny: Yes, I got the four people in my job but I get less for...

Interpreter: Less than other co workers.

Facilitator 1: And do the other co workers know that you get less?

Interpreter: Yes, they know, yes.

Facilitator 1: They know?

Interpreter: She doesn't know how much more money they get.

Facilitator 1: Okay. And so would you like to get paid the same as the other people that you work with?

Interpreter: Yes, but I don't know how to ask.

(Sunny, Process Worker)

The woman suspected it was because she was from a non-English speaking background that she was being discriminated against by her employer. She could not, however, prove this, nor could she get access to the information to prove the pay discrepancy. Not only is Sunny in a low paid position, she has little power and is therefore vulnerable to clearly unfair treatment.

The interviews therefore show that *Work Choices* has not addressed the issue of income for low paid women. Evidence of under payment, not being paid, pay inequity and late payment all exist. Pay problems are also exacerbated as a consequence of dismissal, leading to an immediate loss of income and then often a decline in take home pay from subsequent jobs. Inability to meet daily expenses, mortgages and personal debts all flow from these situations. Loss of penalty rates and new employment arrangements that change shift arrangements for a very marginal increase in pay exist. Moreover, uncertainty about future pay rises, whether mandated or bargained, increase the dismal pay situation of the already low paid.

Hours

Changes to working hours directly related to *Work Choices* were very evident in a number of the cases. The employers have been able to assert additional pressure to meet the needs of the business - but this does not necessarily fit with the needs of families. As the following interviewee notes, it is both confusing and difficult to plan life in the new system:

From October last year we all started receiving new contracts on our hours. Like, instead of fortnightly rotation, it's now a one month roster. So it's a bit confusing. So, you're kind of restricted to this monthly kind of roster instead of a fortnightly one and you have to work every weekend...no, every second weekend and they want to know a year ahead what public holidays you're willing to work and if you're willing to work more Sundays. Also they're considering changing the penalty rates.

(Ivana, Retail Worker)

Ivana explained further that the new rosters offered since *Work Choices* were putting extra pressure on employees, to the extent that some had just resigned rather than accept the new roster conditions. The uncertain and unpredictable roster arrangements have implications for care responsibilities and flow directly through to the family.

Ivana: Otherwise, a lot of people have resigned because they're just not happy with their contracts.

Facilitator: And with the contracts is it just about the changing days of the week and the shift rotation?

Ivana: Yeah. It's pretty much the rotation and the rosters. Not so much the hours, the pay and that kind of thing. It's pretty much just the rotation and the days that you're working.

Work Choices increases employer freedom to engage labour more flexibly by prohibiting, for example, the following from awards:

- The number of employees an employer must employ; and
- Imposing minimum or maximum hours of regular part-time employee.

Where these previously existed in federal awards they now cease to have effect (section 525). Prior to *Work Choices*, employers preferred to pay casual loadings and retain control over hours, but as *Work Choices* now sets no limits on hours for permanent part-time employees, employers can move people to permanent part-time with the same flexibility as casuals. They do not however, have to pay any casual loading. Thus, for employers, labour is cheaper and for employees, hourly wages are less.

There were instances of management taking advantage of the new flexibility offered by *Work Choices*, and putting pressure on casuals to move to permanent part-time employment.

This directly affected these women's income as well as their ability to plan their lives:

Since then they have said that they would be happy to employ me on a permanent part-time basis but I've not been given any written documentation on what my hourly rate would be, my hours or what shifts I would be doing.

A lot of people like myself, they wanted the higher hourly rate because, for me, it was a drop of \$6 an hour difference, which, over the course of a week is a lot of money.

(Gina, Hospitality Worker)

They wanted to put me on part-time which I said that I definitely couldn't do because (of study commitments) and you just can't work 30 hours. To me it seems a bit strange that they were encouraging so many people to go onto part-time but they were and it had to do with the low hourly rate.

(Rochelle, Retail Worker)

Without explicit warning, another child care worker, Jan, received a roster change and pay cut as part of a lead up to a dismissal. The process was one of wearing the employee down, and was also accompanied by employer aggravation, bullying, and generally making working life difficult and unpleasant. The situation had a subsequent effect on the health of this child care worker:

Facilitator: So they just cut six hours out of your weekly pay?

Jan: Yes. ... They just threw it at me and on the date it said, "For next Wednesday" ... That afternoon I just went home, like I confronted them about it, they just laughed their head off at me and made me feel like an idiot. And I come home and I just cried and cried and cried and cried and I said to Ben, I said to my husband, I said, "I've tried to talk to them", I said, "They just don't want me there. They just don't want me there."

(Jan, Child Care Worker)

Work Choices also guarantees employers considerably more flexibility in the length of shifts, and considerably less predictability for employees, as Nancy had discovered:

Facilitator: So how many hours are you rostered on for the tourist facility normally?

Nancy: Well that is very flexible. It can be from four to eight, depending on what's happened.

Facilitator: Is that flexible for you or flexible for them?

Nancy: For them.

Facilitator: How far in advance do you know?

Nancy: I don't until I get there.

Facilitator: So you've always got a four-hour shift and then sometimes they'll ask you to stay another four?

Nancy: Yes. Working those hours without any food, I take a bottle of water, but after that goes, it's pretty rough to work that hours without any food or break, or without any drink. (Nancy, cleaner)

There was considerable evidence of vindictive changes by employers, apparently related to *Work Choices*, occurring. This was especially the case where some improvements have flowed through and the employees have had to 'pay' in other ways, with, for instance, unilateral cuts to hours and overtime. In the following case, Iris is a manufacturing process worker whose access to sufficient hours was reduced after the introduction of *Work Choices* without sufficient explanation:

Iris: Just, he say not enough work, everybody cut one day off.

Facilitator 2: Do you want to work more hours?

Iris: Yes. After *Work Choices*: Just hours, they cut overtime.

(Iris, Process Worker)

Interviewees who had found new employment after being dismissed from their jobs often had difficulty attracting enough hours in their new jobs. This placed strain on their incomes, but as there was not much choice, they felt they had to accept the job, as it was better to have some work than none:

At the moment - because I can only work two days a week so it's a bit hard for me, but I guess it's still good for me to work there.

(Ayumi, clerical worker)

Alternatively, other women, such as Nancy, were forced to find a second job in order to make up for the lost hours and income:

Facilitator: So why did you take on the tourist facility job as well?

Nancy: Money. I'm only working two days at the preschool and after tax I get \$45 one week and \$69 the next week. I needed more money and it was only one day at the tourist facility that I worked, and I thought one day would just fit in with what I do.

Leave

Leave conditions, spanning public holidays, annual leave and sick leave are all affected. Permanent employees had difficulty accessing their entitlement to paid leave and casuals also encountered increased difficulty in securing time off for unpaid annual leave, sick leave and family leave.

Employees who had worked under award conditions reported that they lost their non-protected public holiday entitlements soon after *Work Choices* commenced.

First change we lost our picnic day.

(Penny, Process Worker)

A positive side was that in some instances, improvements have been made:

But they say before we have eight days sick leave but now the new law we have about ten days sick leave.

(Penny, Process Worker)

Unfortunately, as also noted above, these improvements don't come without some cost to the employees as employers apparently seek retribution for the increases. Moreover, many of the women interviewed reported that they had difficulty accessing their sick leave entitlements.

A number of different issues arose during the interviews in relation to annual leave. Jan experienced great difficulty in securing approval for her to access her accrued annual leave:

(In April) we decided we might like to go Northern Queensland in the September/October holiday, "Would I be able to have this leave?" "Yes, sure, no worries", went and booked everything and as the weeks leading up they're getting really nasty to me and I'm saying, "What's wrong?...People go on holidays, it's not a crime." I said, "I've had it booked since Easter", ... Everything was a big drama. I said, "Oh, whatever." Anyway I didn't actually know (if leave was approved) till the last day, and we were going away the next morning, what's going on? What's going on?

(Jan, Child Care Worker)

For casuals such as Gina, there remains no entitlement to paid annual leave. In addition to the financial pressure of taking time off work for school holidays, access to time off has become more uncertain:

I've requested 12 days leave for the next school holidays. I asked for that three weeks ago and I still haven't been notified as to whether I will get that, so we'll just have to wait and see.

(Gina, Hospitality Worker)

There was also pressure not to take sick leave, with managers resorting to bullying behaviours to convince employees not to take sick leave or to return early from sick leave. Ivana was not allowed to leave work when sick:

The other day I was feeling sick at work and I said to them I want to go home, I can't work. And they're like, just sit in the fitting room and drink water and don't talk because they're so under-staffed they gave me that option of just sit and be quiet. And I was like, but I am...you know, that's twice I've been sick and I haven't been able to go home. The last time they didn't let me go home I ended up going home and vomiting all night. So when they're really under-staffed they really make you stay there, and it's horrible.

(Ivana, Retail Worker)

Jan had also faced resistance from her employer to accessing her sick leave entitlement. Furthermore, this example demonstrates the impact of *Work Choices* beyond the workplace - in Jan's case there was also the risk spreading infection to the children she cared for:

When I had the whooping cough I was entitled to a month and I was (only) given four days and verbally abused to, "Get back in or you lose your job." And that's when everything sort of come undone because I wasn't ready to go back to work, I was too sick, really.

(Jan, Child Care Worker)

Once again, casuals had no entitlement to sick leave or family leave and employers were often reluctant to grant time off: Leanne developed cancer soon after being dismissed from her job as a fast food manager and had no access to paid leave:

Then with also then getting sick, too. That whole time that I was sick I had no income. I had no sick leave. I had no holiday pay, because it was gone.

(Leanne, Fast Food Worker)

Nancy found it hard to take her son to medical appointments because rostering in her casual cleaning job was so sporadic and at short notice:

'Can you come in tomorrow?' It was (mostly) fine because I live on a farm and most of my work's during the day, but as I said, my son had an accident and he was having physiotherapy.

(Nancy, Cleaner)

Work Intensification

In the area of work intensification, employees detailed extremes of employers' capricious behaviour. At one level, managers were not replacing staff as part of general cost-reduction/profit maximization. This is occurring in essential service areas like child care and cleaning. Consequently, this is increasing workloads and putting pressure on conditions like breaks:

Though by signing (the AWA), on Monday I worked six hours straight. I didn't stop for any break. I went to the toilet once, but I didn't stop for a drink or a meal break or anything.... I really thought that decency, they would say 'Do you want to sit down for ten minutes or something?'

(Nancy, Cleaner)

Further punitive employer action was manifested in control over the pressure and speed of work. One example of the employer making employees work harder after *Work Choices* is provided by Lois, a process worker in a factory making window blinds where, after *Work Choices*, the work pressure was simultaneously increased and mistakes were punished:

Lois: After change (*Work Choices*) everybody must do quickly and harder too.

Facilitator 2: Really?

Lois: Yes.

Facilitator 2: So you notice that. Does the boss say you must work harder now?

Lois: Yes. My boss say one day you must do how much we have give you. And there you must do how many blind one person, how many blind... the hand for some table full, so before easy, but now so hard. And if somebody mistake you get which one mistake, you get stopped for two week, no working. Stop at home for two weeks.

Facilitator 2: What, he punishes you to stay at home for two weeks?

Lois: Yes.

(Lois, Process Worker)

There is considerable pressure on these workers to not take any time off from their tasks, to not even go to the toilet. This must be done in the half hour lunch break. The workers in this textile industry workplace get no morning or afternoon tea break either:

Helena: Half an hour, because my boss say must... it is half an hour because you need go to toilet and...

Facilitator 2: You can only do that in your lunch hour?

Helena: Yes, that's... yes, that's why what time you're coming, what time you're going, work done, and then calculate out the hours, it is half an hour.

