Women and WorkChoices

Impacts on the Low Pay Sector

A REPORT by

Jude Elton
Janis Bailey
Marian Baird
Sara Charlesworth
Rae Cooper
Bradon Ellem
Therese Jefferson
Fiona Macdonald
Damian Oliver
Barbara Pocock
Alison Preston
Gillian Whitehouse

University of South Australia
Griffith University
University of Sydney
RMIT University
University of Sydney
University of Sydney
Curtin University of Technology
RMIT University and University of Queensland
University of Sydney
University of South Australia
Curtin University of Technology
University of Queensland

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Authors

Dr Jude Elton has been employed for a number of years in research, policy development, education and advocacy on issues of importance to working women. She has worked for the Universities of Adelaide and South Australia, as Director of the South Australian Working Women’s Centre, with the Equal Opportunity Commission and in trade unions. She recently completed a PhD on union relations with Aboriginal workers.

Dr Janis Bailey is a senior lecturer and former head of the Department of Industrial Relations at Griffith University. Her research interests include union activism and campaigning, gender and work, and young workers. She is part of a team recently awarded an ARC Linkage grant that explores social citizenship at work for secondary school students.

Dr Marian Baird is Associate Professor in the Faculty of Economics and Business at the University of Sydney and is Convenor of the Women and Work Research Group. She has held a number of research grants investigating women, work and family and is a leading Australian researcher on maternity and parental leave. Marian has published widely and holds an adjunct position with The Workplace Center at MIT, Cambridge, USA.

Dr Sara Charlesworth is a Senior Research Fellow at the Centre for Applied Social Research, RMIT University. She has a background in social work, industrial relations and legal studies. Sara’s research interests include gender equality in employment, the workplace impact of industrial and anti-discrimination legislation and the intersection of work and family. She is currently working on a number of Australian Research Council-funded projects and other consultancy research projects around these areas.

Dr Bradon Ellem is an Associate Professor in Work and Organisational Studies at the University of Sydney. He has published books and articles on unionism in the clothing trades, the labour split, peak unionism and regional industrial relations. His major research interests are geographies of work, union strategy, industrial relations policy and Pilbara unionism. Bradon is an associate editor of Labour History and co-editor of the Journal of Industrial Relations.

Dr Rae Cooper is a lecturer and researcher in the Faculty of Economics and Business at the University of Sydney. She is a member of the Women and Work Research Group. She is Review Editor for the Journal of Industrial Relations and an Editorial Board Member of the Journal of Industrial Relations as well as the journal Labour History. Between 2002 and 2005 Rae was the Chair of the NSW Working Women’s Centre.

Dr Therese Jefferson is a Curtin Post Doctoral Research Fellow based at Curtin University’s Graduate School of Business. Therese has a strong research and publication background in economic and social issues relevant to the economic significance of women’s unpaid work, women’s patterns of workforce participation and access to economic resources in later life.
Ms Fiona Macdonald is currently undertaking a PhD with the University of Queensland and is an independent researcher. Over the past 15 years Fiona has worked as a researcher and policy analyst in the areas of employment and labour market change, families, work and welfare, gender equity in employment and training, and young people’s transitions in work and training. More recently, Fiona managed the Equity Research Centre, a not-for-profit body which provides advice to the Victorian Office of Training and Tertiary Education on equity issues in employment, education and training.

Damian Oliver is a research assistant and tutor in the Faculty of Economics and Business at the University of Sydney. He is a member of the Women and Work Research Group. Damian’s doctoral research examined young people’s attitudes toward industrial relations and work.

Professor Barbara Pocock is Director of the Centre for Work + Life, Hawke Institute, University of South Australia. Her work has focused on work and work/life outcomes in Australia, and her research has been published widely in books, journal articles, reports and conference papers. She has undertaken numerous projects funded by the Australian Research Council and has conducted research with, and for, a wide range of organizations including employers, trade unions, governments and community organizations.

Professor Alison Preston is co-Director of the Women in Social and Economic Research (WISER) Unit, Professor of Economics and Deputy Head of the Graduate School of Business at Curtin University of Technology. Her extensive research and publications expand across a broad range of social and economic issues relating to women, including women’s employment and pay, labour market structures, career choice and occupational segregation, superannuation, education policy, leadership and women in non-traditional occupations.

Dr Gillian Whitehouse is a Reader in Political Science at the School of Political Science and International Studies at the University of Queensland. Her work has focused in particular on gender pay equity and work/family balance both in Australia and cross-nationally, and her research has been published widely in books, journal articles, reports and conference papers. She has undertaken numerous projects funded by the Australian Research Council and has conducted consultancies for Australian government agencies and international bodies including the OECD.
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EXECUTIVE SUMMARY

Background

The WorkChoices amendments to the Workplace Relations Act 1996 represent a significant shift in national employment regulation in Australia. The legislative amendments are extremely complex and comprise, together with the accompanying regulations, some 1400 pages of regulation (Legislative Council of NSW Standing Committee on Social Issues 2006: 11). While some of the legislative changes are clear, such as the restriction of unfair dismissal protection to those working for employers with more than 100 employees and the restriction of unions’ right of entry to workplaces, other changes are less so. Indeed the extent to which the application of specific changes within certain workplaces is legal or illegal under WorkChoices has been a matter of on-going political debate and some considerable confusion. Even where changes are unambiguous, the individual and organisational ramifications of the removal of long-standing protections, particularly in relation to job security, have not yet been explored and understood.

A number of studies now suggest that WorkChoices is having a range of negative effects on the pay and conditions of Australian workers. Women and vulnerable workers have been especially affected. For example, in 2006 median earnings for female non-managerial employees on AWAs were 18.7 per cent less than those of women on collective agreements (Peetz and Preston 2007: ii). A pattern of worse outcomes for those on Australian Workplace Agreements (AWAs) in smaller companies is especially pronounced for women. Women in lesser skilled jobs (as labourers and related workers) are particularly disadvantaged: in 2006 those on AWAs were paid 26 per cent less than similar women on collective agreements and 20 per cent less than the average of women on award pay (Peetz and Preston 2007: iii). Other reports reinforce these findings across a broader range of indicators (see for example, Queensland Industrial Relations Commission 2007, Industrial Relations Commission (SA) 2007, and Peetz 2007c).

Analysis of the impact of WorkChoices beyond the specific impact of AWAs on pay has been hampered by the absence of comprehensive data about the impact on the total wages, conditions and employment outcomes of employees. As a complex and wide reaching change, WorkChoices is likely to have wide-reaching effects: on the reconciliation of work and family, on working time, on hourly pay, penalty rates, allowances, the treatment of redundancy, dismissal and so on. Providing a comprehensive picture of the nature and extent of these changes for individuals requires close study not just of pay packets, but of total earnings, hours worked, employment security, employee voice, and workplace climate. Such a study can be conducted by means of large, comprehensive surveys and/or by qualitative analysis of experience (for example, by means of in-depth interviews), and preferably by a combination of the two methodologies.

This study

The authors were commissioned to conduct a deep qualitative study of a set of experiences amongst workers in low pay sectors, particularly childcare, aged care, cleaning, retail, clerical and hospitality, across five states and the Australian Capital Territory.

This report includes full details of the methods and approach of the study, along with recruitment materials and interview schedules (see appendices).

This report outlines findings arising from 121 women low paid interviewees. Amongst other recommendations, we strongly recommend a larger national analysis by means of a comprehensive longitudinal survey of Australian workers and workplaces.

The state level research was financed, in part, by state and territory governments. Financial support for the development of a national report integrating key findings relating to women from the state level reports was provided by the National Foundation for Australian Women (NFAW), Women’s Electoral Lobby Australia (WEL) and the Young Women’s Christian Association Australia (YWCA).

The focus of the study is not so much on the legislative provisions themselves, but on qualitative analysis of how WorkChoices has been operationalised by employers and experienced by the 121 women, in their
individual workplaces, households and communities. Some of these experiences reflect managerial misunderstanding or ignorance about industrial law. However, the workers interviewed through this study trace their altered circumstances to the changed environment and weakened protective net established by WorkChoices. The removal of unfair dismissal protection for workers with less than 101 employees has created a particular vector of vulnerability for many participants in this study.

The lack of practically available remedies for employees, together with the climate-shifting impact of WorkChoices, means that the changes have had effects beyond the limits of individual legislative provisions: most importantly in both the application and experience of increased managerial prerogative.

The need for qualitative study

The industrial relations reforms introduced via WorkChoices are significant, both in terms of the operation of the legislation and with respect to their impact on employees and employers. The stated goal for the new legislation is ‘…to create a more flexible, simpler and fairer system of workplace relations for Australia. The Bill will carry forward the evolution of Australia’s workplace relations system to improve productivity, increase wages, balance work and family life, and reduce unemployment’ (The Parliament of the Commonwealth of Australia, 2004/05). Whilst some of the Act’s outcomes can be quantified (e.g. wage outcomes) others are less amenable to quantification and are more appropriately assessed via qualitative research.

As with quantitative research, qualitative research has its strengths and weaknesses. Its key strength is that it permits researchers to gain an appreciation of the complexity of issues and, in the case of this study, develop a picture of what the recent industrial reforms mean for the overall employment outcomes for women in low paid jobs in terms of economic and financial security, working time, voice at work, respect and employment security. The weakness is that the approach is resource intensive and cannot purport to be representative.

The purpose of this study is to analyse important effects, issues and relationships and allow analysis of outcomes beyond single measures like wage rates. Our analysis finds significant negative qualitative change in the experience of the low paid women we interviewed, arising from WorkChoices, including complex changes in remuneration, change in the workplace climate, job security and overall work rewards. These effects – often in combination - are not easily measured by quantitative data.

This report thus provides the first comprehensive, qualitative study of the effects of recent industrial relations reforms on low paid women workers and should be of interest to all those working in this field.

The overall picture is very consistent across the six regions where we undertook interviews, with significant negative outcomes in relation to employment security, the level and predictability of pay and hours, overall earnings and employee voice and say. Experience in Western Australia, with its very tight labour market, is in some ways distinctive with outcomes less harsh, it would seem, especially where employees could find alternative employment. However, even here, women in low paid jobs have been negatively affected in various ways by WorkChoices and face ongoing issues around pay equity, the security of hours and work and family issues.
Key findings

Workplace Climate

Some of the workers in this study have had negative experiences that have been shaped by employers who have acted very harshly, from these workers’ perspectives. There have always been some harsh bosses in Australian workplaces: this is not new. Some employers take advantage of employees and act unilaterally, whether legally or illegally, in ways that damage employees. However, the accounts assembled here from across Australia suggest that WorkChoices has created a climate where some employers feel licensed to act unilaterally and without consideration of workers and their rights. This is having significant effects on employees’ willingness or capacity to negotiate over their working conditions. Negotiation in an environment where unfettered power of dismissal overhangs discussions, changes power relations at work fundamentally. This is evident in many examples through the report.

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. Changes have included reductions in pay for already low paid workers, less certainty about wage rates and pay rises, intensification of work, less 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 workers 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 women who have pride in work and have been loyal and committed employees, many for extended periods.

Underlying the changes has been a shift in the normative context for these workers. The sense that employers have access to increased managerial discretion and ability to hire and fire ‘at will’ is very marked in each state/territory. Many of the changes are having negative impacts on the employment relationship to the detriment of businesses. Rather than positively enhancing the workplace and the employment relationship, or developing ‘high road’ employment practices, it seems that Work Choices encourages the provision of low quality jobs and ‘low road’ employment practices. Our study shows that the costs for low paid women workers are high.

Pay and conditions

Increases in employer prerogative have resulted in direct cuts in workers’ conditions - cuts which have not been compensated for by other positive changes in wages or conditions. The federal Government’s Stronger Safety Net Amendments of June 2007 will make little difference to most of the women participants in this study, especially in relation to dismissal, control over working time, and work and family flexibility.

The argument that a tight labour market will protect workers from cuts in wages and conditions does not hold for all workers, as evidenced in this study. A combination of factors acts to limit the bargaining power of many respondents, even within the context of record low levels of unemployment in most states. Ordinarily such tight labour market conditions enhance worker bargaining power. The fact that it hasn’t for many low paid workers raises concerns for the welfare of many in the event of an economic downturn, especially women on minimum wages.

WorkChoices has facilitated reductions in the income of study participants, ranging from the loss of over $100 a week for some, to loss of penalty rates, loadings, and allowances. In these examples, there has been no compensating increase in other conditions.

The experiences of the women in this study provide some insights into the ways in which the wages and conditions of low-paid workers are being reduced and employees’ security undermined under WorkChoices. They show that it is not just through the introduction of AWAs that workers are having their employment standards and quality of life reduced but through more subtle changes in workplaces; changes which are unlikely to be affected by the new ‘fairness’ test. This research suggests a key cause of such changes is the decline in bargaining power experienced by employees resulting from a combination of changes, most
significantly the loss of unfair dismissal rights for employees whose employers employ 100 or fewer workers.

The impact of the loss of unfair dismissal rights for employees in workplaces with 100 or fewer employees goes far beyond the impact it has on individuals who are dismissed. Its broader impact on workplaces and work practices appears to be significant. In some workplaces unfettered unfair dismissal rights for employers are being used by ‘bad’ employers to justify unethical or even illegal practices. At the very least these new arrangements are allowing these practices to go unchecked. More generally they may be contributing to the normalisation of poor practices among a growing group of employers.

Employees’ and employers’ lack of knowledge and information about minimum standards and conditions and, more generally, about their rights and obligations in the system appear to have contributed to poor outcomes for many women in this study. In each state/territory, there were cases of illegal underpayment of wages and failures to pass on minimum wage increases and the removal of award penalties without registering the required workplace agreements. Some of these cases may have occurred due to a lack of knowledge on the part of employers. There is also a severe lack of knowledge and information among employees. Women often only discovered they had not been receiving the correct wages or conditions when they made inquiries following their termination, and some only discovered they may have had a right to a remedy for unlawful termination on making an inquiry about outstanding pay. In many cases the absence of any protection from unilateral dismissal meant that knowledge about under-payment did not result in redress: instead workers were dismissed where they raised questions in a number of cases. The high rate of casual employment amongst women also increased their vulnerability to effective dismissal when they queried their entitlements: they found their hours suddenly disappeared.

Job security

Job security is a central pivot of the employment relationship. This is encapsulated in the notion of permanency whereby a worker is protected against the loss of his or her job, except in the case of misconduct or business failure (Chalmers et al 2005: 58). As well as security of contract typically expressed in permanent status, a fundamental aspect of job security is protection against unfair dismissal. Indeed it is the precondition for many of the other aspects of the employment relationship and provides an important platform for securing minimum working conditions.

Protection against unfair dismissal has existed in Australia in one form or another for around 30 years (Chapman 2006), and formally in federal industrial relations law since 1994, following the Australian Government’s ratification of the ILO Termination of Employment Convention (ILO 158). WorkChoices dramatically alters the Australian system of unfair dismissal law by limiting protection to employees in workplaces with more than 100 employees. By excluding the majority of Australians from being able to seek a review of their dismissal on the basis that it was ‘harsh, unjust or unreasonable’, protection against unfair dismissal has become a privilege for the few and is no longer a minimum employment standard (Chapman 2006: 237). Its loss casts a long shadow across the parts of the labour market in which minimum wage workers are concentrated. This is having significant effects on their pay, their voice at work, their willingness to speak up for themselves or colleagues, their capacity to act collectively or to involve unions, and their access to timely and clear information about rights and obligations.

One of the most consistent findings in these interviews revolves around the issue of insecurity at work. Many interviewees had effectively lost their job, with direct connections to WorkChoices. In other cases, changes in the form of employment or changes in hours have been imposed (e.g. involuntary conversion to ‘independent contractor’ status, or to casual status or unilateral shifts to ‘permanent part-time’ on terms that were effectively casual but without a casual loading).

Greater insecurity at work, flowing from changes in the operation of unfair dismissal is having a significant impact on women in many workplaces, based on these accounts. The sacking or unilateral imposition of a change in the form or hours of employment affects more than the individual and their family. They set out a lesson to those who remain. In this way, these cases show how changes imposed through WorkChoices are
affecting the voice of women at work, their capacity to speak up for themselves and to identify practices or behaviours that might be unsafe, illegal or wrong – through ‘whistle-blowing’, for example. In this way, at least in areas where workers like those that we interviewed work, WorkChoices is changing the workplace climate. Women describe being more fearful, less able to speak up and with a weaker capacity to contest illegal or unfair conditions or practices.

Some have been dismissed without any redress and with no opportunity to argue the nature of harsh claims made against them. The lack of procedural justice for these employees imposes high costs – both personal and material. The arbitrary basis of their loss of redress – based on size of their firm – makes this injustice hard for them to take. Many are likely to carry their injury into the future, affecting their labour market participation and imposing hidden health and workers compensation costs. Costs also exist for their families.

‘Negotiation’

The scope for genuine negotiation – which presumes arrangements that give negotiating parties some semblance of equal voice – is ephemeral in these interviews. Instead, these women describe unilateral action by employers on a ‘take it or leave it’ basis, often backed up by direct or indirect threats around effective dismissal. Many participants are long-term employees, often employed on a part-time basis and typically working in small, non-unionised workplaces. WorkChoices has made them very vulnerable. The changes experienced by many were not the result of individual transactions that resemble any conventionally recognisable form of industrial negotiation. A number of respondents were unclear as to their form of agreement coverage or method of pay setting.

Most interviewees were fairly clear that they were not in a position to negotiate directly with their employers and would not be unless they had some job protection. Women wanted more support and assistance than they currently received and they wanted to be able to access information and advice about their concerns from a single source.

These experiences show that the current system is failing to provide an adequate safety net for all workers and is contributing to the erosion of employment standards especially amongst women on minimum wages. They also show that, rather than promoting workplace negotiation and bargaining, the changes have had the opposite effect: they have diminished women’s capacity to bargain and removed their right to fair treatment by their employers.

For many women in low-paid jobs the opportunity to negotiate and bargain with their employers does not exist. If there have been productivity and flexibility gains as a result of changes in the women’s workplaces these appear to have been made at the employees’ expense.

Hours of work and family

A significant area of impact lies in the hours of work and the difficulties women face in balancing work and family responsibilities. Few participants in the study were able to negotiate their start and finish times. Rather, many found themselves either working very long shifts without breaks or working short and unpredictable shifts (also affecting their income predictability). Single parents on parenting payment and subject to the new ‘Welfare to Work’ rules (which require the undertaking of a minimum of 15 hours per week of paid work once the youngest child turns six) were particularly disadvantaged in their bargaining over hours. The fear of losing welfare support for failure to work 15 hours effectively removed any bargaining power these women had.

These women’s accounts suggest a hardening of their employers’ attitudes around accommodating work and family. For some, this hardening has ended with dismissal when they have requested changes in hours, or resisted changes that their families struggle to accommodate. In some cases, minor requests have been met with severe responses including dismissal. A casual basis for employment proved especially hazardous for some. WorkChoices is being enacted in an environment where a quarter of employees are employed on casual terms.
The findings of this study contradict the assertion that WorkChoices is resulting in more flexibility, certainty and productivity – from the point of view of these employees. Indeed, the evidence is strongly suggestive of greater managerial prerogative, more unfairness at work, loss of control over working time, weaker voice, lower unionisation and less capacity to negotiate.

**Leave and Redundancy**

Leave is also an area of significant change for many of these interviewees. In some cases they have lost leave entitlements they previously enjoyed, have difficulty getting access to holidays and have reduced access to sick leave.

For others, redundancy conditions have also been reduced with important financial effects on individuals and households.

**Gender pay equity**

There is evidence that the secrecy around individual arrangements is making pursuit of gender equity more difficult. Transparency around wages and conditions is an essential precursor to the pursuit of fair pay that does not discriminate on the basis of gender. AWAs significantly reduce this transparency and make gender inequity much more difficult to recognise or pursue.

**Unionism**

A number of women in this study talk of difficulties in involving their union or acting as union delegates. In some cases, this affects job security. In an environment where unionisation and union activity is more difficult, it is easier for employers to disguise unlawful behaviour and this is clear from some of the cases reported in this study.

**Remedies**

Many interviewees sought remedies for their treatment. In most cases, effective remedies did not (and do not) exist. In other cases, possible remedies (i.e. through the pursuit of unlawful dismissal) were not practical on the basis of cost or delays. Low income workers and those with financial dependents struggle to pursue redress, even where the legal possibility is available to them. In other cases, they lacked advisors, or accessible services, or clear information about their entitlements. The complexity of industrial arrangements is now a serious difficulty for workers in navigating their entitlements and rights.

**The spillover effects of WorkChoices**

The interviews show that changes brought about by WorkChoices had a demonstrable knock-on effect beyond the workplace. Many women in this study 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 describe becoming more dependent upon family members, upon male partners and upon welfare payments. They are struggling as individuals to deal with the impact that WorkChoices has had upon their lives. There is considerable evidence that these 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 manage the two systems.

Women sustain families and contribute to community life, but WorkChoices is undermining their capacity to do this. Their accounts show how, as employment security declines and hours of work and earnings become less predictable, their family lives have become 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.
What workers want: fairness at work

Interviewees 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. They want secure jobs.

The women interviewed wanted certainty and security and for most this means protection from unfair or unreasonable termination and fair, predictable earnings. The need for fairness was a universal theme and this was linked to having an opportunity to be heard – whether it be about work processes or organisation or in the face of employer dissatisfaction. For those who were dismissed, an opportunity to be able to set the record straight or speak in their own defence was very important.

This study highlights the profound impact of losing a job, especially for those who experience difficulties in finding a new job. Many interviewees who lost their jobs through dismissal felt uncertain and fearful both about what had occurred and about what might happen in the future. Even where workers are able to find a new job, termination without warning has ripple effects on finances, on family relationships and on self esteem. It also has an impact on the workplace for those who remain, the sudden termination acting as a warning to those who might speak out or query entitlements. In addition, there are also costs for the welfare system with several workers being forced on to Centrelink payments for various periods of time after they lost their jobs.

Many interviewees reported a negative impact of the changes they had experienced on their self esteem and on their job satisfaction. Most were extremely proud of the work they did and so losing a job or having hours changed was extremely stressful. A number of workers described a classic grieving process of shock, anger and sadness after being dismissed.

A recurring theme in the interviews was a strong sense of betrayal and disappointment about the changes interviewees’ employers had made and/or the way the changes had been implemented following the introduction of WorkChoices. While most interviewees expressed anger and indignation about negative changes in their workplaces, others were not surprised by reductions in their conditions or by their employers’ poor practice or bad behaviour and accepted that this was ‘just the way things are’. For those who had experienced exploitation and poor employment practices in low-paid jobs, the negative changes they experienced under WorkChoices served to highlight their powerlessness in the employment relationship and their limited employment options.

Negative direct and indirect effects of WorkChoices on health and wellbeing were reported by a number of interviewees.

Many women who live and work in regional areas feel that their employment prospects and the opportunities they had to withstand the WorkChoices changes were limited by their location outside metropolitan centres. Those with disabilities and with family responsibilities also felt more vulnerable because of the changes.

The WorkChoices changes experienced by the interviewees had flow-on effects beyond those individual women. They had effects on the workplace, on other vulnerable workers, on clients of the childcare and community services agencies where interviewees were employed, and on households and the broader community. The effects of the changes in the workplace and on colleagues were seen as uneven but nonetheless pervasive.

Decent work, productive work

The federal Government’s stated position is that all workers have the individual capacity to initiate change, negotiating or bargaining for the terms and conditions that suit them. However, what this study shows is that for many low paid women workers in minimum conditions sectors the capacity to effectively bargain is in fact a myth.
The federal Government also claims that the *WorkChoices* changes will lead to increased productivity. An employment relationship that is skewed towards unilateral employer and managerial discretion is antithetical to increased productivity, which research has consistently demonstrated needs to be built on trust, commitment and a positive organisational climate in which employees feel valued and recognised. Thus, over the medium to long term, the sorts of changes which individual interviewees in this study experienced, and about which they feel hurt and let down, are also a problem for businesses and employers. The *WorkChoices* changes do nothing to encourage good management or quality work.

In summary, the experience of the women documented in this study suggests that the *WorkChoices* changes have done little to improve work conditions or the experience of work for women workers in low paying minimum conditions sectors and instead resulted in significant losses. Most importantly, understanding the full picture of the impact of *WorkChoices* on the low paid sector relies on full analysis of job security, the predictability and security of hours, hourly rates, payment for working at unsocial times, overtime pay, access to leave and so on.

Prospects for improving the wages and conditions of low paid women workers in these sectors under the current national regulatory framework are bleak. *WorkChoices* takes the ‘low road’ to employment participation and labour market efficiency. It reduces opportunities for worker-initiated flexibility, especially that required to balance work and family, and it entrenches gender inequality through the depression of wages in low wage feminised sectors. In a number of cases women are not receiving their legal minimum wage entitlements or pay increases. If they ask, their jobs are on the line. In other cases, where they receive them, other conditions are removed to negate their pay rise.

The picture that emerges from these accounts is of a system with very low effective minimums and poor enforcement, overshadowed by low job security.

This is not what women workers or their families want. Most of the interviewees in this study have strong views on the changes needed. They want fairer, more balanced treatment and they want to be able to raise issues in the workplace without fear for the consequences. They also seek better, accurate information, improved mechanisms to protect their rights, to be treated with dignity and respect and to be able - as women, carers, people with disabilities, people who live in rural and regional areas - to participate in work, family and community life.

The changes described through the full report have imposed financial strain, reduced living standards, imposed stress and worry, meant a loss of independence and, for some, poor health. These impacts reach beyond the individual and their household to the public purse in the form of health and workers compensation costs. Most of these are hidden costs. They deserve much closer, systematic analysis across Australia.

There is a pressing need for more research about the effects of this significant change in Australia’s labour law.
**RECOMMENDATIONS**

The findings of this study stress the need for a major rethinking of the *WorkChoices* legislation and the industrial regime established under it. The experiences of participants point to a system that is out of balance, unfair and disadvantageous to women employees made vulnerable because of factors such as age, caring responsibilities, language background, disability, location or industry sector. The experience of women participants strongly suggests that *WorkChoices* is not meeting its stated aims of greater choice, certainty or flexibility for caring responsibilities.

Women were clear that they want changes to ensure greater security; the capacity to be heard without fear of recrimination; better access to information and representation, including by unions; and fair and secure standards of employment that enable them to meet essential living requirements and achieve balance between work and other responsibilities.

In order to go some way to addressing the problems raised by interviewees, we make the following recommendations:

**Job security**

We recommend that:

1. The right to take unfair dismissal action be reinstated for all employees, regardless of size of business or operational requirements.

**Working time**

We recommend that:

2. Legislative prohibitions on award content, including in relation to forms of employment and hours of work, be removed.

3. That a right for employees to request changed working hours (including the number of hours, starting and finishing times and shift patterns, along with the right to return to full-time hours), be enshrined in legislation as a minimum standard. This law should require employers to reasonably consider such requests and enact appropriate enforcement machinery to ensure the right.

4. Penalties for non-payment of overtime be increased and publicised.

**Pay and pay equity**

We recommend that:

5. To overcome the uncertainties of the current minimum wage setting system, a regular guaranteed annual adjustment to the Australian minimum wage be introduced.

6. The Australian Fair Pay Commission explicitly consider the needs of women working in low pay jobs and pay equity in its deliberations.

7. The Australian Fair Pay Commission take more active steps to promulgate its decisions to ensure they are widely applied.

8. The Human Rights and Equal Opportunity Commission monitor the impact of *WorkChoices* on pay equity, both in terms of wages increases and trade offs.

9. Legislative provisions that make contracts of employment secret and that restrict the sharing and comparison of contract conditions be removed.

10. The Productivity Commission conduct an inquiry into the gender pay gap and the means to reduce it.

11. The federal Government increase research around pay equity in Australia to inform future steps to reduce the gender pay gap.
Information for employers and employees

We recommend that:

12. The federal Government require all employers to provide employees with a simple information sheet on the wages and conditions that apply in their employment, including the relevant industrial instrument on which these conditions are based, in an easily accessible format including for those whose first language is not English.

13. 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 first language is not English.

14. Information and advice be provided to employees and employers about negotiating rights and processes and further avenues of support and representation.

15. The federal Government continue to support independent, specialist advice and advocacy services for vulnerable workers.

16. The federal Government establish a Small Business Advocate to assist small business avoid and resolve cases of unfair dismissal, including by developing codes of practice.

Enforcement & redress

In addition to the recommendation on unfair dismissal, we recommend that:

17. That the federal Government ensure 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.

18. In order to address underpayment or non-payment of wages and the lack of understanding of the process of recouping unpaid wages, the federal Government ensure the provision of an accessible avenue that enables workers to claim outstanding pay in a timely, inexpensive and non-legalistic manner.

19. The federal industrial inspectorate be strengthened to enable timely investigation and prosecution, and random inspections, particularly of workplaces that employ low paid and vulnerable workers and that have 100 employees or less.

20. The federal grant to assist an employee to obtain legal advice be extended to include representation, whether by the same or a different legal practitioner.

Choice and voice

We recommend that:

21. Employment conditional on the signing of an Australian Workplace Agreement be prohibited.

22. The right of employers to impose Greenfield ‘agreements’ on employees be abolished.

23. Employees be given genuine rights to consultation and representation, to promote trust and commitment in the employment relationship.

24. Legislative barriers to and restrictions on union entry and collective bargaining be removed.

25. Any legislative or government funding requirements making it mandatory to offer an Australian Workplace Agreement in the advertising and hiring of employees be removed.
Specific recommendations for further research and monitoring

In our view, significant policy changes of the kind embodied in WorkChoices deserve close monitoring and robust research which permits peer review. In this light we recommend a series of research related changes in particular, including that:

1. The federal Government commit to a five yearly comprehensive study of changes at work in Australia, repeating a modified version of the Australian Workplace Industrial Relations Survey (AWIRS) on a five yearly basis.

2. The federal Government and state governments complement the quantitative analysis of AWIRS with qualitative analysis of the effects of changes at work on sub-groups of workers, including young people, women, and other disadvantaged and vulnerable groups.

3. The federal Government explicitly monitor the wages and conditions of those working in the low paid feminised sectors of childcare, aged care, cleaning, retail and hospitality via the regular (at least annual) collection and analysis of detailed gender disaggregated data, both quantitative and qualitative.

4. The federal Government ensure the development of indicators suitable for monitoring the stated industrial goals of flexibility, simplicity and fairness and that data relevant to quantifying these indicators be provided by industry and occupation disaggregated by gender, age, cultural background.

5. The federal Government ensure that reporting on collective agreements and AWAs are systematically presented in their reports rather than added as discrete sections in highly aggregated form.

6. The Office of the Employment Advocate be required to produce annual reports on AWAs which report on an extended range of indicators including:
   a. average hourly and weekly wage rates for employees in non-managerial and non-professional occupations;
   b. provisions for the adjustment of wage rates during the life of the agreement;
   c. compensatory wage payments for the absorption of penalty rates and/or other employment conditions;
   d. the inclusion of non wage benefits such as bonus payments;
   e. the incidence of trading off provisions, such as annual leave, for wage payments;
   f. the incidence of averaging ordinary working hours across several weeks or months and common averaging periods used for this purpose;
   g. ordinary working hours, including the incidence of ordinary working hours of more than forty per week;
   h. the availability of flexible start and finish times and breaks;
   i. developments or changes in the standards of family-friendly provisions such as access to paid family or parental leave;
   j. the availability of other forms of leave such as annual leave, unpaid leave and long service leave;
   k. access to family friendly employment benefits such as employer provided or subsidised childcare.

7. As a central point of lodgement for all Australian Workplace Agreements, the Office of the Employment Advocate establish and manage a comprehensive database that provides indicators from a census of agreements, overcoming the need to use unpublished sample data from the Australian Bureau of Statistics to report on key indicators such as wage movements in Australian Workplace Agreements.

8. Reporting formats by the Office of the Employment Advocate and the Department of Employment and Workplace Relations, be standardised to enable comparison of information between collective workplace agreements and Australian Workplace Agreements.
9. The designation of particular employment provisions as ‘family friendly’ is in particular need of a commonly understood working definition for the purpose of comparing conditions of employment between jurisdictions and forms of employment contract. This term is widely used but encompasses varying conditions of employment. It is recommended that this be addressed through a combination of literature review and qualitative data collection and analysis.

10. While earnings and conditions are clearly important, the development of working definitions of job quality would enable the identification of potentially useful indicators from existing data collections. In the first instance, this be addressed through a combination of literature review and qualitative data collection and analysis.

11. The data on agreements and awards be available for independent research.

12. The federal Government implement research to provide robust data as a basis of monitoring dismissal in Australia.
INTRODUCTION

On 27 March 2006 new industrial relations legislation, commonly referred to as WorkChoices, came into effect. The legislation has had a profound effect on the way in which wages and conditions of employment are determined in Australia. Responsibility for the setting and adjusting of the minimum wage, for example, now resides with a new institution, the Australian Fair Pay Commission (AFPC). The award system, an important arrangement for many minimum condition workers, has effectively been stripped bare and minimum standards have been reduced to a set of five basic provisions. There is a clear emphasis on individual bargaining over collective bargaining, with formal individual Australian Workplace Agreements (AWAs) able to over-ride any written collective agreement.

Monitoring and assessing the effects of the reforms on Australian workers and workplaces is an important task. It needs detailed data, data that can be disaggregated at the occupational and industry level to allow for a comprehensive analysis of the effects of the reforms on different segments of the labour market. To date such data does not exist (Preston, Jefferson and Seymour, 2006).

In this report we are concerned to understand the effects of the reforms within sectors of the labour market which currently rely on minimum conditions as specified in awards. Many award dependent workers are women and many are in low paid jobs; often referred to as vulnerable jobs. These sectors are amongst the areas where employees have the least bargaining power and thus the most at risk in a deregulated labour market.

