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Global Issues

[New UN Chief heads an organization that faces scepticism and support](#)

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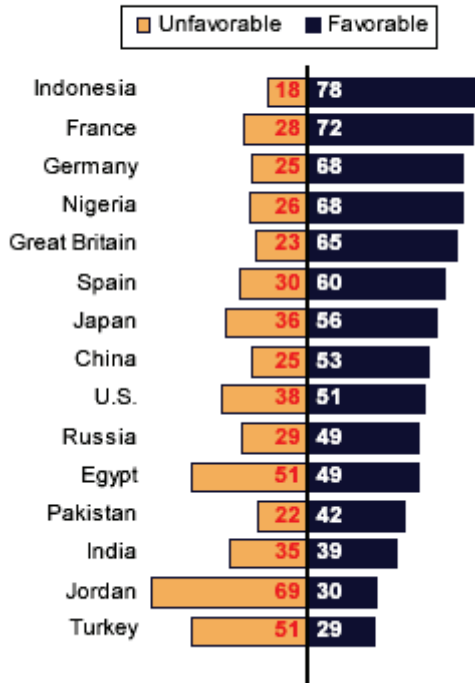
Surveys in 15 Countries found most favourable views of the Agency - though not in the Middle East

By Rich Morin and Richard Wike (Pew Research Center, USA)
December 20, 2006

When Ban Ki-moon of South Korea placed his left hand on the Charter of the United Nations and was sworn in as its eighth Secretary General, he assumed control of an organization viewed with dramatically varying degrees of respect, scepticism and indifference by the countries of the world, according to surveys conducted by the Pew Global Attitudes Project.

Ban is the first Asian in 35 years to head the United Nations. He replaces Secretary General Kofi Annan at a time when the UN appears poised to embrace major reform in the wake of growing discord between member nations, the oil-for-food scandal involving Iraq, and mounting criticism that its outmoded ways of doing business are not up to the challenges posed by a world riven by political, economic and sectarian divides.

Views of the UN



"The dark night of distrust and disrespect has lasted far too long. We can begin by saying what we mean, and meaning what we say," Ban told the members at his swearing-in ceremony. "My first priority will be to restore trust. I will seek to act as a harmonizer and bridge-builder."

Ban was speaking about divisions of opinion within the UN General Assembly. But he could just as easily have been addressing public concerns about the UN in key member nations, according to surveys in 15 countries conducted in the spring of this year. Overall, majorities in nine countries had a favourable view of the UN. In three countries -- all located in the broader Middle East -- majorities rated the institution negatively while the reviews were mixed in three others.

Support for the United Nations was highest in Indonesia, where the UN played a key role in relief efforts in the wake of the earthquake and tsunami that devastated parts of that country in December 2004. Nearly eight-in-ten Indonesians (78%) said they held a favourable view of the United Nations while 18% said their view of the organization was unfavourable.

In the other Muslim countries surveyed, however, reviews of the UN were significantly less upbeat. Barely 30% of those interviewed in Jordan held a favourable view while 69% had an unfavourable impression, the highest level of disapproval in any of the 15 countries. Only 29% of Turks had a positive opinion, with just over half (51%) giving the UN negative marks. In Egypt, public opinion was divided: 49% had a favourable view but 51% had an unfavourable view. Slightly more than four-in-ten Pakistanis (42%) had a positive opinion, while 22% disapproved and 36% did not offer an opinion, easily the largest proportion of no opinion responses recorded in any of the surveys.

In neighbouring India, a relatively large number of respondents (26%) also expressed no opinion about the United Nations; those expressing a view split nearly evenly, 39% favourable, 35% unfavourable. Elsewhere in Asia, views were more mixed. A 56%-majority held a favourable opinion in Japan, a view shared by a 53%-majority in China.

The publics of key U.S. allies in Western Europe were broadly favourable toward the UN, the surveys revealed. Large majorities in France (72%), Germany (68%), Great Britain (65%) and Spain (60%) said they had a positive view of the organization.

Russian views of the UN, however, have dimmed over time. In 1991, with the Iron Curtain gone and the Soviet Union crumbling, Russians embraced the UN: Fully 80% rated the institution favourably. By 2004, only 60% held a positive view, and today just under half (49%) say they have a favourable impression.

In Africa, about two-in-three Nigerians (68%) expressed a positive opinion of the United Nations. As is the case with many issues in Nigeria, views about the UN split sharply along religious lines -- more than eight-in-ten (82%) Nigerians Christians held a positive view, compared with only 53% of Muslims.