(Helena, Process Worker)

Work Choices provides employers with greater freedom over the allocation of labour. There are numerous examples of how the implied unrestricted ability to change staffing arrangements, to cut numbers and to change hours has negative consequences for the remaining employees. However, as this quotation shows, there are also negative consequences for the business.

**Nancy, late 40s, 2 dependent children
Cleaner**

Nancy is a cleaner who lives and works in regional NSW. She is married and has two dependent children. For five years she was employed as a regular, casual cleaner at a local club. Soon after the *Work Choices*, she and her co workers were dismissed without any reason. In the period leading up to the dismissal, Nancy experienced decreased control over her shifts, a reduction in working hours and an intensification of her work. She was unhappy with this situation. After being dismissed, Nancy found cleaning work at a local pre-school. This was a permanent part-time job with access to conditions such as sick leave, but the hours were not sufficient to provide her with an adequate income. This forced her to take on a second job, cleaning at a tourist facility. Here she is employed on an AWA and is experiencing many of the same problems that confronted her in the last months at the club: low pay, and an increase in managerial prerogative resulting in job intensification and unsafe working practices.

They think it's a more efficient way and work a lot better but there are so many problems, even on the floor. Like, there are not enough people to do service for the day. You'll be the only person in an area and every day I get abused by some customer; every day. And I'm like, I'm sick of this. Every day I have a complaint from a new customer and then if you want to move forward within the industry you can't because they think you're not doing your job well because you're getting complaints against you.

(Ivana, Retail Worker)

The intensification of work had direct implications for the health and safety of some of the workers interviewed. Nancy's employers cut the number of cleaners on one shift from two to one, even though rearrangement of furniture was necessary:

Now having one person to carry those tables, and I think there was 13 tables, because it was a dance floor, you weren't supposed to drag the tables over, but physically you couldn't do anything but - so you either had to carry them on your back, and these are whopping heavy, heavy tables, as you can imagine. It was ridiculous what we were doing. We were carting tables from one end of the club to the other, plus the eight chairs that went up either side of them by yourself.

(Nancy, Cleaner)

The work intensification issues at the child care centre where Melanie worked combined with management's general inconsideration of unsafe consequences for Melanie:

Facilitator: Was there generally much attention paid to health and safety issues?

Melanie: Probably not because being pregnant and using all cleaning products isn't the best thing but yeah, they didn't really seem to care about that. No, not really, I would say, cause like it wasn't just general tidying up sort of clean; it was scrubbing toilets and everything like that.

(Melanie, Child Care Worker)

Security

The changes to the unfair dismissal law have been among the most controversial aspect of the *Work Choices* regime and one of the areas having the greatest impact on this group of female workers was the lack of job security occasioned by dismissal. Ten of our interviewees had been dismissed since *Work Choices*. In almost all cases the dismissal was unexpected, with no reason provided. This not only caused personal anguish but also ongoing job insecurity.

In this particular case, Leanne was a fast food worker who had successfully managed two stores until her dismissal:

(The) lady we were employed by didn't give me a prior phone call or anything, just turned up at the front counter and said, "Can I have a word with you?" I thought, yep, okay. So we (sat) around and had a word and she told me that, from that moment, I was to finish up. Then I asked her why. She said that the owner was not happy with my performance. I said what had I done wrong. What had happened? She said...issues that he had and compliance issue was one word that she used. I said, "Can you tell me what he said, how it was said, what not?" She said, "No. You'll be given two weeks leave, in lieu of finishing up straight away."

All I wanted, at that stage, was an answer to what I had done wrong or where he thought I had failed him, as an employee. I was under the impression, at the stage, when you're on an AWA, that you (couldn't) be instantly dismissed ... I never believed that I could be dismissed quite so easily. I always thought you had to be given at least a warning, for what you were doing wrong.

I did speak to one of the other staff members, who I was close to, at the moment, and I said, 'Look, if you see the owner and you get a chance, can you please ask him to give me a call, a letter or anything on why and what I have done wrong.' I've never heard from him since.

(Leanne, Fast Food Worker)

Trish was a clerical worker employed on a part-time basis, four days a week, for many years in a club. Shortly after *Work Choices* commenced, she was dismissed 'for operational reasons'. Soon after, her job was readvertised. For this reason, she is convinced that she was dismissed because of her age and because her conditions were preserved in the award:

I just feel that it was done because basically the new laws allowed that to be able to happen and it was their way of getting maybe a younger person in, maybe for the five days, because I was on the old award, that they had to pay double time or time and a half if I did any overtime. So they could get somebody five days a week probably for the same amount of pay as what they would pay me.

(Trish, Clerical Worker)

In another case, Melanie, a child care worker, suspects her dismissal happened because she told her employer that she was pregnant. But again, no explicit reason was originally given by her employer, until she pressed for one. The response was that they were 'cutting costs'.

Facilitator: So, to start off with, just tell me about how you lost your job.

Interviewee: Okay. I ... that I was pregnant she said to me, okay, does this mean you don't want to work here any more? I said, no, I still want to stay on. I don't want anything to change. She was like, okay, and she was all fine with it and then I did say to her after...it was a few days, I think, I said I just would like to have a break from the cleaning side of thing because ... who does the cleaning because they don't actually employ cleaners. The people on late shift have to clean the place up. So I said I would like to have a break from that and she said yes, but she didn't. She cut my hours from 10 till 6:30 to 2:45 till 6:30 so I was still on the cleaning shift. And then ... for two days I think it was and she rang me and said that they no longer needed me for the run and all the other stuff that I'd done there. They said they were cutting on costs so they could do that. So, yeah.

Facilitator: So, were there any other reasons given for letting you go?

Interviewee: No, they just said they were cutting on costs and that they could do finish me up there.

Facilitator: And why do you think it happened? Why do you think they dismissed you?

Interviewee: I think it's because I told them that I was pregnant. Because my partner's uncle works out there also and he gave me a copy of the new roster starting from the week that I wasn't there and they employed a new girl especially to do my hours.

Facilitator: Did you have any warning that you might be dismissed?

Interviewee: No, nothing at all.

(Melanie, Child Care Worker)

Melanie's concluding thoughts about the new dismissal regime were expressed as follows:

'You can just lose your job like that. That's the end of it... they just don't really care.'

(Melanie, Child Care Worker)

As with many of the interviewees, Melanie's concern extended to the possibility of the employer treating the other women at the workplace in the same way. Her comments also demonstrate the spreading level of insecurity and uncertainty in workplaces, allowing some employers to control through fear:

I just don't want them to do it for anyone else. Yeah, because when some of them that I work with, they found out what had happened they all said that it wasn't fair and all that, but now they're insecure about working there 'cause they think their job's going to be lost as well. So, I just don't want it to happen to anyone else pretty much.

(Melanie, Child Care Worker)

A general sense of insecurity pervaded the responses from a number of interviewees, with all of the women now accepting they could be fired at any time.

There's no loyalty today by the employers. It's getting to the employees, the employees used to be very loyal. I feel that it's just going down the chain now because everyone is just so insecure in the workplace. Unless basically you're in a government job, even then they're not stamped in stone like the used to be.

(Trish, Clerical Worker)

For some, who had been able to get new employment, there was more trust in new bosses who seemed nicer. In both these cases, their new employment was regulated by a union collective agreement or the relevant award.

Yes, I have to say, that on balance I'm much better protected working for a bigger corporation which was something that I never thought would be the case. I thought working with and knowing your employer you would be necessarily well looked after because you develop a personal relationship. That's the biggest change for me.

(Jodie, Child Care Worker)

I can't believe how well it's run. It's a very small community preschool. I'm on \$13.93 an hour, but we get paid super. Our pay's always there. We get treated so, so differently. I job share with another lady. It is just run so - everything is aboveboard.

(Nancy, Cleaner)

But, as Nancy later revealed, the experience of dismissal has had a lasting effect on these women, who have internalised the insecurity inherent in the new workplace regime:

One day I was in the cleaning room at preschool about a month after I started and Karen, the director, came in, she said 'Nancy, I've got to have a word with you'. The first thing I thought 'I'm sacked'. She said 'We're going out to lunch tomorrow'. Even now just her coming out and saying that, I've realised that now I'm not going to get the thing, but there was for about six month's I'm thinking 'When's the bang going to come about this job?'

(Nancy, Cleaner)

The desire for security of employment came up time and again, and the need to maintain jobs and security weakened these women in their current employment and in their ability to pursue other jobs. In a number of cases, concern was expressed about age and the negative impact that had on prospects for employment elsewhere, thus further limiting job choice.

I feel I'm very hard to find another job because I'm too old. Because I'm fifty and four years old now. Very hard to find job.

(Sunny, Process Worker)

I'm not going to look for something for fulltime, but I don't mind to work a few hours a day, a couple of hours a day or a part-time job somewhere. But maybe not, because we are all this age. We are not young anymore, but we are not old as well to stay home and be a pensioner.

(Maria, Process Worker).

Natalie had been frustrated by the lack of a remedy under the unlawful dismissal provisions. She had been dismissed for poor performance after missing work to care for her sick children. Although the Commissioner was sympathetic, he refused to issue a certificate which would have made her eligible for funding for her unlawful dismissal claim in the federal court.

Commissioner, he says to us, yeah he understands what I'm saying, yeah, if you had the resources. But then they still say no, do you know what I mean? I just think he just thought, waste of money, waste of time, do you know what I mean? So [he just puts on the certificate], most probably will not be successful, and that's only his opinion, which I think is wrong. Because then that sets back the individual who's trying to fight a big corporation, you know, because when it all boils down to the fact, it's always money. Whether you've got a case that you know you can win, it always comes down to resources and money. If you're fighting a huge corporation, they can always tie it up.

(Natalie, Clerical Worker)

Team work and cooperation

A number of the women we interviewed reported that, in order to cut costs, employers had used the new laws to introduce new permanent part-time workers, without guaranteed shifts and hours, and thus putting them in conflict with existing part-time and casual employees. Gina reported that this was undermining team work and cooperation at her workplace:

Gina: (Since) last August, there's a lot of people that have been employed at the club and now they're employed straight away on a permanent, part-time basis and these people are getting all the hours and it's causing a lot of conflict with people like myself that have been there two years and we're not getting the hours. We just feel that the loyalty has not been there and a lot of these people don't have experience. They're not trained. They don't have qualifications and it's causing a lot of conflict and unrest at the moment, you know. That's what's happening.

Rochelle, a retail worker, had also witnessed a breakdown in team cohesion when management used the new laws to change hours and rostering arrangements which had long been in place. The atmosphere undermined employees' attempts to resist what management had proposed:

Rochelle: There were a few little movements inside the workforce where people were saying, this is obviously not going to benefit us in the long term so maybe we can kind of group together and not sign it. Like the people working in the computer section; there were only six of them, so five of them decided that they wouldn't sign it. Then the other one signed it so they all had to sign it.

Some of the people who had been working there for a long time; there were several people who had been working there for five years, decided just to try their luck and not sign the preferred hours and stuff.

What happened to a couple of them was they got given a large amount of hours and then got paid as if they had signed the preferred hours and when they complained, they did get their money but they got their shifts knocked back to about two hours a week.

For Maria, the tension and uncertainty of her position meant that not only was there increased tension with her employer, but that there was also more conflict with her colleagues:

It was a very busy place. We used to come here in the morning and we'd start work. We'd have a bit fun, laughing around, making jokes and work, and it was, everything combined together, work and jokes and fun. It was pleasant to come here, but not anymore. Even (though) we have nothing to do. Most of the days I can say that people, we argue for some reason, and that reason is because of the redundancy.