The main industry and occupational sectors informing this report are, therefore, retail, clerical, childcare, aged care, cleaning, and hospitality. Drawing on detailed interview data from 121 women across six Australian states/territories, this study provides the first comprehensive national analysis of the effects of WorkChoices on low paid workers in Australia. The primary aims of the report are to assess the extent to which WorkChoices is achieving its stated goal within these ‘at risk’ sectors of the labour market; and shed light on the complexity of the issues to inform policy debate and as a basis for informing the development of indicators and surveys for monitoring purposes.

The origins of the study and research method are described below. The following section outlines the background of participants. The remainder of the report presents the findings of interviews in sections dealing with changes experienced; action taken and remedies; the effects of changes on the worker; effects on colleagues and the workplace; and the effects on households and communities.

Origins of the study

In 2006 the Human Rights and Equal Opportunities Commission (HREOC) Rights and Equal Opportunity Commission (HREOC), the Women’s Electoral Lobby (WEL), the National Foundation for Australian Women (NFAW) and academics voiced concern about the impact of WorkChoices on women. They developed a brief for a research project to benchmark the current status of employment of women and study the effects of WorkChoices on the pay and employment conditions of women. The focus of the project was restricted to women in minimum conditions sectors; that is women who are primarily dependent on the award and are alternatively defined in the literature as vulnerable workers.

The first stage of the research program saw the production of the ‘WESKI Report’ (‘Towards a “Women’s Employment Status Key Indicators” (WESKI) database’) (Preston, Jefferson and Seymour, 2006) and a series of recommendations re data collection, data presentation and monitoring.

The second stage of the program, in-depth interviews with 100+ women across six Australian states/territories was planned as a national study to be undertaken by a multi-university team of academics in collaboration with women’s organisations and state governments. Using a co-ordinated research approach and framework, researchers within each state/territory interviewed approximately 20 women from the identified ‘at risk’ sectors. Each of the six research teams produced a detailed state level report and input to the development of this national level report. The state reports are detailed in Table 1 below:
Table 1: State Level Reports

<table>
<thead>
<tr>
<th>State/territory</th>
<th>Authors &amp; Reports</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queensland</td>
<td>Macdonald, Fiona, Gillian Whitehouse and Janis Bailey (2007) <em>Tipping the scales: A qualitative study of the impact of WorkChoices on women in low-paid employment in Queensland</em>, A Report to the Queensland Department of Employment and Industrial Relations, prepared by the School of Political science and International Studies, University of Queensland and Department of Industrial Relations, Griffith University.</td>
</tr>
<tr>
<td>South Australia</td>
<td>Elton, Jude and Barbara Pocock (2007) <em>Not Fair, No Choice: The Impact of WorkChoices on Twenty South Australian Workers and Their Households</em>, A Report to SafeWork SA and the Office for Women, prepared by the Centre for Life + Work, University of South Australia.</td>
</tr>
</tbody>
</table>

**Research method**

Ethics clearance for the research in each state/territory was given by the respective universities Human Research Ethics Committees. In accordance with the requirements of these committees pseudonyms are used for the names of the women interviewed and data that may identify them has been removed from the report.

**Recruitment & selection**

Participants were recruited via a range of mechanisms across the states/territory and included some or all of the following:

- Discussion with and distribution of publicity through key industry stakeholders including employers and unions.
- Discussion with and distribution of publicity through community organisations in contact with women workers, for example, women’s centres and organisations, Indigenous, multicultural and disability organisations and those to do with ageing, churches, neighbourhood and community centres, legal centres and health centres.
- Reports and advertisements inviting participation in local and metropolitan media.
- Snowballing, where those who contacted the researchers suggested others or themselves told others about the study and encouraged participation.
Copies of project publicity are available in the state and territory reports.

The research participants were not selected to be representative of the population. Rather, they were selected to enable the research to focus on current changes in working conditions in the occupations and industries in which minimum wage workers, particularly women, are concentrated.

The main selection criteria for interview were:

- That potential interviewees came from the designated or similar industries and occupations;
- That they had experienced positive or negative change in their employment and or workplace related to the introduction of the industrial relations changes in March 2006.

The researchers were contacted by more workers than were interviewed. Workers were not included in the study if the changes that they had experienced were not related to WorkChoices or their industries or occupations were outside of its focus. Once the targeted number of interviewees had been reached, no further contacts were included.

In some states a $25 shopping voucher or double movie pass were given to thank participants for giving of their time in interview.

**Data collection**

Interviews were conducted at the end of 2006 and early in 2007. They ranged from 30 minutes to one hour and were conducted either face-to-face or over the phone. Interviews were recorded with the permission of interviewees. A commonly developed and university ethics committee approved interview schedule was used in all locations. A copy of the schedule is included in state/territory reports.

Open-ended and non-directive interview questions enabled the exploration of diverse and complex work and personal situations. They enabled an investigation into reasons for and processes of change; trade offs; particular effects on individual women arising from factors such as age and location; and impacts on households, workplaces and communities. In so doing, they give additional real life meaning to quantitative data on, for example, employment conditions removed or reduced in AWAs or data on reductions in pay equity.

Interviewees chose a pseudonym, which was used in the interview and transcript to help protect their identity. Each transcribed interview was analysed and key themes identified. This analysis forms the basis of this report.
STUDY PARTICIPANTS

Who we interviewed

Interviews were conducted with 121 women. Twenty-seven interviewees were from regional centres or rural/remote locations, while 94 were located in capital cities. They included one woman who identified as Aboriginal and 24 women from diverse language and cultural backgrounds. Nine women identified that they had a disability. They were distributed amongst the states/Territory as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>25</td>
</tr>
<tr>
<td>Queensland</td>
<td>20</td>
</tr>
<tr>
<td>South Australia</td>
<td>18</td>
</tr>
<tr>
<td>Victoria</td>
<td>24</td>
</tr>
<tr>
<td>ACT</td>
<td>14</td>
</tr>
<tr>
<td>Western Australia</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>121</strong></td>
</tr>
</tbody>
</table>

In addition to interviews with women, in South Australia the study included in depth interviews with two senior staff and focus groups with 11 staff of a women’s health service and three community organisations providing employment related services to women, young workers and businesses in difficulty. These interviews and focus groups were conducted in response to approaches from staff concerned about issues relating to WorkChoices raised by service users, particularly women and young workers. Data from organisation staff is included in this report.

The 121 participants typically came from low paid occupations and industries in which women were concentrated and which had been identified in the WESKI Report as vulnerable to change because of factors such as size of workplace, award reliance or as they were award free. The industry sectors represented are set out in Table 3.

Within these sectors interviewees were employed in diverse workplaces. In the retail sector they worked as sales assistants and receptionists in pharmacies, department stores, petrol stations and food outlets. Clerical workers also came from a range of businesses. Cleaners were employed by contract cleaning companies and in accommodation. Aged care and community services workers were employed in mental health, disability and aged care facilities, both residential and outreach. In hospitality women worked at reception, serving and food preparation.

Table 2. Study participants by location & gender

<table>
<thead>
<tr>
<th>Location</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>25</td>
</tr>
<tr>
<td>Queensland</td>
<td>20</td>
</tr>
<tr>
<td>South Australia</td>
<td>18</td>
</tr>
<tr>
<td>Victoria</td>
<td>24</td>
</tr>
<tr>
<td>ACT</td>
<td>14</td>
</tr>
<tr>
<td>Western Australia</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>121</strong></td>
</tr>
</tbody>
</table>

Table 3. Participants by industry sector

<table>
<thead>
<tr>
<th>Sector</th>
<th>NSW</th>
<th>Qld.</th>
<th>SA</th>
<th>Vic.</th>
<th>ACT</th>
<th>WA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>3</td>
<td>5</td>
<td>7</td>
<td>9</td>
<td>2</td>
<td>4</td>
<td>30</td>
</tr>
<tr>
<td>Aged care &amp; Com. services</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>8</td>
<td>5</td>
<td>6</td>
<td>27</td>
</tr>
<tr>
<td>Hospitality</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>7</td>
<td>19</td>
</tr>
<tr>
<td>Clerical</td>
<td>4</td>
<td>6</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Child care</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Cleaning</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Transport</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Personal services</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Govt. admin &amp; defence</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>25</td>
<td>20</td>
<td>18</td>
<td>24</td>
<td>14</td>
<td>20</td>
<td>121</td>
</tr>
</tbody>
</table>
The hourly rates of pay of most women interviewees were low and distributed as follows:

<table>
<thead>
<tr>
<th>Rate per hour</th>
<th>NSW</th>
<th>Qld.</th>
<th>SA</th>
<th>Vic.</th>
<th>ACT</th>
<th>WA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10 up to 15</td>
<td>10</td>
<td>8</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>31</td>
</tr>
<tr>
<td>$15-20</td>
<td>10</td>
<td>9</td>
<td>11</td>
<td>10</td>
<td>9</td>
<td>9</td>
<td>58</td>
</tr>
<tr>
<td>$20-25</td>
<td>4</td>
<td>3</td>
<td>3</td>
<td>6</td>
<td>1</td>
<td>3</td>
<td>20</td>
</tr>
<tr>
<td>$25-35</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>$35-40</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>unsure</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

The industrial instruments covering the wages and conditions of interviewees are set out in Table 5. However, it should be noted that women who referred to an award as forming the basis of their wages and conditions may have been award free, with the award acting as a lose guide only, or they may not have received award entitlements. Some also stated that they were covered by an individual contract, but were hesitant as to whether it was an AWA or a common law contract. These are in addition to those that identify that they absolutely do not know what form of instrument covers them.

<table>
<thead>
<tr>
<th>Industrial instrument</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Award</td>
<td>50</td>
</tr>
<tr>
<td>Collective agreement</td>
<td>20</td>
</tr>
<tr>
<td>AWA</td>
<td>12</td>
</tr>
<tr>
<td>Other individual contract</td>
<td>17</td>
</tr>
<tr>
<td>Don’t know</td>
<td>22</td>
</tr>
<tr>
<td>Total</td>
<td>121</td>
</tr>
</tbody>
</table>

Participants were primarily permanent employees (82) rather than casual workers (36) or on a fixed term contract (3). They were split approximately between full-time and part-time employment. They were also largely employees of longstanding. Only 39 had been employed for less than one year.

Ninety-seven of the 121 women interviewed were from workplaces with less than 101 employees.

The women’s ages ranged across all stages of employment and the life cycle; from students attempting to combine work and study, to young employees, women beginning a family, those with school aged children and women nearing retirement. One participant was under 18 years, while the rest were fairly evenly distributed between 18 and 65 years of age.

The majority of women (66) lived in dual earner households. Forty-two lived in single income households, either as sole parents or sole persons. Thirteen participants did not state type of household. Thirty-six women had dependent children or grand children. Three women were supporting and caring for either a partner or another family member who had a chronic illness or disability.

While women interviewees worked in low pay sectors, 44 stated that they had obtained some form of post secondary qualification. Only 34 were or had been a union member.

Why they participated

The women who agreed to be interviewed described themselves as ‘average’ or ‘typical mums’ and as ‘good’ and ‘loyal’ employees. Most were not union members and some emphasised a conservative political background and perspective. They had been surprised and angered by what had happened to them:

I come from a family of small business people who always, always voted for the Liberal Party. (Jodie, childcare worker NSW)
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 NSW)

Personally, (I'm) still a bit angry… that there are people who could manipulate the system to potentially ruin people’s lives, not ruin people’s lives, but impact on people’s lives in such a negative way… as I said I've just been blessed, I've always worked for really good employers, I have worked hard for them too but it makes you question, it makes you feel blessed to work for organisations like that but… I am a little bit more worldly now… you read about things, you hear about things, about people not treating people well or whatever but I guess when it actually happens to you… (Deanna, health services worker, Vic.)

These women were motivated to participate for several reasons.

Firstly, many welcomed the opportunity to talk about what had happened to them and about the effects of their experience. Some wanted to hear the stories of others to counter their feelings of being alone. This was particularly the case for women who felt that they had been treated very unfairly with no opportunity to present ‘their side of the story’ or of obtaining redress:

…it is nice that you can just sit and talk to somebody, nobody’s going to judge me, I’m not going to walk out of here and feel as if I’m being judged. (Jane, aged care worker South Australia)

…I’d like to have a look at what other people have experienced and get that whole feeling that I’m not the only one out there in the world who has been treated like this. I mean I’ve paid my taxes all my life, I’ve never been a bad person. To suddenly find myself in this position is really devastating. (Jane, aged care worker South Australia)

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 NSW).

Secondly, women were also motivated to be part of the study in order to let others in the community know what was happening in their workplaces. Several expressed great interest that a formal report would be in the public domain:

I just hope that the information that comes out of this, obviously it’s not going to help me…But that somebody somewhere gets an inside picture really of how we are hurting and what it is doing to us. (Jane, aged care worker SA)

So the study that you are actually doing is really going to get to the bones of what’s going on. (Annie, retail worker NSW)

Thirdly, interviewees wanted to participate out of a concern for others; including young workers or workers of migrant backgrounds who might be even more vulnerable than themselves. They hoped that by informing the broader community of their experience they would contribute in some way to legislative change:

…the more people start to see and understand that they aren’t fair and it is happening just to everyday, normal people for no reason. And if people start seeing that then maybe we’re a little bit closer to getting them changed. (Mel, childcare worker ACT)

I just hope whoever you send this to really listens … and does something… (Carol, community worker South Australia)

And as I said I’m probably one of the lucky ones - if you have to have categories - I can get on with my life, I can pick myself up…but the person with kids, with a mortgage they’re the people who I would like to see helped if nothing else. Somebody’s got to be aware that these people are hurting. (Jane, aged care worker South Australia)

So, I just don’t want it to happen to anyone else pretty much. (Melanie, childcare worker NSW)
A further motivation for contacting the researchers was that some interviewees were grateful for help from the advice agency that had notified them about the research and wanted to ‘give something back’.

While keen to participate in the study and for it to assist others, many women were also anxious to remain anonymous. A number who were still employed were fearful of repercussions should their employer become aware of the interview. Some were worried that any publicity that might identify them would affect future employment prospects.

**Summary: Women interviewed and main changes reported**

<table>
<thead>
<tr>
<th>Women interviewed</th>
<th>Australian Capital Territory</th>
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<tr>
<td>Janis, a cleaner, in the 45-54 age bracket, with children, working part-time.</td>
<td>Had to apply for her own job – after more than 30 years with the firm – when a new contractor took over. She refused to sign an AWA despite suffering considerable stress. Janis was also concerned about the wider impact of IR change. She had no doubt that competition was driving wages down and also affecting the quality of cleaning work. Clients deserved better – as did workers: ‘we shouldn’t have to apologise for wanting a proper wage’.</td>
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<td>Marianne, a full-time clerical worker, in the 45-54 age bracket, with children; the sole-earner.</td>
<td>Had been sacked without notice by her employer – by email. Her boss, she reported, ‘just decided to lay me off because she was a very small firm under 100 employees’; all this without warning or explanation, right after the laws cam in. Marianne was one of the women especially upset by the loss of independence that her new marginal status meant: ‘I want to be able to stand on my own two feet and support myself’.</td>
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<td>Gillian, over 55, working in aged care, part-time; sole-earner; no dependant children.</td>
<td>An experienced and hard worker, Gillian was concerned about unilaterally imposed changes in work arrangements and work intensification: ‘I’ve always worked hard … but the workload is heavier’. Lack of a say at work was the biggest change she reported along with ‘an atmosphere of fear’ and the rise of ‘dobbers’ as worried workers sought to curry favour.</td>
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<td>Sonja, over 55, working in aged care, part-time; no dependant children.</td>
<td>After coming from Europe some years ago, Sonja was alarmed about the loss of penalty rates under <em>Work Choices</em> and changes to her working hours that cost her money. There was now no consultation, no information, especially for workers with poor English. She simply laughed in despair when asked if she could now approach her managers to talk about these things.</td>
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<td>Chrissie, 25-44 age group, working in aged care, part-time; sole earner, with children.</td>
<td>Chrissie’s penalty rates had been cut after <em>Work Choices</em> came into effect and as the quality of care declined under cost pressures. Chrissie was a supervisor herself and very worried about workloads and about how clients as well as workers were suffering. She too was threatened with the sack and suffered stress. For her, the changed laws gave employers a free hand: ‘it sounds like they’re under their own law’.</td>
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<td>Jo, casual kitchen hand, in the 18-24 age bracket, sole earner, no children.</td>
<td>Jo was another worker facing pressure to sign an AWA against her will. For three months thereafter, she was simply offered no work and finally went to another job – back on an award. For her, the story of <em>Work Choices</em> had been a simple one: in hospitality some employers were cost-cutting and taking advantage, especially when women lacked language skills and confidence.</td>
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<tr>
<td>Occupation</td>
<td>Experience</td>
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<td>Mel, full-time childcare worker, in the 18-24 age bracket, sole earner, dependent children.</td>
<td>Sacked the very day that <em>Work Choices</em> came into effect. After some personality clashes but with no warning, ‘no reasons whatsoever’, she was fired. Questioned as to whether she could do this the boss replied, ‘watch me’. When she found a new job, home life was harder, especially in terms of looking after her kids, because of greater travel times.</td>
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<td>Donna, part-time in aged care; in the 45-54 age bracket, no dependant children</td>
<td>An experienced worker, told us that ‘as soon as these laws came in’ management became more heavy handed. Work was not only harder – characterised by multi-tasking and staff cuts – but managers played ‘favourites’ in dealing with their workers. Quality of care was now ‘below average’ as cost cutting became more pronounced. Why would no-one speak out? Fear and insecurity.</td>
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<td>Kasey, full-time childcare worker; in the 18-24 age bracket; no children</td>
<td>Faced with staff cuts and work pressure, what could be done under <em>Work Choices</em>? Not much, Kasey’s union told her. Seemingly random dismissals upset staff, parents and children alike. Workers felt pressurised, care declined. All these managerial decisions were, in the workers’ minds, tied to the new laws but they had no redress, no voice.</td>
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<tr>
<td>Bonnie, 25-44 age group, transport, part-time; dual earner household</td>
<td>Working in buses, Bonnie found that after <em>Work Choices</em> came into effect, there was a change in the attitude of her bosses that led her into worries about rosters, organising her time and the chances of getting a fair deal at work. She was mostly concerned, though, for others: ‘for a lot of other people they don’t have the safeguards that we have, so it makes it harder on them’.</td>
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<td>Rose, 25-44 age group, transport, part-time; sole earner with children</td>
<td>In a long list of worries about how little say she now had in work arrangements and about how insecure jobs now felt, Rose was alarmed that the once central role of unions as a voice for workers was being undermined: ‘I don’t think there’s anything they can do in today’s society really. Under these new IR laws, you’re damned if you do and damned if you don’t’.</td>
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<td>Debbie, 55+; sole earner; aged care.</td>
<td>Lost her job when the new unfair dismissal laws became effective. Diagnosed with lung cancer on the Thursday before Easter, she rang in sick on the Tuesday. She told us that when she arrived at work on Wednesday the manager ‘sat me down and said that they no longer required me as I was too sick to work’. Although devastated and unsure about her future, she hadn’t lost her sense of humour: asked if there were things she had not liked about her job she replied ‘getting sacked’.</td>
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<td>Sally, casual retail worker, 18-24 age group</td>
<td>As a young retail worker, Sally was at sea with the changed laws and no attempts were made to help her understand her contract, let alone her rights. Changes in the management team exacerbated this – different contracts were offered, a ballot was organised that ran together the issues of changes in work organisation with the question of what sort of contract the employees would be under. Uncertainty as best, chaos at worst.</td>
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<td>Louise, 25-44 age group, retail; full-time</td>
<td>After the new laws came in, Louise and her co-workers were handed a new bonus scheme. And in a similarly unilateral way, full-time staff were then told that they would have to work every second public holiday from now on, like it or not. ‘They just told us then and there and that’s what was going to happen and they’ve become quite strict about it.’</td>
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<tr>
<td>Women interviewed</td>
<td>New South Wales</td>
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<td>Penny, 25-34, process worker, no dependent children</td>
<td>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 <em>Work Choices</em>, her employer unilaterally removed the ‘Picnic Day’ public holiday entitlement. Her paid overtime has been eliminated, even though she is required to work the same hours as previously.</td>
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<td>Amanda, 18-25, call centre operator, no children.</td>
<td>Amanda applied for a call centre sales job. When she was given the job, Amanda was told that she would be offered an AWA but she was not given an opportunity to view the AWA until after she had started work. The AWA offered a fixed hourly rate of pay and did not include any penalty rates. When Amanda asked if she could be employed under the award, she was told that signing the AWA was a condition of employment.</td>
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<td>Leanne, fast food worker, 35-44 years old, 5 dependent children</td>
<td>Leanne formerly managed a fast food outlet. She was dismissed from her employer, a company managing employment for over 50 employees across several franchises, without reason. Leanne considered herself a hard-working employee and her employer had never indicated otherwise. She had recently been giving additional responsibilities. The dismissal came as a complete shock to Leanne.</td>
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<td>Nancy, Cleaner, 45-54, 2 dependent children</td>
<td>Nancy works as a cleaner. For five years she had been employed as a regular casual cleaner at a club. Soon after the commencement of <em>Work Choices</em>, she and all the other cleaners were dismissed for ‘operational requirements’, as the management had decided to contract out the cleaning. After being dismissed, Nancy has taken on a 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.</td>
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<td>Trish, Clerical worker, 45-54</td>
<td>Trish had worked as a clerical worker for her employer for over 18 years. She was employed part-time on the award. She was told that she was being dismissed ‘for operational reasons’ and no other reason. She has not been able to find permanent work since.</td>
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<td>Melanie, Child care worker, 18-25, pregnant</td>
<td>Melanie had been working as a childcare worker in regional New South Wales. She had been made permanent. After she became pregnant, she was dismissed without reason. She did not know if what had happened to her was legal. She has been unable to find other work and her relationship with her de facto husband is suffering.</td>
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<td>Ivana, Retail worker, 18-25, permanent, no dependent children</td>
<td>Ivana works in a large retail store. Recently, rostering arrangements have changed, giving permanents much less control over their hours. Ivana has been pressured to work late at night, when it is unsafe for her to travel home, and on Sundays, when she would prefer to go to church.</td>
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<td>Jodie, childcare worker, 34-44</td>
<td>Jodie was an experienced childcare worker. Her employers announced at a staff meeting that because of the new laws, everyone would have to sign a new workplace agreement. After Jodie challenged what had been said and pointed out that workers could remain on the award if they wished, she was sacked. She has since found work in another centre with a union agreement.</td>
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<td>Gina, hospitality worker, casual, 25-34, single mother, 4 children</td>
<td>Gina’s employer is exerting pressure on its casual employees to convert to permanent part-time. Gina would prefer to stay as a casual employee, because she depends on the loading to make up her income and also because the part-time arrangements do not give her control over the number of hours or shifts worked.</td>
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<td>Maria &amp; Sophia, 55+ manufacturing workers</td>
<td>Maria and Sophia have worked for their employer for over 20 years. The employer no longer has enough work, and Maria and Sophia have accrued redundancy entitlements under their enterprise agreement. Their employer is waiting for their enterprise agreement to expire and hopes to avoid paying redundancy.</td>
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<tr>
<td>Jan, childcare worker, permanent part-time, 34-44, 3 dependent children</td>
<td>Jan worked part-time at a childcare centre. After Work Choices her employer unilaterally cut her hours and would change shifts at short notice. Jan became very stressed and after becoming ill, Jan resigned.</td>
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<tr>
<td>Kate, Manufacturing worker, 25-34, 2 dependent children</td>
<td>After Work Choices commenced, Kate’s employer removed shift loadings. The employer is now refusing to negotiate a new agreement.</td>
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<td>Amber, process worker, 34-44, 2 children, 1-5 years of service.</td>
<td>Amber was dismissed after not turning up to work because of illness. The dismissal has created immense financial hardship. Her gas and electricity were about to be cut off and she had taken a loan from Centrelink. The 2006 minimum wage increase had not been passed on to Amber. She is pursuing an unlawful dismissal application.</td>
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<td>Iris, process worker, 34-44</td>
<td>Iris was a full-time worker but has recently had her hours cut unilaterally by her employer from 38 to 30.</td>
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<tr>
<td>Celine, process worker, 45-54</td>
<td>Celine works as an assembler and has experienced a number of problems at work. Her employer only pays employees irregularly. Her employer refused to pay her one day’s sick leave after she could not produce a certificate. Her employer feels he can act beyond the law.</td>
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<tr>
<td>Lois, process worker, 34-44</td>
<td>Lois works as an assembler. Her employer has removed overtime pay and stands people down when they make mistakes. Recently, the employer has removed chairs from the work area and makes them stand all day. He has threatened employees who join a union.</td>
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<tr>
<td>Helena, process worker, 45-54</td>
<td>Helena works as a machinist in a small factory. She is paid less than the minimum casual hourly rate and does not receive sick pay or holiday pay. Since Work Choices commenced, she has lost overtime penalties and breaks during shifts. Her employer will not even allow her to go to the toilet.</td>
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</tbody>
</table>
Sunny, process worker, 45-54
Sunny has worked in her current job as a process worker for over 5 years. She has not had a pay rise since her business was sold to another operator two years ago. As a non-English speaker, she is too scared and doesn’t know how to ask for a pay increase.

Su, Cleaner, 45-54
Su works as a cleaner. She suspects she is underpaid and is worried about speaking out. She is worried she will not be able to get another job because of her age and non-English speaking background.

Rochelle, Retail worker, 18-25, casual
Rochelle had been working for a retail store. Rochelle was encouraged to sign an AWA that removed casual loading and shift penalties in exchange for extra hours. The extra hours did not make up for the lost penalties. Those employees that did not sign on were not given shifts.

Laura, Retail, 18-25, casual
Laura had just started work in a small retail store. Laura was paid less than the award rate. Even though Laura suspected it was less than the award rate, she chose not to complain for fear of punishment.

Natalie, 34-44, permanent, clerical worker, 3 dependent children
Natalie worked in the financial sector. She had taken leave to care for a child who was hospitalised, affecting her sales levels. A week before her 12 month probation period expired, Natalie was dismissed. Natalie is pursuing an unlawful dismissal application. In the meantime, she is looking for temporary work.

Ayumi, 34-44, clerical worker
Ayumi was offered a six-month fixed-term position in a large financial services organisation. After two weeks, she was dismissed for ‘operational reasons’. She has been offered other temporary work in another department, but there is not enough hours to support herself.

Bernadette, childcare workers, 55 years
Bernadette believes she was targeted following her union activity in negotiating a collective agreement. Her duties were changed without training and workload increased. She was then dismissed.

Women interviewed
Manager told M that Work Choices required her to provide details about nature of illness causing her work absence thus using WorkChoices ‘illegally’ to get personal information.
M dismissed without warning or notice after questioning a decision by management. She has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees.

Lorraine, full-time perm’t in a tourism-related business, mid-40s, supporting a family of four.
L’s employer demanded that she change from permanent to casual status on a lower rate of pay. He insisted the change was for business reasons but the demand was made soon after L. had reduced her work hours for health reasons. L. refused her employer’s demand and resigned but has no right to seek a remedy to unfair dismissal as her employer has under 100 employees. L. considered pursuing an unlawful termination claim on the basis of discrimination but did believe she could do this without paying for legal support
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<tr>
<th>Name</th>
<th>Industry/Role</th>
<th>Description</th>
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<tbody>
<tr>
<td>Dianne, mid 40's</td>
<td>part-time cleaner/</td>
<td>D. was employed part-time but, for weeks, had been working full-time for 7 or 8 days straight with one day off in between because her new manager would not employ anyone else to work with her in a role that required more than 1 part-timer. She had complained about not receiving penalty rates for public holidays and requested 4 days’ off when her manager accused her of inappropriate behaviour and dismissed her without warning or notice.</td>
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<tr>
<td>Fran, part-time cleaner, in her 50s</td>
<td>part-time cleaner, in her 50s</td>
<td>F’s employer pays award rates but is under pressure to cut costs. The company recently lost some contracts to another company that has introduced AWAs with reduced pay rates. F. believes this is the cause of the work intensification she and her colleagues have experienced over the last few months.</td>
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<td>Christa, mid 20s, full-time retail, in her job for 3 years.</td>
<td>full-time retail, in her job for 3 years.</td>
<td>C. arrived at work to be told her work had been observed for the last few days and her employment was being terminated. C. had never been given any negative feedback about her performance. She was escorted from the building. She has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees (the business has 60 employees).</td>
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<td>Karen, aged 50+, casual hospitality for 3 years, family breadwinner</td>
<td>casual hospitality for 3 years, family breadwinner</td>
<td>An employee workplace agreement (collective non-union agreement) was introduced at K’s workplace in a process which did not allow genuine input from casual employees who lost penalty rates as a result of the arrangements.</td>
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<td>Emily, 1½ yrs f/t hotel receptionist, in her 20s</td>
<td>hotel receptionist, in her 20s</td>
<td>E was dismissed without warning, reason or notice. E. has no right to seek a remedy to unfair dismissal because her employer has only 30+ employees.</td>
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<td>Maureen, aged care, aged in her 50s.</td>
<td>aged care, aged in her 50s.</td>
<td>M. is a workplace union representative. Her employer is pressuring workers to do extra work without overtime pay and employees are afraid of standing up for their rights. While some of this occurred prior to the recent IR changes, M believes the legislation has made it much worse.</td>
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<td>Julie, clerical, manufacturing, in her 20s</td>
<td>clerical, manufacturing, in her 20s</td>
<td>J was told her position was being ‘made redundant’. She was given no reason and escorted from the workplace. She has no right to seek a remedy to unfair dismissal because she had been employed for one week under 6 months.</td>
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<td>Sarina, retail sales, 5+yrs, aged in her 50s</td>
<td>retail sales, 5+yrs, aged in her 50s</td>
<td>S believes she was forced to resign. Her manager threatened her with dismissal because she continued to see an ex-employee socially. S has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees.</td>
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<td>Annalise, retail sales, in her early 30s</td>
<td>retail sales, in her early 30s</td>
<td>A’s employment was terminated several months into her pregnancy. She was told by her employer he did not have to give her a reason because he had fewer than 100 employees. A successfully pursued compensation for an unlawful termination.</td>
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<td>Irene, clerical worker, in her 50s</td>
<td>clerical worker, in her 50s</td>
<td>I. was dismissed a day after questioning processes at work. Her manager had recently given her extremely positive feedback about her performance. Her employer has only 25-30 employees so she is not able to seek a remedy for unfair dismissal.</td>
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<tr>
<td>Name</td>
<td>Age, Industry</td>
<td>Employer Details</td>
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<tr>
<td>Lindsay</td>
<td>20s, Casual Retail</td>
<td>AWAs were introduced in L’s workplace cutting penalty rates out, thereby reducing many employees’ wages on weekends and public holidays. Casuals were told that if they did not sign an AWA they risked getting fewer shifts. This has happened to L who was one of a few workers who did not sign an AWA.</td>
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<td>Sharon</td>
<td>Late 40s, Clerical, 1 ½ years</td>
<td>S. was dismissed. She made many attempts to find out why her employment had been terminated but she was told ‘we don’t need to give you a reason any more’. She is unable to pursue an unfair dismissal claim because her employer has fewer than 100 employees.</td>
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<td>Wendy</td>
<td>Aged Care, 5 years, in her 40s, sole earner in her household</td>
<td>W. was dismissed following allegations against her that were never substantiated. She believes she was dismissed for advocating on behalf of residents. She wants to clear her name and is worried she may not get another job if she cannot do this. She has been advised she no right to seek a remedy for unfair dismissal if her employer does not have 100+ employees. This is under investigation.</td>
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<tr>
<td>Georgie</td>
<td>Early 30s, Clerical</td>
<td>G. had been working extremely long hours to get her job done and she was told she was doing a ‘great job’. She was dismissed after suggesting some changes to the work process and telling her manager she was exhausted from overwork. She had been with her employer for less than 6 months so had no right to seek a remedy to unfair dismissal.</td>
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<td>Bette</td>
<td>40+, Clerical, 2 years, supporting her family</td>
<td>B. was dismissed for ‘insubordination’ after questioning her manager’s demand that she provide him with a medical certificate she did not believe she was required to provide. Her employer has about 40 employees so she is not able to seek a remedy for unfair dismissal.</td>
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<td>Kira</td>
<td>In her 20s, Receptionist, Married, 2 children</td>
<td>Several months into her pregnancy, K agreed to change her employment status to casual under pressure from her manager who said, under the new laws, she would have to change if he insisted. Several months after having her baby K sought to return to work. Her employer she said there was no job as she was casual. She is thinking she may pursue an unlawful termination claim.</td>
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<td>Lou</td>
<td>Part-time Reception, Retail, 5+ yrs, Married, 2 Young Children</td>
<td>L was told she was ‘redundant’ but given no other information about why her employment was being terminated. She was advised (she thinks by a government agency) that if she pursued an unfair dismissal claim her employer would probably cite ‘operational reasons’. She is now just managing in a new full-time job that is much further away from home. She thinks she will not be able to find part-time work with regular hours.</td>
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<td>Nicola</td>
<td>Community Services Worker, Aged in her 40s</td>
<td>N. was dismissed without reason or warning from her job in a remote community. She thought she had been performing well. One day, her manager lost her temper and dismissed Nicola. As it was one week before her probation period finished she had no right to seek a remedy to unfair dismissal.</td>
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<td>Women Interviewed</td>
<td>South Australia</td>
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<td>Sue, 24, casual production assistant on an individual contract.</td>
<td>After a probationary period S attempted to negotiate a full-time contract with improved conditions, but felt she had no choice but to accept a contract that cut her income without matching compensation.</td>
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<td>Anne, 57, receptionist/hospitality worker on an AWA. With a disability from a previous work injury her job options are limited.</td>
<td>AWA was extended without her knowledge or consent. It does not provide for a pay increase over its 3-year term and the rate of pay is lower than that paid to other workers doing the same job. When A queried the difference she was reprimanded as AWAs were secret.</td>
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<td>Maggie, 52, marketing manager for a firm with less than 101 employees.</td>
<td>Was bullied and intimidated into resigning. Prior to WorkChoices M would have had a clear case of constructive dismissal. She now has no remedy.</td>
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<td>Michelle, 58, sewing instructor for a small profitable retail outlet for 6½ years on conditions matching an award.</td>
<td>When M refused to change her employment arrangement to an employer proposed self employed contract, which shifted costs onto herself, gave no security of income and reduced conditions for doing the same work, she was dismissed. She no longer has a remedy for dismissal. The proposed contract/dismissal enabled her employer to avoid long service leave obligations.</td>
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<td>Sara, 23, sales assistant for 5 years for firm employing less than 101. Has an impairment restricting some work options.</td>
<td>Employer’s attitude to taking sick leave entitlements changed with downturn in business and WorkChoices. Threatened with dismissal on spurious and unfair grounds. Resigned rather than be dismissed, with no redress for constructive dismissal. Unable to proceed with house purchase with loss of job.</td>
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<td>Elizabeth, 24, retail worker.</td>
<td>Dismissed for misconduct, which E strongly denied. No opportunity to defend herself. Dismissal linked to change of company policy on length of employment of staff and the introduction of WorkChoices.</td>
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<td>Kate, 58, worked 14½ years as clerk.</td>
<td>Moved to an AWA and later retrenched. Under the previous award K would have been able to contest her selection for retrenchment.</td>
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<td>Mary, 42, receptionist of 6½ years for facility employing less than 101.</td>
<td>Resigned rather than be dismissed for misconduct, which M strongly denied. Independent advice was she would have had a very strong case for constructive dismissal, a remedy now denied. Suffered ill health as a result of allegation and lack opportunity to contest it. Hasn’t been employed since.</td>
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<td>Deborah, 38, community worker, 4 years with community employer.</td>
<td>With WorkChoices lost award connection and subsequent wage flow-ons and allowances. Staff are attempting to negotiate a new collective agreement, but on their own it is very slow, divisive and frustrating.</td>
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<td>Lily, 31, sales manager for company employing less than 101.</td>
<td>Treated less favorably on return from maternity leave. L was finally made redundant. Very difficult to prove discrimination on the basis of pregnancy or parenting responsibilities. She was informed that due to WorkChoices she was entitled to 2 rather than 6 weeks redundancy pay.</td>
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<td>Shannon, 43, hospitality worker for establishment employing less than 101. Sole parent of 2 primary school aged children.</td>
<td>S was dismissed over the phone when she refused to commence a shift after working continuously from 5.30pm to 6.30am and only a subsequent 3½-hour break. She had no remedy for unfair dismissal. She had shifted her country location to get the job.</td>
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Ruby, 33, secretary for 5 years.  
Sole parent of young child.  
Was dismissed for refusing to change from part-time to full-time. R could not find sufficient after school care and in any case does not want to have her child in long hours of care every day. She feels under additional pressure from Welfare to Work requirements.