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What Was on the US Public's Mind in 2006

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Some of the strongest 2006 trends in public opinion carried over from previous years -- notably growing concern about the Iraq war, mounting dissatisfaction with the performance of the Republican-controlled Congress and the price of Gas.

The Pew Research Center, a nonpartisan "fact tank" that provides information on the issues, attitudes and trends shaping America and the world, found that the following concerns ranked high in the minds of the public.

A National Wave Still Matters... If It's Strong Enough. All year, Democrats held sizable and consistent leads in the so-called generic House ballot derived from national samples of prospective voters. Yet Republicans still held out hopes their carefully constructed electoral seawall -- safe seat redistricting -- would enable them to survive with their congressional majorities, albeit with diminished margins, intact. But the tide was too high: Democrats, helped by the shifting sentiments of independents and moderates, won by seven points in the popular vote for the House, more than enough for them to take control. Still, the results suggest that gerrymandering provided some cushion for incumbents: This year, Democrats garnered at least as great a percentage of the popular vote as did Republicans in 1994, and won the same number of seats as did the GOP 12 years ago. However, fewer incumbents lost their seats in '06 than in 1994 despite comparable levels of discontent with Washington.

Deepening Gloom about Iraq. Throughout the year, the public increasingly came to the view that the situation in Iraq was deteriorating by the day. By December, half of Americans expressed the view that the war in Iraq will turn out to be another Vietnam, while just a third thought the U.S. will accomplish its goals there. As recently as April, opinion on this issue was evenly divided. Currently, disapproval of President Bush's handling of the situation in Iraq has spiked, rising to 71% from 61% in August and 58% last December. But no real consensus emerged about what to do next. Still, the number of Americans who believe the U.S. should set a timetable for the withdrawal of American troops from Iraq is at an all-time high (58%); as recently as September, the public was roughly split on this issue.

A Nation Addicted. Gas prices dominated the public's attention -- as long as they were on the upswing. In February, fully 85% of the public agreed with President Bush's assertion in his State of the Union address that the U.S. is addicted to oil. But many are skeptical that America can wean itself from foreign oil within the next two decades. Half of the public saw the U.S. ending reliance on foreign oil within the next 20 years, while 42% said we could not. Public attention to the issue remained high -- in early May, 69% of the public said they were following news stories about high gasoline prices very closely, as did 60% in August.

**European Professional Women's Network
Publishes its Second Bi-annual
European PWN Board Women Monitor 2006**

Scandinavia Strengthens its Lead while the rest of Europe stagnates. Women occupy 8.5% of European corporate boardroom seats, or 385 of the 4,535 positions considered, a tiny variation on the 8% found in 2004. The Scandinavian countries, through proactive policies and quotas are surging ahead.

The 2006 Gender Gap Report

This Report by **Saadia Zahidi**, Head of the World Economic Forum's Women Leaders Programme, is now available online.

The Nordic countries, Sweden (1), Norway (2), Finland (3) and Iceland (4), top the latest Gender Gap Index. Germany (5), the Philippines (6), New Zealand (7), Denmark (8), the United Kingdom (9) and Ireland (10) complete the top 10 countries with the smallest "gender gap".

The Global Gender Gap Report 2006 covers all current and candidate European Union countries, 20 from Latin America and the Caribbean, over 20 from sub-Saharan Africa and 10 from the Arab world. Together, the 115 economies cover over 90% of the world's population. The index mainly uses publicly available "hard data" indicators drawn from international organizations and some qualitative information from the Forum's own Executive Opinion Survey.

The Global Gender Gap Report 2006 includes an innovative new methodology including detailed profiles of each economy that provide insight into the economic, legal and social aspects of the gender gap. The Report measures the size of the gender gap in four critical areas of inequality between men and women:

- 1. Economic participation and opportunity** – outcomes on salaries, participation levels and access to high-skilled employment
- 2. Educational attainment** – outcomes on access to basic and higher level education
- 3. Political empowerment** – outcomes on representation in decision-making structures
- 4. Health and survival** – outcomes on life expectancy and sex ratio

This year marks an important progression in the Report's methodology, with the adoption of a new tool that focuses on the relative size of the gender gap rather than levels of women's empowerment and access. The new methodology is the result of collaboration between Ricardo Hausmann, Director of the Center for International Development at Harvard University, Laura D. Tyson, Dean of the London Business School and Saadia Zahidi, Head of the World Economic Forum's Women Leaders Programme.