(Maria, Process Worker)

Trust

There is considerable evidence from our interviews about the diminution of trust in the employment relationship. Rather than enhancing the direct employee/employer relationship as is one of the objectives of *Work Choices*, it appears from our interviews that *Work Choices* has created an environment in these industries that undermines trust at work. This is of no benefit to either party in the relationship.

Facilitator: In terms of the atmosphere at work in terms of the relationship between the owners or managers and people who work for them; has anything changed in the last year?

Kate: Yeah, there's a lot less trust. There's a lot less willingness to do things for people. Yeah, a lot less trust. I mean, if they say ... if management say we need this or this is happening it's oh that's because they want us to ... you know, and they're all building up so they can let half of us go. Yeah, there's a lot less trust.

The decline in trust had negative consequences for commitment to the business and willingness to exert extra effort, as Kate acutely observes:

Kate: and all of the willingness to, you know, stay back, I'll stay back ten minutes that's not a problem, that's just gone out the window. People now, if leaving time is 1.51, people will leave at 1.51 and not a minute after.

After being dismissed from her job of 18 years, Trish felt unable to replicate the trust and commitment she had displayed in her new, casual job:

It became very distressing to see good people walking out the door and also it boils down to loyalty and it does affect you. I mean it's affected me right up until now because my values have changed. At the women's health club I was told by one of the second in charge the other day 'oh if you loved your job you'd do it for no pay or you work that extra' and I said to her 'I've done that. I've left many meals on the table and left my family and gone to work at last minute notice because someone hasn't turned up for their shift. I've been there in my own time and helped out when I felt people needed a hand.

... Yes I believe in giving exceptional customer service and being a loyal employee but at the end of the day it's changed my values. I just want to go to work, do a good day's work and come home and be paid for what I do. Yes I said, it goes against my grain to feel like that but after what happened to me, it does make you look at things in a different light'.

(Trish, Clerical Worker)

Ayumi felt let down by her employer, a job agency, when her temp work with a financial services firm was cancelled. She felt that her employer had not reciprocated in the relationship:

If you work at the Financial Services Firm you have to wear these type of things and there are lots of conditions in their forms. And according to the forms I always have to contact [the job placement agency] even if I was late to work or something small things. So I call them straight away when I heard that I will be sacked one week later from the boss. But the girl didn't ring me back - two days and another girl also got cranky and finally three days later or something they show up. ... I don't know the law, but if law can say that Job Placement Agency could do this, because the law allow them to do - but if so I cannot say anything, but as a human, like, they - even they didn't say sorry. But if they knew that there might be possibility to get sacked two weeks later or something, they [should] have to inform us that possibility.

(Ayumi, Clerical Worker)

Because of the manner in which these women had been treated by their employers, and the way in which employers had implemented their powers under *Work Choices'* powers, these women felt their sense of loyalty and commitment to their work had not been reciprocated by their employers. Consequently, as a self-preservation strategy and based on their former experiences at work, they had often become less committed and loyal employees when they found subsequent work. Thus in many cases, it is the next employer who bears the brunt of the previous employer's poor practices.

Voice, Representation and Access to Unions

Work Choices has severely restricted union 'reach' and effectiveness. Union rights to access workplaces have been wound back (s. 736, s 756 and s. 758 & s.760-769) and employers have no obligation to inform employees of a right to union representation (s. 335 (1)). These changes make it more difficult for officials to meet with union members, to discuss workplace issues with non-members or to police workplace standards. *Work Choices* has also re-regulated the bargaining process and has significantly diminished the practical tools which unions have traditionally used to encourage collective bargaining. For example, the *Work Choices* framework explicitly prohibits unions from bargaining over matters that assist a union to maintain or improve its collective bargaining or representative rights, such as, providing protections for workplace union representatives (s. 356-366, & Regs 8.5-8.7). Unions can take 'protected' industrial action in only a limited range of circumstances and they must hold a 'secret ballot' of employees before they can do so (see s.435-446 and s449-493). By comparison, employers - in contrast to the situation in other OECD countries - are not required to negotiate with unions even when 100 per cent of employees have either joined the union or expressed their desire to enter into a union collective agreement with their employer (see Cooper and Ellem, 2007). These changes not only undermine union action and organisation but also chip away at the human rights of workers.

Many interviewees commented on a lessening of their ability to access union representation and advice but their concerns went deeper than this. Without exception, the interviewees pointed to the erosion of democracy in the workplace, a process which they felt had quietened or silenced them. They felt unable to raise their concerns in relation to standards of pay and working conditions, fearing retribution from their managers. This extended even to situations where their contribution had the capacity to improve business practice. They felt they had no formal mechanism to have their say or be represented. Most of the women we interviewed were not union members. These women keenly felt the lack of independent representation. Our interviewees cited examples of employers preventing and blocking employee attempts to access union representation or independent external advice. Furthermore, the limiting effect of *Work Choices* on the capacity of unions to do their job - to represent and to act on behalf of employees - was obvious to the women. For example one woman had decided that unfortunately union dues were no longer worth paying because the union was no longer able to effectively perform its role:

Facilitator: I want to ask you about union membership now. At the time that you were dismissed from your old job, were you a union member?

Jodie: I was. And I'm not any more ... every time I turned around and asked the union a question they said, there's nothing we can do, there's nothing we can do ... So it struck me that that \$30 a month was better in my pocket.

(Jodie, Child Care Worker)

The women we interviewed had significant pride in their own work and interest in their workplaces. They would appreciate more information about their work, about the business and what is happening. Gina, a hospitality worker, feels let down by her employer:

It would be nice if, in my circumstances, my employer would be more open about what's happening and just give his employees more of an insight. Okay, they can't tell us the ins and outs of what's happening with the business but just a little bit of an insight. All we hear at the staff meetings is the club made X amount of profit in the last trading quarter, blah, blah, blah, but we're getting our hours cut so it just doesn't make sense to me that they're turning a profit and yet the hours are being cut.

(Gina, Hospitality Worker)

Lack of voice extends beyond the women's ability to participate in the workplace, it impacts on their ability to have some say in the setting of their own terms and conditions of work. Combined with *Work Choices* preference for direct employer-employee bargaining, the lack of representation amongst this group of women compounds their weakened position in the labour market and at work. The response from a retail worker we interviewed is illustrative because it demonstrates how difficult it really is for individuals to negotiate even the smallest change in their work; in this case a change to the weekly roster, even if they have knowledge of the process:

Facilitator: If we can go back to the new roster arrangements, how comfortable would you feel about asking for a change in your hours?

Ivana: It's funny because I actually have knowledge of this stuff. I've studied this stuff at Uni already I don't even think I would have the bargaining power to ask because even to get a simple day off I'll get scared to ask. So I don't think ... even now I would prefer not to be working on a Sunday or a Thursday night because you don't want to be working at night time. That's the time I like to come home, family and other things, and to get the one Thursday off, I still haven't, over the past year, been able to stand up and say I want this day off. So I don't think I'd be very comfortable unless I built up some confidence I don't think I could do it.
(Ivana, Retail Worker)

A small number of interviewees related details of having sought out union representation and in these cases the interviewees seemed slightly less inclined to internalise the changes and impacts of *Work Choices*. These women were more likely to be angry than acquiescent; empowered than defeated. In some cases they found their union involvement to be liberating. Kate for example, said that she and a number of other women at her workplace had joined the union recently, and were seeking to negotiate a collective agreement with their employer. The employer had demanded that the workforce enter into a non-union agreement:

Yeah, I think it seems management really don't want the union there. They really want to do it without the union representing us but are not prepared to negotiate with us about what we want. So I mean everyone's voted to bring the union in, so the union are coming in to negotiate on our behalf.

(Kate, Process Worker)

Despite the employer making it clear - in staff meetings, one-on-one with workers and in writing - that they wished to impose a non-union agreement, Kate says that employees were feeling a sense of empowerment with the union's presence:

And I think people are feeling stronger together because they know that ... I mean, a lot more people have joined the union. I mean, we don't know who but we know that a lot more people have joined. I think they're all feeling stronger that if they stand together that they will get what they want.

(Kate, Process Worker)

For her personally, this has given Kate a sense of reassurance, but not necessarily confidence that they would achieve all they wanted from their employer. They were not in a position to 'make' the employer bargain collectively:

I feel more reassured. I feel a bit more secure but not more confident, if that makes sense.

(Kate, Process Worker)

For Amber, another process worker, ability to access the union for advice and representation was deliberately obstructed by the employer:

They try anything to stop the union from going out there. They told us that we were paying into the wrong union and of course we told [the union organiser] and 'no way' she said. But they've stopped them a lot of times from going out there so ... I call [the union organiser] to my house, we have meetings here or they have meetings at the bowling club.

(Amber, Process Worker)

Other women interviewees reported on positive experiences with unions, saying that union intervention had made the experience of change at work more bearable. Maria and Bernadette, although working in very different contexts, reported feeling very much the same about representation and support from their union:

Without the union I don't think we survive.
(Maria, Manufacturing Worker)

Even Bernadette, who put her dismissal down to the fact of her union involvement, was keen to point out just how important the union had been to her.

The union has been so wonderful and so supportive and helpful and encouraging and, you know, I am just so glad that I am a union member, even though that in the end I think that that's what sort of pointed the finger at me, but I'm still ... I'm a person that stands up for my rights and I think really people like that, you know, they sort of become a target of an employer who wants everything their way. That's all I can say.

(Bernadette, Clerical Worker)

Women who had had no contact with a union in their work speculated that 'advice' from a union might have assisted them. Nancy for instance argues:

It would have been great to have a voice there that could advise us.

(Nancy, Cleaner)

These employees were pointing to changes occurring in their own working experiences since *Work Choices*. The evidence we have suggests that the ability to actively participate at work, to speak up or to speak out, and even to ask questions at work, has been diminished in the *Work Choices* climate.

Managerial Prerogative

Considerable evidence of increased managerial prerogative has already been documented in the earlier sections. Underlying many of the post-*Work Choices* changes described above is a strong sense that employers have felt they are free to change employment arrangements at will and to manage at will, without regard to conventions, community expectations, and sometimes, without regard to the law. This has manifested in employers putting extra pressure on employees, to making unilateral changes to work processes, to rostering arrangements, to pay, to loadings and other conditions, to deny leave and disregard the employee's home and personal situations and, in many cases, even the entitlements of their workers.

Natalie felt that she had become a target of management after requesting a change in shift to make it easier to care for her son, who was about to start school:

Because in my performance leading up to them offering me permanent on my excellent results, my results in the last six months of the contract were far better, far better, exceeded everything than when they offered me, as well.

Bernadette, late 50s Clerical Worker

Bernadette is a clerical worker and has been employed by her current employer, a child care centre, for over ten years. Bernadette was a union member and was involved in to negotiate a collective agreement to cover her workplace. Bernadette believes that she became a 'target' because of her union activity. Post *Work Choices*, Bernadette's employer unilaterally changed her job description, gave her an impossible workload and did not provide training in the new procedures she was expected to administer. Soon after, Bernadette was dismissed. The dismissal and the way that her manager treated her prior to dismissal greatly upset Bernadette, especially as reviews of her performance throughout the decade of her employment had been very good. Bernadette's union has been assisting her with an unlawful dismissal application through the Federal Court, but at the time of her interview, nine months after the dismissal, the case had still not been resolved. Bernadette is very worried about being able to find work in a new job at this late stage in her career.

Now, towards the end, they were just nitpicking. Like, they said to the Commissioner, in February, she didn't pass the QMS, which was the quality call control. Now, they neglected to tell the Commissioner that there was a new system in play where it wasn't actually monitored by your team leaders, it was monitored by an independent person. Only one or two people - can't remember, it's either one or two people in the actual team out of 14 of us actually passed, so 10 of us failed.