Wendy, 18, sales assistant for 2½ years for large retail company.  
Work provides essential income for living and her studies.  
Since WorkChoices breaks have been removed, scheduled pay increases delayed and jobs changed. Erratic, unilateral changes are being made to her working hours. W may have to choose between work and study.

Frances, 24, pharmacy assistant for firm employing less than 101.  
Following change of franchise and WorkChoices, F’s rate was cut without consultation. She tried to negotiate but was told that if she didn’t like it she could leave. She was afraid of dismissal.

Carol, 41, community worker with 2 dependent children  
C’s contract was told her contract would not be renewed after she ‘blew the whistle’ on malpractice by a supervisor. C was bullied by the person she accused and previous health conditions were exacerbated. Her marriage broke down under the strain of the problems at work and then loss of income.

Jane, 53, aged care nurse for private facility employing less than 101.  
J was instantly dismissed for alleged malpractice, which she strongly denies. She traces her close monitoring and final dismissal to her union involvement. She was advised that she has no remedy for her dismissal, which also threatens further employment in her industry.

Ellen, 30, check-out operator for 8 years with a large retail company.  
Since WorkChoices E’s breaks have been removed or reduced, oh& s procedures have become lax, and the hours of fellow employees have lessened and become more uncertain. She is afraid for the future. She is looking for a better job, but in her sector most new jobs are on AWAs and with even less security.

Rebecca, 35, aged care attendant for over 3 years in a facility employing less than 101 in a country location.  
R was dismissed with no remedy following an incident with a resident and after she had worked 7 shifts, late and early, without a break. She was advised that prior to WorkChoices she would have had a strong unfair dismissal claim, especially as she continued to be rostered on after the incident, and as dismissal occurred when she called the union for assistance. R was suicidal after her dismissal from work and residents that she loved. She lost her house and has shifted towns to get another job.

<table>
<thead>
<tr>
<th>Women Interviewed</th>
<th>Victoria</th>
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<tbody>
<tr>
<td>Mary, 60+ year old community service sector worker.</td>
<td>Permanent part-time hours cut in half. Position description changed. Threat of AWAs, ‘Climate of fear’</td>
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<tr>
<td>Melanie, 22 year old hospitality industry worker</td>
<td>Dismissed without warning after an order was ‘mucked up’ by another worker. No recourse to constructive dismissal claim because &lt; 101 employees.</td>
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<tr>
<td>Jan, 50+ year old retail worker</td>
<td>Dismissal without warning after raising issue about stock. No recourse to constructive dismissal claim because &lt; 101 employees.</td>
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<tr>
<td>Deanna, 35 year old health services worker</td>
<td>Dismissal without warning after requesting part-time arrangement be adhered to. No recourse to unfair dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Maryanne, 45 year old retail industry worker</td>
<td>Resigned after bullying and abuse by owner increased post WorkChoices.</td>
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<tr>
<td>Kate, 26 year old hospitality</td>
<td>Dismissed without warning. No recourse to unfair dismissal claim</td>
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<tr>
<td>Industry Worker</td>
<td>Because &lt; 101 Employees.</td>
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<tr>
<td>Tess, 30 year old+ Community Services Industry Worker</td>
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<tr>
<td>Maria, 50 year old Childcare Industry Worker</td>
<td>Unilateral rostering changes threatened, despite provision in EBA for mutual agreement.</td>
</tr>
<tr>
<td>Liz, 48 year old Retail Industry Worker</td>
<td>Unilateral removal of annual leave 17.5% loading.</td>
</tr>
<tr>
<td>Lilly, 50 year + old Aged Care Industry Worker</td>
<td>Climate change. Manager refuses to intervene in dispute with co-worker. Asked to breach OH &amp; S regulations.</td>
</tr>
<tr>
<td>Stephanie, 60+ year old Community Services Sector Worker</td>
<td>Dismissed without warning after raising issue of underpayment of award wages and conditions. No recourse to constructive dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Kylie, 15 year old Retail Worker.</td>
<td>Dismissed without warning, despite good feedback about performance. No recourse to unfair dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Helen, 30 year old Childcare Industry Worker</td>
<td>Dismissed without warning when tried to negotiate workload and responsibilities as part of new individual contract. No recourse to unfair dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Jodie, 22 year old Retail Industry Worker</td>
<td>AWAs introduced with no negotiation. After company backed down penalised with cut in hours.</td>
</tr>
<tr>
<td>Emily, 21 year old Hospitality Industry Worker</td>
<td>Dismissed without warning after her same sex partner dropped her off at work. No recourse to unfair dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Lynette, 50+ year old Retail Worker</td>
<td>Resigned after her hours were cut and another person was employed to undertake the work on a lower rate of pay. No recourse to constructive dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Adriana, 28 year old Retail Worker</td>
<td>Employer reduced her hours from full-time to part-time at the end of her probation period. She has no access to unfair dismissal because &lt; 101 employees.</td>
</tr>
<tr>
<td>Christine, 48 year old Aged Care Industry Worker.</td>
<td>Negotiation of new Union EBA halted and AWAs introduced with loss of conditions.</td>
</tr>
<tr>
<td>Amanda, 36 year old Community Services Industry Worker.</td>
<td>Colleague was dismissed without warning with serious negative impacts on clients &amp; workplace. Colleague had no recourse to an unfair dismissal claim because &lt; 101 employees.</td>
</tr>
<tr>
<td>Kath, 50 year old Retail Worker</td>
<td>New contract makes her a contractor &amp; places greater demands on her. Told by supervisor this is allowed under WorkChoices.</td>
</tr>
<tr>
<td>Maggie, 48 year-old Hospitality Worker.</td>
<td>Dismissed following repeated requests that her manager address bullying behaviour by a colleague. No recourse to constructive dismissal claim because &lt; 101 employees.</td>
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<tr>
<td>Women Interviewed</td>
<td>Western Australia</td>
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<tr>
<td>Amy, in her 30s, currently a student but recently working as a part-time sales assistant in the retail sector.</td>
<td>Experienced difficulties finding appropriate shifts/work schedule following illness which reduced capacity to work full-time hours.</td>
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<tr>
<td>Barb, in her 50s, works part-time in the hospitality sector.</td>
<td>Bar was offered a workplace agreement but opted to remain employed under an award. She feels that her employer is treating AWAs as a “big stick” and has sought advice from State government department about her rights at work.</td>
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<tr>
<td>Carol, in her 40s, works on a part-time basis in the hospitality sector.</td>
<td>There have been questions of underpayment of wages that have been difficult to resolve due to complex management/supervisory structure. Carol has also had trouble with her hours of work being reduced so that she no longer has a viable job with her current employer.</td>
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<tr>
<td>Dana, in her 20s, works part-time in a clerical/administrative position in the health sector.</td>
<td>Dana left her previous employment when she was dismissed after raising a complaint about harassment at work.</td>
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<tr>
<td>Edith, in her early 60s, works on a casual basis in the hospitality sector.</td>
<td>Edith was recently dismissed from her job following a change in management. She had been employed with that organisation for 18 years. Edith sought a legal remedy for her previous dismissal in which the new owners cited “operational reasons” for her dismissal. She claims that these reasons were not given at the actual time of her dismissal.</td>
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<tr>
<td>Ellen, aged 29 works full-time in the hospitality sector.</td>
<td>Ellen has been working under an AWA since 2003 which she feels she signed under duress. She is seeking a remedy for underpayment of wages and claims that her employer made false statements to the about the no disadvantage test when filing the agreement.</td>
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<tr>
<td>Fran in her early 20s, works full-time in the retail sector.</td>
<td>Fran’s key concern is the increasing number of duties she has at work. Fran is employed under an AWA. After accepting her current position at one wage classification it was later regraded to a lower paid classification because she had no supervisory duties. Now she is increasingly called upon to supervise other staff but there has been no reclassification to the higher wage rate.</td>
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<tr>
<td>Gabby, in her 30s, works as a casual cleaner in the accommodation sector.</td>
<td>The key concern is a perceived lack of flexibility with the working hour requirements of the Welfare to Work provisions. Gabby feels she is well treated by her employer. However, she is planning to change jobs because of concerns with her hours of work and the difficulties of finding a roster that suits her family responsibilities.</td>
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<tr>
<td>Hettie, in her early 60s, works full-time in a specialised retail organisation.</td>
<td>Hettie left her last job because of an increasing demand that she engage in a wider range of duties, including heavy lifting. She received medical advice that heavy lifting would exacerbate an existing medical condition. When she raised the issue at work, she was asked “What, are you getting past it?”</td>
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<tr>
<td>Name</td>
<td>Age</td>
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<tr>
<td>Jane</td>
<td>30s</td>
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<tr>
<td>Jenny</td>
<td>30s</td>
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<tr>
<td>Keeley</td>
<td>20s</td>
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<tr>
<td>Liz</td>
<td>20s</td>
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<tr>
<td>Mandy</td>
<td>40s</td>
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<tr>
<td>Nina</td>
<td>40s</td>
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<tr>
<td>Olivia</td>
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<tr>
<td>Petra</td>
<td>50s</td>
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<tr>
<td>Ruth</td>
<td>early 60s</td>
</tr>
<tr>
<td>Sue</td>
<td>30s</td>
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<tr>
<td>Tammy</td>
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CHANGES AT WORK

This part of the report sets out the changes to the security of employment, remuneration, hours and conditions experienced by study participants as a result of the implementation of WorkChoices. Changes are analysed under nine headings:

1. job security
2. income
3. hours of work and breaks
4. leave
5. work processes and work intensification
6. managerial prerogative
7. unionism
8. voice
9. the needs of particular groups.

Soon after WorkChoices was introduced, many of the women interviewed experienced deterioration in their employment standards. These changes were in one or more of the following areas: security (including job loss and changes from permanent to casual status); standards (such as income and hours); work processes (including work intensification); managerial prerogative (including scope for negotiation and discussion); and access to unions.

The most pervasive set of changes arising from WorkChoices for women on minimum wages relate to dismissal. The changes to the unfair dismissal law have been among the most controversial aspects of the WorkChoices regime. However, they have received relatively little research attention with much more focus upon wage outcomes and AWAs. Our study reveals the critical and overwhelming importance of unfair dismissal provisions to the working lives of those on minimum wages. Their low level of workplace bargaining power is being further eroded by the threat of unilateral dismissal – and not only in workplaces with less than 100 employees, but more broadly for ‘operational reasons’ that are vaguely defined. Arbitrary dismissal has powerful effects in diminishing workers’ expectations and voice in their workplaces, as many accounts we recorded illustrate. What is more, redress for unlawful dismissal on the grounds of discrimination is a weak or ineffective remedy for some – especially in a new environment where employers are perceived to have much more power.

Employment security and dismissal

Many women we interviewed had lost their jobs: 57 of the 121 had been dismissed or forced to resign in circumstances that they could previously have challenged as unfair. In some cases their managers directly cited the WorkChoices as allowing them to dismiss the worker. In other cases interviewees were dismissed after questioning or resisting changes such as an increase in the demands placed on employees or attempts to downgrade their working conditions. Some women experienced discrimination.

Women in each state told how they were dismissed without reason and how that 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. Some exceptions existed where a union had some negotiating role or presence.

In almost all cases of dismissal, the sacking was unexpected, with no reason provided. This caused not only personal anguish but ongoing job insecurity. For example, in NSW, 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, NSW, fast food)

Similarly, Trish was a clerical worker employed on a part-time basis, four days a week, for many years in a club. Shortly after WorkChoices commenced, she was dismissed ‘for operational reasons’. Soon after, her job was readvertised. 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, NSW, clerical)

Union activism was deliberately and quickly targeted by some employers:

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, childcare worker, NSW)

For women who were dismissed from their jobs a common experience and source of distress was that their employers refused to engage in any discussion or negotiation, and that there had been no attempt to sort out issues together. Community services worker Nicola believes her employer dismissed her in a fit of temper:

There was absolutely no process, no evaluation, no paper trail, no nothing. It just completely came out of the blue and in fact I had reason to believe that I had been working very well. … In fact I had just recently received some compliments about how things were going. So no, it was completely out of the blue, I believe he just lost his temper and said it and then wouldn't withdraw it, so that was that. (Nicola, Queensland, community services)

Similarly clerical worker Irene thinks her employer had not planned to dismiss her and made his decision to do so on the spur of the moment:

I honestly think it is terrible because, I'm going to speak for myself, I put in 110 per cent, I always have, I got brought up from a family business, my father drummed in us if you're not going to do a job properly don't do it at all and that's how I work today. I brought my children up to think that way and we are all known to be good workers. And I just think for someone to stand there with the almighty like he did and just decide on a split spur moment, you're gone, I just don't think you should be able to do it.

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

…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. (Melanie, NSW, childcare)

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

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.

Did you have any warning that you might be dismissed?

No, nothing at all.

In Melanie’s view ‘You can just lose your job like that. That’s the end of it... they just don’t really care’. Like other interviewees, Melanie was concerned about the possibility of the employer treating other women the same way. Her comments demonstrate the spreading level of insecurity and uncertainty in workplaces, allowing some employers to control employees 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, NSW, childcare)

Despite Melanie’s suspicion that her dismissal was because of her pregnancy, she had no resources to pursue unlawful dismissal provisions. Similarly, clerical worker Natalie had been frustrated by the lack of an effective, accessible remedy under the unlawful dismissal provisions despite her dismissal for ‘poor performance’ after missing work to care for her sick children.

A general sense of insecurity pervaded the responses from a number of interviewees, with many women now accepting they can 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 they used to be. (Trish, NSW, clerical worker)

The desire for security of employment was clear with many interviewees, especially amongst older women and those with limited formal skills:

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, NSW, process worker)

I’m not going to look for something for full-time, 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, NSW, process worker).

Got a question or an idea?

A number of women were dismissed after questioning the way things were done or suggesting they could be done differently. For example, in Queensland Irene and Georgie complained about the way their work was organised and suggested changes to their work processes to take the pressure off and to improve workflow. Both women were dismissed soon after without warning, reason or notice. On reflection these women think their employers considered it was easier to get rid of them than to address the underlying
problems. Similarly Sarina and Bette thought their employers dismissed them as a way of dealing with a situation of conflict between staff. A number of these dismissed interviewees had recently been congratulated on their excellent work performance or had very positive employment records of some years, but these records were no protection:

I loved my job, I absolutely loved it… they actually gave me a bonus at Christmas and in there, on a piece of paper was this little note thanking me for making it such a lovely team environment, and overseeing everything, thank you for my generosity and thank you for fitting into our team so well. (Irene, Queensland, clerical worker)

No, no, two days before it did happen, I was told by the manager and the owner of the actual company that I was doing such a good job, they didn’t want me to leave and it’s the first time (this work) has been done correctly… (After I was dismissed) I went out to my car and just burst out crying because I’ve never been sacked in my life and I mean I’ve worked at quite a few places and I mean I’m a hard worker, I believe I am and I’m a quick learner and everything and I put my heart and soul into the place and that’s what happened. … Oh, it made me feel as if I was a blooming thief. (Bette, Queensland, clerical worker)

A number of women were offered vague suggestions about there being some problem with their performance as the reason for their dismissal without notice. They were not given any warning nor had they been given any feedback on their performance which indicated anything wrong. Hospitality worker Emily told us that, despite her efforts to find out why she had been dismissed, she never really knew what the reason was:

[Supervisor] said I hate to have to do this but they’ve made me, we’re gonna let you off. And I said but why, what have I done and she goes, I have no idea. Then I said well how can I be let off if I don’t have enough chance to rectify anything I’ve done wrong and she said as far as I know you’ve been let off because someone’s complained about you, and you’re not happy. (Emily, Queensland, hospitality)

All clerical worker Julie was told was that her position was being made ‘redundant’. She was given no other explanation and escorted from the workplace immediately. A week later she saw an advertisement for her job and sought advice on her rights. However, as she was employed for just under six months she believed she had no access to unfair dismissal laws:

They just got rid of me. I didn’t get any pay out or any entitlements, like I had about 3 days’ annual leave accrued, I didn’t get that paid out and also you’re meant to get one week’s notice in lieu of, one week’s pay in lieu of notice. (Julie, Queensland, clerical)

**Hard work was no protection**

Many study participants had lost their jobs in circumstances that could have been challenged before WorkChoices. For many interviewees, past good service was no protection. They felt the arbitrariness and injustice of their dismissals keenly. For example in South Australia, bar manager and sole parent, Shannon, and aged care worker, Rebecca, were dismissed following very long hours of work.

Shannon was dismissed instantly over the phone on a Friday morning after working from 5.30pm the previous night to 6.30am that day and objecting to commencing work at 10am after only 3 hours sleep:

Yeah, the boss, he had a bunch of his friends around, they were all publicans, they all came round and they were drinking and I was on that night, I was the only one working and there was like 20 people in the bar and this went on until 5.30-6 o’clock in the morning and then I…finally had to do all the tills, and put all the money in the safe and lock up, so it was about quarter to seven by the time I got home…Well I got home and went to sleep obviously because I was tired and then I woke up just after 10 o’clock and I thought oh, I’d better ring him and let him know that I won’t be in and he said you better come in and I said, I can’t, I’m too tired and he said well don’t bother coming in at all then. (Shannon, South Australia, bar worker)
Shannon attempted to reason with her boss over the phone, to no avail. She made enquiries about taking action for unfair dismissal, but was informed that there was nothing she could do to obtain reinstatement due to the small number of employees in the organisation. She received one weeks’ wages in lieu of notice and one weeks’ holiday pay.

Rebecca was very upset during her interview, but welcomed the chance to recount her story. She had worked for three and a half years as a permanent aged care worker in a private aged care facility employing 35 workers. Her work record was good; she had ‘never ever’ had any complaints prior to her dismissal in late 2006. She worked a minimum 60-hour fortnight on a 24/7 call in roster, meaning that her days and hours of work varied. She was paid $15.45 per hour. Despite some important personal issues, Rebecca felt that she could not take any time off work:

...there was no way I could confront or talk to the boss about my situation because she just does not believe in anyone being sick. If you don’t turn up to work, you’re dead and that’s all there is to it.

(Rebecca, South Australia, aged care)

Immediately prior to the incident that led to her dismissal, Rebecca worked 72 hours with only one full day’s break in between. She had worked seven shifts in a row without a break. As the on-call employee, she was expected to replace other employees who could not attend work. When a fellow worker asked Rebecca to fill in for her, Rebecca told her boss that any more hours were too much. However, she could not find a substitute and was forced to work the shift. Following an incident on the shift, Rebecca completed a further four shifts, still without a break and with no comment from management on the incident. The next day she was called into the managing director’s office and ‘dressed down’ for the incident. She was told to provide a statutory declaration of what had happened. After Rebecca sought union advice she was taken off the roster and dismissed. The absence of any redress was deeply distressing to her.

Bullying and dismissal

Several interviewees lost their employment in situations involving bullying and harassment, while others lost their jobs after ‘whistle-blowing’ over theft. For example, Maryanne left her employment as a console operator at a Victorian service station after abuse and bullying by her boss. Maryanne phoned the boss for assistance to solve a problem and he called her a ‘stupid, f-ing bitch’. She was extremely distressed and went home crying. However, before she finished the phone call with her boss, she told him that he couldn’t speak to her like that. He told her that she didn’t need to work for him. She phoned the next morning hoping to speak to him, but spoke to his wife instead who told her that her boss wouldn’t have her back because of her attitude.

Maryanne described a meeting where her employer called all the petrol station employees together to a meeting after the WorkChoices changes came in at the end of March 2006:

The boss was relatively abusive, but when the legislation came in that he got more so. In fact in March when the changes were announced he called us [the service station employees] together and held a meeting to tell us about the changes. And, thinking he was very funny, he told us he could sack us for farting. We didn’t laugh… Since I left some of the others have also left because they’re getting abused and yelled at. I find it interesting that they’re all older women in their forties.

(Maryanne, Victoria, retail)

Accusations of theft: no comeback

Other case studies of job loss arising from allegations of theft or misconduct also illustrate how the removal of unfair dismissal rights under WorkChoices can enable an employer to avoid obligations such as long service leave. They also show how employers can make it very difficult for a worker to use those limited protections that remain, for example, in relation to discrimination on the basis of parenting responsibilities and union participation.

For example, in South Australia, receptionist Mary resigned rather than be dismissed, following a management accusation of theft. Mary became ill and depressed after events which she viewed as grossly
unfair and a miscarriage of justice. She received legal advice stating that in spite of having a case, she had no right to argue unfair dismissal because of the number of employees in her workplace. She resigned.

Unfair dismissals are often events of trauma and upset. However, the removal of any opportunity for redress or justice for workers like Mary has important effects on them, their households and their wider workplaces and colleagues. It sends a message more widely.

Store manager Elizabeth in South Australia was dismissed from her position of four years for allegedly knowingly obtaining two refunds on the same item that she had put on lay-by. She was given no warning or opportunity to defend herself against the allegation, which she strongly denied. She was not permitted to have anyone with her at the meeting to discuss the matter:

He had a form ready and wanted me to separate immediately and I was told that, he told me a few times that I don’t want to go down any other path so I won’t bring in the police which normally he would have to. (Elizabeth, South Australia, retail)

Elizabeth was intimidated into signing a form accepting her dismissal:

I did and probably because…I felt very intimidated, I felt very upset… this was the first I’d heard of it, I felt very overwhelmed, I didn’t know really what to do in that situation so I did. I felt a little bit like if I didn’t the police would be bought in and to me that just seemed incredibly scary and I think because I’m a bit naïve…I now know the right procedures in how to handle a situation like that but I didn’t at the time. (Elizabeth, South Australia, retail)

Because she was dismissed, Elizabeth only received wages owing and payment for accrued annual leave. If she had resigned she would have been entitled to several weeks notice. Elizabeth maintains that her instant dismissal was part of a change of climate in the organisation following March 2006. This included an attempt to dismiss another young employee ‘for a very, very small incident’. Elizabeth sought advice about her dismissal and upon close investigation it was found that the company employed more than 100. She then took action for unfair dismissal and in a conciliation conference had her dismissal changed to resignation and secured a statement of service and four weeks pay. But this outcome did not reinstate Elizabeth’s job and it left her in a vulnerable employment position. What is more, it was not obvious to Elizabeth how many staff the company employed, illustrating the difficulties for workers in navigating their dismissal rights.

In South Australia aged care nurse Jane worked as an enrolled nurse for 30 years and a registered nurse for five years. Jane was the only union member on site and argued that she was targeted for dismissal because of her union involvement. Given the number of employees, Jane could not claim unfair dismissal. Jane’s inability to present a case for unfair dismissal also weakened her capacity to argue her case before the Nurses Board, following a complaint from her employer. Proceedings will take much longer to come before the Board than would have been the case for unfair dismissal, thereby undermining Jane’s chances of obtaining alternative employment.

Taking a set against an employee

The scope for personality clashes or a manager taking ‘a set’ against an employee appears to have enlarged.
In the ACT Mel said that she was sacked the very day that:

these new laws that came in, the IR laws; the day of the laws she sacked me …. It was just purely because she just didn’t like me and she could do what she wanted now. (Mel, ACT, carer)

Other ACT interviewees reported that the new legislation on dismissal had a noticeable impact on how their managers acted in the workplace which in turn impacted upon employees’ state of mind. Aged care worker Donna for example, noted:

It seemed like as soon as these laws came in the bosses of all these places and that felt like they were … if you don’t do it the way I want it you’re gone, you know what I mean? (Donna, ACT, carer)
Clerical worker Marianne, working in a law firm, had been dismissed in unusual circumstances. She got the news at home on a Sunday night. Marianne recalled that her supervisor ‘sent me an email saying I am reviewing your work and she was not happy about it and she’d given me the sack’. She was in no doubt about the link to *WorkChoices*:

> I was absolutely outraged that without any warning, there was not warning about my work or anything like that and as far as I could see from the politics going on in the organisation basically she hired me over the busy period for her law office – because I was doing conveyancing – and then just decided to lay me off because she was a very small firm under 100 employees, just to suit herself. That’s my perspective anyway. (Marianne, ACT, clerical)

In some cases, arbitrary dismissal added particular burdens for workers at times when they could least deal with them. For example, Debbie, a middle-aged woman working for 18 months with her most recent employer in ACT aged care:

> I rang the office and told them that I had been diagnosed with lung cancer and that from time to time I’d need time off for tests because most of the tests were done in Sydney. And when I turned up in my uniform ready for my shift on Wednesday as I walked down to the wing I worked on I was called to the office and the lady, Cheryl her name was, sat me down and said that they no longer required me as I was too sick to work. (Deb, ACT, aged care)

Debbie went on to say that she had been offered an alternative: she could continue as a volunteer.

**‘They make your life miserable until you resign’**

For low paid women workers with limited market power, dismissal does not always occur by direct means. For example, several Western Australian participants discussed situations in which direct dismissal was unlikely to occur because employers either encouraged employees to resign or simply reduced the hours of casual employees so that they no longer had a viable job. To quote several Western Australian interviewees in a range of industries:

> Well they haven’t put me off, they haven’t sacked me but they are not giving me any work either. They say I am a casual…

> Well the way the company operated was that if you didn’t like the conditions or anything about the place you could simply leave and that was it. They had no room for negotiation or anything like that; do you understand what I mean?

> They are unlikely to sack people; they are more likely to make your life miserable until you resign. Their modus operandi is never to sack someone, they were taken to unfair dismissal once and they did win that but I take it that it was a fairly traumatic experience that they didn’t want to repeat. So if it’s someone they want to get rid of they will give them written warnings and harass them until they resign of their own accord.

> I don’t know, when I got put off… well not put off - but it was made difficult and the best thing was to leave…

**Unlawful termination**

A number of those we interviewed who lost their jobs appear to have experienced unlawful discrimination by their employers. For example in Adriana’s case her Victorian employer told her she had no choice but to accept a change from full to part-time status under the ‘new laws’. It did not occur to her that this might be related to her pregnancy until several months later when she discovered she had been replaced by a new full-time employee. Similarly, Deanna was dismissed without reason but suspects it was because she refused to work extra days when she was not rostered to work under the part-time arrangement she had with her employer to enable her to care for her young children. Emily felt her sexuality explained her sudden dismissal.
In theory, Victorian workers like Adriana, Deanna and Emily can run a case of unlawful dismissal under the federal *Workplace Relations Act 1996* or pursue a discrimination claim under the Victorian *Equal Opportunity Act 1996* or the federal *Sex Discrimination Act 1984*. However, in practice, the former process is a lengthy and costly AIRC/Federal Court action while remedies for an anti-discrimination claim in respect to termination are slow and relatively ineffective (Chapman 2006: 257). Prior to *WorkChoices* the AIRC conciliated many claims of unlawful dismissal as part of an unfair dismissal matter, a course of action no longer open after *WorkChoices*.

**Change in form of employment**

Apart from dismissal, a number of women had had their form of employment arbitrarily changed. For example, two Queensland women were switched from permanent to casual. In receptionist Kira’s case her employer wrongly cited *WorkChoices* as allowing him to do this and Kira agreed to become a casual in the early months of her pregnancy as she did not think she had any choice. It was not until she sought advice after trying to return to work after having her baby that she found out she had a right to seek redress for unlawful termination.

Lorraine was employed on an over-award individual contract to manage part of a hospitality business which she built up significantly in the time she worked there. Her employers told her they were going to change her employment status from permanent to casual and reduce her pay to the award rate (resulting in an effective reduction of $3 an hour). Lorraine worked in a small town where most employment is in the tourism industry. She believed that what happened to her was not at all unusual:

> The thing is, in the town that I’m in, (name of town), I don’t mind mentioning that, there seems to be a lot of this going round, just of late. Employers are actually allowed to give people a lower rate of pay and they have to accept that or they leave... (Lorraine, Queensland, tourism)

Many participants wanted greater security through a change in the form of their employment. However, they found - contrary to promises of increased flexibility and choices under the new industrial regime - that it has not facilitated the type of change that they require. Rather, they are now less secure in their job, income and conditions and have less choice of alternative employment.

For example, accommodation worker Anne in South Australia is employed as a casual on an AWA. She would much prefer to be employed on a permanent part-time basis, which would give her greater job security and access to paid leave for an annual holiday and to cover sickness. Prior to *WorkChoices* she would have been able to request to convert to permanent part-time status after 12 months in accordance with her award provisions. This option is no longer available to her under the AWA. She believes that her chances of finding alternative employment on better conditions are severely limited by a previous work injury and her age of 57 years. Her AWA had been uni
duarter 2. Anne believed that her age (57) and previous work injury limited her capacity to find work elsewhere. She had no opportunity to find out at the time of signing, that the individual AWAs were different and that she would be financially disadvantaged as a result.

Similarly, prior to being made redundant, 58 year old clerical worker Kate was shifted to an AWA and then had her duties and responsibilities reduced without consultation or discussion. She also felt that she was ‘over a barrel’ and had no choice:

> I guess I felt they had me pretty much over a barrel in that I was a sole income earner and relied on my job and my age I felt limited in being able to change positions and decided that I would just continue as was. (Kate, South Australia, clerical)
Wendy’s large retail employer strongly supports WorkChoices and advertises its supposed benefits at the workplace:

They’ve said that these things make it more flexible for the company and more flexible for us workers and it’s gonna benefit us, blah blah blah, about how good it is for all of us and it’s gonna mean good changes for the workplace and that kinda stuff. Pretty much just talking it up and they’ve put up a couple of posters which [say] individual agreements, or whatever is good for everyone and stuff like that. (Wendy, South Australia, retail)

However, Wendy’s experience of subsequent changes to her duties, employment conditions and hours of work belies the assertion of mutual benefit. Rather it shows a one-way flexibility in favour of the employer. The increased ‘flexibility’ in her working hours was not made at her instigation and threatens her capacity to combine work and study. Her objections to a change in duties were ignored and the promise of permanent part-time work has not eventuated.

Wendy has observed that changes are being imposed regardless of what employees want. She has also noted that the opportunity for workers to collectively discuss changes is being deliberately undermined by the individualisation of worker/employer relations. Prior to WorkChoices, changes were raised at general staff meetings where there was some opportunity for questions and discussion. Now they occur through individual meetings, making them much harder to challenge:

It’s just you with maybe one or two members of management, sit down and it will be the store manager and your department manager who will be like now this is what’s gonna happen. And I’m a fairly confident person but I think with two people standing there that are members of management, and people casual, they generally hold how many hours I’m gonna do a week and I don’t generally go, well you know stick it where it fits. I’m just like okay, yeah sure. (Wendy, South Australia, retail)

Also in South Australia, sales assistant Wendy was trying to balance work and study. For two and a half years she had been working as a casual for three nights during the week, all day Saturday and four hours on Sunday. She desperately wanted access to pro rata holidays and sick leave through conversion to permanent part-time status. She had not had a holiday in two and half years, and was very tired from studying and then working nights and weekends:

I don’t wanna work five days but…it’s kinda hard you get a whole day at uni, you go to work, go home, study, get back up, go to uni, go work, study, like that’s what I do, that’s my life…(Wendy, South Australia, retail)

Wendy requested a change in her form of employment and it was agreed. Six months later, despite repeated requests for conversion, she was still working as a casual and her sense of job insecurity is growing. Her scheduled hours were becoming more uncertain and she observed increased insecurity amongst her fellow employees. Night staff in particular were being rostered on but then called at very short notice to say that they are not required. Workers previously employed on a full-time basis had their hours cut to 30 or 32 hours per week. When asked how secure she now felt at work Wendy replied:

Not secure at all. But you know it’s a matter of time before they think oh there’s somebody cheaper out there or there’s someone that will do…what she’s doing and not complain about it and…I know that…if you say stuff they’re gonna be like well we’ll just cut her hours or just not put her on a contract, or we’ll put her on a contract and she can do this. (Wendy, South Australia, retail)

After a three month probationary period production assistant Sue, also in South Australia, attempted to negotiate a change in her individual contract from full-time casual to permanent. However, the outcome for her was very unsatisfactory. She had been earning approximately $1,500 for a working week of up to 50 hours on a casual loading. The contract offered to her was for a 40 hour week on a flat rate with an overtime loading to apply after 50 hours. It was only for three months and included sick leave but no other forms of leave. Even though she had served the required three months probation, her wage was kept at the
probationary trainee rate. She had no option but to accept the new contract, which gave her guaranteed employment for just three months at the cost of a substantial cut in income.