The World Economic Forum through its Women Leaders Programme is committed to promoting women's leadership and the issues affecting women's lives globally. The mission of the programme is to promote discussion and targeted action on the status of women across the world and across sectors by engaging business leaders, policy-makers and representatives of civil society organizations and by monitoring the global gender gap and striving to increase the participation of women in Forum activities by ensuring their involvement as members in Forum communities and inviting women leaders to be active contributors to the global dialogue.

The fifty-first session of the Commission on Status of Women

The fifty-first session of the **Commission on the Status of Women** (<http://www.un.org/womenwatch/daw/csw/index.html>) takes place from 26 February to 9 March 2007. In accordance with its multi-year programme of work for 2007-2009, the Commission will consider **“The elimination of all forms of discrimination and violence against the girl child”** as its priority theme. Based on this theme, an **online discussion** was held from 14 August to 8 September 2006. DAW, in collaboration with the UNICEF, also organized an **Expert Group Meeting (EGM)** on this theme (http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/egm_elim_disc_viol_girlchild.htm).

The 50th session of the Commission on the Status of Women in 2006 considered the following two themes:

- Enhanced participation of women in development: an enabling environment for achieving gender equality and the advancement of women, taking into account, inter alia, the fields of education, health and work.
[View related Expert Group Meeting information](#)

(<http://www.un.org/womenwatch/daw/egm/enabling-environment2005/index.html>)

- Equal participation of women and men in decision-making processes at all levels.

[View related Expert Group Meeting information](#)

(<http://www.un.org/womenwatch/daw/egm/eql-men/index.html>)

Water and the Media

The significance of water and sanitation as basic elements for human development has been underscored by the media around the world, following the launch of the Human Development Report 2006: Beyond scarcity: Power, poverty and the global water crisis. "A third of people have no decent place to use the bathroom, and the human cost is great", stated The New York Times in its coverage of the Report. In the United Kingdom, the BBC referred to the water crisis mentioned in the Report as "water apartheid" that the UN wants to end. The human right dimension of water and sanitation was the main point made by Kevin Watkins, lead author of the Report, in his Op-Ed published by the International Herald Tribune. In this regard, the uncompromising headline of the article on the Report in The Economist declared that "Clean water is a right". The Cape Times in South Africa opened its article with President Mbeki's main statement: "Only action will make the difference in lives of the poor" (Human Development Report, 2006).

The World Water Week conference in Stockholm from Aug. 21 to 26, 2006 focused on water quality and quantity over the coming decades. The event opened with the release of a draft of the Comprehensive Assessment of Water Management in Agriculture.

For More Information see:

Thirst For Water Will Grow

Thirst For Water Will Grow

The World Water Week conference in Stockholm from Aug. 21 to 26, 2006 focused on water quality and quantity over the coming decades. The event opened with the release of a draft of the Comprehensive Assessment of Water Management in Agriculture:

--One of the findings is that one-third of the world's population already lives with water shortages. The rate of decline of water availability is faster than predicted.

--Where water resources are under pressure, damage to ecosystems tends to be exacerbated.

Indirect uses consume most water in many regions. Improving the quality and availability of food is an important priority, but it increases demand for water.

Calculating future changes in rainfall (precipitation) due to natural variability and climate change is extremely difficult. The Intergovernmental Panel on Climate Change (IPCC) has stated that precipitation globally, and across most of the Northern Hemisphere, increased in the 20th century. The incidence of heavy precipitation events also has increased in middle and northern latitudes. Underlying warming trends mean that more of this precipitation has fallen as rain, which affects the creation of glaciers and ice. The IPCC predicts that globally, precipitation is likely to continue to increase during the 21st century.

In addition to growth in the volume of rainfall, the intensity of rainfall events is likely to increase, leading to more secondary damage, such as flooding and landslides:

- The magnitude of changes is less than the projected water demand increase across many regions.

- While some regions will experience an increase in water availability through rainfall, structural trends in water demand are likely to absorb these increases very rapidly.

While water always has been an extremely important strategic resource, the end of the Cold War created stimulated debate in the early 1990s about the likelihood of "water wars" in the coming decades.

Kevin Watkins of the United Nations Development Program, and Anders Berntell of the Stockholm International Water Institute argue that four broad rules should be followed to address the water crisis:

- Water can no longer be treated as an infinite resource. Metering, pricing and more efficient technologies in agriculture can help increase the volume of water available.

- Rivers are indifferent to borders, which means that unilateralism needs to be avoided.

- Governments should actively build institutions to support basin-wide water governance.

- Technocrats have dominated negotiations, but it is important for political leaders to become involved to support the institution-building necessary for long-term international cooperation.