Bernadette observed that almost as soon as *Work Choices* took effect, her employer began to direct her to complete tasks with unrealistic deadlines and which were beyond her job description:

I'd say about a week before the new laws came in, they were just sort of picking on me for everything. I just kept asking them, "what are you up to, why", you know, (and) they kept saying, "you did this, and you did that". It was obvious that they were out to get me and they were putting ... they were raising the bar all the time and not letting me succeed. ...

They gave me a 47 point job description where I had to do all the pays, all the human resources, everything, all the rosters, everything. And as soon as they started loading me with all of this I wasn't coping in the four hours and then they just gave me performance letters that I wasn't doing it properly.

I'm sorry, I still get upset a year later.

(Bernadette, Child Care Worker)

Even where management behaviour involved a clear breach of the law, taking action and confronting the employer was a daunting prospect for the women we interviewed. After resisting allowing Jan to take leave, her employers then did not pay her while she was away. Jan needed to follow this up.

"You haven't paid me", because I rang them when I was away. "Oh, yes, yes, m'mm, m'mm." Next week, "Yes, m'mm, m'mm, oh something's mucked up, m'mm." So when I got back... then you've sort of got this overhanging you all the time thinking, "Now I'm going to have to confront them about this." ... I had to keep going back and asking them. And then it was a big deal and then you're worried that they're just going to sack you because that's what they were doing. Then when the laws came in you knew that it was just a matter of time that you were out the door anyway.

(Jan, Child Care Worker)

It was understood by the interviewees that *Work Choices* (the 'new laws') increased the scope for managers to renegotiate the terms of employment with their employees. In some instances, employers were quick to act on the opportunity to exploit staff confusion and uncertainties. Jodie described the situation with her employer:

The management sat us down in a staff meeting, and it would have been mid-April, and said amongst other things within the staff meeting, it wasn't the only subject, but we'd all be aware of the new laws that had come in, the new workplace relations laws, and we had to negotiate...we had to write up new contracts. So, on a one-on-one basis they would sit down with us and write up a new contract because they HAD to under the new workplace laws. ...So I said, well, that's actually not...in a friendly and positive way I said, that's actually not 100 per cent accurate. If we choose to, in conjunction with you, like if the two of us decide to we can sit down, but the laws actually don't mean that we have to negotiate a new contract. We can continue working under the award. To which the response was well, yes, we'll have to check into that with the solicitors.

I'm fairly sure, in retrospect, (though) I didn't think it at the time, that they were just trying to get everyone on the lowest salary rate, the most minimal conditions that they could. I didn't think that at the time. I'd only been with the company probably six weeks at that point. I was just thinking that maybe they had got the wrong end of the stick and didn't quite understand.

(Jodie, Child Care Worker)

Not all of the women who were interviewed felt able to negotiate with management, and instead reluctantly accepted what management offered in order to get the job:

I didn't believe that we didn't get paid overtime. I didn't like that we didn't get paid penalty rates for weekends and public holidays. I didn't like that we didn't get paid late shift premiums. I didn't like that we did not get loading on our holiday pay. I didn't like any of that. I knew that we were entitled to it, but also, at the time that they employed me, I was in a situation where I needed my job, so I needed to just sign the piece of paper, to keep my job, because, virtually, I believed if you don't sign an AWA, they don't have to give you work.

(Leanne, Fast Food Worker)

In fact, although Leanne sees that she has lost what she considers her entitlements, she nonetheless has accepted this shift in management power:

I believe that I was (before) - sort of like - on a good wicket.

(Leanne, Fast Food Worker)

During the interviewees, few women could identify how this shift in power could be addressed. Many felt there was no point in contacting or joining a union because they could no longer help with dismissals, and raising any other matter could well result in dismissal. The following quotes highlight the women's feelings with regard to their ability to counter employer power:

So as far as the union goes, I basically felt that there wasn't much that they could do. The company had paid me what they stressed was their payout. I know some people had fought with the union for more money or that sort of thing, but basically I just wanted to leave in a dignified manner.

(Trish, Clerical Worker)

Facilitator: Yes. In the time that you've worked as an Early Childhood teacher did you ever belong to a union?

Jan: No, because I would have been sacked on the spot.

(Jan, Child Care Worker)

Union activism was deliberately and quickly targeted by some employers. Bernadette worked for years

Just as soon as the new legislation came in, bang, bang, I was sacked... I'd worked for ten years with only praise from my employer... it really upset me and stressed me out... I can't cope.'

(Bernadette, Child Care Worker)

Those interviewees who felt that they still had some voice within the workplace and a means to challenge or dispute managerial prerogative seemed slightly less inclined to internalise the changes and they were more likely to be angry than defeated. This was most often expressed through union involvement in the workplace.

However, some of the women interviewed reported that access to the union is denied or employees feel threatened. In one instance, two employees joined the union after *Work Choices* because the boss had been harassing them to work even harder, saying they would lose their jobs, but the boss found out:

- Lois: And boss said know somebody join union. You know, some scared...)... scare lose the job so somebody can no join union again.
- Facilitator 2: So the boss said he knew that somebody had joined the union?
- Lois: He say, "Why you join union? Union no help you, everything."
- Facilitator 2: Okay, so the boss is saying that and people are a bit scared of losing..
- Lois: Yes, very scared now.
- Facilitator 2: Very scared. What are they scared of?
- Lois: Scare lose the job.
(Lois, Process Worker)

With the commencement of *Work Choices* and the power that it gave employers to dismiss, employees began to accept that they were dispensable:

I still feel that maybe that was a statement that management wanted to make was 'well if Trish can go, anyone can go'. Nobody is irreplaceable.
(Trish, Clerical Worker)

**Penny, early 30s,
Process Worker**

Penny emigrated with her family from Vietnam and works as an assembler in a factory. Penny is employed under the relevant state award / NAPSA. After the commencement of *Work Choices*, her employer unilaterally removed the 'Picnic Day' public holiday entitlement, arguing that since the AFPCS had increased the sick leave entitlement from 8 to 10 days, he was within his rights to take away the public holiday. Since the commencement of *Work Choices*, Penny reports other changes in the way she has been treated by her managers. Her paid overtime has been eliminated, even though she is required to work the same hours as previously. Management behaviour has become more arbitrary and capricious, for instance the chairs which assemblers once used while working have been removed and as a result Penny has been forced to stand all day to do her job. Penny's employer has warned employees not to get involved with the union. Despite this Penny has joined a union, but she is too scared to discuss union membership and activity with her co-workers for fear of retribution. She cannot afford to lose her job.

The rise and rise of managerial prerogative and the demise of union authority pervaded many of the cases. But another factor playing into women's increasing feelings of vulnerability at work was age. Age, and its negative impact on employment, manifested in a number of ways. First women spoke of their inability to get other work because of their age. Second, they felt they became a target because being older, they had more confidence to speak out than younger colleagues. Trish, a Clerical Worker, suspected that this was why her employer had made her redundant. Trish had also rationalised her employer's actions in the following way:

I can see why the companies want the younger people because the younger people don't tend to question whereas we tend to sometimes say 'well what about this or what about that?' We tend to ask the questions whereas as I say the young ones shut up and don't say anything. So I suppose that's why employers do want the younger people and it doesn't matter if you're experienced or got a world of knowledge.
(Trish, Clerical Worker)

BEYOND THE WORKPLACE

The primary, and intended, target of *Work Choices* change is the *workplace* and the employment relationship and as already identified in this report, the women we have interviewed have experienced significant changes in their work and their workplaces. *Work Choices*, however, reaches outside the workplace and is having important repercussions for women as individuals and, in turn, upon the families and communities they support and sustain.

In this section of the report we detail the ways in which change at work has had demonstrable impact on the broader lives of the women we interviewed. We investigate, among other things, the impact on women's finances, health and self esteem. Next we investigate the extent to which *Work Choices* has affected families and communities including: capacity to manage 'caring' duties; relationships within the home and; women's capacity to contribute to community life.

The individual

Finances

A very obvious impact of changes at work upon our interviewees was a disruption in the financial position of the women involved. The themes of 'loss of independence', 'financial hardship', 'financial crisis' appeared many times over in our interviews. Financial hardship was particularly acute for women who had been dismissed from employment. As we have already documented, many of our interviewees were unable to quickly and easily find alternative work. This situation seemed to be especially acute for particular women. Interviewees who lived in regional areas where job openings were scarcer (or non-existent) reported more difficulty finding work as did older women, who also reported being discriminated against when they were seeking new work. Jan suffered from the dual impact of living in regional NSW and being 'older' than many of her competitors for jobs in child care:

I cannot get a job around here, I would have to leave town to get a job because there's just no (work)... They've put all the young ones on

(Jan, Child Care Worker)

Financial hardship was also obvious for women who *had* managed to gain new employment but with fewer hours and at a lower rate of pay. Many had a pressing need to find employment of similar quality in terms of hours and rate of pay to their previous position in order to maintain self and family. Interviewees reported having difficulty paying fortnightly rental payments, meeting mortgage payments, had problems paying quarterly utility bills. Some had personal loans to service and reported great difficulty in making these payments. Leanne put it like this:

I need stability, I need a full time job. I need to be able to get back into the workforce, on a full-time basis. I still have bills to pay. I still need to earn money. I still need to support my children.

(Leanne, Fast Food Worker)

As a consequence of losing their job most women reported on the impact it was having beyond their own lives and affecting that of their families and children. They reported they had been forced to make savings in their household budgets; that their children's extra-curricular activities were scaled back (this is discussed in greater detail below); petrol was used only when absolutely necessary; the quality of foods consumed by the family was reduced and new clothing was not bought. Melanie's comment showed how tightly constrained they were:

I have no income whatsoever. It's bad right now

(Melanie, Child Care Worker)

Lack of income led women to seek financial help from a number of different sources.

For some, family, such as parents, provided short term relief:

We had to accept help from my parents, quite a bit, over the two months (I was out of work after being dismissed) especially at Christmas time ... which has put us in debt with them and it's put a drain on our relationships.

(Jodie, Child Care Worker)

More commonly women reported becoming increasingly dependant upon male partners to access shelter and pay everyday bills:

I (had) made a decision, probably six weeks before I lost my job, to move in with my partner, so financially, if it wasn't for me living here, I don't know how I would have got on. ... I would have really been in desperate status.

(Leanne, Fast Food Worker)

Well, I'm pretty much relying on my partner at the moment and after rent and the bills coming out we are losing about \$80.

(Melanie, Child Care Worker)

For others, the major changes in their financial situation has meant that they became more reliant upon welfare payments to meet basic human needs such as maintaining a roof over their family's heads:

I'm behind. I had to get a \$500 loan off Centrelink last week ... it had to go on rent. And so that took a lot off what I owed in the rent but I was ... I've got to pay extra next week which I don't know how to.

(Amber, Process Worker)

Self-esteem

For most of the women we interviewed, the changes they experienced at work had a noticeable effect upon their self-esteem. Most women reported feelings of self-doubt, emotional stress, powerlessness and a sense of embarrassment at the way they had been treated. These feelings were clearly expressed by Nancy and Jodie:

I think (I) lost confidence. Everything I thought about that if you do your job extremely well, if you show loyalty, if you turn up every single day for three years, no holidays, there'd be something. I lost all confidence in myself and I sort of became very bitter.

(Nancy, Cleaner)

I'm not the type of person that's easily intimidated or bullied but I came home four days out of five in a flood of tears because of the way I was treated, the way I saw my workmates being treated.

(Jodie, Child Care Worker)

Many of the women reported that they had 'withdrawn' from many of the activities they ordinarily engaged in as a result of the effect that changes at work had had upon their feelings of self worth.