Similarly, check out operator Ellen is very aware that she is now only one of two full-time employees left in her store. Although her form of employment is currently protected under the union collective agreement, she is feeling pressured by the erosion of the terms and hours of other employees. Through 2006 she noted an accelerated shift within the company to highly casualised employment involving individual contracts of between three and twelve hours per week. Contract workers have complained to her that they are not getting enough hours, ‘they really can’t survive’. Ellen and fellow workers are trying to find alternative employment with better security and conditions but are having great difficulty. For workers such as herself, employment options in the retail sector are constrained and finding a job with predictable hours and enough hours is not easy:

I've been for quite a few other jobs recently, one in the same company but a different branch and they promise a lot. A job I went for promised full-time and part-time positions and on the internet and then at the interviews the person interviewing stood up and said this job is 15 hours contract. There were a lot of people saying what, we were promised full-time or part-time positions, 15 hours is not going to cut it and we were all pretty shocked…one person stood up and said I've got a mortgage and she said I can't afford to do that, you promised us more hours, I went to the final two interviews and they said well you've got the choice of working 15 hours with us and maybe in six months time you might get more hours but we can't guarantee anything…I went for another job in a large corporation and they said casual and it was a similar industry to what I'm in now as a checkout operator and when I asked them how many hours a week, they said they couldn't give me an exact amount so I said well you know, really need to know how many hours they said oh it varies…(Ellen, South Australia, retail)

Despite record low official unemployment, some employees in areas where reductions in working conditions seem common following WorkChoices – like retail – have considerable difficulty making a move to a better job with predictable hours.

Changes in form of employment also included compulsory shifts to independent contract status: for example, Kath had been delivering newspapers for a retail outlet in Victoria for about 10 years on an ongoing casual basis when her employer presented her with a contract that made her a sub-contractor. Kath believed she had no choice but to sign the contract as her employer told her it was acceptable under the ‘new changes’.

Income

Wages are the primary source of income for the majority of women in Australia and the cornerstone of any work and family policy. Far from ‘pin money’, women’s earnings are as critical to men’s in households. Maintenance of an adequate 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 and their hours, 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 WorkChoices.

Despite the fact that the Australian Fair Pay Commission set the minimum wage at $13.47 per hour in October 2006 (AFPC, 2006), a number of adult, female employees among our sample were not receiving 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. Their job insecurity undermined their ability to even query their pay rates in many cases. As process worker Amber in NSW 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, NSW, process worker)

Underpayment of wages was especially a problem for women from non-English speaking backgrounds. Su, a cleaner originally from China, was paid just $10 an hour as a casual employee. 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.

Many women are reliant on the minimum wage (see WESKI, 2006) and 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 rate. Women interviewed expressed a desire to know when to expect the next increase in their minimum wages so that they could plan their commitments accordingly. As Sunny in NSW puts it:

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, NSW, process worker)

In addition to not complying with WorkChoices 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 WorkChoices has led to a significant shift in attitude shift among employers, in the view of many employees, even where AWAs are not in use. 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:

[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. (Laura, NSW, retail)

Similar experiences of underpayment were reported in all states. Underpayment of already low paid workers is a problem that is exacerbated under WorkChoices on two fronts, based on our interviews. Firstly, there is confusion and lack of knowledge about how to claim underpayment of wages. Secondly, post WorkChoices women were more insecure in their jobs and felt that employers would retaliate against complaints by dismissing them:

One of the TAFE trained [childcare 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 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, NSW, childcare 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.

While such ‘bad’ employers have always existed, WorkChoices appears to have sent a message to some that such behaviour is now allowable.

As we discussed above, the implications of being dismissed 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. For instance, Leanne, in NSW was a conscientious employee and a manager of two fast food outlets, who had been dismissed without explanation. She was in desperate need of employment:

I mean financially, I had no wage at all. (Leanne, NSW, fast food)

Leanne explains that she had to take whatever work she could get and in the process took a sizeable cut in pay (notwithstanding her casual loading) and lost access to paid sick and holiday leave:

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, NSW, fast food)

WorkChoices 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. Retail worker 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, NSW, retail)

Ivana likes the award system because it gives her security and predictability, conditions that may disappear under the proposed AWAs.

Rochelle, another NSW 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 on 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, NSW, retail)

Negotiating pay in the shadow of dismissal

Many women expressed worries about their ability to negotiate for themselves. Some found it laughable. Such situations are compounded when there are children to support and a mortgage to repay. Jodie worked in childcare 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. 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, NSW, childcare)

‘Negotiating’ the terms of employment for a new job in the shadow of possible dismissal and in desperation for a pay packet to support a family, makes the notion of bargaining power entirely theoretical. The regularity of pay is a further concern for workers on minimum wages. Celine is from a non-English speaking background working in low paid, process work. Her NSW employer had stopped paying regularly. Employers like hers appear to have taken advantage of the liberalising of labour laws and there is little to
no meaningful or useful recourse for workers like Celine. The ability, skills and confidence to ask for pay that is rightly due, a pay rise, or pay equity, is a serious problem.

Similarly, process worker Sunny realised that she was being paid less than her co-workers but didn’t know how to negotiate for equal pay rates. Sunny suspected she was being discriminated against because of her non-English speaking background, but she could not prove this, nor could she get access to the information to prove the pay discrepancy. Sunny is in a low paid position, with little power and is vulnerable to unfair treatment.

Many women faced reduced incomes when new workplace agreements were introduced in their workplaces. For example, in Queensland retail worker Lindsay lost income because she was not given her usual shifts after refusing to sign an AWA, while others in her workplace lost income because the AWAs took away their penalty rates. Hospitality worker Karen, also in Queensland, along with other casuals in her workplace, also lost income when penalty rates were dropped in the new collective non-union workplace agreement. The new agreement, which Karen says was put in place without casual workers having a chance to voice their concerns, increased the hourly base rate of pay slightly but meant that all the weekend casuals lost a significant proportion of their incomes.

‘Management are more confident now’

In her workplace in the Queensland aged care sector, Maureen said managers had placed increased pressure on workers to work extra shifts without overtime pay since the introduction of WorkChoices. She believed employees were working the shifts without overtime pay because they were now fearful of standing up for their rights. Many of the employees in her workplace, particularly those in the lower-paid support roles, are migrants from non-English speaking backgrounds who have experienced unemployment and were reluctant to ‘make a fuss’:

There’s definitely a real spirit of fear and intimidation that’s alive and well that comes down from management because they just, you know, don’t want to have to pay the staff any more than what they have to. I think you see (management) being more confident now when they sort of say no (to requests for overtime rates) to people, you know, whereas before they would think twice because they had to abide by different legislation. (Maureen, Queensland, aged care)

Once again, the nexus between ‘negotiating” and dismissal is evident: full-time permanent worker in Queensland, Lorraine, refused her employer’s demand to reduce her pay and change her status to casual and felt she had no choice but to resign. She has no right to unfair dismissal. Dianne was employed on an award rate as a part-time housekeeper/cleaner in a Queensland resort. She worked on several public holidays over the Christmas and New Year period. When she got her pay she discovered she had not been paid the penalty rate she was entitled to receive for the public holidays she worked. She complained to her manager who said he would ‘fix it’. Dianne was dismissed a few days later and did not receive her outstanding pay.

Not uncommonly, women reported that their employers owed them money following their terminations, often their last pay as well as outstanding leave payments.

In Western Australia with a very tight labour market, workers in low paid areas like childcare still struggled to negotiate changes in their pay. Some had the confidence to bargain but lacked power to achieve the desired outcomes:

…you can’t ask for any flexible hours, well yeah, you can ask, but you risk being sacked. The same as if you ask for more wages, for um the same sort of reason. You would think in a climate where there are not a lot of qualified childcare workers that you could ask for more … but no. I recently asked for a pay rise and got knocked back…so far it has taken 9 months, so I can’t see it happening any time soon. Well you can’t [bargain]. How are you supposed to, because you say ‘OK, I want a raise’ and they say ‘OK, well when your next review comes up you can talk about it then’… and you say
you want it now, they would say ‘well, you’re not going to get it, find somewhere else to work’. It’s not like they don’t have people. (Keeley, WA, childcare)

The effect of AWAs

Many workers had lost pay in the shift to AWAs. For example, Anne worked for a bed and breakfast establishment in South Australia employing eight workers. She commenced employment on a pre-WorkChoices AWA as a casual, working 30 hours per week; 5.30-8.30pm, Thursday, Saturday and Sunday, remaining on call on the premises overnight before working 6.30-8.30am the following day. Anne received $16 per hour for her reception and breakfast duties and $6 per hour when on call.

After 20 months (and the introduction of WorkChoices), Anne became aware that other staff, doing exactly the same work, had received a wage increase of $1.20 per hour. She found that her AWA made no provision for wage increases, unlike those covering other workers. When Anne queried the discrepancy, she was reprimanded:

I was just told that mine was well, mine might have been different to the others but I wasn’t supposed to know that anyway. I wasn’t meant to have seen anybody else’s but I had and I wasn’t actually allowed to look at anybody else’s and I wasn’t even allowed to know what rate they were on…We were told that because of the new regulations in March that we weren’t allowed to discuss what different rates we were on. (Anne, South Australia, hospitality)

Anne was given no reason for the discrepancy. She was informed that she would get no increase until a new AWA was negotiated. There was no guarantee that existing provisions would be improved. When Anne checked a copy of her AWA at the workplace, she found that it had been extended for a further 18 months without her knowledge or consent. The Office of Workplace Services informed her that the extension of the agreement was lawful, but that if she was not happy with it, she could negotiate with her employer over its conditions.

Offsetting pay increases through increased work load

As we have seen, in some instances the minimum wage increase was not passed on at all. There were also instances where the minimum wage increase was effectively absorbed by a reduction in paid hours. In Victoria, for example, Maryanne who now works for a contract cleaner was upset by her experience:

Well to counteract the pay rise they dropped us all down five minutes a day on our round times. Like yeah, we have a round time each day to do a job in and so they cut us down by five minutes, which counteracts our pay rise. So we now work harder in a small amount of time. (Maryanne, Victoria, cleaner)

And so you’re expected to do the same work?

Work, yep. It happened to all the girls that work at [Company]. Yeah, we just have to do the same job in a shorter time now to counteract the pay rise.

So that five minutes literally takes away the effect of the pay rise?

Absolutely. Just gobbled it up.

In Victoria, Liz had a similar experience:

But when I bought up my last pay increase, she suddenly said she’s paying me the right amount but I’m meant to be having an hour for lunch and whoever told me that I was ever having forty-five minutes? Well, they obviously did because I would never have had forty-five minutes otherwise… Like say I work from nine until five-thirty and I had forty-five minutes for lunch so that would be eight and a half, seven and three quarter hours a day which I would get paid for, but then she said, no I’m meant to be having an hour so I would only get paid for seven and a half hours… which you know… it’s not a money thing it’s the principle, because it was really probably only $6 or something,
$6.30 a week, but she said that I was meant to be having an hour instead of forty-five minutes. (Liz, Victoria, retail)

For interest’s sake, does that $6.30 cancel out the effect of the wage increase?

Well yes it did.

In a number of cases where interviewees were covered by an award, penalties provided for in the award were not paid, especially in retail and hospitality. Award breaches are not a new phenomenon in either the retail or hospitality industries. However, it appears that the pursuit of award breaches is made much more difficult in practical terms, with the loss of unfair dismissal rights, and the removal of the Australian Industrial Relations Commission’s capacity to resolve disputes, and the increase in the exercise of employer prerogative sanctioned by WorkChoices (see below).

For many interviewees in the ACT penalty rates had been reduced or removed altogether. In aged care facilities, this change was particularly noticeable. For example, after detailing a number of general concerns and uncertainties about the workplace, aged care worker Sonja mentioned, almost in passing, ‘I forget to tell you, Saturdays and Sundays they pay much less, much, much less than used to be on the weekends’. Similarly, ACT aged care worker Chrissie agreed, and was still more explicit about the link to the new laws: ‘Penalty rates have been cut. We used to get 100 per cent for Sundays and we only get 75’.

Hospitality workers who had been put onto, or threatened with, AWAs in Canberra were confused and alarmed about changes being imposed upon them; changes which affected their earnings:

People weren’t getting paid properly, they weren’t getting paid the hours that they’d worked, they weren’t getting paid overtime, and what they put on their timesheets wasn’t what was coming through on their payslips. So that sort of created an atmosphere of unhappiness because people seemed like they had to fight to get paid the money they were earning. (Jo, ACT, hospitality)

‘As low as they liked’

Cleaner Janis, facing the same situation attributed falling pay levels directly to WorkChoices and to the associated cost-based competition between contractors in the ACT:

But now with AWAs basically it can go down as low as they like. And contractors will do anything to get a contract so you just have to speak to cleaning staff to make [agencies] accountable for the amount of money they put into contracts to use reputable contractors who only pay award wages and to do it that way.

In retail in ACT, Louise was unhappy about unilateral changes to bonus payments, and concerned about the effect that a new, post-WorkChoices scheme would have on her earnings. She told us that her employer had changed work incentives, ‘our bonus scheme’, without discussion: ‘No, that’s another thing that they just tell us that happens’.

The very tight labour market in WA meant that effects of WorkChoices on wages were more muted. In WA WorkChoices represents a significant continuation of an established policy trend towards deregulation and decentralisation of the labour market. Arrangements for agreement making are now quite diverse within the state, as are the reasons for utilising different agreement streams. In mining, for example, individual agreements have often been utilised as part of a de-unionisation strategy. In other sectors individual agreements (including informal arrangements) are used as part of a cost-cutting or cost-minimising strategy and have been associated with loss of important employment conditions previously specified in Awards.

However, this does not mean that WorkChoices has had no effect on WA workplaces, as Sue’s story reveals. Sue is a childcare worker who recently resigned from a position in a childcare centre because she feared having a dismissal on her record after her hours of work were changed. She attributes a number of tensions in her workplace to WorkChoices.
there is a lot of fear in our workplace. We all know if we don’t do something that we should that there is that possibility that we can get sacked on the spot. And a lot of the young girls have got car loans and live out of home and things like that, and they are really quite concerned and don’t want to ask for things and don’t want to approach the owners if something is broken or needs fixing… because you know one day… if they are seen as rocking the boat they might be ousted. (Sue, WA, childcare)

Overall, in terms of pay, the interviews show that WorkChoices has in many examples decreased the incomes of low paid women. Evidence of pay cuts, 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 often a decline in take home pay in the next job. Inability to meet daily expenses, mortgages and personal debts all flow from these situations. In most examples, losses in penalty rates had not been compensated for through overall increases. Moreover, uncertainty about future pay rises, whether mandated or bargained, increase the dismal pay situation of those women on minimum rates.

**Hours**

Some effective say over working time and predictable hours are critical issues for many women given their caring responsibilities. This is an area of very significant negative change for many interviewees, following WorkChoices. Many participants reported changes in the number, pattern and predictability of hours that undermined rather then facilitated their capacity to balance work and family responsibilities, and work and study. Their stories reveal unwillingness on the part of employers to accommodate the caring and educational needs of workers. The reduction in protections regarding working hours and lessening of constraints on forms of employment under WorkChoices and an accompanying ‘freeing up’ of the employment climate have enabled the employers of these workers to increase their flexibility in the use of labour at workers’ expense.

**Ruby’s story**

For example changes to working hours severely disadvantaged sole parent Ruby in South Australia. She was employed as a clinic secretary for 15 hours per week, Wednesday, Thursday and Friday, 9.30am-2.30pm. Another woman worked 9.30am-2.30pm on Monday and Tuesday in a ‘job share’ arrangement. These hours enabled Ruby to combine paid work with accessible paid care for her pre-school aged son and were ideal for when he started school. Ruby commenced employment as a casual, on a pre-WorkChoices individual contract based on the South Australian Clerks Award.

When two staff left in January 2006, Ruby and the other ‘job share’ worker were asked to increase their hours to 9am-5pm. Ruby agreed, but the other worker refused and resigned. She was then asked to work four days, 9am-5pm. She was able to accommodate three full days paid work, but more hours made juggling work and care problematic. Her son was just about to start school and after school care was not available on Wednesdays. After discussion, the head of the clinic agreed that she could work until 2 pm on Wednesdays until care was found. Ruby then tried without success to find after school care.

During this time, Ruby was asked by the head of the clinic to take on a ‘floating’ secretary’s role. She was excited by the prospect of learning new skills and accepted on the understanding that she could work on a permanent part-time basis. This was agreed to. The new position was due to commence in April 2006 after two weeks leave, which Ruby was taking to settle her son into his first year of school.

While Ruby was on leave, she was contacted by the newly appointed clinic manager for a meeting. Ruby attended the meeting in her own time and had to bring her child with her. On this occasion and in a subsequent phone call to her at home it was made clear that the manager wanted a part-time worker willing to fill in on a full-time basis when the secretarial staff went on leave. No consideration was given to previous commitments to Ruby or to her caring responsibilities:

She just said that she needed me to be more flexible… and I said well I don’t know how much more flexible I need to be, I’m working, you know my contract’s 9:30 til 2:30 I haven’t done that since
January, I've been working 25, 30 hours a week…but she wanted me to be able to work Monday to Friday basically 8 til 5:30. And when the doctors' secretaries went on holidays…then I had to be prepared to cover them…And so sixteen doctors' secretaries are all entitled to four weeks' leave, so I sat down and tried to tell her that it's not just a four week block, that it actually worked out to be forty two weeks of the year I'd be working full-time hours…(Ruby, South Australia, clerical)

In spite of the previous undertaking given to Ruby that she would take up a permanent part-time position someone else was appointed. Ruby understood (later confirmed) that she was being forced out of employment because she would not work additional hours:

And then she said to me that the new girl was starting and I said I just think you're keeping me on now to train the new girl, I said and I don't understand why I got offered the job, I've been given no reason why the job's been taken off me. And she said this new girl can be flexible and I said well, I said can she be as flexible as you want, and she said yes, she doesn't have kids. (Ruby, South Australia, clerical)

It is likely that this action by the manager amounted to discrimination on the basis of family responsibilities. However, this action was carried out following the manager’s attendance at a seminar conducted for employers and managers on WorkChoices and the Clerks Award. The manager understood and conveyed that what she was doing was now possible under the new legislation and Ruby suffered significant unrectified disadvantage as a result. In this case study neither the legislation nor training on it facilitated greater organisational flexibility in relation to family responsibilities. Indeed the reverse. Despite her previous service and good relations at work, the climate created by WorkChoices and conveyed through specific training for employers, reduced Ruby’s effective say over working time, with the eventual consequence of losing employment.

**Flexibility to reconcile work and family?**

The experiences of permanent casual receptionist Mary illustrate a decrease rather than an increase in flexibility for families under WorkChoices. Mary had worked for nearly seven years on a regular 32 hour week, Monday, Wednesday, Thursday, Friday, commencing between 6 and 9am and finishing between 3-5pm, and Sundays, 9am-2pm. She had ‘a lot of problems with maintaining family friendly hours and/or conditions. Just trying to align hours with family time’.

Mary’s employer demonstrated a lack of sympathy for family needs. Management would change patterns of hours or reduce hours without consultation if a worker sought to vary her normal hours:

…if you requested certain hours to be changed slightly maybe an hour here or drop back two hours on a certain day, then you felt like you were being punished by a total rearrangement of your hours…they seemed to take offence that they weren’t in control or something. (Mary, South Australia, receptionist)

After WorkChoices this attitude hardened even further. It became more punitive towards requests to change hours to fit family requirements, even when Mary had organised a suitable fill-in or replacement. During 2006, Mary asked for a permanent change to the finishing time of two shifts:

Well, I particularly asked for two shifts that finished at 5pm to be changed to 3pm so I could be home for my children because I was finding that the pressure of getting home at 5.30 and then trying to help them with homework and trying to cook dinner and so forth and the next shift was a 6am start, I found that I wasn’t being able to do it without stress and rushing and having some quality time with my children. I came to them with a fill-in that normally started when I finished at 5 who was happy to start at 3 instead of 5…(Mary, South Australia receptionist)

Management’s response to this request was to not only reduce the two shifts by two hours but to also take away a whole day from Mary’s roster without consultation or notice. She argued that this was not fair, and that it would create great difficulties for her and her household. However, management was adamant; ‘I just had to go back to work and take it or leave it’.

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Control of working hours is an issue for workers with children and without. These accounts emphasise the importance of the capacity to exercise voice around working time and the climate-shifting effects of *WorkChoices* in reducing worker say and increasing effective employer prerogative about working time arrangements. This picture is significantly shadowed and shaped by the influence of changes in dismissal rights and redress (discussed above).

As in other states, changes in hours for workers in the ACT worked out in a variety of ways – longer shifts, shorter shifts, more time required at work, less time required – but in all cases the changes occurred with little, if any, notice to the women concerned and without discussion with them.

In an ACT aged care service, it seemed to some women that more work was expected of them, and that changes to working hours and shift arrangements followed directly from the new laws coming into effect. In one facility, shifts were shortened but staffing reduced – so the clients did not have ‘a full carer for the whole night’. Clients and employees suffered. Another ACT aged care workplace suffered similar effects. Disability care worker Marianne was struck by how unpredictable their hours of work had become: ‘they’re all over the place’. She was working more hours than she wanted to do but said that she was putting up with the ‘high number of hours each week’ in the hope of securing ‘the permanency that the job’ had promised advertised.

For aged care worker Chrissie, also in the ACT, it was clear that hours and shift arrangements were not up for discussion: she ‘was told that they could be taken or swapped whenever they [management] chose to’.

The retail trade’s hours of work and payment for penalty rates have been among the most contentious areas of the *WorkChoices* debate. Retail worker Louise in the ACT reported that full-time staff in her workplace had not worked public holidays at all before the new laws came into effect. Now, however, they were all required to work every second one. There was no formal change to any written contracts: they just told us then and there and that’s what was going to happen and they’ve become quite strict about it …. it was a bit of a surprise actually. (Louise, ACT, retail)

The change was not only for the worse but was unilaterally imposed after *WorkChoices* became law. These changes to hours and working time arrangements more broadly are indicative of an enhanced managerial prerogative – discussed more fully below.

In Western Australia, Sue told of her experience of resigning from her employment after being told that her full-time working hours were to change, only to be later re-hired as a casual employee in the same workplace – all in the shadow of the new dismissal provisions of *WorkChoices*:

The other girl, she said that she couldn’t start at 6.30 in the morning because she had a young baby and I couldn’t do it either because I have 3 children and I didn’t want to get my kids out of bed that early and have them in before school care and then go on to a full day at school…. And they said, “Well you have to or you have to leave”. And we… we all knew about *WorkChoices* at that stage, and we all knew that they could get rid of us if they wanted to for some reason, the whole 12 girls that worked there so…. So [worker’s name] she put in her resignation the week after, and I put my resignation in the week after that, because we didn’t think it was going to work, and it’s better to resign than be sacked.

Then they found a woman to take my job and I had one week to train her up… a week after I had finished they called me up and said that I could have some casual work if I wanted because they really needed people and they couldn’t find anyone. (Sue, WA, Childcare)

Despite the flexibility that *WorkChoices* and AWAs are intended to facilitate, no interview participants in Western Australia identified any changes or improvements in their working hour arrangements that they attributed to this form of employment regulation. Flexible or negotiated working hours appeared to be more closely associated with managerial needs than with any specific form of employment contract. In the one case where a change in working hours was attributed to the introduction of *WorkChoices*, the interview participant (Sue) viewed the experience as largely counterproductive to her needs.
Unpaid extra hours

ABS data suggest that 36.8 per cent of Australian workers work overtime and 48 per cent are not paid for it (ABS Cat. No 6342.0 November 2006). Many low paid workers are doing unpaid hours, based on these interviews. They are doing extra hours despite their low weekly wage rate. Neither their pay rate nor their promotional opportunities are such that they can have any expectation of reward from their longer hours – beyond the hope that it reduces their risk of dismissal. The incidence of unpaid time at work was particularly prevalent among those working full-time who were routinely expected to complete unpaid overtime.

Shannon’s story

Shannon’s unpaid contribution, described below, does not give her job security, and her sacking - without any opportunity for redress - has very significant consequences for her and her household. Shannon is a sole parent with children 8 and 11 years old. She shifted from one South Australian country town to another in mid-2006 to obtain work as a permanent full-time bar manager on an individual contract. She worked a split shift Monday, Tuesday, Thursday and Friday, commencing at 10am, with a break between 1pm and 5.30pm, then working until close of business. On Saturday she worked 5.30pm until close. On Sunday she worked four hours in the morning. She was paid $15.97 per hour.

Shannon’s employer demanded flexibility on her part to cover the varying closing hours of the establishment, but was not similarly considerate of her caring responsibilities. Shannon regularly worked until 2 or 3am and between 15-20 hours beyond her contracted 38 hours each week. She was not paid for these additional hours; nor did she receive time off in lieu:

Yeah you should get paid for so much overtime, I mean a few hours a week, fair enough I don’t think people get paid for that now do they, but 20 odd hours a week, you should get paid for that…I mean when it was quiet…they didn’t even offer me time off in lieu of what I’d worked of the overtime. I asked for an hour off once and they said, no we can’t do that…(Shannon, South Australia, bar worker)

When her boss went on holiday, Shannon was asked to increase her hours from 10am-1pm to 10am-2pm. Shannon agreed in spite of this increase eating into her limited mid-day break (in which she had to travel 11km each way to her home to do necessary work for the family). On his return her request to return to her normal hours was refused. She received no pay for this extra hour. Shannon eventually objected to the working hours demanded of her, leading to her dismissal. She has no remedy under WorkChoices for her unfair dismissal as discussed above).

Other interviewees spoke about pressure to remain at work to complete particular tasks, outside agreed or ordinary hours of work, without receiving additional payment. Where compensation was provided, this was sometimes in the form of “time off in lieu”, at the discretion of the employer. As women in Western Australia described their situations in a variety of occupations:

I work full-time, I'm on a salary so I don’t get paid over time. …if I do work overtime I accumulate time in lieu and it's at their discretion when I get to take it.

I work a 38-hour week. There’s not really a lot of overtime involved, but some days there can be. It’s unpaid overtime when there is some.

… I was employed originally as a coordinator here at [centre name] and I was only meant to be doing a 75-hour fortnight. I average about 86 hours a fortnight.

Q: And do they pay you for that over-time?

A: No. I just get paid a flat rate. Which I am not too happy about.

There were some that hadn’t been paid right for quite some time and they were owed thousands for overtime, but they [managers] said that they had never paid overtime and wouldn’t start now. But I thought that as a part of an award if you worked overtime you had to be paid for it.
Many other women on low pay were working unpaid overtime. Lorraine was paid to work a 45-hour week in a tourism business and she was working 50 hours. Her employer reluctantly agreed to her reducing her work hours due to health reasons. A few weeks later he used this reduction to argue that Lorraine had ‘broken’ their original employment agreement and therefore it was reasonable for him to reduce her hourly pay by $3 and to change her status to casual.

When Georgie started her clerical job she didn’t mind working lots of unpaid overtime because she was new and wanted to get on top of the job requirements quickly. After several months in the role it was apparent to Georgie that it just wasn’t possible to get through her tasks without working very long hours. She made suggestions for some changes to processes to improve the situation but these were rejected. Soon after this she was dismissed when she complained to her supervisor about her long working hours:

> I started to think that I was doing a lot more hours each day, you know starting at 7.00 and quite often I wouldn’t get home until 7.00 at night. And I was quite happy to do that in the first couple of weeks, new to the job… So that was fine, I worked solidly for months and I was doing on average 47/48 hours a week. I got to the stage where I was absolutely exhausted, my health suffered incredibly. (Georgie, Queensland, clerical)

Changes in other conditions of work following the introduction of *WorkChoices* were most commonly experienced as increased demands to work longer and harder. Rather than formal arrangements that changed their conditions, women were likely to experience increased pressures not to make use of the conditions they had. Most women accepted these circumstances as they did not think they were in a position to resist their employers’ demands and some saw resistance as a much riskier path under *WorkChoices* than it might previously have been.

The demand to work regular unpaid overtime was perhaps the most common of the pressures placed on women which undercut their conditions. Individual women also told us of being required by their managers to take their lunch breaks on the work premises so as to be on-call, being required to work on Saturdays without having the award-specified two days off in a row during the week, regularly and frequently being required to do the work of more than one person as the workplace was short staffed, and, in the cases of two casual workers, being told they could not take any unpaid leave at all during the year.

**Hours and AWAs**

In some cases, reductions in hours were used to discipline workers who refused to sign AWAs. In other cases, the threat of arbitrary dismissal was used to increase employer control of working time. For example, retail employee Lindsay in Queensland was offered fewer hours following her refusal to sign the AWA. For other women, long hours and unpaid overtime were problems and when they spoke up about these issues they lost their jobs.

By getting rid of weekend penalties in the new AWAs in Lindsay’s workplace, her employer made it much cheaper to use the older female sales staff to work on weekends when these women had previously relied on weekday work which fitted with their family lives. The family lives and childcare arrangements of Karen’s female workmates in hospitality were also disrupted for the same reason as the women now had to find additional work to earn the same money.

Also in Queensland, housekeeper Dianne was dismissed after she complained about her hours and pay. She was employed to work 30 hours but for weeks she had been working full-time for seven or eight days in a row with one day off in between.

**Leave**

As with working time arrangements the basis, amount and flexibility in leave arrangements are central to the organisation and remuneration of paid work. Leave conditions, 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.
Leave loading

In Liz’s case in Victoria her employer simply stopped paying the holiday loading to which she was entitled. It would appear that her employer had erroneously assumed that the leave loading was no longer payable after WorkChoices.

Liz sought advice from what she described as the ‘government WorkChoices line’ and established that she was still entitled to the annual leave loading. However, because of her employer’s reaction after raising the minimum wage increase and her need to keep her job, she felt could not pursue this issue of the leave loading with her employer:

[But] Basically I should be able to say ‘you didn’t pay it’. [But] I just don’t think I’ve got the energy to be fighting, well not fighting, but bringing it up with her, it’s like just so unpleasant… I talked to my husband about it, [but] I really do enjoy [my job]… I like the other guy that I work with a lot, I don’t mind the work, it’s quite easy and I love the hours. I love the Thursday, Friday, Saturday, Sunday off for the quality of life. And I sort of just decided you know I would put up with it and because of that… I have to resign myself to the fact that you know I won’t bring up every little thing… I do feel it goes against my grain but… I would never be a shit stirrer or anything like that. You know I’m just not that sort of person but… I hate to see people not treated right and you know sometimes I feel a bit hurt because I don’t know whether she is doing it just to me out of spite…(Liz, WA, hospitality)

Sick leave

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. Retail worker 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, NSW, retail)

Childcare worker Jan had also faced resistance from her employer to accessing her sick leave entitlement. Furthermore, this example demonstrates the impact of WorkChoices 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 came undone because I wasn’t ready to go back to work, I was too sick, really. (Jan, NSW, childcare)

Medical, counselling and reception staff at a South Australian women’s health service remarked that changes to arrangements relating to sick leave and medical certificates have affected the users of their service subsequent to WorkChoices. Of particular concern to doctors and patients is an increasing requirement by employers to specify the actual medical condition on a medical certificate. A staff member in referring to one instance commented:

Apparently that employer had every right to demand [details of the medical procedure] and we were quite shocked and it was part of her agreement of employment so we are trying to think of ways that we can support women at companies who are concerned and try and get around that in some way to maintain the confidentiality but in the meantime that really does need to be addressed. Men or women - it doesn’t matter - nobody is entitled to know what someone’s medical condition is as an employer. (South Australia, health service provider)
Reception staff in these services have also experienced more requests for appointment times on Saturdays because women were finding it harder to get time off work during the week, ‘even when we talked to them about offering them medical certificates they might say that’s not going to help I will lose my job, or what is the medical certificate going to say’. Medical staff reported women having to deal with difficulties in accessing sufficient work time for medical procedures:

Sometimes women don’t feel free to take the amount of time off that they’re meant to have off from work after their procedures. They’re meant to rest 24 hours but some indicate that it would be difficult for them to have the next day off work. (South Australia, health service provider)

The service also noted that men were also finding it harder to obtain leave to accompany and support their female partners:

It can make it difficult for their partners to support them and take time off as well. We found that is quite common, we like women to not be alone and have their partner with them at night but that relies on their partner being able to take time off work. (South Australia, health service provider)

Maria, who worked on a casual basis in aged care, took three weeks’ unpaid leave due to illness. This was the first leave Maria had taken in the four years she had been employed with the service. In the past if she had been ill she had managed by changing her part-time hours to another day. This time she provided her manager with a medical certificate:

I went on leave and [the manager] started getting a bit angry saying ‘well I want to know what your problem is, I want more details’, ‘I don’t just want a medical condition’ and things like that. She said under the new industrial relations laws she can actually ask for more details because in the past people had been getting leave from just any old doctor who would write on there ‘medical condition’ but now they are able to ask for more details … My specialist said that she’d never heard of anything like that before so she wasn’t prepared to give any details. (Maria, Queensland, hospitality)

Public holidays

A number of employees who had worked under award conditions reported that they lost their non-protected public holiday entitlements soon after WorkChoices commenced. For example, in NSW Penny says:

First change, we lost our picnic day. (Penny, NSW, process worker)

On the positive side, some improvements around the legislated new minimum standard for sick leave had positive effects:

But they say before we have eight days sick leave but now the new law we have about ten days sick leave. (Penny, NSW, process worker)

Unfortunately, these improvements did not come without some cost to the employees as some employers sought retribution for the increases. Moreover, many of the women interviewed reported that they had difficulty accessing their sick leave entitlements.