More generally, the report highlights a number of areas for further development, including:

- the need to "reinvent agriculture" so ecosystem services are valued more and efficiency is given greater emphasis;

- integrated water management and water harvesting; and

--using established technologies more widely.

The report emphasizes that the most important problems are political and economic: Poor governance of water resources is rife. In regions where conflict is endemic and intergovernmental relations poor, building viable cross-border water governance institutions is especially difficult.

Evidence from agricultural research suggests that water use can be reduced significantly through a range of techniques. Current efforts in Europe are focused on reducing losses between the reservoir and household. Effective water pricing depends on the existence of efficient institutions to collect revenues, regulate markets and monitor use. Moreover, to cut losses requires significant investment to upgrade infrastructure.

While climate change and natural variability will have variable effects globally, societal demand for good-quality water is likely to increase. Technical fixes are available in developed countries. However, in developing countries, poor water quality creates a major disease burden. While proven technologies are available, success will depend on national governments' political commitment to address water quality and availability issues in their own jurisdictions.

Source:

Oxford Analytica 09.05.06, 6:00 AM ET

Oxford Analytica is an independent strategic-consulting firm drawing on a network of more than 1,000 scholar experts at Oxford and other leading universities and research institutions around the world. For more information, please visit www.oxan.com.

National Issues

State of the Public Service Report 2005 -2006 by the Australian Public Service

Section 44 of the *Public Service Act 1999* (the Act) provides that the Australian Public Service Commissioner must provide a report each year to the Prime Minister for presentation to the Parliament. The report must include a report on the state of the Australian Public Service during the year.

The State of the Service report draws on a range of information sources but its main data sources are two State of the Service surveys—one of agencies and the other of employees. The agency survey includes all APS agencies employing at least 20 staff under the Act. All 84 APS agencies, or semi-autonomous parts of agencies, which were invited to participate in the online agency survey in June 2006 completed the survey.

The second State of the Service survey involved a stratified random sample of 6166 APS employees from APS agencies with at least 100 APS employees. A total of 3954 valid responses were received, representing a response rate of 64%. The sample size and number of valid responses allows a range of cross-tabulations to be used with a degree of confidence. In addition, this year's report also draws on factor analysis to interpret employee survey data. Portfolio departments and other large agencies are provided with their own individual agency-specific results for internal management purposes.

The report also draws on the results of the evaluations conducted by the Commission during 2005–06. The main evaluation was agencies' approaches to attracting and retaining Aboriginal and Torres Strait Islander employees. As part of this evaluation a census survey of Indigenous employees was conducted— the results of this survey can be found in the *Census Report: Aboriginal and Torres Strait Islander APS Employees*.

You can download the [State of the Service Report 2005-6](http://www.apsc.gov.au/stateoftheservice/0506/downloads.htm) and the associated surveys (<http://www.apsc.gov.au/stateoftheservice/0506/downloads.htm>)

RAR Regional Australia calling for David Hicks mistreatment to end

Susan Varga, Co-Convenor of RAR, Rural Australians for Refugees says, "It's time for our politicians and local media to hear from rural and regional Australia on the Government's appalling mistreatment of David Hicks. John Howard's call for a February deadline for charges finally to be against Hicks is a cynical and inadequate response. Howard knows full well that Hicks cannot get a fair trial in front of a US military tribunal, which will admit hearsay and evidence obtained by coercion (read torture.) If Hicks is tried in the States it will also means more years of incarceration as the inevitable appeals and delays take place. The tide of opinion is turning on the Hicks case. The majority of Australians want him home, either to face charges here or on the understanding that he has, after five years in Guantanamo, done his time. John Howard will never bring Hicks home until he feels enough pressure from the Australian public. We know from our experience with refugees that politicians sit up and take notice when rural Australia speaks up. So we ask you, if you feel as strongly as we do on this, to do the tried- and- true things: * contact your local MP and make very clear how you feel * write a letter to the local paper * think of convening a local group to discuss local action. Thank you all. Let's show them again the amazing things that can happen when rural people speak up."

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[Paper by Eva Cox on RACISM](#)

Eva Cox challenges some basic assumptions about racism and the futility of labelling every day interactions as racist. Pleading for an understanding of and reduction of prejudice, she asserts that it's much too easy to generalise on the issues of why some Muslim women wear certain types of clothing, but from her personal experience contact with many who do wear the Hijab has made it quite clear that these are not mindless controlled beings who just obey their male masters. They choose to do so for many reasons. By generalising, we show prejudice by assuming that all Muslim women who wear certain clothes are mindless or oppressed and we have no right to do this. There are all the variations amongst Muslim women that there are amongst other groups who have religious commitments.