Yes, it had affected ... I sort of reclused myself away from them, for a long time... It did affect me a lot because it put me in a very embarrassed - I don't know if you can say that - a very embarrassed situation, because, if I'd done something wrong, I could have said "I stuffed up. I did wrong or I didn't like the job or what-not". But I felt embarrassed that people would be trying to talk to me about it and I couldn't give them any answers. I didn't know why I was put off. Just that I knew so many people.

(Leanne, Fast Food Worker)

In addition to the effect a *Work Choices* change had on themselves, these women felt the way it would spread to their own children and their communities:

It's hard because the kids knew that I worked for the 'Bank' and they were quite proud of the fact. Also, people in my community and my area, and the school, they all knew that I worked there. So it's very hard to say, well - I mean, how do you say, I was terminated because of my performance, but not really? Do you know what I mean? You've got to prove it and all this stuff. It's very hard.

(Natalie, Clerical Worker)

Job Satisfaction, career orientation and job seeking

For the women who had been dismissed after *Work Choices* many reported that their self confidence had been eroded to the point that they questioned their capacity to find themselves alternative employment:

'Am I good enough to go back into the workforce?'

(Trish, Clerical Worker)

For those who remained in employment or who had found new employment, their post-*Work Choices* experiences lowered their enjoyment of work and had led them to question whether they wanted to continue working in their chosen career.

As far as my profession goes, I'm just wiped out. I don't think I want to do it anymore'

(Jan, Child Care Worker)

It shook my confidence to the core because you start to think that maybe there is something you're doing wrong. You start to feel ... it shakes your confidence. You start to think 'is there something else I should do?' 'Should I change careers?'

(Jodie, Child Care Worker)

Fear & uncertainty:

Most of the women we interviewed reported feeling powerless in the face of *Work Choices* workplace change and the repercussions for their broader lives. It appeared that they had internalised the new workplace norms and felt that they had less control to plan their lives:

We're eating, we're just paying our bills and getting through our minimal things. So, yes, we just have to budget carefully, that's all. But if my husband, like he's in the mines, and, you know, he can come home with the yellow envelope any day. So his job is not secure. So, I mean, you know, you just take each day.

(Jan, Child Care Worker)

The other effect was to increase personal fears and dependency. Ayumi, who had recently separated from her husband and moved to Sydney from regional Queensland, found that being dismissed from her data entry job after just two weeks had increased her feelings of uncertainty and had undermined her decision to leave her husband:

I just moved in Sydney with a small amount of money so I just - yeah, it just made me feel more - actually, I separated with my husband. I started to think I might have to come back to my husband sort of thing. Then also I just have to save money or - that's just - I wanted to get a stable life but .. I'm still thinking that [my job is] not stable and I have to get a permanent role. That makes me feel unstable.

(Ayumi, Clerical Worker)

After Natalie was dismissed, her family of five was dependent on her husband's casual earnings, which not only had a financial impact but made it harder to coordinate care.

Well, it's very hard, yeah, because my husband works - he's casual, too, so if he doesn't work, then he won't get paid. Okay, his work's all right, but if he doesn't work, like I said, he doesn't get paid. Whereas, when I was with [the Bank] and I was on their books, if I did have a day off because the kids were sick, or what have you, we wouldn't be missing out on that day's pay.

[Natalie, Clerical Worker]

Health

Many of the women we interviewed reported suffering ill-health as a result of changes in the workplace. For some the anxiety and pressure of work had, in their view, led to many more minor illnesses requiring visits to the doctor. Ivana's comment was typical:

'I've found I've been going to the doctor a lot more...'

(Ivana, Retail Worker)

Interviewees reporting more serious health effects, such as depression, anxiety and increased blood pressure, were also common.

I've got less sleep and I'm not the same person I used to be. Like, I stopped being happy the way I was.

(Sophia, Process Worker)

I became very, very depressed.

(Nancy, Cleaner)

Leanne, mid 30s, 5 dependent children Fast Food Worker

Leanne was a full time manager of a fast food franchise in a large regional centre in NSW. She was dismissed without being given any reason by her employer. Leanne considered herself to be a hard-working, responsible employee and had been given no indication that her employer was not totally satisfied with her performance. The dismissal came as a complete shock to Leanne. This has had an enormous impact on Leanne's life. She feels emotionally devastated and has begun to question her competence even though she cannot identify what she has done wrong. Leanne found casual work in a different retail setting soon after her dismissal, but she is not as satisfied in this job, she does not find it as personally challenging and the precarious hours and pay have had an impact on her life and that of her family. The loss of permanent employment has been particularly difficult for Leanne, as she developed a life threatening illness shortly after losing her job. Leanne's new employer has shown compassion toward her by allowing her to take time off for medical appointments and the like. However, the casual nature of her work means that she has no paid sick leave. This financial stress has put added pressure on her new relationship and increased her dependence on her partner.

But when I started at this bank - well, maybe I don't know, five months into starting, my blood pressure just shot up. I believe it's because of the pressure that they put on you, because it's a hard enough job as it is. I mean, who goes to work so that you can get abused, you know what I mean?

(Natalie, Clerical Worker)

Two women we interviewed discovered that they had a life-threatening illness close to the time that their employment was affected by *Work Choices*. Both suggested that, in their view, the pressure and stress from the workplace either exacerbated their illness or made the process of 'coming to terms with' their situation much more difficult.

Intersection of *Work Choices* with Centrelink / 'Welfare to Work'

The link between the Federal Government's recent changes to the rules governing access to welfare for women with school aged children (dubbed 'Welfare to Work' in the public debate) and *Work Choices* is very close for many low wage women. 'Welfare to Work' and *Work Choices* are not only related, they interact with each other in such a way that women are 'squeezed' between the two policies. These women are required to manage their work, their hours, their families and their relationship between work and welfare. Gina's case illustrates how difficult this can be in practice. Gina is a hospitality worker and a sole parent to four children. She is reliant on the casual hourly pay to keep total income high enough to live, and is working hard to manage the intersection of *Work Choices* and 'Welfare to Work'. This becomes quite complex and requires women to have the capacity to speak up for themselves, for without maintaining 15 hours of work, Gina's welfare payments are threatened.

Well, for a start, I have to work a minimum of 15 hours to keep Centrelink happy. I did explain this to the HR and he's now aware of that but when he gave me just an eight hour shift one particular week I said, I'm sorry but I need more hours. Not purely for financial reasons but to keep Centrelink happy. I've got the four children, myself and a mortgage to fund and the money's got to come from somewhere.

(Gina, Hospitality Worker)

Impacts on household & community

Family Finances

Clearly where finances are stretched for women, this has enormous implications for their families. Many women were very upset about the extent to which their children had been deprived of their regular activities and lifestyle. Amber was despondent that she was unable to provide 'the basics' (Amber, Process Worker) for her children:

And then a few days ago when there was a knock on the door and it was a guy to come here to cut off the electricity and I've just got a gas bill this morning.

(Amber, Process Worker)

She was also distressed that she was also unable to provide 'anything fun' for them to do during the school holiday:

I just can't do anything anymore. Can't even give them \$5 to go up the shop. Nothing.

(Amber, Process Worker)

For others, such as Nancy, losing her job meant that her University student daughter struggled to get to and return home from her campus, which posed a substantial problem for her given the lack of public transport in their local area.

I've got a daughter at university. She was sharing a car with me and I was paying for her petrol. Suddenly I didn't have the money to put in for her petrol, so that was a strain on her.

(Nancy, Cleaner)

After-school lessons, Christmas presents and holidays had been 'cut back':

It's been ... how can you explain it? The kids get allotted \$100 for their Christmas present, they were doing music lessons, sporting lessons, sports and stuff like that. We've had to cut that way back ... We're putting food on the table, we're just meeting our bills but there's no holidays or extravagance, or anything like that.

(Jan, Child Care Worker)

(un)Predictability (un)Certainty

As outlined in the 'workplace' section of this report, many of the women we interviewed who found alternative employment, took up work which was of an inferior quality to their previous employment. Permanent work was often substituted with casual employment and reduced hours. Interviewees described their casual work with its unpredictable hours (and as a consequence, unpredictable *income*) as having a noticeable affect upon not only their finances (as outlined earlier in this section) but also upon their capacity to plan for care of children:

The new job does affect things because the kids don't know where I am. They don't know that Mum's working from this time to that time everyday. So it disrupts the children a lot actually.

(Leanne, Fast Food Worker)

Leanne went on to argue that her casual employment also disrupted the family's rhythm and routine in relation to unpaid work and care in her home:

It has, because if you understand being a woman, you're not just in the workforce. You have to make sure that the washing's done, the cooking's done, the cleaning's done... It's very hard to get into a pattern and work everything out, when you might be working for three days, when you've got two days off, and you're working the weekend. It's just very difficult to work that. You can't work that into your budget or your money, because you don't know what money you're going to get from week to week. You might get a really big week, but you might get a really quiet week. It does make it very difficult to judge that.

(Leanne, Fast Food Worker)

Less secure, less predictable jobs necessarily mean *more* unpredictability, insecurity and uncertainty for mothers and families - impacting on these women's overall capacity at work and in the home.

Relationships

Given the stress and strains that women reported as a result of *Work Choices*, it was not surprising that very many of them felt that relationships within their families had also been adversely affected. One interviewee reported a total break down in the relationship with her partner and many others suggested feeling insecure about their longer term prospects, very often reflecting upon the precariousness of their personal financial situation and their dependence upon the 'male breadwinner' in the family unit. Interestingly, women who were in longer-term stable relationships reported less impact from workplace changes upon their relationships at home. Indeed some of these women outlined that their relationships with their partner and family had allowed them to cope with pressures from work.

Community fabric

Since the passage of *Work Choices* a number of commentators and faith-based organisations have expressed concern at the ways in which these changes were impacting on family, social and community interactions (see Saunders 2007 for a recent example). Edgar (2006) notes that this as an important aspect of modern life and undermining it has serious consequences for community fabric in Australia. The women we interviewed reported that *Work Choices* changes were constraining their capacity to be involved in their community in the ways and to the extent that they wanted to. Ivana, a retail worker, told us that it was very important to her Catholic faith that she attend Mass each week. However, the pressure to work on weekends made this impossible for her to attend as regularly as she wanted to:

'I have to go to church, so I miss out every second Sunday because then I won't get overtime...'

(Ivana, Retail Worker)

Melanie and Iris told us that the changes in their lives post-*Work Choices* meant that they were unable to mix with friends and have a 'nice time' when they were not working:

I can't socialize because we don't have money to do anything.

(Melanie, Child Care Worker)

Iris was asked what she was missing out on as a result of reduced hours and thus reduced income, she answered (through an interpreter) in the following way:

Most things. Can't go out just for fun. We can't go out, go to restaurant outside home and can't buy clothes that I wanted to buy.

(Iris, Process Worker)

The unpredictability in rosters is impacting on 'family time', especially weekend time. As noted earlier, *Work Choices* removes the penalties, thus there is more demand on employees to work family and socially unfriendly times.

As the quote from Ivana in retail highlights:

They (the company) want a lot more people on public holidays and also on Sundays and Thursday nights. That's hard for people with children. Especially, like, there are some people that the mother and father work (here) and the parents have to rotate the Thursday night that they're working or the weekend, so there's no real family thing happening there.

(Ivana, Retail Worker)

WHAT WOMEN WANT NOW - INTERVIEWEE VIEWS ON *WORK CHOICES*

In this project we have intentionally gathered together the views of low paid women on the impact of *Work Choices* on work, themselves, their families and communities. Although the voices of these women are not typically heard in the public debate, this does not mean that they do not have a view, that they have not reflected upon and have not understood the extent and importance of the changes. As we show below, the interviewees had much to say about the legislation specifically, and what they would like to see improved more generally about work.