Annual leave

A number of different issues arose during the interviews in relation to annual leave. For example, annual leave arrangements at community worker Deborah’s workplace have become less flexible. Prior to WorkChoices an employee could go into debt on annual leave over Christmas (to be recouped later) in order to manage the break and school holidays. This arrangement is no longer available as a consequence of her employer’s unilateral change imposed after WorkChoices was enacted. These changes particularly affected a young mother during the 2006-2007 Christmas/New Year period:

I know one of the young ones at work hasn’t got enough leave to cover her over the holidays with school…they had a vacation care program that she thought she could get her daughter into, that’s been cancelled and so she is having to come back early and she’s not quite sure how she’s going find
care for her daughter but she obviously couldn't afford to not come back because they weren't going to let her extend her leave and then pay it off later on.

In NSW, childcare worker 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, NSW, childcare)

For casuals such as hospitality worker 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, NSW, hospitality)

Breaks

A number of interviewees, especially in the retail and hospitality sectors, recounted work situations involving an absence, reduction in or removal of breaks subsequent to WorkChoices. Less access to breaks raises concerns regarding occupational health, safety and welfare as well as productivity, especially for workers who worked long hours each day.

For example, in South Australia, Ellen has worked for eight years on a permanent full-time basis for a large retail company, earning approximately $16 per hour. She works 9-hour days and under the union collective agreement is supposed to have an hour lunch break and a tea break of 15 minutes, morning and afternoon. However, since March 2006 breaks have become erratic and are being allocated further and further beyond of their required time.

Similarly, in spite of working a very long split shift Shannon was not relieved at the bar so that she could take a break. Neither was she aware or informed of her entitlements:

I never got breaks…I'd work 8 or 9 hours straight without a break which apparently you're supposed to have a break every four and a half hours or five hours or something but he never mentioned that so I wasn't sure what I was supposed to do. (Shannon, South Australia, hotel worker)

Cuts to breaks were made without consultation or notice at Wendy's retail workplace soon after WorkChoices was enacted. A break of 10 minutes has been removed from four-hour shifts and cut from 20 minutes to 15 minutes in five-hour shifts. Workers found out about these changes when told by their shop floor supervisor when they went to take their normal breaks.

Work processes and work intensification

Care workers in all regions felt that workloads had become 'a heck of a lot heavier' since WorkChoices, even under existing industrial agreements. Gillian in the ACT explained that this was about an emerging set of norms in the workplace, and that it impacted on the workforce in direct and measurable ways:

You are expected to do a lot more than previously. There is no doubt about that. You're supposed to get a ten minute break and a half hour break. I think I can count on one hand in ten months the time I've had the half hour break and the ten minute break I've never taken. There just isn't the time. You're one person in a cottage with 15 people – you just don't get the time... It was a directive. There was no discussion whatsoever and everybody was up in arms about it ... it was a fait accompli, it was done, it was a directive. (Gillian, ACT, aged care)
The ‘multitasking’ that took place here was seen as a direct result of enhanced managerial prerogative under WorkChoices.

Gillian wanted it to be understood that she liked her job and was not a shirker. Hard work she said, ‘doesn’t bother me, I’ve always worked hard … but the workload is heavier’. Similarly, aged care worker Chrissie said that workloads had increased after wage increases. This change effectively wiped out any benefits from that increase: ‘we went multi-skilling as well so it was also more duties’. (Gillian, ACT, aged care)

There were similar experiences in childcare in the ACT. Cost cutting had led to staff cuts and carers having to do more. Childcare worker Kasey reported that: ‘it became a lot harder. I’d have to do everything. A lot of the times the room wouldn’t be following the ratio [of carers to children]’. So too with hospitality: ‘there was more work to do and less people’ said hospitality worker Jo:

There were more people who came on as casuals so you didn’t have the continuation of work during the day, you kind of had to work out what had been done and what hadn’t been done and things had been started and not finished. Because I worked in the afternoons there was a lot more work to do. (Jo, ACT, hospitality)

In many locations WorkChoices is associated with an intensification of work. In some cases, managers were not replacing staff as part of general cost-reduction/profit maximization strategy. This is occurring in essential service areas like childcare 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, NSW, cleaner)

Employer strategy was manifested in control over the pressure and speed of work. Some workers reported being under pressure not take any time off from their tasks and had had morning and afternoon breaks withdrawn.

WorkChoices provides employers with greater freedom over the allocation of labour. There are numerous examples amongst interviewees of how the unrestricted ability to change staffing arrangements, to cut numbers and to change hours has negative consequences for remaining employees. There are also negative consequences for the business:

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, NSW, retail worker)

The intensification of work had direct implications for the health and safety of some of the workers interviewed.

In the cleaning company where Fran was employed in Queensland, the contract for cleaning a new site required a much greater workload to be carried by the employees with no additional time allocated. Fran’s employer told her it was necessary for the firm to cut costs to be able to win contracts in competition with other companies that were now paying their workers less under AWAs.

For three women working in the Queensland aged care sector, work intensification was the result of cost-cutting and staff shortages. While these problems were apparent prior to the introduction of WorkChoices all three women believed that, since its enactment, there had been greater demands on workers and these demands were less likely to be resisted. Two of the women worked for not-for-profit agencies and one for a private sector employer, two in aged care institutions and one for a community care provider. All three
said that there were many workers in their workplaces who felt intimidated and fearful and they spoke of managers who had used the threat of dismissal and lower pay under *WorkChoices* to extract greater effort. Maureen said:

> So (the legislation) does mean you know, in talking to the staff that I work with, they’re all very hesitant these days. They don’t feel that their jobs are secure anymore, you know, they’re just very cautious because of the new legislation and so they feel they have to do stuff that they’re not happy with simply because they don’t feel that they can say no anymore. (Interviewer: what sort of things do people feel they can’t say no to?). Well, quite often people are, you know if we’re short staffed, people are asked to come in and work extra shifts where once they used to sort of say ‘no, I don’t want to’, now they feel they have to. (Maureen, Queensland, care worker)

Several women were employed in jobs in which the demands on them were excessive but they put up with these until they felt they could no longer manage. When they complained or suggested there might be other ways of organising the work they were dismissed.

In a number of Victorian workplaces work intensification occurred as a result of short staffing and in others as the result of reduced hours which interviewees linked with *WorkChoices*.

**Managerial prerogative**

Considerable evidence of increased managerial prerogative is evident. Underlying many of the post-*WorkChoices* changes described above is a strong sense that employers feel 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 is evident through extra pressure on employees and employer initiated changes to work processes, rostering arrangements, pay, loadings and other conditions.

For example, clerical worker 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:

> 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. (Natalie, NSW, clerical)

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 childcare worker Jan to take leave, her employers then did not pay her while she was away:

> “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, NSW, childcare)

It was understood by interviewees that *WorkChoices* 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. Childcare worker 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, NSW, childcare)

Not all of the women 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, NSW, fast food worker)

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, NSW, clerical worker)

In the time that you’ve worked as an Early Childhood teacher did you ever belong to a union? No, because I would have been sacked on the spot. (Jan, childcare worker)

Some interviewees reported that access to the union is being denied or that employees feel threatened. In one instance, two employees joined the union after WorkChoices because the boss had been harassing them to work even harder, saying they would lose their jobs. The boss found out:

And boss said know somebody join union. You know, some scared… scare lose the job so somebody can no join union again…He say, “Why you join union? Union no help you, everything.”

Okay, so the boss is saying that and people are a bit scared of losing…?

Yes, very scared now…Scare lose the job. (Lois, process worker)

With the commencement of WorkChoices and the power that it gave employers to dismiss, some women 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, NSW, clerical worker)

Managerial power and age

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.

Managerial prerogative is typically associated with decision-making structures or processes in which managers or supervisors unilaterally introduce workplace change, with little consultation or input from employees. It is one possible manifestation of the different power that can be exercised by those at different organisation levels within the workplace. Barb, who works as a bar attendant in a Western Australian community based club described a change in attitude on the part of her supervisor after WorkChoices was introduced:

I think WorkChoices has made things more difficult because my employer really doesn’t understand the issues … just because WorkChoices has come in doesn’t mean you have to comply to everything, employees still have choices and it’s not just about the employer; so it has made life more difficult yeah.

Q: So you think there has been a power shift.

A: Yes to the employer, yep, and I don’t think they understand, as an existing employee there are things in WorkChoices that you don’t necessarily have to comply with, you can choose to stay as you were. Well that’s my understanding of it. But my boss thought that he could just come with a big stick. (Barb, WA, bar attendant)

In Barb’s case, she has declined the option of moving to an AWA and is currently seeking legal advice with respect to her entitlements at work.

Many women found that managers had much more power while their own voices as women in the workplace had been all but silenced. Women felt these changes at work very keenly indeed. For example, in the ACT, Sonja, working in aged care, said that with WorkChoices the changes were prompt and clear. The local employers:

…became a little like in the movie with Charlie Chaplin [Modern Times] and they start to boss us around and especially people like me with the accent, I have eight years in this country and, you know, my accent never going to lose me. (Sonja, ACT, aged care)

Sonja as very specific about the changed managerial behaviour, as the following exchange, about changes in hours of work in an aged care workplace, makes clear:

So with these changes were any discussed with you beforehand, either directly or through the union or something? Were any discussions had about why changes to leave provisions, why changes to hours? …

No. Nobody asked me nothing. They changed my hours, nobody tell me. They say it’s alright under the new law and they don’t care when I was asking why you don’t inform me maybe I was here everyday and you show me why you don’t tell me, they say why after the new laws, WorkChoices, we can do everything. I say why you have choice, why I don’t have choice, why choice is only for you?

And what did they say?

They are laughing, ‘go away’. (Sonja, ACT, aged care)
Managerial prerogative matters because of its impact upon relationships in workplaces: what some people call the ‘psychological contract’ between employers and employees. It also affects material working conditions and may affect wages and hours, as we have already seen. These issues are interwoven. In Donna’s aged care workplace in the ACT, as soon as a wage increase was awarded to employees, managers unilaterally changed work arrangements to get more value for money from their staff. New duty statements were immediately written and carers were required to do ‘lots of kitchen work as well as the caring’.

In those cases which have reached the press in the last twelve months or so, much has been made of the fact that these are merely ‘bad bosses’. But many women we interviewed felt that the difference was that the new laws allowed management more latitude, and many managers were taking unfair advantage of it:

The biggest change would be the inability to complain. Say you’re not satisfied with such and such … and the stock standard answer is well you can leave. That’s probably one of the things that I’ve noticed since then, since Work Choices came in. (Gillian, ACT, aged care)

Some of the women’s managers appear to either be confused about aspects of the new legislation or to have abused the industrial regulation changes to gain greater control in the workplace. In some instances that were related to us WorkChoices was cited as the reason given by a manager for an illegitimate demand or change. The loss of unfair dismissal rights and concomitant loss of bargaining power and employees’ lack of knowledge of their rights means there are few checks on illegal changes.

In Maureen’s workplace, also in the aged care sector, the employees who were most powerless bore the brunt of increased managerial prerogative following the introduction of WorkChoices:

They’ve had shocking incidences of abuse in that, you know, sometimes they’ve applied for holidays and, they’re quite entitled to (them), but have then been told that they haven’t got any staff and therefore they can’t have them. And the support workers in particular are often more ethnic people who have English as a second language who don’t know the legislation and don’t know English terribly well and so really don’t know what to do with these situations because they’ve come from a background where they’ve not always been able to get work and so to be able to get a job means that they’re grateful for what they’ve got but the employer takes advantage of that and just uses some of these people quite abominably … and worse now under the WorkChoices thing because the mentality from the staff now is that they’re scared… Scared to stand up for themselves because they’re worried that under the legislation now that they haven’t got any way to sort of fight things like unfair dismissal or fight unjust requests. (Maureen, Queensland, aged care)

One interviewee felt she had been bullied into resigning and some others experienced abusive behaviour at the time they were dismissed.

**Respect and consultation**

WorkChoices appears to legitimate poorer treatment of employees and can leave individual women feeling more vulnerable and less secure, even those who are union members such as cleaner Grazia:

Another thing that I find, yeah, the lack of respect, that’s a big thing.

And do you think that that’s changed or do you think that that’s just part of the workforce changing? The lack of respect. Do you think it’s due to WorkChoices?

Yes, because we never used to have this before... When I started... yeah it was more consultation, more communication, you have a say. Things were calm, if there is any changes we can have a meeting. Now we have a meeting but [are told] this is the way it’s going to be... not much discussion, this is how it’s going to be. So not many people, like I said, will say anything. They scared, I think there is some intimidation tactics, saying, well if things are not done correctly there will be some verbal warnings. Things like that. Intimidation. So some people too scared to say anything... they want to pay the mortgage so they very scared to say anything. Yeah, I really think
things have changed. And our agreement is until 2009. So after that we don’t know what’s going to happen. (Grazia, Victoria, cleaner)

While the changes do not sanction intimidation, they create a climate in which some employers feel empowered to pressure staff and change working considerations unilaterally, even where these changes are in breach of the relevant industrial instrument. The new sense of insecurity was very real for workers like Annette, a 55 year old aged care worker in Victoria who raised concerns she had about the operation of new smoking regulations and about the nursing home’s future in a staff meeting:

I had an occasion at work after a staff meeting where I [had] raised issues about the company’s smoking policy and other issues were raised in the meeting and comments I made and I got to work and there was a letter in my pigeon hole telling me to attend a meeting, that it was a first warning and I was out, on the issues that were raised at the meeting. Which I was very surprised at and the method that it was done and not being handed to me personally but in my pigeon hole. And so I then was told at the meeting that I had to present a case to why I shouldn’t be dismissed and I wasn’t allowed to speak to any staff members. If I did then I would be sacked immediately. (Annette, Victoria, aged care)

**Unionism**

*WorkChoices* severely restricts 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. *WorkChoices* has also re-regulated the bargaining process and has significantly diminished the practical tools which unions have traditionally used to encourage collective bargaining. These changes significantly effect the capacity of unions to take action and, as our interviews, show are having an important negative effect on the voice and supports for low paid women workers.

Many interviewees commented on their reduced ability to access union representation and advice but their concerns went deeper than this. 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. Interviewees cited examples of employers preventing and blocking employee attempts to access union representation or independent external advice. Furthermore, the limiting effect of *WorkChoices* on the capacity of unions to do their job – to represent and to act on behalf of employees – was obvious to these women. For example, childcare worker Jodie had decided that unfortunately union dues were no longer worth paying because the union was no longer able to effectively perform its role.

Some of the women in this study called on a union for assistance, but most did not or felt that they could not. One who did had spoken to her union about an AWA offer. She felt powerless and said that she was ‘hurt by not having any power in the relationship in that … job’ (emphasis added). She went on to say:

I just thought well I’m just going to contact the union if I have troubles because I just don’t have any confidence in negotiating with employers. So that’s why I contacted them. (Marianne, ACT, clerical worker)

Childcare and aged care workers were among those most affected by loss of union access. A number of women felt that the new laws had rendered their unions powerless. This is made clear by the following exchange:

And would you feel comfortable in contacting the union for assistance?
Yeah. As I’ve said, with the new work changes and laws it’s not like they’ve got that much to offer.

And you previously would have contacted them?

Yes. (Chrissie, ACT, aged care)

Ruby was too afraid to join and call on a union for assistance in the current industrial climate. She did not think that a union could help anymore in small workplaces, ‘when you’re just a grain of sand…you’re a nobody really’.

Community worker Carol was aware that she had been disadvantaged by not having access to a union, but believed that she had no right to join or ask for help as, ‘they [the organisation] don’t allow a union or anything so I never knew my rights’.

While unionisation has never been free of potential repercussions for some workers, these comments suggest that a more insecure workplace climate, post-WorkChoices, makes it even more difficult for these workers to seek union representation - or other forms of voice, including direct conversation with their employer. Greater employer power has wide effects. But it is especially obvious in relation to workers who are vulnerable, whether because of their gender, low skill, age, family responsibilities, sole parenthood or the state of their occupational or regional labour markets.

Many of the women knew that they needed to know more to be able to make choice and voice effective, and that a union voice remained important. In the words of kitchen hand Jo:

I believe that the idea of the Award and the involvement of unions is important because people aren’t born with knowledge of their rights and they don’t know, when they get a contract, what is legal and what isn’t legal, unless they have a relevant law degree. So the unions are not just useful, they’re necessary, to help people get the best working situation. (Jo, ACT, kitchen hand)

Similarly, Marianne, who had just changed jobs, said she that had already contacted a union for help over a proposed AWA:

I do realise that there can be consequences for that [having contacted the union], but I’m so hurt by not having any power in the relationship in that law job that I just thought well I’m just going to contact the union if I have troubles because I just don’t have any confidence in negotiating with employers. So that’s why I contacted them. (Marianne, ACT, clerical)

In workplaces where there are union members with issues, such as Grazia and Maria in Victoria, union officials have some limited rights of entry. However, their experience suggests that in practice union officials cannot come onto the worksite without written permission. This not only limits the effective access individual union members have to union representation, but also limits the information flow about employment rights and entitlements and the capacity of unions and union members to collectively bargain.

Grazia believes that WorkChoices restrictions on union right of entry in her workplace led to delays in both reaching agreement about the restrictions on her duties following a workplace injury and in her ultimate recovery.

I don’t think if this law was [not] in place they will be [able to] get away with this…If I needed the union anytime I need to have permission… They have to have permission to come. Before they used to, we had a problem, we’re in the union and they will be there, but not now, that has changed.

And so if the union had been able to be there straight away, how do you think that would have helped?

Well one thing is because they know the law. If I have any [problems], if [the hospital] is going to try to intimidate me or something…’

For Maria, the WorkChoices changes that restrict union entry led to a loss of any union presence in the childcare centre where she worked, which placed both limits on information and support available as well as raising concerns about being active members of a union:
...staff [were] aware of all those things and yeah, it has changed. You feel like you're more vulnerable like you don't have… that support that we used to feel that we had with the union.... I went to the rally, you know the rally that happened last year, they wouldn't allow anyone to go… prior to that, the first one, everyone went but [then] everyone got scared… you had to apply for and they can say no. I went because it wasn't my hours like you know, in the morning so I was able to go with this, another person… she applied for annual leave, and then we sort of represented the centre but everyone was oh, you know no we can't. I try and they say no… the second in charge now… she used to be sort of involved… and I said are you coming now, and she go, no, no that, I would be in trouble, that would be a clash of interest or something like that. But [the union organiser] used to come...[but] I she hasn't been here for, in our centre for a while… before that she was able to ring us and but since like oh my God everyone is no, scared like, you're not allowed have like sort of contact... (Maria, Victoria, childcare worker)

The experience of participants in South Australia also confirms that employee access to a union has become more difficult and victimisation for union involvement easier to carry out under WorkChoices. Aged care attendant Rebecca was targeted for dismissal after she requested union help. Following her termination the only other union member at the workplace resigned because of ‘fear and intimidation from management’.

Similarly, aged care nurse Jane was targeted for dismissal following her union involvement during negotiations over a collective agreement. Management was very careful to focus the dismissal on work performance over time and was able to disguise its intentions, in Jane’s view.

In Western Australia, Keeley was advised that she had been badly underpaid and then went to her union to seek advice. She was confused about her entitlements and is under the impression that pursing a wage claim with union involvement will lead to her dismissal:

I've only just gone union because... when I was speaking to the WorkChoices [advisory service] they said there was something in the Award that I was not getting…. one of the weeks that I looked at I had worked 101 hours, and I brought home only $1 500 and in fact if I had got my proper overtime I would have taken home over two grand. And I didn't. And I've already brought that up with (my supervisor), which they said to me take - it up with your boss first… But they said I could lose my job, and I'm not prepared to lose my job over it. I don’t want to get fired. That’s why I just let it rest. (Keeley, WA, childcare)

Liz, a hospitality worker, expressed her fear that being associated with a union might cause tensions with her employer:

… it is hard because you think that once you upset your employer, that you know from then on they might treat you different or when something else or a problem happens they think you’re going to act up or when you do have a right. (Liz, WA, hospitality)

In short, participants who discussed the role of unions expressed both a lack of knowledge of individual workplace rights and a concern that there may be recriminations from involving unions to resolve workplace issues. In an era of reduced rights for union entry and relatively low union membership in some workplaces, union membership is something that some low paid employees feel can make them a “target” for unfair or unfavourable treatment.

These women have not been getting a real say in their relations with employers. A necessary corollary of effective choice is voice: that is, a say at work. However, WorkChoices imposes significant restrictions on unions, one of the traditional means of employee voice. Interviews show that union access to workplaces has been reduced.

**Voice at work**

Lack of voice extends beyond the women’s ability to participate in unions; it impacts on their ability to have some say in the setting of their own terms and conditions of work. Combined with WorkChoices
preference for individual bargaining, the lack of representation amongst this group of women compounds their weakened position in the labour market and at work. The response from retail worker Ivana is illustrative because it demonstrates how difficult it 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:

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

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, NSW, retail)

Accommodation of needs of particular groups

While the WorkChoices changes do not directly address the need to accommodate workers with a disability/impairment or those with family responsibilities, the flow on effect of the lack of protection against unfair dismissal and lack of access to effective remedies effectively sanctioned by WorkChoices can fall heavily on these groups of workers as interviews show. For example, the unilateral rostering changes, failed to accommodate Maria’s overuse injury which was a work-related impairment.

One of the interviewees, Tess, who has a hearing impairment, works as a community support worker. She says that some attempts were made to accommodate her disability by the agency that employs her when she started her job over two years ago. She was given additional time to undertake visits to the families she supports and efforts were made to secure Auslan interpreter services for key staff meetings. However in her view since the introduction of WorkChoices, this has changed:

I have had less access to services to support me do my work because of the costs, they are much more focused on the outgoings and very much focusing on the bottom line. Those changes were supposed to improve productivity. But my experience is that the changes have disadvantaged me and that my employer is less likely to provide support. I am still having to argue my case on a daily basis to have access to things that others have in order to be able to make my job possible. (Tess, Victoria, interpreter)

Tess feels that WorkChoices has have given management more power to pick and choose how to resource staff. Tess says ‘it weighs me down’. She either needs more time with each family or she needs access to an interpreter. Her employer is prepared to provide her with neither.

After returning from maternity leave Deanna had an agreement with her employer to work part-time so she had some time to care for her two young children. However, she was continually asked to come in on days when she not scheduled to work. Deanna thinks the fact that she would not come to work on her non-work days may have led to her being dismissed although she was given no reason.

Summary of changes

Job security

These interviewees are experiencing significantly greater insecurity at work as a consequence of WorkChoices. This is a major concern to them.

Fifty seven if the 121 interviewees had been dismissed or forced to resign in circumstances that prior to WorkChoices could have been challenged as unfair dismissal. The vast majority had lost the opportunity to contest their dismissal because they were employed in workplaces with less than 101 employees. Several had a significantly reduced capacity to challenge their loss of job due to ‘operational reasons’.
Several additional women resigned following the dismissal of others or because of forced changes to work arrangements. Others had less security through unilateral conversion of their employment from permanent to casual, or changes to their hours of work. Some wanted more security by conversion from casual to permanent status, but their requests for change were refused and they could no longer find alternative work in their industry sector on that basis.

Many of these dismissals occurred suddenly, without warning or notice. Interviewees had no chance to defend themselves or to negotiate. Most were not dismissed because of poor work performance. Many were given no reason for their dismissal but could trace a clear link between it and factors such as notification of pregnancy, questioning of management decisions and behaviour, complaining of long hours, refusal to change hours or to agree to other unreasonable demands, or contact with a union.

Dismissals occurred as a result of intolerance to personal circumstances, which previously had been constrained by award and AIRC processes no longer operative under WorkChoices. For example, women were dismissed for missing work to care for a sick child, the employer finding out that the worker was seriously ill or following a revelation that the worker was subject to domestic violence.

A number of dismissals appeared unlawful either because they were discriminatory on the grounds of pregnancy, parenting responsibilities, impairment or sexuality, or because they involved victimisation on the basis of union membership or refusal to sign an AWA. However, a speedy and affordable resolution of such action in the AIRC was no longer available and these low paid workers struggled with this as an option: it took resources they lacked, when their priority was economic survival. Where alternative remedies remained, they were much slower and could be unaffordable.

Dismissal or decreased certainty about employment had a range of effects. It created fear and anxiety, a great deal of sadness and anguish and in some cases anger at unilateral injustice. Some workers just sought an explanation: they did not understand what had happened or why.

These dismissals also, in many cases, affected the workplace more generally: they sent a message to those who remained. Interviewees reported a growing sense of insecurity in their workplaces after the enactment of WorkChoices. Employees were now afraid and less prepared to challenge management initiatives. More job insecurity shaped human resource management. It enabled employers to abandon previous policies and procedures and enact poor employment practices. The removal of unfair dismissal avenues and the three warnings system prior to termination meant that management could threaten and avoid personnel issues rather than work through them in a number of these accounts.

**Income**

Wages and conditions of many interviewees were negatively affected by WorkChoices. In Western Australia, changes were less stark and appeared to reflect the continuing vulnerability of low paid workers as much as the implementation of the federal legislation. But in other states many examples exist of interviewees who experienced a loss of income through unilateral cuts to loadings, penalty rates, bonuses and allowances. In the few reported instances of compensation being offered for cuts, these did not equate to what had been lost.

Delays commonly occurred in the payment of wage increases and in several cases, minimum wage increases were negated by accompanying cuts to, or rearrangement of, working hours.

Unpaid extra hours and pressure not to claim overtime rates was a growing problem for many interviewees. Underpayment of wages involving breaches of awards and agreements and following termination of employment were disturbingly common. Such breaches are not necessarily new in these occupations. However, what has changed is the difficulty cited by interviewees in pursuing underpayment. The loss of unfair dismissal remedies, combined with the removal of the capacity of the AIRC to settle disputes, in combination with increased managerial prerogative under WorkChoices, deterred many interviewees from seeking redress. They were afraid that if they complained or took action outside of the workplace, they would lose their job. In a number of cases, this belief was borne out. Many found it hard...
to obtain another job, given factors such as their age, skills, linguistic background and shifts in industry employment patterns.

Several interviewees experienced inequity in pay rates in their AWAs relative to others doing the same work. Cuts in income as a result of refusing to sign an AWA were also reported in some cases.

Not surprisingly, certainty about income and pay rises were important for individual low paid workers and their households. However, many interviewees were now confused and unsure about their entitlements and sources of rates and increases. Some were uncertain and anxious about future pay increases under WorkChoices, and about their overall entitlements.

**Hours of work and breaks**

Changes to the number, pattern and predictability of working hours were of major concern to the workers interviewed. These changes were often made with little or no warning and were not open to negotiation. They were designed to meet business rather than individual or family needs. Some changes were seen by these interviewees as vindictive and designed to punish or force a worker out of employment, if for example, she refused to agree to an AWA or requested changes to meet family needs.

From these accounts it seems that amongst some low paid workers, WorkChoices has given their employers greater flexibility in the deployment of labour by enabling the removal of loadings and penalty rates and variations to public holidays; and by prohibiting award content relating to matters such as a required number of employees and minimum and maximum hours for part-time work. Employees, on the other hand, are very aware that they have less capacity to press for hours that best suit their needs with the removal of previous award protections and the loss of rights regarding unfair dismissal.

Workers reported unwelcome changes to shift rosters and ordinary hours of work. For many, the number and scheduling of hours became less predictable. Shifts became too long for some, while for others hours were reduced to an unviable economic proposition. There were more requests or requirements to work public holidays and weekends. Participants looking for alternative employment with hours more accommodating of caring responsibilities and educational needs found it hard to get jobs with enough hours.

The unilateral changes to working hours experienced by participants made it harder for them to balance work and caring responsibilities and work and education. Several were forced out of employment as a direct result of imposed changes and several others were dismissed for objecting to long hours of work.

Some employers had taken advantage of the capacity under WorkChoices to change award provisions regarding rest or meal breaks, to reduce or remove breaks. In some workplaces a new climate prevailed where employers could delay required breaks or ignore them, contrary to continuing industrial and occupational health and safety requirements.

**Leave**

Interviewees in several states reported negative changes in leave provisions following the introduction of WorkChoices. These included the removal of loadings for annual leave and public holidays, variations in public holidays, reductions in sick leave entitlements and the removal of specific provision for carers leave. Workers also recounted increased difficulties in accessing paid leave entitlements if they were permanent and unpaid leave if they were casual. Some were finding it harder to obtain approval on the timing of annual leave and were bullied out of taking sick leave or required to return early from sick or maternity leave.

**Accommodating the needs of particular groups**

Based on these interviews, the capacity of employers to unilaterally change hours of work and reduce breaks, and the lack of protection against and remedies for unfair dismissal particularly disadvantages
pregnant women, workers with caring responsibilities, those with a short or long term impairment, those for whom English is a second language, and young workers trying to fit work and study together.

Interviews suggest that these low paid workers face a general climate shift in their workplaces, arising from WorkChoices, one that is less accommodating of the requirements of particular groups. Some employers are less willing to take into account the needs of workers unable to stand for long periods or who required hearing support. Others ignored previously agreed hours designed to fit in with childcare availability and university lectures. Employees were being forced out of employment or dismissed rather than accommodated, suggesting a hardening of employer attitudes on work and family flexibility for many of these workers.

**Work processes**

Interviewees experienced negative changes to their duties, the intensity of their work and the nature of supervision, which they clearly identified as commencing or speeding up post WorkChoices. Some reported unilateral changes in the tasks required or area of work (e.g. retail shift from clothing to paint) following March 2006. These changes were imposed without training and workers were concerned at the effects on customers/clients as well as their own ability to do the job well.

A number of participants were subject to an intensification of work through increased workloads, non-replacement of staff and increased speed of work. They were either being required to do the same work in less time or with less staff, or to complete more work with no additional time or resources. Some cleaning workers noted that work intensified in their company, in response to pressure from other companies paying their employees less under AWAs.

Women complained of having breaks removed and being under increased pressure not to take toilet or rest breaks, even when they remained in agreements.

Significant changes to the tone and nature of supervision were also reported. Some interviewees found that they were subject to closer individual scrutiny following the introduction of WorkChoices. Supervision and monitoring shifted from groups and an emphasis on teamwork in one workplace to individual meetings alone with one or more managers. In the workplaces of several other participants, employee management changed from a system of rewards for good performance to individual punishments for less clearly identified behaviours.

These examples suggest that some employers are exercising greater unilateral control over the allocation of labour and an enhanced ability to change staffing arrangements, to cut the number of employees and to change hours at will. In these examples, many of these changes are made without staff discussion and agreement and with little heed to effects on workers or their households.

**Managerial prerogative**

Most interviewees were detrimentally affected by such increases in management prerogative arising after the implementation of WorkChoices. They understood through experience that employers had acquired more power under the legislation, while they had fewer legal protections and less capacity to influence decisions.

Increased management prerogative was manifest in unilateral changes made without meaningful consultation and negotiation, and sudden change, that gave interviewees no chance to formulate responses or alternatives. By and large, these changes did not entail trade offs; they were not intended for mutual benefit.

The greater latitude granted to employers under the new laws is evident in these studies in increased favouritism and capacity to treat employees unevenly. Participants cited instances of abuse and bullying, spur of the moment dismissals and fits of temper not previously experienced. Increased employer power was also apparent in the targeting and silencing of questioning by individual employees as well as union activism.
**Voice, representation & union access**

Interviewees in each state reported that they now felt unable to have a meaningful say over their terms and conditions of employment. They had become afraid to question and raise concerns. Many feared retribution with no hope of effective redress. For workers to have real choice, they require a voice at work, and this is denied by the absence of any job security.

Interviewees were very aware of their lack of access to information, formal mechanisms for having a say and independent representation. While most were not union members, they generally supported unions and welcomed union information and assistance. Some had ceased to be members as they believed that unions could no longer help them.

The employers of several women made it clear that they did not want any union involvement in their workplaces. Instances of dismissal for calling on union representation, for union membership and sharing of information during enterprise bargaining were reported. The circumstances surrounding these dismissals made it very difficult, if not impossible, to obtain redress.

How did the changes we have summarised above affect the lives of low paid women workers, and their households, and what remedies were available for them to pursue? We turn to these in the following sections.
ACTION TAKEN AND REMEDIES

Argument for the introduction of WorkChoices included that it would provide ‘greater freedom and flexibility to employers and employees to negotiate at the workplace level’ (Howard, Parliamentary Debates, 26 May 2005). This section examines the extent to which study participants were able to negotiate their employment conditions at recruitment and to question and negotiate around changes to their remuneration, conditions of work and job security. It assesses the impact of the legal and industrial framework established by WorkChoices, particularly in relation to dismissal, redundancy, minimum standards and access to information, on the capacity of workers to challenge employer initiatives and negotiate their needs. It considers the accessibility and ease of use for workers of the new WorkChoices regime and their ability to negotiate within it without the assistance of ‘third parties’.

Remedies under WorkChoices for unfair and disadvantageous treatment, including dismissal, underpayment, victimisation and discrimination are also analysed. Interviewees recount their experiences of trying to find out about their rights and to act upon them. They comment on the effectiveness of available advisory and advocacy services.

While this section focuses on the negotiating of changes and availability of remedies it should be noted that other parts of this report also incorporate interviewee responses to change, their capacity to affect it and the effectiveness of remaining avenues for redress.