These women had felt the effects of *Work Choices* and despite their precariousness and their vulnerable positions in the labour market, they had strong views about what was right and wrong; what was fair and unfair - not just for themselves, but for their colleagues and friends. Most strikingly, they were not self-interested; they had open minds to the pressures on business and to the requirements of work.

The women's responses to the *Work Choices* laws centred around four themes.

1. The women strongly opposed the loss of unfair dismissal protection for most employees and saw that this had created a climate of insecurity and fear.
2. They were disillusioned with the inability to participate in any meaningful way at work and that they were denied the opportunity to have a voice in the workplace.
3. They were highly critical of the loss of the basic safety net which the arbitral model had provided.
4. Finally, they perceived that the new system entrenched further disadvantage for women like themselves, in low paid work in the labour market.

Unfair dismissal & job (in)security

Dismissal was a major theme in the interviews and the new unfair dismissal laws have increased insecurity and are strongly opposed:

- Facilitator: What about the *Work Choices* laws. What are your thoughts on the changes to employment law in Australia?
- Interviewee: I should phrase this well. I think they are a big mistake. There's no one that knows me at this point in time that doesn't think that. As I said I come from a family of small business people who've always, always, always voted for the Liberal Party. That has changed. I would have to say that 99 per cent of the people that I know who've always voted for the Liberal party won't be doing so this time around. The laws are all about profit, they're not about people. They're all about power for employers; they're not about protecting people's livelihoods; they're not about protecting people's rights. They're certainly not about protecting people's jobs. There's no such thing as job security any more. It simply doesn't exist.
- Facilitator: What would you like to see happen in the future? What change would you like to see to the employment laws?

Interviewee: I'd like to see the return of unfair dismissal. I would desperately love to see the return of unfair dismissal. I'm not au fait with the entirety of the *Work Choices* laws but in terms of that one protection that was there for staff who worked hard.
(Nicole, Child Care Worker)

Another comment on the unfair nature of the *Work Choices* dismissal regime came from Celine:
Now you can get the sack... and no reasons, no reason. And the government should improve the system because we don't have any protection.
(Celine, Process Worker)

Despite all the changes *Work Choices* had wrought on their lives, the interviewees still provided balanced and reasonable responses to the legislation, but there are aspects that these women don't like, as the following comments from Bernadette show:
An employer does have a right to hire and fire and some employees are horrid, I'm sure they are. I'm sure some employees are absolutely freeloading horrors. But when you get a hard working person that really is doing a good job and for one reason or another they have a personal opinion about something, that is wrong - it's unfair to get rid of people (for having an opinion). It's a little bit communistic I think.
(Bernadette, Child Care Worker)

There is a recurring sense of insecurity, yet Kate clearly expressed the dichotomous views held by many:
I can sort of see two sides of it. I can see it's more flexible ... I can also see there's a bad thing because it does make me feel less secure in my job and I know that the company I work for is a very secure company but my job may not necessarily be that secure.
(Kate, Process Worker)

Melanie demonstrated the concern many of the interviewees had for others:
I just don't want it to happen to anyone else pretty much.
(Melanie, Child Care Worker)

And Leanne summed up the view to unfair dismissal quite succinctly:
Get rid of these stupid unfair dismissals, because that's what it is. It's unfair.
(Leanne, Hospitality Worker)

Voice and representation in the workplace

All of the interviewees expressed a strong commitment to their jobs and to the services they provided, whether it was caring, cleaning or clerical work. However, they were annoyed with the way they were now treated at work:
It shouldn't be a contravention of your contract to ask questions and to make sure things are done the right way and to try to ensure the best for the children in your care. You shouldn't be endangering your job simply to ask those questions or simply to try and make things better, but that's especially in the child care industry at the moment for private centres, that's certainly the way it is right now. You do as you're told or we'll find someone to do it, and cheaper.
(Nicole, Child Care Worker)

I feel that we have gone back to pre-union days. I'm not a union monger but I feel that the union in the day did protect the employees. But I feel that it's way gone the other side now whereas normal workers haven't got a leg to stand on basically. You don't even have to have the warnings anymore. They can just say 'right, here's your card, thanks for coming'.

(Trish, Clerical Worker)

I think they should be more fair on people about everything. Like, people working should get to have their say in things as well.

(Melanie, Child Care Worker)

They were also annoyed at the reduced capacity to have a say at work or to have some control over their working lives. As Laura says:

I'm not keen on them [*Work Choices*] simply because I think it kind of takes a massive step back in that all the work that Australian workers have done since the first laws were passed in the 1800s, the work that has been done to give power to the people, it's kind of taken a massive step back, and is a bit of a slap in the face to all the people who have worked and struck for that and given up a lot of time and effort. It just doesn't seem to be - at the moment even in small businesses, it is, in the end, up to the boss, but it is nice to have that knowledge that there is a power there for the workers, and that's kind of been taken away.

(Laura, Retail Worker)

Natalie felt strongly that under *Work Choices*, the system had become less accessible for ordinary workers:

I just think they should have some other facilities, even if it's just advocates or some thing that can assist people. They need to do that because at the moment, the way the work relation laws are, it's just for the wealthy, I believe.

(Natalie, Clerical Worker)

And for some, the research presented perhaps the only opportunity to seek assistance from third parties:

'The low pay working class, we hope that you can represent us to express our only voice.'

(Helena, Process Worker)

Loss of safety net

The women perceived the way in which minimum standards were now set had made it harder to earn a living, and the changes in wage setting had made life less certain:

I think that they are fundamentally unfair and I think that they are taking us a long way backwards. I think that we had, in Australia, a pretty good system of industrial relations and worker safeguards and a fairly good, though not perfect, culture of ensuring that people who are struggling a bit got at least the basics from their job.

(Rochelle, Retail Worker)

The government should have a law that says that how long the employer will give the workers pay rise. How regular, how often and how much they get, because sometimes they don't know how to ask and they wait for three, four years, they want pay rise, but the inflation is keep coming up.

(Sunny, Process Worker)

Women disadvantaged

The impact on women in particular, and on their bargaining power and labour market position, was clearly expressed:

Anybody from the country that's lived five generations on the land like I have are conservative, but I think there is just this gap is growing so great between the top end and the bottom end. Farmers have always been at the bottom end, and the cleaners, that's fine, but the gap is just so great. ...There is a gap and it was wrong because I think it's targeted the wrong people. It really has targeted the ones who least can afford it. I'd say 80 per cent women.

(Nancy, Cleaner)

There's still a very big differentiation between men and women and I don't know if it will ever change because it's a man's world even with me, no offence to you (male interviewer), but you know, it's true. And it's a lot harder for a woman to bargain. Even I find myself applying for jobs as well; I find it a lot harder and especially going up against a guy.

(Ivana, Retail Worker, p.14)

When asked about what they would like in the future for women, these employees were quite clear that genuine flexibility for women and understanding of the multiple roles women have to play, would be welcomed:

Well, they say they're offering flexibility but I don't believe it is flexibility. I want to see a lot more flexibility for women, say, allowing them to have that family and their work life. Like reduce the hours in the few years or maybe they could even put pre-schools on site, like, where they're working. They could offer that.

(Ivana, Retail Worker)

Well, fairness for women. It's hard enough like someone like myself actually getting employed because a lot of people find out that I'm a sole parent, got four kids, can't work the weekends; they're like, well, when can you work? You're going to be unreliable; your children are going to be sick; you're going to be calling in saying I can't come in today, my children are at home. So, a little bit more compassion wouldn't go amiss. It's only just started to affect me in the last six weeks. I just think women are going to be exploited whatever they do.

(Gina, Hospitality Worker)

The interviewees saw that the *Work Choices* laws had tipped the balance of power away from employees and into the hands of employers, as a number of interviewees expressed:

It's a free market economy gone mad because where you're supposed to have more power as an employee, you're supposed to be able to negotiate positive pay and conditions for yourself, you take what someone's willing to give you, because if you're not willing to take it, someone else will. And that's the situation we're in right now; you take it or you don't work.

(Nicole, Child Care Worker)

Well, you have to strike a balance. We can't just say, that everything for the worker - you have to strike a balance where the workers and the company work together and the people have decent conditions and decent wages, where they can survive. That's my opinion.

(Maria, Manufacturing Worker)

I think it should ensure that nobody lives on the poverty level or below the poverty level. I think it should ensure that workers are placed before employers up until the point where an employer might have to start genuinely getting rid of people because they can't afford to employ them anymore. I think that the laws should assume that people have a right to work but not a right to run a business.

(Rochelle, Retail Worker)

I think it did get silly at one stage when the demarcation and you couldn't pick up a hammer as somebody else picks up a hammer and that type of thing, and it swung too far, and now it's swung back. There should be a middle ground. Perhaps for people earning under \$12,000 or a figure, there should be some safety net. I don't know. If you earn under \$20,000, these laws can't apply or something. I really don't know.

(Nancy, Cleaner)

Age came through as an important mediating factor in the women's reactions and responses to *Work Choices*. Older women in particular (in their late 40s and 50s) feel their labour force options are limited, hence the decision to retreat to part-time work or out of the workforce altogether (making them dependent on the household situation). A much greater sense of justice and fairness was desired by all interviewees and this was clearly expressed by Trish:

Well I'd like things to be a bit more fairer for the more mature aged workers. I feel that we are discriminated against. I don't like the word discriminated but in this case I feel that it is the younger market that a lot of the employers want. So I feel that they've got to look at more long term solutions for the more middle aged people. We are expected to work longer now. So I believe that there really needs to be a look at for the more mature workers, definitely. Maybe more information. As I say, I didn't even feel like I had proper support off the local doctors because I felt that I may have been having a breakdown.

(Trish, Clerical Worker)

The combined worry of age and job security was intense for Celine:

'the employers, see us getting old ... they don't want to employ us.'

(Celine, Process Worker)

OVERVIEW OF FINDINGS

In this section we summarise the findings that spring directly from the interviews, and those that we draw out from our analysis and interpretation of the qualitative data. As these women's accounts demonstrate, *Work Choices* has contributed directly to the erosion of work conditions, diminished the dignity of their work and undermined avenues for democratic involvement at work. Beyond the workplace, their personal, family and community lives have suffered as a result of the changes initiated by *Work Choices*. Underlying the changes is the clear sense of a shift in the normative context for these low paid workers. The sense that employers have access to increased managerial discretion and ability to hire and fire at will is marked. This is counter posed by a diminishing of security and certainty for these low paid employees.

The findings are as follows:

In the workplace and at work the following had occurred:

Pay

- These were low paid workers (earning \$10-\$20 per hour) and they were, in the main, reliant on minimum wage adjustments.
- Despite the AFPC ruling of October 2006, no increase in minimum wage was forthcoming for some employees.
- When adjustments did take place, work loads frequently increased.
- Under-payment, not being paid, pay inequity and late payment were common.
- Women were moved from casual to part-time status, with the employer's purpose to lower the hourly rate.
- Loss of penalty rates occurred.
- Loss of penalty rates and new shift arrangements for a very marginal increase in pay occurred.
- Changes in other areas of work (such as lowering employment security) lead to an immediate decline in take home pay and lower pay in subsequent jobs.
- There was concern and uncertainty about the ability to receive future pay rises, whether they were to be mandated or bargained.

Hours of work

- They were less predictable.
- There were, in some cases, not enough hours.
- Unilateral changes to rosters were made by managers, often without warning.
- It was difficult to make hours worked 'fit' with other commitments, such as care in the home.
- Hours also had to be managed with 'Welfare to Work' in mind.

Leave

- There was uncertainty about annual leave arrangements.
- Leave - such as picnic days - were lost.
- There were reports that employers did not allow employees to use their sick days.

Work processes

- There was an intensification of work through speeding up work and labour shedding.
- Longer shifts, without breaks (such as toilet and tea breaks), were worked.
- There was a lack of attention to OH&S issues.
- Poor outcomes for business (such as lower customer service) were reported.

Employment Security

- Dismissal was a common occurrence, 10 out of the 25 women we interviewed were dismissed.
- Dismissal was sudden and without warning.
- No reason was given for many dismissals.
- Some 'suspected' reasons for dismissal were age, pregnancy and/or union membership.
- There was no recourse or remedy for dismissal.
- If new jobs were found post-dismissal, they were often poorer quality jobs.
- There was some good news. Some workers found better jobs after dismissal, with EBA or award coverage.

Teamwork, cooperation and trust

- Management changes in staffing, hours, work organisation and redundancies, have led to breakdown in teamwork and cooperation among peers.
- There has been an increase in conflict, dissatisfaction and unhappiness at work.
- Trust and commitment within workplaces have been reduced.
- There is evidence of retribution and vindictiveness from employers when employees 'speak up'.
- These changes do not just have an impact on employees, but also have consequences for the business of employers.
- The 'injuries' as a result of decreased trust, cooperation and teamwork are often carried by women to subsequent jobs and new workplaces.

Managerial prerogative

- Unfettered managerial prerogative is on the rise.
- Employers unilaterally change work processes, hours and conditions.
- 'Hiring and firing at will' and 'managing at will' are common themes.
- There is no recourse or remedy; no voice for employees.
- There is evidence of employer punishment after improvement in wages (such as minimum wage increase) or conditions (such as additional carer's leave).
- Employees are fearful.

Voice and representation

- Decreased voice and representation at work is the 'flip side' of increased managerial prerogative.
- Despite the pressures, there is high employee interest and pride in their work.
- There is little evidence of employee participation in decisions about their work.
- There is no ability to bargain individually.
- Employees feel empowered by involvement in unions.

- Employers are obstructing union access to workers and presence in the workplace.
- Employees' knowledge or information about correct, appropriate wages and conditions is inadequate.
- Employees lack the experience and expertise, to enable fair bargaining.

These changes reached outside the workplace, impacting on *individuals* and the *families* and *communities* they sustain.

Individuals

- A feeling of insecurity and uncertainty was evident, growing and spreading.
- Finances suffered as a result of workplace changes (for example dismissal).
- As a result of changes and/or loss of pay, there was an inability to meet daily expenses, mortgages and personal debts, this constituted a 'financial crisis'.
- There was often no income for basic necessities.
- As a result there was an increasing reliance and dependence on partners, family and welfare.
- There was nowhere to go for advice about work, about managing strains of changed work arrangements.
- Reporting loss of self esteem, loss of confidence, feelings of embarrassment was common.
- Internalisation of guilt was obvious.
- Individuals were fearful and uncertain about their current (and future) situations.
- Poorer health was reported. More visits to the doctor and more medication were required.
- There was concern about ageing and labour market participation.
- Stress in managing 'Welfare to Work' as well as workplace changes was reported.

Families and communities

- Reduced, unstable and insecure household finances impacted on families.
- Increasing reliance on partners and families was evident.
- Unpredictable and unstable hours impacted on caring roles.
- Lower self-esteem, ill health and fear about the future carried over and 'knocked on' to families.
- Children keenly felt the effects.
- Participation in community events was unpredictable and uncertain.
- Relationships were adversely affected; strains and breakdowns occurred.
- Social participation was restricted.

RECOMMENDATIONS

Work Choices has had a deleterious impact on the women, their workplaces and the families and the communities they sustain. It is clear that changes are necessary to the national regulation of work and workplaces. We make the following ten recommendations:

1. That to overcome the uncertainties of the current minimum wage setting system, a guaranteed annual adjustment to the Australian minimum wage be introduced.
2. That the needs of women working in low pay jobs be explicitly considered in the deliberations of the Australian Fair Pay Commission.
3. That the federal government ensures that employees in low paid jobs are paid (at least) the mandated minimum wage by policing employer practices and enforcing the minimum wage in low paid jobs and sectors.
4. That the minimum wage, the annual adjustments and the penalties for non-payment be set out clearly and accessibly for employees and employers. This information should be made available in a format that is easily understood and available to employees and employers in low paid sectors, including those whose primary language is not English.
5. In order to address under-payment or non-payment of wages and the lack of understanding of the process of recouping unpaid wages, the federal government ensures the provision of an accessible avenue that enables workers to claim outstanding pay in a timely, inexpensive and non-legalistic manner.
6. That the right to request predictable working hours (including hours worked and scheduling of hours) for all employees be enshrined in federal legislation. This will allow women to better plan and balance their working and caring responsibilities.
7. In order to address the capricious dismissal of employees, that the right to take unfair dismissal action be reinstated for all employees, regardless of size of business or operational requirements.
8. In order to address the lack of choice in accepting employment, that employment conditional upon signing an Australian Workplace Agreement be prohibited.
9. That to promote genuine choice and employee input to shaping the terms and conditions of employment, the barriers to and restrictions upon collective bargaining be removed.
10. To promote trust and commitment in the employment relationship, that employees be given genuine rights to consultation and representation.

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APPENDICES

Appendix 1: Recruitment letter to stakeholder groups

Appendix 2: Advertisements

Appendix 3: Summary table

Appendix 4: Interview proforma



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Date

Name

Position

Organisation

Postal Address

Postal Address 2

Dear Name,

I am writing to request your organisation's assistance with a research project currently being conducted by the University of Sydney, *the Impact of Changes in National Work Regulation on Female Workers in NSW*.

We are seeking your assistance in recruiting women workers in particular industries who have been affected by *Work Choices* and who are willing to talk about their experiences in confidential interviews. The project is focused on women working in low-wage occupations, predominantly cleaning, retail, aged care, child care, clerical and hospitality.

This research project will provide an assessment of the effects of changes in work regulation brought about by the Commonwealth's *Work Choices Act of 2006* on female workers in NSW. The research is being funded by the NSW Government

The study will assess the impacts of changes to work regulation on female workers by examining the effects that changes are having on: pay and rewards; the form of the contract of employment; hours of work, patterns of work and job security; access to paid and unpaid leave, including that relating to sickness, childbirth and care of others; workers' ability to balance and participate in work, family and community life.

The study is being carried out by a team of independent researchers at the University of Sydney led by Dr Rae Cooper and myself. The research team will be writing up the findings in reports for the funding governments and then in academic journals. All these published documents will preserve the anonymity of interviewees and will be made available to the public.

I hope that your organisation will be willing to assist us. I will be in touch shortly to discuss your involvement, but if in the meantime you have any questions, please feel free to contact Damian Oliver, the research assistant on the project, on xxxx xxx xxx or xxxx@econ.usyd.edu.au.

Yours sincerely,

Marian Baird

Appendix 2: Advertisements

RESEARCH PROJECT
The Impact of Changes in National Work Regulation on Female Workers in NSW and the ACT

Researchers at the University of Sydney are investigating the impact of changes in the regulation of work on women in NSW and the ACT.

We are seeking to interview women whose employment has been affected by change (either positively or negatively) since **March 31, 2006**, including those who have lost their job.

Interviews are confidential and may be conducted over the phone or face to face, at a convenient location and time.

If you are interested – or if anyone in your family is interested – in participating and would like further information, please contact:

Associate Professor Marian Baird
Work and Organisational Studies
The University of Sydney
Phone: (02) 9351 6439 Fax: (02) 9351 7429
Email: m.baird@econ.usyd.edu.au

The Catholic Weekly, March 11, 2007

RESEARCH PROJECT

The Impact of Changes in National Work Regulation on Female Workers in NSW

Researchers at the University of Sydney are investigating the impact of changes in the regulation of work on women.

We are seeking to interview women aged over 18 whose employment has been affected by change (either positively or negatively) since 31 March 2006, including those who have lost their job.

Interviews are confidential and may be conducted over the phone or face to face, at a convenient location and time.

If you are interested in participating and would like further information, please contact:

Associate Professor Marian Baird
Work and Organisational Studies
The University of Sydney
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January 13, 2007

22/9207/0164

Appendix 3: Summary table

Pseudonym	Industry	Age	Emp Arrange	Casual	Mode	Country of Birth	Year of Schooling	No Dep children	Household
Amanda	Clerical	18-24	Ind agmt / AWA	No	Part-time	Australia	Year 12		At home with parents
Amber	Manufacturing	34-44	Award	No	Full-time	Australia	Year 10	2	Lone parent + kids
Ayumi	Clerical	34-44	Ind agmt / AWA	Yes	Full-time	Japan	Degree	0	Group household -divorced
Bernadette	Child Care	55 +	Collective agmt	No	Part-time	Australia	Diploma	0	Couple
Celine	Manufacturing	45-54	Did not know	No	Full-time	China	< Year 10	0	Couple
Gina	Cafes & Restaurants	25-34	Award	Yes	Part-time	England	Diploma	4	Lone parent + kids
Helena	Manufacturing	45-54	Did not know	Yes	Full-time	China	< Year 10	0	Couple
Iris	Manufacturing	34-44	Did not know	No	Full-time	Hong Kong	< Year 10	0	Couple
Ivana	Retail	18-24	Collective agmt	No	Full-time	Australia	Degree	0	At home with parents
Jan	Child Care	34-44	Ind agmt / AWA	No	Part-time	Australia	Degree	3	Couple + Kids
Jodie	Child Care	34-44	Award	No	Full-time	Australia	Diploma	0	Couple
Kate	Manufacturing	25-34	Collective agmt	No	Part-time	Australia	Year 12	2	Couple + Kids
Laura	Retail	18-24	Award	Yes	Part-time	Australia	Year 12	0	At home with parents
Leanne	Cafes & Restaurants	34-44	Ind agmt / AWA	No	Part-time	Australia	Year 10	3	Couple + Kids
Lois	Manufacturing	34-44	Did not know	No	Full-time	Hong Kong	< Year 10	0	Couple
Maria	Manufacturing	55 +	Collective agmt	No	Full-time	Greece	Year 10	0	Couple
Melanie	Child Care	18-24	Ind agmt / AWA	No	Part-time	Australia	Year 10	0	Couple
Nancy	Cleaning	45-54	Award	Yes	Part-time	Australia	Certificate	2	Couple + Kids
Natalie	Clerical	34-44	Collective agmt	No	Part-time	New Zealand	Year 12	3	Couple + Kids
Penny	Manufacturing	25-34	Award	No	Full-time	Vietnam	Year 10	0	At home with parents
Rochelle	Retail	18-24	Ind agmt / AWA	Yes	Part-time	Australia	Degree	0	At home with parents
Sophia	Manufacturing	55 +	Collective agmt	No	Full-time	Italy	Year 10	0	Couple
Su	Cleaning	45-54	Did not know	Yes	Part-time	China	< Year 10		Couple
Sunny	Manufacturing	45-54	Did not know	No	Full-time	China	< Year 10	0	Group household - divorced
Trish	Clerical	45-54	Collective agmt	No	Part-time	Australia	Certificate	0	Couple

Appendix 4: Interview proforma

Interview pro-forma

IMPACT OF CHANGES IN NATIONAL WORK REGULATION
BACKGROUND INFORMATION SHEET

Your name _____ Contact number _____

(For contact purposes only. No information that might identify you is included in this study.)

Please tick the appropriate box.

What is your age?