No action

There were two sets of circumstances in which these low paid women did not attempt to engage in any negotiations with their employers. The first was at the point of employment:

In the Western Australian interviews in particular it was noted that few participants thought it was necessary or appropriate to negotiate conditions of employment when they commenced employment, even when they were employed on individual forms of employment contract. Two main reasons were offered for not negotiating conditions of employment when starting a new position. Firstly, when you need a job, you just accept what is offered. Secondly, employers have the ‘upper hand’ in terms of a negotiating position, so there is little to be gained by asking for higher wages or conditions:

…if you are commencing employment with a company or the employer, they have the advantage because they, well, this is what they approached me with: we can ask you to work for $12 or whatever it was, $12.50 an hour, we don’t have to give you the award rate; if you want the job badly enough you have to be prepared to [accept it]… (Barb, hospitality worker, WA)

I didn’t really ask. I was out of work and needed a job…(Dana, clerical worker, WA)

…you just take what they offer and you kind of don’t really ask them you just compare it with what friends are earning. (Liz, hospitality worker, WA)

When I first started there they just told me what I would be paid and I just accepted that, I never even thought to ask for any more, I was just happy to get some extra money into the household. And I would be pretty bad at negotiating anyway. (Sue, childcare worker, WA)

The lack of discussion about individually negotiating employment conditions is interesting given Western Australia’s relatively long history of individual employment contracts and its current tight labour markets. Even in this context, participants showed a marked reluctance to negotiate conditions prior to commencing employment.

The second set of circumstances in which women interviewees took no action was when they felt that they had no hope of success in negotiations or believed that there were no remedies available for the changes that they were experiencing.

In South Australia five interviewees decided to take no action in relation to work changes and/or termination. All understood that there was nothing they could do to pursue their interests or argue unfair
dismissal. Several had queried or raised objections to initial changes, but were too afraid to pursue matters further. Rebecca was frustrated by not having any options and by being afraid to challenge her dismissal and the way she had been treated:

I just wish I had the guts to stand up and tell the woman that she’s a bully and that okay, abuse in the workplace can’t, won’t be tolerated, well neither will abuse from management and that the verbal and mental harassment is just as bad as anything physical. I just cannot believe that this woman can get away with so much and nobody has got the guts to stand up and say hang on a minute, because everyone’s scared of the repercussions and who wouldn’t be? (Rebecca, aged care worker, South Australia)

Pharmacy assistant Frances queried the cut in her wages, but her employer would not discuss the matter. She did not pursue it because she was pregnant and feared losing her job:

It affected me greatly at the time, I was really upset and angry but at the same time I didn’t wanna make waves and upset my body. I couldn’t let it effect me too much because of my baby, you know it took me two and a half years to fall pregnant so I wasn’t gonna do anything to jeopardise any problems with having the baby, so I had to let it go basically because of the situation I was in. I didn’t feel it was right to keep fighting it because I didn’t want any animosity or I didn’t want anything to arise before I actually left, in case my employers gave me a hard time or sacked me basically. (Frances, pharmacy assistant, South Australia)

Women negotiating themselves

Few study participants attempted to engage in open negotiation with their employer. Those that did found it very difficult and most were unsuccessful. Workers had much less bargaining power than their boss; they had less information about employment standards and the work organisation, less authority and time to obtain support within their organisation and most importantly did not have the power to hire and fire.

WorkChoices had further weakened their bargaining position by removing a broad wages and conditions safety net from which to commence negotiations, removing protection against unfair dismissal, making it harder to access a union, and making it harder to get information by keeping agreements secret. The difficulties faced by women in negotiating are illustrated by the following examples:

Production assistant Sue initiated negotiations over her individual contract. She wanted to shift from a casual full-time to permanent full-time arrangement. She prepared beforehand by discussing it and obtaining support from a senior staff member. She also commenced with a clear idea of what she wanted. However, the CEO with whom she had to negotiate did not know her work and had other organisational priorities. Discussions went ‘quite badly’:

[H]e was quite patronising…he didn’t have good rapport with the staff actually, in the office, and I don’t think he’d ever actually noticed me before… (Sue, production assistant South Australia)

The CEO offered Sue a permanent full-time contract, but only on a trainee rate, with minimal conditions to offset the loss of casual loading and for only three months. She would still be expected to work long hours, but would not receive an overtime loading until after 50 hours per week. Sue calculated that on this basis she would lose between $13,000 and $17,000 per year. This was not acceptable and so she attempted to negotiate further:

He wasn’t going to budge and I just said I needed time to think about it.

A week later the CEO and a senior staff member took Sue aside and asked whether she was going to accept a new contract as offered. They were critical of her asking other workers about their pay and conditions, as contracts were confidential. She was asked to prove that she was worth higher pay and was then given work to do without the necessary information or support. Sue repeatedly requested required information, but it was not forthcoming. It appeared that she had been set up to fail. Given this undermining experience, she signed the new contract even though it significantly reduced her income:
I wasn’t given any sign, indication or support. So I gave up. (Sue, production assistant South Australia)

In Karen’s workplace the lack of genuine opportunity for negotiating a non-union collective agreement left those employees who had the most to lose with little chance for a say. When asked why the changes were being made, Karen’s manager told her they had no choice because the introduction of WorkChoices required them to make a new agreement. He did not explain why the agreement needed to include the loss of penalty rates. As required by the WorkChoices legislation, employees were provided with a copy of the proposed agreement a week prior to holding a meeting at which the majority who attended voted in favour of it. However, Karen believed the process did not allow for the genuine involvement of casual employees. The majority of employees at the meeting were permanent full-time staff who did not work on weekends and who received a slight pay increase as a result of the agreement. The meeting was held at a time when several casual workers were unable to attend. Karen was told by two permanent employees in confidence that they had been directed to attend and she believed they were not in a position to vote against the agreement. She believed the process of voting by a show of hands was intimidating for some the younger casuals who may have felt pressured to vote for the agreement. (Karen, hospitality worker, Queensland)

Christine believed some of her colleagues were signing individual contracts because they had finally succumbed to pressure placed on them by their employer after a process that had gone on for over 12 months. Initially the employer was negotiating a new union collective agreement but then pulled out of these negotiations. Over several months Christine and other employees of the agency, who are located at a number of locations across the metropolitan area and in country Victoria, made many attempts to get a satisfactory consultation process in place without much success:

And so after that we just, very little information came out, the working party ended up changing their name from the EBA party to the, the oh, for lack of something, I think she kept calling it the EBA party actually but, it was actually they were gonna move to individual contracts. We were trying to rally everyone to be able to vote on what they wanted, couldn’t get, couldn’t get a majority together, they were, they were not even giving us an opportunity to get everybody together, it was, it, it, it just never worked, it just simply never worked… No, we tried, and we tried via email to, to get everybody collectively and we, and, and, and we gave it the old college try as it were, but it just, it just wasn’t ever gonna work. (Christine, aged care worker, Vic)

Employees at community worker Deborah’s workplace decided in August 2006 to negotiate a new enterprise agreement. They found the process of formulating demands and then negotiating them without outside representation ‘very, very slow’ and difficult. It ate into personal and work time:

What we do is we tack it on to the monthly staff meetings and we sort of sit there and we have our lunch and woof that down and try and work through different points and you know language that we’ve never worked with. It’s an area that none of us have huge amounts of experience in, none of us have a union background or industrial relations background. (Deborah, community worker, South Australia)

Deborah found that while WorkChoices was promoted as enabling employees to negotiate for themselves, no support was available to help them do this:

But we’ve had no support from the Government when we’ve tried to ask questions about what we are doing and there’s no documentation that helps an employee to come up with an agreement that sets out conditions. Even the stuff that they have publicly said in the legislation…you are entitled to this many days holidays and sick leave and so on - where are the tools for us, the workers to be able to just take that along to our workplace and tweak it a little to suit our situations…They’re not giving us choices they’re leaving us in the lurch and having to create it all ourselves.

The varied duties and circumstances of workers have also made it very difficult for them to formulate common claims themselves and negotiate around them. It has undermined workplace relations:
…I think women in particular don’t like talking about money and it’s power and control and it’s putting us up against each other, competing. We would hope not to do that … but then when you get down to it you’re putting us in situations where we’re having to chose one thing or another against our work colleagues and it’s turning great feelings of ill will…And I think women don’t like those situations as well. I think we take it personally and it eats into our personal lives...

Deborah became frustrated by the slow and unhappy process of agreement making. She was also aggrieved by workers continuing to be employed on six monthly contracts, in spite of working with the organisation for, in her case, four years. She resigned at the end of 2006.

Six women in Queensland and one in South Australia who were dismissed without access to unfair dismissal laws believed they lost their jobs because they had spoken up about their conditions or attempted to negotiate changes to work processes. A few attempted to negotiate to keep their jobs or to at least be heard by their employers but were frustrated:

…but emotionally it was very upsetting and distressing because you’re so disempowered and I tried to see if there was any grievance process, any way that I could get into any mediation with him, but there really was nothing, I had absolutely no come back at all and it’s pretty horrible. (Nicola, community worker, Queensland)

What did I do? I tried to explain, the General Manager was in there when they gave me my letter later on, and I said ‘what is this all about?’, you know, ‘would you like to hear my side?’ Before I even said my side, he said ‘no Bette, that’s it, not good enough, had enough, we’ll escort you off the premises, not interested, goodbye’. (Bette, clerical worker Queensland)

I really drilled her for reasons or excuses and she really couldn’t come up with anything. But we were on the phone for about 40 minutes. She kept on trying to get off the phone by saying ‘look this is it’… I wanted her to say why she was giving me the sack. She couldn’t really say any reason… I agreed at the end. (I said) ‘okay then I can’t do anything about it.’ Cause I tried to say to her ‘look let’s forget that I’m angry about it and I’ll just carry on like nothing’s happened’. (Georgie, clerical worker Queensland)

Some others who had been dismissed at least attempted to find out why. They were also unsuccessful. For example, after Kylie, a 15 year old, was dismissed via a phone call after working for eight months in a small cafe, her mother, Meredith, phoned the owner to seek a reason for Kylie’s dismissal. When asked if the owner gave her a reason Meredith responded:

No not really, not, she just said she wasn’t up to the standard and I sort of asked wasn’t there, shouldn’t there have been some sort of lead up to it, a warning of some sort and at that point she put me onto her husband, she’s sort of a very timid person and I think she found me a bit too aggressive for her because I was a bit upset, but I certainly wasn’t aggressive but she thought I was, so I went up and spoke to him and I said well you know, won’t you sort of reconsider giving Kylie a fair opportunity like while, if she’s already up to the standard of the chocolate making part, they were full of praise of how good she was, how, couldn’t fault her chocolate making which you would imagine would be a lot harder still than serving drinks and things, you know, and I sort of asked wouldn’t you be better taking her from the standard she is and trying to raise her up rather than hire someone who you’re going to have to start all over with.  But there was just no agreement with that, it was just that’s it.  It’s over and basically no further discussions would be entered into. (Kylie, retail worker Vic)

Use of unions/other advocates

Several women obtained better outcomes in negotiations when they sought advice or involvement of advisory services or a union:

Annette, a 55 year old aged care worker who was threatened with instant dismissal after raising concerns in staff meeting got advice from Job Watch in Victoria. She was advised to take a friend to a meeting with senior management and to avoid confusing the way she felt with the issues in dispute. She remained calm
in the meeting and pointed out that there was no evidence to support the accusations against her. In the end Annette managed to keep her job.

After AWAs were introduced into Jodie’s workplace with no negotiation, she contacted Job Watch and the relevant union. After national publicity, the company backed down. However, Jodie was penalised with cuts in her hours and has had to seek other work to compensate for her reduced income:

I wanted to leave but you know what, for me it’s the principle as well, it’s sort of like I’ve been there for 6 years and basically it’s up to me when I want to leave, not when they tell me to leave which is why I fought it even more. I mean I had to go out and get another job but I’m still hanging in there.

(Jodie, retail worker, Vic)

A few women thought they may have had a better outcome had they been union members:

If you were a member of a union well then you could have probably done something. So it’s says a lot for being a member of a union, before you start work, so you’ve got that back up behind you.

(Lorraine, hospitality worker, Queensland.)

I used to be a union member, I didn’t think I’d need to at this place (Maria, aged care worker Queensland.)

Karen considered joining a union when she realised she needed an advocate to represent her when her employer proposed a new employee collective agreement. However, the seven days notice she was given as required under the legislation was not enough time for Karen to organise a bargaining agent. (hospitality worker, Queensland) As union representative in her workplace, Maureen was feeling increasingly uncertain about her capacity to advocate for other employees for fear of retribution against her or them. (aged care worker, Queensland)

Remedies & their effectiveness

There were limited remedies for the disadvantageous changes experienced by many interviewees. In respect of unfair dismissal, most of those who had lost their jobs were aware that they were not entitled to pursue any claim for harsh, unreasonable or unfair termination. Far fewer were aware about remedies for unlawful termination or discriminatory treatment. Many of the women interviewed found the process of finding out their entitlements and the action they could take, extremely confusing.

Lack of legal remedies

As stated in the section on changes at work, 57 of the 121 interviewees had been dismissed or forced to resign in circumstances that could be argued to harsh, unjust or unreasonable, but under WorkChoices had lost any remedy for this action because their workplace employed less than 101 employees. Others had the potential to pursue their termination as a discrimination matter under the unlawful termination provisions of the WRA or in a complaint to a human rights body under equal opportunity legislation. Those interviewees who came into that category seemed to have scant knowledge about these options as possible avenues. In reality however the anti-discrimination jurisdiction is severely limited for dealing with cases of dismissal without warning in both a timely conciliation or in providing a suitable remedy.

The following case studies illustrate the limits of remaining remedies and the difficulties women participants had in finding out about them and of obtaining satisfactory outcomes:

When Adriana’s retail employer changed her full-time job to part-time she resigned and sought advice but was told that she had no access to a remedy due to her employer having 100 or fewer employees. By the time she found out that she may have lost her job due to discrimination on the basis of her pregnancy she was no longer interested in seeking a remedy, in part because she felt there was little likelihood of any success in a system she felt was not set up to help employees.
After the first time (seeking help), I don’t think it’s really set up to help the worker you know, what would I get out of it just a lot of stress. It seems like it’s too easy for him you know he knows I don’t know the laws. (Adriana, retail worker, Vic)

After she was dismissed for refusing to change from casual part-time to full-time clinic secretary Ruby was advised that under the South Australian Clerks Award she should have been made permanent after 12 months. However, it was too late to take action in relation to permanency because of her dismissal. As she now had no right to claim unfair dismissal, she was advised to lodge a complaint of discrimination on the basis of parenting responsibilities with the Human Rights and Equal Opportunity Commission. This prompted the clinic to pay her the two weeks’ notice that it had previously withheld. It was suggested that she should put aside her action, but Ruby persisted.

Six months after making her complaint, Ruby is still awaiting a conference on the matter. She has been advised by HREOC that her case could take 12 months to finalise and the outcome is unsure. If the right to take action for unfair dismissal had not been removed by WorkChoices, Ruby would have been able to put her case in the industrial jurisdiction and obtain a resolution within weeks. Dismissal for parenting responsibilities remains unlawful, but the avenues for a remedy are very slow. In the meantime single parent Ruby is unable, despite her best efforts, to obtain employment to fit her caring responsibilities.

Among the 16 women who lost their jobs in Queensland, were four who may have a right to access a remedy for unlawful dismissal or termination on the basis of family responsibilities, absence due to illness or pregnancy. Only one of these women was aware she may have had such a right when she first sought advice.

Annelise and Kira found the processes of seeking redress difficult and confusing and they suspect the benefits may not outweigh the costs of proceeding:

I didn’t really know what to do because everything, they got a solicitor and their argument was that because of the new workplace laws of having 100 or less people that I didn’t have a leg to stand on and it took me a long time to try and find a loop hole where I could do something with the discrimination. I didn’t know what avenue to go to which was best, to go through unlawful termination or to go for discrimination, it was confusing. (Annelise, retail worker, Queensland)

Because of all the changes I noticed that in one area it was quite a grey area of everything because in one thing it was telling me that I couldn’t go for unfair dismissal at all and that’s what I thought I was going for, I didn’t know it was actually unlawful termination. But then what I found too is that even if we didn’t come to a conciliation, at the industrial relations, that it would have to go to the higher court which would have cost me a lot of money. It is just a no win situation where you’ve got no money because you’ve been terminated and then to go and find a solicitor who will help you with a federal case and you have got nowhere to go. (Annelise, retail worker, Queensland)

Cost was also an issue—both financial and emotional:

Well I’ve decided not to go with the Industrial Relations Commission which was where you have to go for the unlawful dismissal because I felt that, like we couldn’t afford to get a solicitor because I’d rung one and it was going to be way too much money. The Queensland Working Women’s Services, the woman there said they cannot guarantee that there will be an advocate available on the day of your conciliation meeting and so I said to my husband I don’t want to go because like, I knew that I would be too upset, you know I’d be like crying, you know like I’d get really mad. (Kira, receptionist, Queensland)

Staff of the employment organisation assisting young workers and women in South Australia agreed that the avenue of unlawful termination was a very limited remedy and much more difficult for workers to access than the previous avenue of unfair dismissal. The staff member from the employment service for young workers had found that the new system was a disincentive to seeking a remedy for dismissal:
I mean there is the argument that a lot of the termination is open to all employees regardless of their employment status, and regardless of the business and the size of the business. However, to follow up an unlawful termination after the conciliation process, the next step is to go to the Federal Court and that’s an incredibly expensive process… I think its quite clear that for a young worker who may have been casually employed or even part-time employed, even if they were full-time and working full-time hours, to follow what they see as being an unlawful termination it’s a huge decision for them to make and its very unlikely that they will be able to afford to follow through an unlawful termination action through the Federal Court regardless of it being very clear and straight forward complaint. The process is a huge disincentive for anyone to have to go through and find a lawyer and pay the meeting fees, it’s near impossible. (Employment service for young workers, South Australia)

The financial assistance provided by the federal government was too restrictive to enable worker access to the remedy of unlawful termination:

…we’ve definitely explained what the option is to the worker but no one has taken it up. The money…is only for the advice. To get the representation will require a completely different legal practitioner or firm so while it’s one thing to say, I think it’s about $4,000… for assistance in seeing if your claim has merits, well very good if they turn around and say yep you do, well you’re going to have to then pay again to somebody else to make that same finding because you can’t use that lawyer who has done the initial research and sorted through your claim…you need to go someone else and re-explain the case, so…you’re going to actually have to, in the end foot your own legal costs. (Employment service for young workers, South Australia)

**Underpayment of wages and penalties**

While the Office of Workplace Services can assist employees recover underpayments, relatively few interviewees were aware of this. Further, a number of participants had no idea of what their wages should be or the penalties to which they are entitled. To pursue the underpayment of wages, employees first need to know they are being underpaid and then have the persistence and knowledge to chase it up. For some interviewees, being able to pursue underpayments was little consolation for the changes that had occurred to them. Others gained some satisfaction that their pursuit of underpayment might assist others still employed.

After their employment was terminated, Kylie, Maryanne and Annie in Victoria contracted the Office of Workplace Services to pursue underpayments of their wages and penalty rates. At the date of interview, only Maryanne had received the monies owed. Another interviewee, Deanna, also got a small amount of pay owed to her after calling Job Watch and being advised to contact the Office of Workplace Services to get the necessary forms.

Maryanne felt very pleased to recover the underpayment, despite the work it took her to pursue it. She remained concerned that others would be unable to do what was required:

I went to a great amount of trouble with WorkChoices to let them know what [former employer] was paying me and I ended up getting $2,500 in back pay. That was worth doing, but I know for a fact now that most younger kids and people that work in service stations wouldn’t have the nouse to go. Like it took me nine hours to figure it all out. I’m not an accountant but yeah. And it was settled straight up, they didn’t even go to mediation or anything, they just signed the cheque, so I hope he was crying while he did that. As I said, it took me a lot of hours to figure it out and if I didn’t, if I hadn’t of keep such a good diary I wouldn’t have been able to do it… I still think it’s wrong that all these companies will try it on until somebody goes to this amount of effort. (Maryanne, former retail worker, Vic)

Marketing manager Maggie is claiming payment for four weeks notice. She is representing herself in a federal conciliation conference, a daunting prospect:
…I’m assuming that I can still handle that myself, but yeah that’s another consideration isn’t it? You have to weigh up what you’re going to get out of it and you know what you’re due and what it’s going to cost you and also the stress of it all, you know it’s frightening. I mean he’s, he’s a very powerful man from a very, very wealthy family here in X so, you know there are lots of connections, and that, that scares me a bit….I hope that he has a lawyer that will represent rather than having to see him. Yeah I don’t particularly, not particularly looking forward to that. (Maggie, South Australia, retail)

Even with representation from a community organisation, sales assistant Sarah was unable to secure payments owing:

My previous employer straight away lawyered up, decided that he was going to fight it every bit and it’s now in the hands of SafeWork SA who are following up the claim because they’ve looked into it and they’ve noticed a lot of things that weren’t paid accurately as far as award rates goes. (Sarah, retail worker, South Australia)

The Office of Workplace Services has found that bar manager Shannon was being paid under the wrong award and not as a manager. The hotel owner has admitted underpayment on these grounds and she is awaiting an offer of settlement from him. However, she has been unable to claim for non-payment of overtime. She is hoping that OWS investigations will benefit workers that remain in his employment, as they are too afraid to speak up for themselves:

Well they were in the same boat as me, but they still work there, so they can’t say anything because they’d lose their jobs. Hopefully Workplace Services can go through and see that he’s not underpaying. Because he is underpaying them all, all the full-time workers, he’s working them 50-60 hours a week and paying them for 38. They can’t complain because they still work there. But Workplace Services can go through, I’ve asked them to go through and he can check all that out. At least they’re getting paid properly, done them a favour as well. (Shannon, hospitality, South Australia)

Advice and support agencies

Interviewees sought assistance from number of advice and support agencies as well as legal services. Obtaining independent advice was essential for most women to determine their rights and possible options in a system that they found complex and not easy to use:

The South Australian Employee Ombudsman determined that the company owning the store where sales manager Elizabeth had worked, employed more than 100 employees, thus enabling her to claim unfair dismissal. She would have found this very difficult to work out on her own. She then sought assistance from the Legal Services Commission and the Working Women’s Centre to lodge a claim and argue her case. The Working Women’s Centre helped her prepare for a federal conciliation conference at which her dismissal was changed to resignation and she was able to obtain a statement of service and four weeks pay in lieu of notice. Elizabeth felt somewhat vindicated by being able to argue her case and obtain some redress. However, her statement of service was qualified and she remained angry and concerned at the unfairness of what had been said and written about her. Her story illustrates the complexity involved in individually navigating the 100 employees rule (size of workplace is far from always obvious) – and the importance of an opportunity for a hearing of the facts of a case – denied now in smaller workplaces. (Elizabeth, retail worker South Australia)

While most were pleased that there was somewhere they could get information, a number found the advice they got from the various information services confusing and sometimes conflicting. For example, retail worker Lynette believed she could not seek a remedy to an unfair dismissal because her employer had fewer than 101 employees. However, prior to being advised of this by Job Watch she had sought advice from other several sources:

I did ring a few places, I went to, I had an appointment with Legal Aid and they weren’t very helpful towards me, they said if you are still working then they would have been able to help me but because
I left it was very hard for them to help me. I said what do you mean, do I have to start work as a slave to get, you know and I just found that a little bit hard to take and also I just found that a little bit hard to take and also I did ring a place in Canberra and I spoke to this person and he told me that I did have a course for constructive dismissal but I just didn’t know how to go about it and that's why I went to Legal Aid and Legal Aid just told me, gave me some names of some lawyers that they take cases on a basis on a win/win base, you know no win, no pay type of thing, that was the only thing available to me. (Lynette, retail worker Vic)

Information and advice offered through agencies could also be partial and not given after hearing and considering all aspects of a story. In the experiences of several interviewees who had contacted the WorkChoices information line or Wagenet, information only about entitlements was provided. This was Liz’s experience when she rang to check if she was entitled to the 17½% annual leave loading:

Well I rang up the WorkChoices infoline or you know look up Wagenet or whatever it is on computer now and I would ring them about each thing because I wanted to have all my facts straight. Before I actually confronted her with them you know that I knew it was true like, I couldn’t just say that you know I thought that or you know I wanted to make sure that it was true before I actually broached it with her.

Interviewer: Did they say, give you any advice about what you should do?

Well, not really. No. They can’t really tell you, they don’t really tell you what to do. They sort of can’t really give you any like direct advice. (Liz, retail worker, Vic)

Bette became disheartened after getting what she perceived to be conflicting advice from the places she rang:

I’d got to the stage…when I was making these calls, I just thought you know, what the hell, it’s not gonna get me anywhere, I can get all this information, I can give myself more stress than what I’ve had there, where’s it gonna get me, so I just, I gave up to tell you the truth, I just walked away from it. (Bette, clerical worker, Queensland)

It was difficult to get advice though. I considered ringing a lawyer but then they’d probably want to charge me for services to take up their time. So I kind of had to leave it. I kind of had to think ‘oh well I’ve been shafted and I can’t do anything about it’. (Georgie, clerical worker, Queensland)

**Summary of Action Taken and Remedies**

Most study participants found it very difficult to ask questions about, challenge or obtain reasons for changes, let alone negotiate around them. Changes were unilateral and AWAs presented on a ‘take it or leave it’ basis. While several South Australian interviewees raised questions, few felt able to pursue their concerns for fear of victimisation or loss of job. In Victoria most interviewees attempted to question changes but had limited success in obtaining an adequate or any response from their employer.

In Queensland and South Australia few felt able to negotiate directly and none reported successful outcomes when negotiations were attempted. Most Victorian participants tried to negotiate, but they also had little success. Victimisation followed attempts by some interviewees to challenge or negotiate in all three states. Punitive responses by employers included dismissal and cuts in hours.

The capacity of workers to successfully challenge changes and initiate and conclude negotiations was seriously undermined by several features of the industrial framework established by WorkChoices. Their bargaining power was seriously weakened by the removal of unfair dismissal rights and the removal of a broad and detailed safety net of wages and conditions from which to commence bargaining. Interviewees were also disadvantaged by having less access to union support and restricted access to comparative information through for example, the secrecy of AWAs.

Participants had little or no idea of their industrial rights and a very limited knowledge of the industrial instruments that now set their wages and conditions. They therefore had difficulty in identifying and taking
up breaches and unlawful acts by their employer, including for example, in relation to underpayment of wages. It was also unclear to them as to whether any action could be taken under WorkChoices and by whom. The information and advice that they were able to obtain from unions, community organisations and government agencies was gratefully received. However, this advice could be conflicting or incomplete and interviewees were confused by differing information.

The majority of workers in this study had no remedy for their loss of job or changes to their employment conditions, even when unfair, unreasonable and disadvantageous. The remedies that remained for unlawful action under WorkChoices were very limited, more costly and harder to access. Alternative remedies for discrimination through the Human Rights and Equal Opportunity Commission were much slower than pre-WorkChoices unfair dismissal, grievance and dispute procedures.

Interviewees have not found the industrial regime established by WorkChoices conducive to protecting and pursuing their employment rights and entitlements. Rather they have found it a complex and confusing system in which their capacity to act has been significantly undermined. They have reported it hard to navigate and to obtain comprehensive information. Recent amendments to the ‘fairness’ test to prevent workers from being made worse off would not have protected or provided a remedy for the vast majority of workers in this study.
EFFECTS ON THE WORKER

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

In this section we detail the ways in which changes at work have had demonstrable impacts on the broader lives of the women we interviewed. The effects have been many and varied, so we have organised the findings into three main groups.

Firstly, we examine effects on women’s personal physical and mental well being. This discussion includes issues relevant to health, self esteem and relatively intangible but significant aspects such as increased levels of fear and uncertainty in interview participants’ lives.

The second area of discussion examines some of the economic and financial aspects of the effects of WorkChoices on individual women workers. This includes effects on finances, independence, attempts to balance work and home requirements and the intersections between the WorkChoices, Welfare to Work provisions and entitlements claimed through Centrelink.

The third and final part examines womens’ views on the effects of WorkChoices has had in their lives at work. This includes issues such as changes job satisfaction, new workplace norms, job searching, training and a loss of power.

However, it is evident that many of the individual changes felt by women participants do not fit neatly within the categories developed to structure the following discussion. The following comments demonstrate some of the ways in which change at work can have far reaching and interwoven effects on individuals’ perceptions of themselves and their interactions with others at home and work. As one woman described, changes at work can affect your ‘whole life’:

I was quite shocked because it’s the ramifications of your whole life that’s been affected it’s not just that suddenly you’re unemployed it’s the commitments that you have financially too that your employer provides you with the income to actually pay for your life outside of the job so to speak. It’s not that I’m defined by the work I do but the work that I do provides me with my life outside of work. (Annie, retail worker, Victoria)

It was causing lots of problems, that’s the stress, because it would impact on my home life. I’d come home and my partner would still be waiting to have his dinner and we’d fight about me doing so many hours and I’d try and explain to him well I can’t not, I have to, there’s nothing else I can do, I just had to do it. And you know it put a lot of strain on him and I and I’d be just so exhausted when I came home I didn’t want to cook, I didn’t want to buy anything from the shop. We ended up buying takeaways and going out for dinner so often that it was costing us a fortune. You know I was just tired all the time, grumpy. (Georgie, clerical worker, Queensland)

Being pregnant, absolutely stressed out of my mind. That’s why I decided to get Working Women to help me because I couldn’t do this by myself it was too stressful, even stressful with someone helping but it was financially, emotionally in every way, physically draining and I thought my poor baby. (Annelise, retail worker Queensland)

Individual Well-Being

Health

Many of the women we interviewed reported ill-health as a result of changes in the workplace. For some the anxiety and pressure of work had, in their view, led to minor illnesses, sometimes requiring visits to the doctor:

I’ve found I’ve been going to the doctor a lot more… (Ivana, retail worker, NSW)
Yeah really distressing, worrying, a lot of anxiety, I did sort of visit the doctor a few times… I’m not an unhealthy person and not one that sort of takes medication or anything, but I think more just to talk, you know. But I’ve got a really supportive family, my husband and my kids so, I think that was the saving grace… (Maggie, marketing manager, South Australia)

I’ll tell you I’m very healthy and I can work another 20 years I think. Anyway for the moment I’m very healthy and I’m stressed with my work, very stressed (Sonja, aged care, ACT).

I can’t say that I wasn’t stressed because it was an extremely stressful time, but I mean it was frustrating as well because it was just, I just knew it was just too unfair you know, and it’s like anybody that ever goes through an unfair problem or period in their life or whatever, you just get angry, do you know what I mean, and the whole point with this company is that they’re just so unreasonable. (Jodie, retail worker, Victoria)

It was also relatively common for interview participants to report more serious health effects, such as depression, anxiety and increased blood pressure:

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, NSW)

I became very, very depressed. (Nancy, cleaner, NSW)

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, NSW)

Oh, I was quite ill, my blood pressure shot up. I was devastated because I was the sole provider for myself and my daughter and I only just got over (illness), so I had been having a year's treatment for (it). So I was up to my eyeballs and I thought, I was just, that I left the department store to get something a bit quieter and less stressful and I ended up with more stress, so. I wasn’t well, yeah I wasn’t well for some time… (Jan, retail worker, Victoria)

Several women who had been dismissed or resigned in particularly acrimonious or controversial circumstances experienced significant ongoing health problems:

A lot, I have a lot of depression, I can’t believe that my bosses don’t believe that I didn’t [steal], a lot of humiliation, withdrew, a lot of withdrawn sort of feelings, it really put me under a lot of anxiety and stress, confidence levels plummeted to nil. I found myself not even to be able to go shopping, I would hide from people that I knew and changed my whole personality. (Mary, receptionist, South Australia)

…I hadn’t been sleeping, they put me on relaxants to make me sleep because I was getting two, maybe two and a half hours a sleep per night, that improved me to four hours sleep. I was told not to drive my car for a fortnight for fear that I would do something crazy to myself. I was asked did I have any guns or instruments that I could do extreme damage to myself…my sister was told she had to keep 24 hours care of me until she felt that I was comfortable enough to basically breathe on my own, oh, can’t even think of what else happened, but yeah, then I told my parents and they broke down. (Rebecca, aged care, South Australia)

For other participants, the association of WorkChoices with their personal health is connected to a pre-existing illness. In these cases life was already complicated by serious illness and the stress of losing employment has made things even more difficult. For example, Debbie, an aged care worker from the ACT was dismissed soon after WorkChoices became operational when her employer heard about her cancer diagnosis. Another two interview participants in NSW discovered that they had a life-threatening illness close to the time that their employment was affected by WorkChoices. 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.

Jane, who previously worked as an aged care nurse, had only been unemployed for two weeks when she participated in an interview. She has suffered from a mental illness in the past and is worried that it may recur if she cannot get another job. Sarina, from Queensland, was also concerned about recurring illness through the stress of losing her job:

At the moment I guess because it’s only two weeks I think it’s no different to being on holidays. I guess if it becomes long term then again I hate being home, there’s that chance, I’ve had one nervous breakdown many years ago, I don’t want to be there again, which I can see myself quite easily doing. Again with that lack of being in the community, that lack of being needed. You know suddenly I’m not needed, well that’s what I feel. I mean that I’m not needed, hey somebody doesn’t see me as being worthwhile anymore, it would be very easy to get myself back into a position where I didn’t leave home again. Where would I end up? Back where I was 10 years ago or whatever fighting a nervous breakdown. (Jane, aged care, South Australia)

I’m, I feel a bit stressed at the moment thinking you know if I don’t get a job, or if my house doesn’t sell or… At the end of the day what if I can’t pay my mortgage or you know just all those things come into it. And of course you can’t help but think and worry about it, I, I just don’t want to get to the point where I’m really, really stressed where, hoping that (illness) doesn’t occur again… and I think ‘god, I hope I don’t stress’ …because stress can make these things come back. So you know, all those things go through your mind, I can’t help it. So going back to that, yes I have you know, have a little bit of stress and, and wake up in the middle of the night which I don’t normally do. (Sarina, retail worker, Queensland)

Self-esteem

Several women who lost their jobs without warning or reason, spoke about their loss of self-esteem. This was commonly discussed in terms of self-doubt, emotional stress, powerlessness and a sense of embarrassment at the way they had been treated:

…I mean I got the job section in the paper and I looked through it and I just sort of thought, in that state of mind, I was thinking perhaps I’m not capable of applying for these types of jobs. I mean I’m doubting myself and that’s silly because I’ve done this since school…and I know I’ve done a good job. (Georgie, clerical worker, Queensland)

…I feel incredibly angry sometimes, I feel incredibly hurt and very very bitter but the worst thing for me is the injustice of it because the reason I was such a good support worker and advocacy was always my greatest skill was because I’m really really sensitive about injustice and this actually happened to me and I can’t quite believe it. Do you know what I mean? (Stephanie, community services worker, Victoria)

Am I good enough to go back into the workforce? (Trish, clerical worker, NSW)

…I felt like a thief. I felt like I had done something really, really wrong. …I didn’t really want to go out and talk to people… I felt like a bit of a loser. (Jan, retail worker, Victoria)

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, NSW)

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, childcare worker, NSW)

Some 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:
…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, NSW)

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, NSW)

Fear and Uncertainty

Many interview participants who lost their jobs through dismissal felt uncertain and fearful both about what had occurred and about what might happen in the future. Jan’s comments illustrate this well. Jan worried about whether she should have spoken up in her workplace and she felt distrustful and scared in her new job:

You know and no sleep, I would wake up at night and you worry about it. You stew over and over and over and over again. What if I had done something different but I thought, no! I was within my right to do what I did. But then I was feeling like I wasn’t, you know maybe I shouldn't have opened my mouth. Maybe I should have just put up and shut up. Plus the fact that I am always looking over my shoulder now. I don't trust anybody anymore. (Jan, retail worker, Victoria)

The experience of change following the introduction of WorkChoices led many women to worry about what other changes might occur in the future. Even those who were union members and had union enterprise agreements underpinning their wages and conditions expressed concern about the long term effect of WorkChoices. Maria had already seen rostering changes forced through in the local government which was her employer, despite her EBA:

…I was thinking oh my God, you know what would happen to us, when our enterprise agreements finish… but I know, I know that once, like everyone is saying once this finished, we are in limbo, like what are we going to do, like they can do anything with us and yeah, because basically they do that actually. (Maria, childcare worker, Victoria)

I was scared to tell the union more details about my place of work, I told some and after that I was in trouble because they want to … how can I say to be polite in English, I say what the people teach me, they want to kick me out. (Sonja, aged care, ACT)

(I)t is like going back to the dark ages now. It’s terrible. I don’t know how people – I think people are alarmed now that their jobs are on the line a lot of times. If you don’t please the employer you can be dismissed. You just don't have the rights any more that workers used to have. So I think people are a bit afraid and I certainly am too. That’s why I am going to do (professional training) because hopefully it’s a very marketable profession and there’s high needs for (profession) so hopefully I will be gainfully employed and maybe in not too much of a risky job. (Maria, aged care, Queensland)

I now feel demoralised again, I now feel like I've got ten tonne on my shoulders, I've got no money coming in, I've spoken to Centrelink three times, if I study part-time I'm not going to get any payment, I've never had Centrelink, only when I was a carer and that's the only time I've ever had Centrelink and I thought I can't believe I'm in this situation. (Irene, clerical worker, Queensland)

Some employees were more afraid to raise issues at work that concerned them. Bar manager Shannon emphasised this in her statement that her action on wages underpayment from outside of the workplace was helping remaining employees because ‘they can’t say anything because they’d lose their jobs’.
Other interviewees commented on the negative effects of increased insecurity on work harmony as well as on the capacity of workers to express their views. Check-out operator Ellen observed:

Morale’s gone down…like we’re worried that if we speak up too much we’ll lose our jobs…Yeah, people have been more worried, you can see people are looking around more, looking stressed and there’s less harmony in the workplace than what there was. (Ellen, retail, South Australia)

And community worker Deborah also noted an increased sense of insecurity and its negative effects on workplace relations:

Everyone is well aware that we’re a small organization and less than 100 employees and that unfair dismissal doesn’t apply to us anymore and we have seen some staff members pretty much have contracts not renewed or operate as casuals. There’s no sort of job security given to them, they’re kept guessing I guess…We know that we are not necessarily on any solid ground if we are unfairly dismissed. And that has created tensions in the work place…I think a lot of us have found that we’re just in a position where we don’t feel protected with work place rights. (Deborah, community services, South Australia)

A further effect was to increase personal fears about 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 NSW)

Dismissed aged care nurse Jane was worried about the flow-on effects and longer term implications of increased uncertainty on job recruitment, families and the broader community:

And I think sadly, people will not take…jobs with responsibilities knowing that the tenure is too fragile…that the whim of the boss who doesn’t like you or decides she wants to make a bigger profit then “click” you’re gone. It is a very, very scary world. I’ve got a 30 year old daughter with a mortgage and three kids what is her future? And that scares me…. (Jane, aged care, South Australia)

**Economic and financial effects**

**Finances**

A very obvious impact of changes at work upon women we interviewed was a disruption in their financial position. 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:

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, childcare worker, NSW)

Many had a pressing need to either find some form of employment or to find new employment that was similar quality in terms of hours and rate of pay to their previous position in order to maintain self and family. Women who had experienced sudden and dramatic declines in income reported having difficulty paying fortnightly rental payments, meeting mortgage payments, paying utility bills, buying petrol, clothes or good quality food and groceries:
I have no income whatsoever. It’s bad right now (Melanie, childcare worker NSW)

…I’d had a house I absolutely loved, I’d had enough money to pay my bills, to put food in my stomach. When I first lost my job I was living off hot chips because this take away place in Frankston did like the best deal. They had like a dollar for a bucket of chips… With that I could feed myself a whole week on ten bucks! (Emily, hospitality worker, Victoria)

…where before there was always things in the cupboard, you’d always feel like you were doing your share of putting food in the cupboard, where now it’s oh look I bought that for my son please don’t eat it, and I’ve never done that before. I don’t have all this money just to be stocking up cupboards for you know their friends to come over and eat my food…And I’ve never ever bothered before because obviously I had the money to go and buy stuff where now, I don’t buy me anything…I need a hair cut but it’s not a priority…(Ruby, secretary, South Australia)

The things that I won’t be able to do for my children which I do because I work and the grand kids, you know all those little things that you just take for granted because you’ve got an income. Then you stop and think hell if I go down the shop now I won’t buy that extra thing, so all the things that I’ve just done in my life, because I’ve worked all my life, have come to a crashing halt. (Jane, aged care, South Australia)

However, short term financial problems can have longer term effects. Particular concerns such as the affordability of study indicate that there may be ongoing effects on incoming earning capacity as a result of current reductions in income. For example, with reduced certainty about their income, some participants are re-examining their capacity to meet educational expenses:

I’m second year this year, but first year my books cost about a grand all up, a lot of money for a young person. I’m paying for a car and all that kinda stuff. And I just think where is that money gonna come from? I don’t expect my parents to give it to me and I don’t think they should have to and that’s why I go to work, I go to work to pay for this stuff, I go to work to pay for the car, I go to work to pay for my uni books…how am I gonna afford to buy them? (Wendy, retail worker, South Australia)

We had to take them out of music lessons that they had, we couldn’t go out like we used to, they basically had to just stay home and play X-Box games or card games or just veg out because we couldn’t do anything, we had too many bills and yeah, not enough money. (Carol, community worker, South Australia)

Other longer term implications included the capacity to retain savings for retirement, pay of mortgages or to provide financial security for children:

I feel I’m in a semi-retirement mode at the moment because of my situation. However I’m not even earning I guess what I would if I was retired. So yes my savings are dwindling away and it’s very unsettling and I guess you’d wonder how you’re going to survive and what you’re going to do. (Kate, clerical worker, South Australia)

…it has affected my plans for my life. I mean the fact that I was on short term contract means that I could not apply for home loans and things like that. So that sort of sits there in the back of your mind and its quite an insecure mode to operate and that affects your life choices and what you want to do in future planning for the longer term. (Deborah, community worker, South Australia)

…I’m probably, oh, $80-$90 a fortnight worse off. Which is okay, I mean I don’t get a lot of money so you know that makes a lot of difference but I could probably live with it. As I said I’ve only got about one or two payments of my mortgage, once I pay that off, that will make things a lot easier too so I could, but you know anyone that had a large mortgage or whatever or really, I mean I rely on it that money of course to live on and I don’t want to. (Mary, aged care worker, Victoria)
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, NSW)

Less tangible but equally significant are the effects of financial constraints on social relationships.

And speaking of relationships, you know, I’m on tight strains with a lot of my friends, with my family members, because I owe them money, you know. And borrowing, and can I pay you back here, you know, oh don’t worry, I’ll get this one, but you can’t get the next one. I’ve lost contact with my friends, I can’t use my phone as much, because I can’t afford it, it’s hard. (Kate, hospitality worker, Victoria)

The effects of reduced financial capacity had a number of more specific outcomes that are covered in the following sections. In particular, it increased interview participants’ financial dependence on others in their family and community. It also had implications for those who had or sought assistance from Centrelink.

Independence

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, childcare worker, NSW)

Well, I’m a single parent with a three-year-old so obviously quite a lot. If I didn’t have the union support and the support of my parents I would have been screwed pretty much, because I had nothing. (Mel, childcare worker, ACT)

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, NSW)

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, childcare worker, NSW)

I thought, well, here I am, I’m going to be reliant on a man again. That’s what I was doing when I was married when I didn’t have periods of work and I just don’t like being in that position anymore, I want to be able to stand on my own two feet and support myself. (Marianne, clerical worker ACT)

Oh we can survive on my husband’s wage, I’m not arguing that, but what I had was my independence. My mother always said I had to have run away money and so I was saving so I could run away one day. So it’s my independence and that security that I’ve had money... (Jane, aged care worker, South Australia)

Many women participants linked their increased dependency to issues of self esteem, fear and uncertainty, discussed above. 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, NSW)

The links between Centrelink and changes at work were a significant issue for many women and warrant their own section in this report. They form the basis of the following discussion.
Links between Work Choices, CentreLink and ‘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 WorkChoices is very close for many low wage women. ‘Welfare to Work’ and WorkChoices 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:

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, NSW)

Participants were very concerned that they might not meet their required work 15 hours per week if their rostered shift fell on a public holiday:

I don’t think Centrelink really care, about public holidays. Like if your boss doesn’t want you to work on that public holiday and you lose that 5 hours, then at the end of the week you are 5 hours short of your 15, and Centrelink don’t want to know about it. That makes it hard if you are employed to work Monday, Wednesday, Friday and there are so many Mondays and Fridays that are public holidays and you just lose your hours. (Jane, aged care worker, WA)

The same woman feared taking any annual leave because she was concerned that her CentreLink payments may be reduced as a result:

With Centrelink I only have two weeks off every year and now with these new laws I am afraid to take these two weeks in case I get penalised for it but I also feel like it’s taking the quality of my life and my kids’ off me because I used to use the holidays to go and visit my family but now I can’t do that so I feel even more isolated. I can’t just take 2 weeks off whenever I feel like it and go and see my parents or take them up to see their other grandparents and that makes it hard because, yeah it’s annoying. I hate it, that’s one thing I don’t like but that’s got nothing to do with my work it’s Centrelink. That’s how all these rules are now, it is frustrating; you get afraid to take the public holidays off because you will miss out on the hours and you’ll be in trouble. (Jane, aged care worker, WA)

Others felt that work and family policies were contradictory and that the work requirements of the ‘Welfare to Work’ provisions were difficult to accommodate when trying to meet family responsibilities:

… the shifts either start too early in the morning or end too late in the evening. So either I can’t send my children off to school or spend quality time with them in the afternoon. Even though Centrelink encourages women to go out and do this course “Age d Care” they should realise that it is shift work which may not suit the family… (Mandy, aged care worker, WA)

…I don’t understand the new laws that have been brought in…when it happened to me it was the big Welfare ads on TV, you know the I’m a working Mum and my kids will come first, but then you have to work twelve hours to be able to keep your pension you know it all contradicts itself. There aren’t these twelve hour jobs out there a week to go and get, and if you don’t sign a contract then you don’t have a job, and if you sign these contracts then you still have to be prepared to work full-time hours anyway, so what’s the point of the contracts? They just seem to contradict themselves in everything they’re saying and doing in relation to these new workplace laws and the parenting payment plan… (Ruby, secretary, South Australia)

One woman described the interaction between her working hours and Centrelink entitlements, and the way this is having quite dramatic effects on decisions about her and her partner’s decision to separate:
Well one thing that I am concerned about is that my husband and I want to separate but the thing keeping us together is the whole idea about Centrelink and what they are going to require me to do and how that will impact on the kids. Because I will be a single parent and my youngest child has turned six and if I am to get a pension… or they might even put me on Newstart, I’ll have to work 15 hours and it will be hard to balance that with looking after my kids and study as well. My study would be under 15 hours a week in contact time at uni so I don’t know. I’m really concerned about that, the future, how I’m going to juggle all of that. (Sue, childcare worker WA)

Further difficulties arise for those in low paid work when they needed to manage their interaction with Centrelink and Newstart requirements. That these schemes are not geared for people who are also working, is illustrated by Maryanne’s experience in Victoria. When Maryanne left her employment at the petrol station she was able to return to a cleaning job she had had previously. The problem was she could only secure a maximum of 15 hours a week which was not enough to support her. So she applied for Newstart Allowance to top up her wages and now is subject to the work test:

Yes again it’s a real pain because I have to continue to look for jobs. No I have asked them [employer] to increase my hours just so they don’t have to annoy people with interviews that I really can’t take. I have to contact seven people for job interviews. I have to try for seven jobs which is really hard to do when you work everyday and I can’t predict what hours I’ll have in the future, it all depends on who takes holidays or whatever and so it’s a waste of everybody’s time. The people at Centrelink understand it’s a waste of everybody’s time and the common thing they say to me, they say, “Oh look you’re just one that falls through the cracks.” But to me I think it’s a waste of everybody’s time. It might make the political statistics look good or something I’m not sure but it’s a waste of my time to go and apply for seven jobs, then if I do get that job I can then say to them, “But I’m not sure when I’m available” you know? Yeah and up until a fortnight ago you used to be able to just ring through how much you’d earned. Yeah because you used to be able to phone it in, you used to be able to do it on the internet. And they’ve banned that now. It takes me 100ks just to get there… Yep and of course if I get an interview that’s another 60 ks. Before when I went in they said, “I’m sorry we can’t see you today.” And I said, “I rang up this morning and they said just to come in.” So that was absolutely totally a wasted trip… Yeah and you know I really wanted to avoid being back on Centrelink again but because I’m only getting the fifteen hours or so at the moment I have to. And the other thing is every night I come home from work I actually have to sit down and figure out my earnings for that day which is pretty hard to do because it changes all the time. I understand it when people say it’s not worth working part-time it’s easier to stay on the dole and I completely respect and understand that. I actually go to work because I get a bit of a social life you know and I want to get out of the house. (Maryanne, retail worker, Victoria)

**Effects at work**

Many of the effects of *WorkChoices* are relevant to the workplace environment and such effects have been examined throughout this report. However, some of the changes at work have effects that are quite individual in character. These include individual’s job satisfaction, loss of power and their internalisation of new workplace norms. Specific actions such as searching for a new job also have some quite individual effects. These aspects of individual responses to change at work form the following part of our discussion.

**Job Satisfaction**

Many interviewees described how important their work was to them and about how much they enjoyed it. Changes they had experienced invariably had negative impacts on people’s enjoyment of their work. A recurring theme was a sense of betrayal and disappointment at changes interviewees’ employers had made and/or at the way the changes had been implemented following the introduction of *WorkChoices*. Women spoke of a range of issues including reduced job satisfaction, less interest in trying hard in their area of work and reduced loyalty to their employer:
Well after that day, you know, I felt like stressed out after they said they were going to change my hours and I mean I was sort of yeah, feeling a bit oh should I, you know you feel like your morale really down because why are they doing that to me like after 15 years come on, you know I've been loyal to you, I've been working for you and you feel a bit why, it has to be, I feel like I have to fight the same battles every year because I've been fighting for this hours and then I have to fight again and they don't really care actually (Maria, childcare worker, Victoria).

As far as my profession goes, I'm just wiped out. I don't think I want to do it anymore’ (Jan, childcare worker, NSW)

I'm ready to quit, actually ready to quit. I've started looking for another job, I just want out...I used to love going to work, I loved the people I worked with...I'm good friends with the work girls and stuff...everyone's looking for a new job. (Wendy, retail worker, South Australia)

Sheer desperation, the mortgage... otherwise I would have walked out...because I absolutely hate it but yeah, it's just the mortgage, the answer is feeling scared because there's not many jobs out there and you know that...you've got to keep going in the job that you've got because there's not much out there especially full-time. (Ellen, retail worker, South Australia)

I like (that) its always been customer service orientated and that's the work I have (always) done. But yeah, it's just the perfect job, I'm two minutes down the road, the hours are flexible... Oh gee, I could get so indignant about this, I would love to go and chuck it in, but I think oh gee, I'm old now... I'm not going to find it all that easy to get another job, where the hours suit and ... it will cost a lot more money to travel out of (this town), and that's it. So that's why I'm there and I've been there nearly 4 years and I do like my job and I was just devastated that they could treat you like that, but then there's no such thing as loyalty anymore these days. (Karen, hospitality worker, Queensland)

Other interviewees also spoke feelingly about their employers’ lack of acknowledgement of their hard work and of the effort they had put into their work, over and above the call of duty. Emily, a 21 year old, had worked in a suburban restaurant chain in Victoria and after six months was sacked without notice:

I just felt so upset by it because I put so much into that job and with a partner working days as well, we had forty minutes to spend together per day. No days off together and still I put in a hundred and ten percent... (Emily, hospitality worker, Victoria)

I very, very rarely actually called in sick. I remember one time in particular I was throwing up. It was, I got endometriosis pretty bad and I was in so much pain that I was actually throwing up and stuff and the manager just took one look at me and just said, “Go home.” And I went, oh no I'm good, I'm good and she practically threw me out the door to get me out of there, which also comes down to the dedication that I had for the job and then on the way home I was so sick I actually passed out twice. (Emily, hospitality worker, Victoria)

Well I kind of feel, I feel disappointed because I gave it, really gave it my best shot, I worked so hard to build up a clientele. (Sarina, retail worker, Queensland)

Kate felt deeply hurt by her dismissal without warning as she felt she had worked as hard as she possibly could and at times her work had taken precedence over her daughter:

Yeah, when I first started, some days I’d start at 5.00 and finish at midnight, 1 o’clock. And I was a hard worker, you know, non-smoker, so I didn't have any smoking breaks. You know, I was constantly, you know, being a mum for four to five years you know, so I wouldn't get any breaks and so that was probably four days. Every weekend, so then my baby girl had to adjust to having no mum for those weekends. (Kate, hospitality worker, Victoria)

Some areas of change particularly worried women who valued their work highly and wanted to be able to do it properly. They expressed their lack of satisfaction at work when they were constrained in their capacity to do their work to a high standard:
It means that the children are not getting the care that they require. It put me under a lot of stress. Parents weren’t happy because their children were unsettled and they weren’t able … like it made it harder for them because they didn’t … because the shifts were split and you’d be on a morning or an afternoon shift there wouldn’t always be someone there that their children were used to or that they knew and were comfortable with. (Kasey, childcare, ACT)

The other thing that upsets me is that we seem to have become a country that accepts the fact that mediocre is okay and you don’t have to do a good job; that any sort of job that nobody is accountable; that pride in workmanship has gone out the window and don’t give a cleaner enough time that she can do her job properly and take pride and value in it; don’t give a contractor enough money that he can employ enough cleaners to do the job properly. Any sort of effort is okay and there is no accountability. But it is that thing that things don’t matter and that’s become very apparent. (Janis, cleaner, ACT)

I mean, we wouldn’t be there if we didn’t care about them [the residents] and it’s like yeah okay I’ll do it. So it’s like an obligation because you know what it’s like to be short staffed yourself and particularly the bottom line is that it is your residents that are affected the most. (Chrissie, aged care worker, ACT)

It put me under a lot of stress. Parents weren’t happy because their children were unsettled and they weren’t able … like it made it harder for them because they didn’t … because the shifts were split and you’d be on a morning or an afternoon shift there wouldn’t always be someone there that their children were used to or that they knew and were comfortable with. (Kasey, childcare worker, ACT)

Reduced satisfaction at work was closely tied to a feeling of powerlessness to change or influence work practices. The feeling of lacking power to change things at work is an issue to which we now turn.

Loss of power

For many of the workers who experienced dismissal, feelings of powerlessness accompanied their sense that an injustice had been done and there was no remedy. For example, Maggie explained that while she had coped financially after her dismissal, the emotional effect was significant:

“I think probably because I have this other cottage industry business, the small business from home, also in one sense because it was Christmas time that was better for me then too because my orders increased a bit and I was able to I guess see my way through that period of time. But it was more how I felt about myself; it was the powerlessness to be able to say that really it is not fair to treat anyone that way.” (Maggie, hospitality worker, Victoria)

The change in workplace climate experienced by many other interviewees left them feeling powerless, and sometimes, like Liz, berating themselves for feeling they cannot take action:

“I feel like I’m weak because I don’t really think I am a weak person but because of the situation like in a small town, that you would see them outside of work, you know maybe they could make it unpleasant if you wanted to get a job somewhere else and if you wanted a reference for instance.” (Liz, retail worker, Victoria)

Christine was one of a very few interviewees who had spoken up loudly about the changes occurring in her workplace. She had tried hard to ensure employees were consulted and given an opportunity for genuine negotiation of new arrangements. Her inability to do this in the current system and in the face of resistance by her employer left her feeling demoralised and exhausted:

“But after what happened today, I was ready to walk out the door and not come back and it is, it’s gotten to the point where I feel so devalued and demoralised… And, and I’ve just, I, I am so tired of fighting with, it’s a never-ending struggle, and now what they’re successful doing is that they’ve done divide and conquer, okay.” (Christine, aged care worker Victoria)
Several workers felt powerless to leave their jobs even though they were very unhappy about changes in their workplaces. When Lilly was asked why she didn’t leave her job given her difficulties with her manager’s lack of supervision and the consequent stress she feels, she said that she really needs the current job, her husband’s income is not enough and it would be extremely difficult for someone like her to find a new job.

Loss of protection against unfair dismissal also means employees working in workplaces with 100 employees or less have no means of protecting their reputation when false accusations are made as a basis for dismissal, such as allegations of theft. Kate asked her employer for a separation certificate for Centrelink purposes after she was dismissed:

And then she just got all grumpy on me over the phone and it took her weeks to arrange that. She did produce it and he had written on it, and he said reason for leaving – “suspected theft”. Oh, I rang up Job Watch again to say, and they didn’t say much that I could do anything about it… But that’s very karmic and very…That put me off wanting to get a job for the rest of my life. I went through months of going that’s so heartbreaking, especially after everything that I’d given them, and to write that there, with no proof, and when I did ring Job Watch, they said well, that’s disgusting, was there any police involved? I said no, there was nothing. And then I wanted to go up for defamation. I didn’t have the money for a lawyer, and I just thought, I was getting too upset and getting sick, and you know… (Kate, hospitality worker, Victoria)

Loss of power was felt most keenly by women who were dismissed without being given a reason why or without being given the opportunity to respond, as Emily described in Queensland:

I have not even had the chance to rectify the problem, if there was one. At least (give me) some reason, some warning… And, and if it was a personal thing then I could’ve come to my own decision. Okay, if it’s personal then it’s just bad on your behalf. Then maybe I should move on. You know I’m a, I’m not a bad person, if I see there’s a problem where it’s not going to work out, I will move… Like I understand there’s workers out there that, they really do need to get the sack, but if I can’t defend myself, well that’s been bothering me the most. It’s this, someone’s accused you, you feel like you’ve been accused … but you have no leg to stand on. The entire office can think whatever they want. I’ve got no, no box to stand on and say ‘well wait a minute, this isn’t right’. (Emily, receptionist, Queensland)

Internalising new workplace norms

While most women were disappointed and unhappy with the treatment they received at work others spoke of being careful in the workplace from now on, of no longer being naive about management, of being ‘foolish’ for thinking their hard work was appreciated, of not bothering to give their all anymore, of not trusting. These women can be described as ‘internalising’ a new approach to work to fit in with new norms that are based on a lack of trust:

Yeah so you know you’ve got to be so careful as well. Because these employers now know that they can do what they like. And there’s nothing much that we can do as an employee. (Lorraine, tourism, Queensland.)

And the people they spying each other and go to tell to the boss because the boss wants this to keep the control. We have hidden camera in every … I think in the bathroom, this is ridiculous because what you can do here I don’t know. (Sonja, aged care, ACT)

…I make sure I go in there and do my job properly so that they can’t sack me. A lot of people are just frightened because it’s like being … you know, you might get pulled in the office for something and they’ll give you the spin of, you know, duty of care et cetera, and they’re the ones that actually breach the duty of care. (Chrissie, aged care worker, ACT)
In South Australia, senior staff at an employment service for young workers have fears that the internalisation of the new employment environment, with its inferior rights and entitlements, is becoming the norm:

…especially for the younger workers that we see, they are either in their first job or maybe been in the workforce for a couple of years, but they are still at a time where their opinions and attitudes are being formed by their employment. I’m concerned that if this is to continue that the expectations of young workers will just decrease dramatically. I’m concerned that they will believe that they are not worth anything more than what’s being given to them and that they will just have to accept the way that they are treated and say well this is how it is, you know, this is what it’s like to work and they won’t say anything, they will think they can be treated poorly… (Employment Service, South Australia)

The strongest statement about these changes, the problem of fear and changes in workplace norms came from a woman with many years experience of working in aged care:

There’s an atmosphere of fear … you can’t say that [and] if they say anything you don’t like they have what I call dobbers … Now once upon a time that would have been frowned upon and absolutely a taboo thing to do but these days …. I mean I have to say I don’t care. I couldn’t care less. But a lot of people do and a lot of people feel that very, very physically that they’re threatened in that respect, that they’re not allowed to say anything out of turn and if they do they’re going to get hauled over the coals or lose their job. And this is how they keep people in line. And the fact of the matter is that once upon a time that would not have been allowed. But these days it’s almost encouraged. Under WorkChoices it is encouraged. (Gillian, aged care, ACT)

**Job searching**

Finding another job was hard for most of the women who lost their jobs. Among the older women few have formal post-school qualifications and most expressed concern about age discrimination and about the lack of full-time on-going jobs. Sarina’s comments below illustrate both these points but it was a concern expressed by other worker in their 50s:

It’s not easy once you’re (in your late 50s), getting a job somewhere else. You give your resumé and you know you get, I always put my date of birth, maybe I shouldn’t. I don’t think you have to anymore, but I do. I found I’ve had response by going into places, they all say ‘look you know we don’t have a position but you know we’ll keep you in mind’. They’re all very polite. I think it’s so hard when you read the papers. I’ve gone to Centrelink, I’ve got an interview to see if they can get me a job… I’m not giving up because the longer you’re out of work the harder it is to find work. I’m working for (a friend). I got a job with her, but it’s not a permanent job, no continuity. I got one day, the week before and then nothing, you know. This week I’ve got, I’ve got tomorrow, Saturday… The following week I don’t know what I’m doing see, so it’s not enough for me. I really need to have at least four days a week to survive you know. (Sarina, retail worker, Queensland)

…that was another concern because I’m 52, it’s not like you’re 35 and sought after, you know you do have a use by date sometimes, particularly with some employers, not that they are allowed to ask you your age or anything, but it’s often obvious from your resume that you’ve been around a fair while. (Maggie, marketing manager, South Australia)

…while I am confident that I have done the job well and I can do whatever I put my mind to, you know at 58 there’s not too many people that would be prepared to employ you so I have my doubts whether I’ll get another job. (Michelle, sewing instructor, South Australia)

However, interview participants of all ages expressed concerns about their future employment prospects:

It has actually been quite difficult. I am with an agency, I am with (x) Agency at the moment, which is fantastic and I get a lot of work through them. But a permanent job, look I shouldn’t say it is
difficult, but it is difficult because of my experience, the pay I was on, it is difficult to find a job even close to that sort of pay. (Helen, childcare worker, Victoria)

…And because I think people just accept it in the hospitality industry, and it’s wrong. Because I’m finding it hard to get, like some people think it’s easy, there’s lots of jobs out there, not when you’ve got a kid, not when you’re living in [outer suburb]. (Kate, hospitality worker, Victoria).

As mentioned earlier the loss of self-esteem experienced by some women made finding another job that much more difficult. Without the right to seek a remedy to unfair dismissal or without a reference from their previous employer, some women were also unsure about how they would deal with the perceived blemish on their employment records:

… then you have to brush yourself off and go to the next interview and you feel... well that posed a problem as well for me because I knew he wouldn’t write me a reference so it opens up a whole sort of hornets nest of problems and it is very upsetting. (Maggie, hospitality worker Victoria)

It’s just, I don’t miss the job but I just hated the way it was done. It felt like, makes you feel, your self-esteem goes through a huge hit in the head. And, I mean the prospect of having to go out there and look for work with that reeling around your head. Like my first instinct was ‘how am I going to get a job with this hanging over me?’ … You are forced to go out and, you know, look for work and you haven’t got that self esteem to promote yourself and put your best foot forward. That was something I really wanted to say. (Emily, hotel receptionist, Queensland)

And also for your future employment, how do I explain to a future employer the reason I got sacked? (Do I say) hey I shouldn’t have been and it was really them not me. It’s a very difficult situation. (Nicola, community worker, Queensland)

Participants who had lost their job and who also had dependent children faced additional hurdles to finding another one. In South Australia Mary was most anxious about her chances of getting work that would accommodate her caring responsibilities:

…it took me so long to organise those hours that fit in with my family, it took years actually to find hours I could work during the day and not night and that was good that I could drop them off at school and sort of be home for them when they got home from school. (Mary, receptionist South Australia)

Ruby is trying to get back into office work, but is hampered by the lack of permanent part-time work with hours that match available after school care in her locality. She is frustrated by jobs being advertised as part-time, when the employer really wants a full-time worker:

… I’m trying now to get back into working in an office, and it’s just really hard now because even when it says three days’ a week, but must be willing to cover sick and annual leave. That’s exactly why I lost my job in the first place, was because I couldn’t cover the sick and annual leave…I’m not afraid of working but I can’t get X into after school care on Monday and Tuesday, their waiting list is so long anyway, and I’m paying for him to go to after school care Wednesday Thursday Friday even though I’m not working because it is too hard if I take him off that list to get him back on that list to get days. So I’m also paying for after school care that I don’t need, but I need to be able to go into a job or an interview and say I have after school care booked Wednesday Thursday Fridays. Because I know Monday is a seven month waiting list… I applied for another job and they rang me on Monday and they wanted 8 til 5 Monday to Friday, but the job advertised as part-time…how can 8 til 5 Monday to Friday be part-time. (Ruby, secretary, South Australia)

**Problems faced by women in rural and regional areas**

Women in small communities faced a range of additional problems after job loss. In Lorraine’s case the problem was lack of any full-time or on-going work that was not low-paid, a concern shared by a number
of other women in regional areas. For Dianne it was that she was fairly new in a small town and she worried that her ex-employer might make it hard for her to get another job:

Nobody’s doing part-time here. It’s all casual. Most of the pay here is low and I’ve been sick of working for low wages, that’s why it’s time for me to stand up for myself and okay be paid what I’m worth you know. I’m still debating whether to relocate. I’m not worried about actually getting a job again, I’m very confident that I can, with what I do. But it’s just that it’s hard (if I stay here). Here everything and everyone is connected. It is basically a small place. (Lorraine, tourism, Queensland)

Unfortunately the area I live in is not a place where there is a lot of employment I guess, but somebody my age as well, and also in just recent times one of the factories down here closed which also put another I think 60 – 80 people on the unemployment list, so the situation down here is not ideal for finding jobs. (Kate, clerical worker, South Australia)

Kate, quoted above, is now concerned that she will be trapped in unemployment until retirement age.

Sole parent Shannon shifted from one small country town to another in order to obtain work. This move disrupted the lives of her two children. Jobs in the surrounding area were very few and when she was dismissed for refusing to work unreasonable hours they were faced with the prospect of having to shift again:

Well I wasn’t sure if I had to leave you know, the kids didn’t want to go again, I’d already moved them once and I thought well if I can’t get another job here, I’m going to have to leave because I was renting the house here and I couldn’t afford it, so yeah, they were pretty upset. (Shannon, hospitality South Australia)

Aged care attendant Rebecca could no longer afford to pay her mortgage when she was dismissed and was forced to sell her house. To obtain somewhere to rent and alternative employment, she had to move 110 km to another country town. In so doing she had to leave behind close family and friends at a time when she was both physically and mentally unwell. Being in a completely new location makes it more difficult for her to get support and regain her confidence:

…I’m here and I’m at work and in my unit and that’s it. I don’t know any other part of the town, I just know 700-800 metres from here to work and that’s all I know. (Rebecca, aged care worker South Australia)

For Liz the constraints of living in a small regional town are exacerbated by her age:

You know I do, I think, you know I have noticed like private industry possibly does treat their employees a little bit worse because they think they can get away with it maybe. Because they’re so small, like if it’s a big industry there’s a lot of people and you know it can be a collective agreement or whatever but in a small industry in a small town where there’s not many jobs and just my age as well, that there’s not many jobs, you have to give a reference, everybody would know who you used to work for, things like that. It’s just sort of harder. (Liz, retail worker Victoria)

Maryanne felt quite cynical about the federal government having any understanding of situations like hers in low income work in a small regional town:

… in a small country town situation you don’t want a reputation of being a trouble maker. I don’t think Johnny Howard has ever lived in a country town or had a low income job (laugh). (Maryanne, former retail worker Victoria)

In short, if they experienced loss of employment, regional and rural interview participants faced many of the same issues as their urban counterparts. However, they face a range of additional barriers when faced with the prospects of finding new employment.
Summary of effects on workers

Many of the most obvious effects of changes arising from WorkChoices are financial: interviewees have less income (in cases of dismissal, no income), less predictable income, and in many cases have to work harder for their pre-WorkChoices income – or harder for less. As a consequence, many have experienced considerable stress and unwelcome dependence on others. Larger households are far from immune: partners, children and extended families are affected in many cases.