- 18-24
- 25-34
- 35-44
- 45-54
- 55 & over

Country of birth _____

Main language spoken at home _____

- Aboriginal or Torres Strait Islander
- Person with a disability

Year of schooling completed

- less than year 10
- year 10
- year 11
- year 12

Do you have any post-school qualifications? If yes, please specify.

- Certificate _____
- Diploma _____
- Degree _____
- Graduate diploma _____
- Postgraduate degree _____

How many dependent children do you have?

- no children
- 1 dependent child
- 2 dependent children
- 3 or more dependent children

How old are your dependent children?

Do you have any other dependents?

Yes

Relationship to you _____

What type of household do you live in?

- Couple
- Lone Parent
- Lone Person
- Group household
- Other family
- Other, please specify _____

At the commencement of March 2006 (before any change or loss of job):-

What was your occupation? (in your main job if you had more than one)

If you had more than one job, what occupations were they?

2nd

Job _____

3rd Job

Which job did you experience change in or did you lose?

—

Which Industry was this job in?

- Agriculture, forestry and fishing
- Mining
- Manufacturing
- Construction
- Wholesale trade
- Retail trade
- Accommodation, cafes, restaurants
- Transport and storage
- Communication services
- Finance and insurance
- Property and business services
- Govt admin and defence
- Education
- Health and community services
- Cultural and recreational services
- Personal and other services

Did you work for:-

- A government agency (local, state or federal)
- A non-government community org.
- A private business

How many were employed at your workplace?

- 1-4
- 5-19
- 20-99
- 100-199
- 200 or more

Down and Out with *Work Choices*: The Impact of *Work Choices* on the Work and Lives of Women in Low Paid Employment

How many hours did you usually work each week, excluding overtime?

- 0-15 hours
- 16-34
- 35-40
- 46-50
- 50 or more

What days did you usually work on?

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

If you were a shift worker, what sort of shift did you work?

- Day shift
- Afternoon shift
- Night shift
- Rotating shift

What was your hourly rate of pay in this job?

- under \$10
- \$10-\$15
- \$15-\$20
- \$20-\$25
- \$25-\$30
- \$30-\$35
- \$35-\$40
- \$40-\$50
- over \$50

What was your usual weekly wage in this job? (before any change)

- \$0-99
- \$100-199
- \$200-299
- \$300-399
- \$400-499
- \$500-599
- \$600-699
- \$700-799
- \$800-899
- Over (specify)_____

Was your job -

- Permanent Casual Limited Term Contract (specify length _____)

If you were a casual worker, was your work-

- Regular/ongoing
- Relief
- Short term
- seasonal
- Unpredictable

How long had you been doing this job?

- Less than 1 year
- 1-5 years
- 5 years or more

Were your wages & conditions set by -

- award
- collective agreement
- Australian Workplace Agreement
- another individual contract
- don't know

What was your main source of household income? (before any change)

- Wages and salaries
- Government entitlements/pensions
- Business
- Other (eg. superannuation)

Residential Postcode: _____

Work Postcodes: _____

INTERVIEW SCHEDULE

Chosen Pseudonym.....Real first name.....

Interview No.DSS file name.....(as emailed to www.outscribe.com.au)

Date of interview.....Interviewer:.....

Interview Questions and Notes (*these are guidelines only; pursue interesting issues where they arise. Skip questions already covered in earlier answers.*)

Introduction:

1. Read out information sheet about project.
2. Do you have any questions about the research?
3. Read consent form - yes or no: clear recorded response required.
4. This can take from 30 minutes to an hour - is that OK? Please feel free to stop the interview at any time if you need to, for any reason at all.
5. Would you like to choose another name so that we can use it in place of your real name which we want to keep confidential?

Interview questions

1. Could you tell me about any changes at work that have affected you since 31 March 2006?
(allow participant to tell her own story)

In exploring the nature and extent of changes, check/elaborate on the following:-

a. Changes to hours of work

Have your hours of work changed?

- Overall number
- Starting & finishing times
- Days of the week
- Shift arrangements

Are your hours predictable?

Has the way you are notified of your working hours changed?

Do you have any control over your working hours?

Do these hours suit your needs?

How comfortable would you feel to ask to change your hours or pattern of work?

b. Changes to rates of pay

Has your *normal* hourly pay gone up or down, and by how much?

Has your total weekly pay gone up or down, and by how much?

Has your access to any of the following changed?

- Shift loadings
- Overtime loadings
- Penalty rates for weekend or work outside of normal hours
- Casual loadings

c. Changes to leave provisions

Has your access to any of the following leave arrangements changed?

- Paid maternity leave (pay & amount)
- Paid paternity leave
- Leave for the care of sick dependents
- Leave for personal emergencies
- Cultural leave
- Training leave

d. **Changes to security of employment**

Has your job security been affected by changes in your -

- Required notice of termination
- Workplace location

e. **Changes to form of work contract**

Have you moved from a collective agreement/award to an AWA?

Have you moved from permanent to casual status?

f. **Has your employer changed? What effects might this have on your work?**

2. *Have any other aspects of your workplace or working conditions changed?*

Explore the following:

a. Thinking about the **atmosphere at work**, has anything changed - for example, in terms of:

- How secure you feel
- How willing you are to speak up (to fellow workers, to the boss, to the union)
- Relationships at work
- Occupational health & safety

b. Thinking about your **workload**, how would you say that has changed? (a lot heavier, a bit heavier, a bit lighter, a lot lighter)? ---Because?

3. *Do you know why these changes were made?*

4. *Were they discussed with you beforehand, either directly or through the union?*

5. *Are you anticipating further change?*

6. *Do you know when your wages and conditions of employment will be adjusted next time?*

7. *What about in your other job(s)? Have there been any changes there?*

8. *What effects have these changes had on you?*

(allow participant to tell her own story)

In exploring effects check/elaborate on the following:-

- Thinking about the **balance between work and home or family**, has it become easier or harder to balance work & non-work commitments (a lot easier, a bit easier, a bit harder, a lot harder)?
- Have changes at work affected, for example:
 - Caring arrangements
 - Sharing household work
 - Household/family relationships
 - Household finances/budgeting
 - Life planning e.g. house, education, kids leaving home, holidays, retirement
 - Commuting/travel time
- Have changes in your working life affected your **participation in community, school or church activities?** (e.g. neighbourhood watch, school coaching, tuck shop...)
- Have changes in your working life affected your **social life** in any way? (e.g. catching up with family and friends, going out...)

- e. Have changes in your working life affected your **health** in any way? (e.g. stress, tiredness, given up exercise, more prone to work injury...)

9. *What do you like about your work?*

10. *What are the good things about your pay and conditions?*

11. *What don't you like about your work?*

12. *Did you belong to a union? Do you now?*

Would you feel comfortable in contacting a union for assistance? Would you previously?

13. *Do you have any thoughts about the changes to employment laws in Australia?*

14. *What would you like to see happen in the future about employment laws?*

15. *Is there anything else you would like to add?*

16. *Would you be willing to be contacted for a follow up interview in a year or two to see if anything has changed in your experiences at work? Yes No*

If so, what number would be best to call you on?.....

17. *We would like to speak to more people about these issues, would you be happy to pass on our contact details to others who might be interested?*

INTERVIEW SCHEDULE

For participant who has lost her job since 31 March 2006

Chosen Pseudonym.....Real first name.....

Interview No.DSS file name.....(as emailed to www.outscribe.com.au)

Date of interview.....Interviewer:.....

Interview Questions and Notes (*these are guidelines only; pursue interesting issues where they arise. Skip questions already covered in earlier answers.*)

Introduction:

1. Read out information sheet about project.
2. Do you have any questions about the research?
3. Read consent form - yes or no: clear recorded response required.
4. This can take from 30 minutes to an hour - is that OK? Please feel free to stop the interview at any time if you need to, for any reason at all.
5. Would you like to choose another name so that we can use it in place of your real name which we want to keep confidential?

Interview questions

1. *Could you tell me about how you lost your job?*

(allow participant to tell her own story)

In exploring the circumstances of job loss, check/elaborate on the following:-

- a. What form of job loss was it?:-
 - An individual dismissal
 - Pressure to resign
 - Work restructuring
 - Part of general redundancies
 - Change of owner
 - Other
- b. What reasons (if any) were you given?
- c. Why do you think it happened?
- d. Did you have any warning?
- e. Was your dismissal preceded by other changes to your wages or conditions?
If yes, what were they?
- f. Did you try and do anything about it?
If yes, what happened?

2. *What effects did the loss of your job have on you?*

(allow participant to tell her own story)

In exploring effects check/elaborate on the following:-

How has it affected your:-

- Individual & household finances
- Housing/place of residence
- Family/dependents
- Relationships
- Ability to socialise
- Community participation

3. *How easy or hard has it been to find a new job?*

4. *Have you found a new job?*

5. *If yes, how does this job compare with the old one?*

In comparing jobs, check/elaborate on the following:-

a. **Change to form of work contract**

Have you moved from a collective agreement/award to an AWA?

Have you moved from permanent to casual status?

b. **Changes to hours of work**

Have your hours of work changed?

- Overall number
- Starting & finishing times
- Days of the week
- Shift arrangements

Are your hours predictable?

Has the way you are notified of your working hours changed?

Do you have any control over your working hours?

Do these hours suit your needs?

How comfortable would you feel to ask to change your hours or pattern of work?

c. **Changes to rates of pay**

Has your *normal* hourly pay gone up or down, and by how much?

Has your total weekly pay gone up or down, and by how much?

Has your access to any of the following changed?

- Shift loadings
- Overtime loadings
- Penalty rates for weekend or work outside of normal hours
- Casual loadings

d. **Changes to leave provisions**

Has your access to any of the following leave arrangements changed?

- Paid maternity leave (pay & amount)
- Paid paternity leave
- Leave for the care of sick dependents
- Leave for personal emergencies
- Cultural leave
- Training leave

e. **Changes to security of employment**

Has your job security been affected by changes in your -

- Required notice of termination
- Workplace location

6. *Has your change of job made easier or harder to balance work & non-work commitments (a lot easier, a bit easier, a bit harder, a lot harder)?*

Has it affected, for example:

- Caring arrangements
- Sharing household work
- Household/family relationships
- Household finances/budgeting
- Life planning e.g. house, education, kids leaving home, holidays, retirement
- Commuting/travel time

7. *Has your change of job affected your ability to participation in community, school or church activities?* (e.g. neighbourhood watch, school coaching, tuck shop...)
8. *Has your change of job affected your social life in any way?* (e.g. catching up with family and friends, going out...)
9. *Has your change of job affected your health in any way?* (e.g. stress, tiredness, given up exercise, more prone to work injury...)
10. *What do you like about your work?*
11. *What are the good things about your pay and conditions?*
12. *What don't you like about your work?*
13. *Did you belong to a union? Do you now?*
14. *Would you feel comfortable in contacting a union for assistance? Would you previously?*
15. *Do you have any thoughts about the changes to employment laws in Australia?*
16. *What would you like to see happen in the future about employment laws?*
17. *Is there anything else you would like to add?*
18. *Would you be willing to be contacted for a follow up interview in a year or two to see if anything has changed in your experiences at work?* Yes No
19. *If so, what number would be best to call you on?.....*
20. *We would like to speak to more people about these issues, would you be happy to pass on our contact details to others who might be interested?*

About the Women and Work Research Group

The Women and Work Research Group is based in the Faculty of Economics and Business at the University of Sydney. We provide a community of academic inquiry into all aspects of women's experience of work, employment, family and community in Australia and the Asia-Pacific Region. The Women and Work Research Group aims to foster research relationships with business, union, government and community groups interested and active in the field of women, work and family.

<http://wwrg.econ.usyd.edu.au>