But the impact of changes is not confined to money. It extends to self-esteem, health and well-being especially where workers have lost real say at work, and particularly where they have been dismissed. Interview participants described the traumatic effects of dismissal without warning or reason – in some cases after many years service. The unilateral power of the employer is revealed in many accounts with workers suffering serious loss of self-esteem, employment satisfaction and confidence where they have been dismissed without any redress for workers. This is a particular source of loss and pain to workers, and once again, its effects extend beyond the individual – to other workers and to family.

The loss of fair dismissal procedures in many workplaces is casting a long shadow over employees. Many describe a new sense of fear and uncertainty arising from these changes.

Particular groups of workers are especially affected by the changes in job security, especially older workers, those with dependents or pregnant, and those who live in rural or regional areas with limited job prospects.

In addition it seems that WorkChoices has been accompanied by increased managerial prerogative which has driven an intensification of work across the states.

The combination of WorkChoices and welfare-to-work changes has had particular negative effects upon some workers who are sole parents. There are reports of churning at the bottom end of the labour market, as workers try to meet the requirements of a new welfare regime in the presence of new arrangements around job security and pay. For the many women who work in low paid work, WorkChoices has seen a further deterioration in their conditions of work, take home pay and control over working time.
EFFECTS ON COLLEAGUES & THE WORKPLACE

Significant changes at work, as a result of major shifts in industrial law, have effects on colleagues, the larger workplace and service users as well as on individuals. In this section, we consider the broader employment effects of legislative change in relation to issues like pay equity, staff relations and recruitment, team work and co-operation, training and productivity, occupational health, safety and welfare and staff turnover. The ripple effects of changes on clients are also examined.

Pay equity

*WorkChoices* is seeing less transparency in wages and conditions, so that equity between workers undertaking similar work is obscured. The potential for the development of pay inequity under *WorkChoices* is illustrated by the experience of accommodation worker Anne who works in South Australia. She was performing the same work as her fellow workers, but unlike them, had no provision for a pay increase during the life of her AWA. No reason was given by management for the consequent difference in pay rates and an attempt by Anne negotiate as recommended by OWS was unsuccessful. She had no other remedy to rectify the inequity. The provision for AWAs to be confidential enabled her employer to reproach her for raising the inequity and undermined her capacity to obtain ongoing comparative information on rates applying in the workplace. This case study raises a serious problem of how workers are to negotiate wage increases as individuals and maintain a semblance of equity if they are prevented by law from obtaining and using comparative data.

The threat of widening rather than closing the gender pay equity gap under *WorkChoices* is also apparent in the legislation’s focus on obtaining conditions required to balance work and caring responsibilities by trading off employment provisions, rather than setting new labour force-wide standards. This problem was emphasised by staff of the women’s employment organisation in South Australia. They feared a growing gender pay gap as individual contracts came up for renegotiation and women traded away pay to get provisions that supported care responsibilities:

…it’s something that I’ve seen and fear that it’s going to increase, is women having to negotiate other things out of their contracts to get parenting flexibility or to get family friendly provisions in contracts. I fear that we’re going to end up having even more problems with the pay gap if women are having to reduce pay or whatever else over time so that they can get some flexibility around parenting. I don’t think men are going to have to do that as often in their negotiating. So that’s something we’ve started to see and fear will happen more as more contracts are being negotiated and other ones run out. (Employment service, South Australia)

Exploitation of particularly vulnerable workers

Women were also concerned about the potential for erosion of pay and conditions under *WorkChoices* arising from the increased recruitment and exploitation of other workers they saw as even more vulnerable than themselves. For example, Annette is fearful for the migrant and refugee workers who are increasingly coming into aged care industry:

And that concerns me with laws where they’re not protected and that is becoming a larger workforce…And also to find information because I, you know, went to the phone book and looked up those pages in the front and there were many, many calls. They wouldn’t know, maybe where to start. You’ve got an enormous pool of non-skilled workers who are totally taken advantage of and brought into this country and just used and abused. I mean it’s very hard, as I say. And I’ve got friends in different high places, I’m able to go and ask questions of. I really thought if anyone of my colleagues there who would not have the faintest idea and when I heard this report saying that they should look towards bringing in unskilled workers and particularly for aged care I thought, wow the companies really wouldn’t have to do a lot. Because we have meetings and they just don’t say a word. They are frightened of authority… (and) losing their jobs… (their) partners are unskilled
labourers as well, so they’re both on low incomes and they need the penalty rates to meet their needs.
(Annette, aged care worker, Victoria)

Grazia is apprehensive that in her workplace there is a deliberate employer strategy to recruit recently arrived immigrants and other workers who are dependent on that job, so they won’t object to changes made:

They choose new arrivals, they choose people with mortgages, people who want, really want the job. So when this changes take place, these people they, well they don’t say anything. They just accept anything. And this is what’s been happening lately. (Grazia, cleaner, Victoria)

**Staff relations**

Interviewees noted that processes of change and increasing inequity and insecurity in workplaces were undermining relations between staff.

Hospitality worker Karen (Queensland) knows she is a valued employee and she felt secure in speaking up about the process of negotiating a collective agreement in her workplace and its outcomes for casual staff. Her manager eventually responded to Karen’s concerns by giving her a pay increase. However Karen believes this has just created additional inequities in the workplace. She said the whole process has ‘generated disharmony’ between workers and she believes this is bad for workers and their employer.

In Victoria, *WorkChoices* had a number of effects on relations between workers and the general workplace climate. For example, several interviewees felt resentful about other co-workers they saw as too cowed to do anything:

I’m very disappointed in my co-workers, and I’m, because I’m, I think that they’re all to the point where they’re so stressed out, that, that they feel that, that we’re all sniping at each other, you know and I was, I was so weathered today, frankly I don’t care if I ever walk back in there again And, and it’s really unfortunate because I, I love my clients and I love the work that I do. And, and I, I will be out of here as soon as I can and actually even if I don’t have a job (elsewhere), I’m gonna go be a check out chick or something. (Christine, aged care worker, Victoria)

**Team work & cooperation**

The increasingly individualised and unequal industrial climate described by participants also affected team work and co-operative work practices.

At Wendy’s store in South Australia, the shift in the implementation of changes from group meetings to individual meetings with one or two managers was matched by a discouragement of group feeling on the job. This was experienced as part of a broad change of atmosphere from co-operation to division and hostility:

Pretty hostile to be honest. Like it’s pretty much management against staff, all the staff are kinda like we wanna quit…it’s not a good atmosphere, you try and make the best out of it, the worst thing I think was I was told at work, when I was in [X section], I was like, we’re keen, if anyone gets stuck we can all help each other out, like stock one night, and I said yeah like how awesome is this team in [X section]. The store manager turns around and goes, there’s no team, you’re all individuals. (Wendy, retail worker, South Australia)

Management/staff relations and relations between workers were further undermined by a capacity of managers or owners to bully workers in the knowledge that remedies for constructive dismissal had been removed. For example, marketing manager Maggie was actively discouraged from talking to and supporting other workers affected by her boss’s bullying behaviour:

No, no we were definitely not allowed to. I vividly remember the lady that started the same day as me, he’d really got stuck into her and she was sitting at her desk sobbing and shaking and I went out to her …and I put my hands on her shoulders and I said look you know come down to the ladies and get a drink of water,
and talk about it. I'd heard him yelling but I didn't really know what it was about, so we went down and she was filling me in. In that meantime he obviously noticed that I wasn't in my office and she was not at her desk and I had two missed calls on my mobile and he called me in after that and sat me down and absolutely ripped shreds off me and said that we would not get on if I was going to take sides and support other staff. That was not what he wanted from me, and that that would certainly not be allowed to continue, that I needed to support him in every way. (Maggie, marketing manager South Australia)

Relations between pharmacy assistant Frances and her employer soured following his unilateral cut in her pay rate and dismissal without notice of several women who had worked for more than a year on a casual basis. Frances was appalled by his actions and by his unpleasant response to her questioning of her pay cut:

It affected my relationship with, with my boss, yes ’cause I didn’t speak to him after that, didn’t wanna speak to him after that, I didn’t speak unless I was spoken to, so in that respect it affected that relationship. (Frances, pharmacy assistant, South Australia)

Training and productivity

In some cases, a reduction in the wages and conditions of study participants was accompanied by an undermining of workplace productivity and efficiency through less investment in employees and lowering of morale.

Karen identified the impacts of the new collective agreement process in her workplace as not only pay inequity, but also decreased morale, the likelihood of inferior service and increased turnover:

    I just think the place will go to rack and ruin. I mean if you’ve got disharmony, especially in the hospitality industry, you’re supposed to have nice bubbly people, you know, serving. And they’re all just disheartened with the hierarchy and eventually it will show true, with turnover of staff… Well, I for one see that it will probably eventually keep turning staff over, it must affect their trade and I just think, I cannot see why they did it. (Karen, hospitality worker, Queensland)

Wendy’s capacity to efficiently carry out her retail sales job was affected by her being shifted into a product area that she knew nothing about without the necessary training. Her confidence in and commitment to her job suffered as a result. (Wendy, retail worker South Australia)

Occupational health, safety and welfare

The change in workplace climate and shift in the balance of power away from employees to employers affect attention to occupational health, safety and welfare practices.

For example, the health of bar manager Shannon in South Australia was compromised not only by her being required to work very long hours without appropriate breaks, but also by the fear of dismissal without remedy. This discouraged her from seeking medical advice, taking time off work and claiming compensation following a work injury. Knowledge that a worker could not be dismissed for claiming compensation did little to reassure Shannon. She believed that her employer would dismiss her later on, without her being able to do anything about it and she would have less chance of getting another job:

    They [not employer] said go to the doctor and I said, no, no, no I’d lose my job so I had to work with one knee all swollen, it was still swollen for about two months…he did mention when I did it, he said oh we don’t have workers compo here, you just find another job…Yeah, he said that to anybody who got injured. He said well we don’t have workers compo here, you just find yourself another job.

Interviewer: Were people aware that when someone’s on Workers Compensation, they can’t be dismissed?

Yeah, but he would just find a way around it, wouldn’t it? Yeah they find a way around it, he’d just wait until I came back and sack me. So that’s why I didn’t want to do that plus being on workers
compo stops you from getting jobs in other places, people don’t like it if you’ve been on compo. (Shannon, hospitality worker, South Australia)

Retail workers Wendy and Ellen noted a lowering of compliance with occupational health and safety requirements:

Wendy observed that a reduction in staff numbers, less emphasis on training and a less supportive workplace climate encouraged non-compliance with regulations regarding for example, not driving a forklift without a licence. Local management were directly involved in the breaking of such regulations as they tried to manage with fewer trained staff. (Wendy, retail worker, South Australia)

Check out operator Ellen’s health has been detrimentally affected by reduced breaks and less job rotation. She is too afraid to claim worker’s compensation:

…you know we get taught occupational health and safety when we first start but then a lot of the things that we’re supposed to be doing aren’t being done.

Rotating our checkout operators, we're not getting rotated as we should be…we're supposed to not stand in one position for more than two hours, it isn't happening, we're continuously having to speak up and say look we need to change sides or we need to go on a different checkout because there's more chance of back injury and there’s more chance of general sprains or strains...

It makes you very tired, it makes you grumpy because you need to sit down because you're standing on your feet eight or nine hours a day, you also find that you can’t just be off and go to the toilet if you need to so that causes problems. And the lack of moving around also like it infringes upon your health such as like varicose veins and just general leg aches and pains and back aches. (Ellen, checkout operator, South Australia)

Staff turnover

A consequence of the erosion of employment standards and workplace climate was increased staff turnover. With higher turnover employers lost experienced employees and workers had a reduced capacity to accumulate benefits such as leave.

The specialist skills and experience of pharmacy assistant Frances are likely to be lost to her employer because she does not want to return to that workplace after maternity leave considering the way she and fellow employees were treated:

When I first started there four and a half years ago it was a lovely, lovely place to work, beautiful girls, beautiful atmosphere, very nice, easy going, nice and relaxed, everyone loved coming to work. By the end of last year everyone just wanted to leave and get out of there, myself included, which is why the manager left, she just wasn’t happy with the atmosphere and the way it was going and I suppose there were things that she was being told to do which would cut back hours,…and we were always on skeleton staff so that creates a stressful environment for you as an employee to deal with…and having lots of people to deal with all at once, where once upon a time there was more staff to go around to help the people. So yeah it changed dramatically which is why I don’t wanna go back there. (Frances, pharmacy assistant, South Australia)

Bullying and intimidation at Maggie’s workplace was going unchallenged because employees lacked the right to claim constructive dismissal. This behaviour resulted in several workers leaving in three months:

I had witnessed four people come and go in the three months and a bit that I was there, three of them ladies, one of them a gentleman in the administration, just through being bullied and intimidated. (Maggie, marketing manager, South Australia)

Deborah’s community organisation is experiencing high staff turnover as a result of increased workplace tension and insecurity:
There’s been quite a few staff members, we've actually had a really high turn over of staff members in a very small community organisation. This past year we’ve lost 13 staff members and I'm one of them that I've quit…(Deborah, community worker, South Australia)

Workers at Wendy’s South Australian retail establishment are looking for alternative employment in order to obtain greater certainty in their hours and income.

**Impact on clients**

For many of those working with children, aged people or those with disabilities, the ripple effect of the *WorkChoices* changes on their clients was an important issue of concern. For Amanda the impact of the dismissal of a co-worker on her clients was quite traumatic:

> … basic human rights are not even being heard or respected and in terms of where I’ve worked with regards to working in human services, one of the most horrendous experiences and one of the most damaging experiences, in fact cutting someone off from support with no notice… but to actually cut off when clients know that their support worker would never, never do that and if there was a problem, she would contact them and to have no system there and then to watch the domino effect of people reacting to separation, to grief and then also doing it to that staff member, it is dangerous, negligent, disgusting and they should be absolutely strung up for it, but there’s no understanding, they have no concept. (Amanda, community services worker, Victoria)

For aged care worker Christine, the tension at work over the employer collective agreement is exacerbated by poor morale and other workers quitting, which is seen as having a direct impact on the clients her agency is supposed to provide support for:

> I come home, and like I came home tonight and I was, I’m upset, I’m stressed, it’s difficult to get your work done at work. I’m working outside of hours, we don’t get time in lieu, we don’t get overtime, you cannot get your work done during the time because you know, because you're all talking to each other and then now we’ve got all this sniping going on and, and it’s, and, and, and because so many people are quitting, somebody has to manage their caseloads and so it’s all getting dubbed onto the rest of us. So in addition to the case load that we already carry, we’re, we’re each picking up a few more from here and there, from all the people who are quitting because they don’t want to, to work under these, under these conditions that have been laid out. (Christine, aged care worker, Victoria)

**Summary of effects on colleagues and the workplace**

Changes arising from *WorkChoices* have had a range of effects in the workplaces of women interviewees. They reported pressures undermining of pay equity arising from the secrecy of AWAs and their capacity to contain different rates for the same work and no provision wage increases during their life. The potential for increases in the gender pay gap through the trading of wages for other conditions was also noted with concern.

Women expressed particular concern for the effects of changes on migrant and refugee workers. They were seen as being even more vulnerable than themselves because of less access to information and fewer employment alternatives.

Staff relations, morale and teamwork had all suffered through imposed changes. While participants recounted previous pride in their work, changes lessened their commitment and inclination to extra effort. Several participants, together with fellow employees, were looking for other work. These negative effects flowed on to clients, as familiar and experienced staff left and the workplace climate deteriorated.
EFFECTS ON HOUSEHOLDS & COMMUNITY

As noted in the previous section WorkChoices is impacting beyond the individual and affecting fellow workers and clients. It is also having important repercussions for the families of interviewees and the communities they support and sustain. This is particularly the case for women given their different roles and responsibilities in society.

In this section we highlight some of the broader household and community effects attributable to factors such as job insecurity, financial insecurity and hours scheduling. Whilst job insecurity and flexible labour markets have been a characteristic of the Australian labour market since the early to mid 1990s, WorkChoices has, without doubt, added a new vector of flexibility and with it a new level of insecurity and vulnerability. Far from facilitating community- and family-friendly working conditions, changes arising from WorkChoices for these workers made arrangements more unpredictable and less family-friendly.

Effects on Households

Effects on Children

Within Australia women are the primary caregivers, with much of this care unpaid and often carried out in the hours between part-time paid work. Finding paid work that allows individuals to meet their care responsibilities is, however, not easy, especially if one is chasing ‘quality’ part-time work; i.e. jobs with predictable schedules offering permanent part-time work, decent pay and training and career opportunities. Whilst the stated aim of WorkChoices was to “…make it simpler to negotiate family-friendly working arrangements’ (Australian Government 2006b A New Workplace Relations System:10), for many participants there was little evidence to suggest that this aim had been achieved. For them, juggling rosters and the working hours expectations of employers whilst endeavouring to provide quality care and quality time for their children was a serious concern.

The following comments demonstrate the diversity of pressures faced trying to balance work and family. In Jenny’s case certainty of working hours, rather than flexibility at short notice is a key factor required to achieve her balance. In Leanne’s case casual work and unpredictable hours disrupted the rhythm and routine in the home and the children’s sense of security:

There has been quite a few times where they have said that “we are having a meeting and you have to stay back” and I say “well I’m sorry but I have to pick my son up from day care at this time, so I can’t stay until then”. “Oh well can you come in early tomorrow morning” and I say “well no I can’t, daycare only opens at such ‘n’ such time. But this company haven’t been too bad about it, they will let me come and go, but I still have to do overtime if they want it. (Jenny, clerical worker WA)

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, NSW)

For Tammy the main issues are connected with having some fun with her children rather than spending weekends meeting commitments and completing chores:

… Saturday I find I’m running around after the kids, doing sport, shopping and Sunday we’ll do housework and washing and then when there’s a long weekend then Monday is the fun day. So it’s kind of ‘if I just had one more day’ we could spread out the balance even more but no I do have a good balance. (Tammy, administration worker, WA)

Mandy’s situation is different again. Her fourteen year old daughter is not generally considered a “child” in terms of requiring care to meet basic physical needs. However, Mandy feels that now she is working shift work, her daughter is relatively unmonitored in some of her activities and that this is causing concerns and tensions in the household:
So I’m having a bit of a problem just now, especially with my daughter…. So even though I thought that I could go and work full-time, I find that now I have to be at home when she’s at home. But the work that I am in now, in aged care there is a lot of shift work, and weekend work and that’s not really suitable for us at this point. (Mandy, aged care worker, WA)

In other cases the participants voiced concern as to the impact of their changed working situations on the children. In Maggie’s case her son’s reaction to her dismissal made her feel quite anxious:

It also impacted at home, my son was upset for me that I’d lost the work.

How old is your son?

He’s 16. And being a single parent obviously they take on that role of almost being a young adult being concerned about our welfare so it did impact. (Maggie, hospitality worker ,Victoria)

Others talked about the impact their loss of employment had on their children and their relationship with their children:

(I) come home and (my daughter) says why are you here and I say, well I have just been fired you know. So she was devastated as well and she was still trying to recover from me being treated for (illness) and then she got this on top of it. So she had an extremely tough year to do her exams. It is just, it is demoralising, it is absolutely. (Jan, retail worker, Victoria)

Oh just that it was a really trying time, I think my children were quite upset about it and seeing me so distressed after being in a job for a long time where it was you know, there were no problems. (Maggie, marketing manager, South Australia)

Oh there’s lots because, oh I’m gonna cry. Because I, you know I’m a single Mum, you’re trying to set a great example for my son and then it’s oh you’re not going to work today Mum, no not today mate. (Ruby, secretary, South Australia)

It has made a massive impact as we’ve got three small children so it has made a massive impact on the way our lives run and has obviously impacted on the children. We’ve just bought a house… We made a lot of decisions based on what my income would be and so yeah, it was definitely a major impact. (Lou, retail worker, Queensland)

I just can’t do anything anymore. Can’t even give them $5 to go up the shop. Nothing. (Amber, process worker, NSW)

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, NSW)

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, childcare worker, NSW)

Relationships with partners

Participants also discussed the effects of their working conditions on their relationships with partners. Ellen, for example, discussed the pressures of shiftwork and of trying to find time to even see her husband:

… so he [partner] works the opposite hour to me. He’ll do the 6am start to the 2.30/3pm start….I come home late, he gets up early in the morning and leaves, sometimes we don’t see each other for a couple of days… (Ellen, hospitality worker, WA)

Others discussed the relationship pressures (including physical and mental pressures on the individual) arising from employment loss:
I guess the whole ambience of the house changed as I changed… I just felt like I'd been destroyed and I think I took it, I don't know whether I took it too hard or not, it I guess it changed me a lot…

(Carol, community worker, South Australia)

In NSW 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.

Quite stressful. For me, it was really mentally and emotionally stressful at first because I've always been a wage earner. And I just felt I wasn't doing my bit, bringing my bit in, even though I was at home bringing my daughter up… That I'm not actually bringing money into the home. In terms of relationship between my husband and myself, it's been quite stressful, because obviously you're counting every penny, and there's been instances where you know, I basically have the purse, he has his wage, and I hold the purse strings, because any other way it just wouldn’t work, which means he's affected emotionally because he doesn’t have that freedom… And I feel awful because I have to take all the money and because I haven’t left anything in his pocket. (Lily, sales manager, South Australia)

**Household Finances**

In several instances the loss of income following the women’s job loss had a severe impact on the household’s finances, including on the ability to pay for food, housing, utilities and other essentials such as children’s school materials:

I'm not starving, put it that way… I mean my kids are great because occasionally they'll come home with a bottle of milk or you know like a loaf of bread or some eggs, so that's nice you know. But yeah look, I'm just, you know, I guess I'll notice it you know in April and then again in October when I've got insurances and maybe car registrations and so on. So you know I still have to run a car so it's, yeah you know, look, put it this way, it's not easy. So I'm even today signing to sell my house. … I think well if I sell my house and make some money on my house and perhaps downgrade and get a smaller home and, and... (Interviewer asks: Are you thinking of selling your house because you lost your job?). Well, I kind of feel, yeah, I mean I just don’t want to sit here and, and, and feel sorry for myself, I've got to keep going, I'm not going to let that get me down, but if I sell my house and, you know, find a, find an older home. (Sarina, retail worker, Queensland)

Well you’ve got to cut corners everywhere (Interviewer: So what sort of things get cut?) Some of the quality of foods that we can afford, the types of food. I haven’t had a hair cut for a very long time but that kind of thing, you can still survive but you do have economic concerns, paying bills and everything like that. (Maria, aged care worker, Queensland)

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, NSW)

In other cases, particularly situations involving younger workers, financial pressures such as those generated by the loss of penalty rates, had a spillover effect on parents when young people could no longer afford to live outside their parent's home:

She said 'I might have to go back to (town)’. She loves it here where she is, she loves working (in this job) but she said 'I can’t survive if I lose that much money a week’ because obviously she’s single, she’s paying rent and what have you. (Karen, hospitality worker, Queensland)

**Effects on Community**

As a society, we are face increasingly complex challenges many of which are often attributed to globalisation and associated pressure for cost reduction. Increased job insecurity is, as earlier noted, seen as one consequence of reforms aimed at increasing Australia’s competitive advantage. Other effects include work intensification, rising income inequality and a reduction in social cohesion.

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Whilst the effects of *WorkChoices* on community and social cohesion were not a prime focus of this research project, there were instances where concerns and matters were raised. The following examines some of the concerns held by individuals as a way of highlighting these broader social and community effects.

The first example below concerns Ivana, a retail worker who really wants to be able to attend Mass each week. 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, NSW)

The second example concerns volunteering. Community worker Carol lost confidence in her work and social abilities after the non-renewal of her contract. She had obtained her previous job through volunteering with a community organisation. But her negative experience with that organisation as an employer discouraged her from doing voluntary work again:

> For awhile…I became very introverted…because it shattered me so much, I guess I lost all confidence in wanting to go out and try again…it really killed me for awhile there until one day I woke up and I thought you SOB, you’re not going to get to me anymore and tried to make it better… I decided [not] to volunteer anymore anywhere because I used to be a volunteer. (Carol, South Australia)

Job loss and reduced income (eg. as a result of reduced hours) has also affected capacity of individuals to develop and maintain friendship and social connections. Young worker Sara has had to curtail her socialising, as has Melanie:

> I noticed that I entertain more at my house now. We don’t really go out. I just feel if I’m at home there’s food here and it’s generally cheaper like here rather than go out. Like our friends go to dinner and then they go to a movie and then they’ll go clubbing. I’ll only choose 1 of those because I can’t justify spending that much money when I don’t know that I can replace it. So yeah it has. I mean I try not to let it get to me. I have the friends over and that sort of thing so I compensate in that area but yeah it has definitely. (Sara, sales assistant, South Australia)

> I can’t socialize because we don’t have money to do anything. (Melanie, childcare worker, NSW)

Some respondents were particularly uneasy about the impact of the *WorkChoices* changes on the more vulnerable people in society, including those with families. The following details Jodie’s perspective on the changes:

> I think it, as like I mean, as has been said in the press many times I’ve read and stuff I think it’s just hurting the more vulnerable people in society you know. People that need to make you know minimal amounts of money to live day to day you know. People like your university students, like your single mums, people returning back to work, you know, that sort of stuff, it hits them the most I think you know, I think you know your sort of blue collared, you know, people that basically don’t earn a lot of money and you see, you know, it’s hard. Like not only, you know, I see it my industry, in the retail industry all the time you know, obviously there’s other companies that are trying to screw over their employees as well as much as they can because at the end of the day business is all about the bottom line but I mean I’ve got friends in other industries and the same thing happens to them you know. You walk in and they walk in one day and 60 people got laid off because they could, do you know what I mean? So it makes you think, you sort of sit there and go wow. Like I’m lucky I don’t have a family to provide for. Imagine if I did, imagine if I had kids and stuff, the stress factor would be like through the roof. I’m sure I would have had a nervous breakdown by now. But yeah, you sort of sit there and think oh my god, how am I going to pay my bills you know. (Jodie, retail Worker, Victoria)
Summary of Effects on Households

This section has examined the effects of WorkChoices on the household, relationships and the broader community. It is clear from the analysis that job insecurity, job loss and income reduction have had significant effects not only on the individual but also on those around them. The psychological stresses are not necessarily borne only by the individual but are also carried by other family members such as children, parents and partners. From a broader community perspective it is clear that indicators monitoring the effects of WorkChoices need to be broader than simple measures such as employment rate and wages growth and need to encapsulate a more sophisticated understanding of the relationship between the labour market and broader social and economic outcomes. Whilst WorkChoices may be in the interest of the corporate sector, from a governmental perspective it is important that it passes a broader public interest test which would include considerations of matters such as skill formation, household formation, fertility, community and health.
VIEWS ON WORK CHOICES

Research participants formed clear views on *WorkChoices* from their experience of change. They also gave considered views on what they want from industrial relations law and practices in the future. Women's responses to the *WorkChoices* laws centred around four themes:

1. 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.

Fairness was a common theme. The industrial relations system under *WorkChoices* was described by a Queensland woman as being 'unfair to everyone' while another said the system made it difficult for employers to treat their workers fairly. Fran said her employer 'thinks a fair day's work is for a fair day's pay'. However, she says he is under pressure to cut his workers' wages to compete with other companies whose workers are now on AWAs with lower rates:

… of course there's got to be rules because of exactly this. But the way the government has, and look I'm a Liberal so, but the way the government has gone with this, they're so wrong, they are so wrong. Because if you don't do what that person wants you to do and they can say 'I'm sorry I don't want you anymore’, what's the devastation of that family when that man or woman or teenager goes home that night? I'm out of a job, I mean I'm just very lucky I've got the umbrella of my (family) because I don't know where I'd be, I really don’t. (Irene, Queensland, clerical)

Balance and Fairness

Many women said they wanted a system that treated everyone fairly. They expressed concerns that under the current regulations there was no balance and that it was not fair that employees had no security:

I think that it's, you know, it's really important that we have a balance between what's best for the employer and what's best for the employee, right? I understand that employers still have to balance budgets and, you know, consider monetary issues and that sort of stuff but I don't believe that they have the right to treat employees as second class citizens just because they're the ones with the power. So I think there should be some balance where there are some laws in place to protect the employee. And that's my concerns with the *WorkChoices* legislation is that I feel that the balance is too much in favour of the employer. So you know, there's a lot of employees out there who are extremely vulnerable. (Maureen, Queensland, aged care)

Many of the women interviewed were quite critical of the new system of regulation, seeing it as underpinning a shift from a system which could protect workers to some extent to a system which was unbalanced. For Liz in Victoria the changes have unravelled a lot of hard fought for employment standards:

Oh I think, I don't even know how to describe it. I think they should have been what people have fought for all these years that the people that work are the ones that actually make the business run and they really should look after them because they're the people that they're making the money out of and if people aren't happy I don’t think they’re productive in their job, they wouldn’t want to go there, they wouldn't have the enthusiasm and they just feel degraded like you know for being sort of, after being there for eight years and then her not paying me the leave loading but the other guy. You know you just wonder like do they not like you, do they, don't value you as much and some times you think oh I don’t really feel like I should put in, why should I try and make their business
go well but we’re the ones that are making it go well. I just don’t think like bosses [do], they just need to get real. (Liz, Victoria, retail worker)

Others were worried about the employment futures of their children:

Well I think it’s a bit frightening for young, like I said, I’ve got a young, well he’s an adult son but he’s, he does (manual work) you know and I think he’s only ever had one job that was permanent, most people employ them as casual, well you know he’s never really been, had a lot of entitlements but they’ll probably get worse (Mary, Victoria, aged care)

To summarise, study participants were considered in their views on WorkChoices, despite the unwelcome and harmful changes that it had brought upon them. Their responses across state/Territory studies were consistent and focused on several themes.

They were very concerned about employment security, both in terms of their job as well as ongoing employment conditions. They strongly opposed the removal of unfair dismissal rights under WorkChoices and the loss of protective procedures such as employers having to give three warnings before dismissal. Women expressed real concern at the uncertainty of the timing and amount of future wage increases. They were also worried about the erosion of employment standards that they were witnessing and that changes arising from WorkChoices would leave a denuded legacy for their children. They were anxious about the future.

Participants did not regard WorkChoices as having enabled them to obtain greater flexibility to balance work and caring responsibilities or to have their particular needs met. Rather, they viewed it as making it easier for employers to ignore their requirements.

The workers in this study said that they found it much harder to have a say and be heard under WorkChoices. They did not feel in a position to negotiate on an equal footing with their employer. On the contrary, they felt at a greater disadvantage in the new industrial system, which was more complex and difficult to use. Their inequality was exacerbated by them having less access to trade union information and representation.

The system was viewed as unbalanced and unfair by this group of low paid workers. Interviewees said that it gave them less protection, flexibility and security and advantaged employers at their expense.

Study participants were clear about what they wanted from industrial laws. They wanted laws and mechanisms that would provide balanced, fairer treatment for employees. They were looking for a system that would be simpler to use and that provided consistent, comprehensive information and advice.

Interviewees wanted greater guarantees of security and certainty through the reinstatement of unfair dismissal protections and mechanisms to protect employment standards. They also stressed the need for guaranteed, comprehensive standards, rather than a few minimum provisions.

They wanted to be able to raise issues at work without fear of victimisation on the job or loss of employment and to be genuinely consulted about changes and have access to union representation.

Finally, they wanted to be able to participate in work, family and community life regardless of whether they were women, carers, someone with a disability, or from diverse language backgrounds and irrespective of location.
CONCLUSION

This study has examined the views of 121 low paid women workers around Australia. As a qualitative study, it is not representative of the whole workforce. However, the in depth conversations that are detailed throughout this report reveal a shared experience of negative outcomes for the say, pay, security, work and family balance and general conditions of these low paid women workers.

Many undertake work that is essential to the Australian labour market – in caring, clerical, retail and manufacturing jobs. Many have had long years of service with their employers and these have counted for little when their employer wanted a more flexible, cheaper, more compliant or younger worker.

A consistent picture emerges from these interviews of a group of workers whose working lives are now characterised by a change for the worse in the quality of their jobs, the nature of their supervision and their sense of satisfaction about what they do. Many participated in interviews in the hope that their experiences can inform a system which they hope can be fairer, offer more protection to the low paid, and given their own children a set of decent working conditions in the future.
REFERENCES

ABS Cat No 6342.0 November 2006.


Commonwealth of Australia, House of Representatives, Parliamentary Debates, Prime Minister Howard, 26 May 2005


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APPENDIX 1: INTERVIEW SCHEDULES

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

What type of household do you live in?
- Couple
- Lone Parent
- Lone Person
- Group household
- Other family
- Other, please specify ____________

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________________

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

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?

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________________________

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

How old are your dependent children?

Do you have any other dependents?
- Yes

Relationship to you________________________

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

How old are your dependent children?

Do you have any other dependents?
- Yes

Relationship to you________________________

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

How old are your dependent children?

Do you have any other dependents?
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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Relationship to you________________________

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Do you have any other dependents?
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Relationship to you________________________

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

How old are your dependent children?

Do you have any other dependents?
- Yes

Relationship to you________________________

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

How old are your dependent children?

Do you have any other dependents?
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

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 you 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/his own story)

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

- **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?

- **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?**

7a **Did you try and do anything about the change before or after it was made?**

7b **What happened?**

7c **Were any internal or external remedies available?**

7d **How effective were they?**
8. What effects have these changes had on you?  
(allow participant to tell her/his own story)

In exploring effects check/elaborate on the following:-

a. 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)?

b. 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

c. Have changes in your working life affected your participation in community, school or religious activities? (e.g. neighbourhood watch, school coaching, tuck shop…)

d. 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/his 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:

6. Read out information sheet about project.
7. Do you have any questions about the research?
8. Read consent form – yes or no: clear recorded response required.
9. 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.
10. 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/his 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/his 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:
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? Would you feel comfortable in contacting a union for assistance? Would you previously?

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

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

16. Is there anything else you would like to add?

17. 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?........................................................

18. 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?