Eva Cox is a Senior Lecturer in the Faculty of Humanities & Social Sciences at UTS.

Paper by Eva Cox on RACISM

Racism tag merely muddies the wider debate

I acknowledge my respect for this land's original people, and note in the beginning of this paper the continued questions on indigenous dispossession and that the harms done in the name of race in Australia are still very present and unresolved. However this paper is not on that topic, but on the problems of particular immigrant groups.

Abstract: How can I stand up at a conference and challenge its title? I have been concerned for some time that dialogues, discussions and even diatribes on some of the out-groups in present day Australia, miss their mark. As a pragmatic policy maven lobbyist, I want to explore why using the term racism may be a barrier to communication as its meanings are so multiply interpreted and contested that people disengage from the issues. Drawing from long-term experience, and some research I foisted on my students, I want to explore options for engaging in effective public and political debate. Do we as progressive change makers need to move to terms like prejudice and discrimination if we want to engage the populace and polity?

My letter to the editor SMH December 27, was a first attempt to frame these issues:

'Racism is a bad word to use. It raises hackles, confuses arguments and creates discussion impasses as people stop listening and become defensive. We should return to the simpler concept of prejudice, as it is a much better description of the actual tensions we are seeing. It is easier to recognise prejudices as we all have them to some degree, so we can move to remedies rather than self-flagellation or abuse of others. Grand accusations about Australians being racist, or equally aggressive defences, do not contribute to solutions, as both sides tend to see the problem as too hard to solve. Using a less emotive framework should lead to sensible discussions on reducing misapprehensions and the anti-social incidents that fuel these on all sides'.

The above letter was written just after the events at Cronulla and its responses. Ugly

things are happening to many people in our wider society and we need to both work out what is happening and what tactics best address both causes and effects. In the nearly 12 months since the so-called riot, there has been a lot of public haranguing from all sides but not much change. Last week's media hype on the Imam's speech is a further indication of existing tensions. While what he said was deeply offensive, the over the top reactions were good indicators of the current social climate.

As most of you will have come here today because of commitment to anti-racism, raising questions about the term racism and its analysis first up is not easy, but I feel passionately it needs to be done. I want to explore how the words operate in practice to undermine dialogue and finding possible remedies for those who are the targets of 'racist' behaviours. It's not their experiences I am denying, but want to explore alternate ways of talking about these, which may mitigate damages and undermine prejudices.

The material below shows how using the words race, racist and racism creates barriers to public debate and undermines the necessary levels of mutual communication needed to negotiate changes. Switching the language to terms such as prejudice and discrimination would make it much easier to engage in dialogue with both the general public and those who use fear of the other to create cohesion and gain votes. I recognise the benefits that politicians' accrue through use of what is known as the race card and am concerned that there will be imminent escalation with two elections next year, so strategies to defuse damage need to be put in place.

The basis of my analysis is drawn from some parts of my readings of Hannah Arendt that seem useful in this context where emotional responses on all sides cloud arguments. Her requirements are that political action needs to be based on collective action informed by thinking and judgement, and avoidance of the dangers inherent in mob action where people become thoughtless. This relates to her arguments about the banality of evil, the capacity of ordinary people to be complicit in bad deeds, which seems to me to be a good description of the current political climate. This may lead to dark times for many and so we need to inject into the emotionally laden views (on all sides of this debate), a basis for thinking and cooler judgements that diminish the possibilities of witch hunts, mob violence and totalitarian tendencies.

The paper is based on four interlinked strands of argument:

- The current social climate is based on deliberate official acts of fear mongering that spread perceptions of risks and generate moral panics against a range of out-groups. These are diverse so making connections between the broader ranges of 'panic' buttons may put anti-Moslem actions into context. (Ungar)
- The term racism is problematic, because it cannot be easily defined, and is often inappropriately used and, because of its emotional baggage, it may be further inflame the situation and also increase victim-hood. (Student work)
- The almost indiscriminate use of the term racism, through well intentioned, gives too much gravity to every-day manifestations of prejudice and

incivilities such as thoughtless nationalistic insult throwing and even brawling. These interpersonal incidents need to be separated from misuse of power and institutionalised forms of discrimination against particular groups that damage their life chances. (Greg Noble)

- Finding remedies will require complex and varied forms of dialogue across the political spectrum and not just conversations with ourselves. Collaboration will need to happen with people of good will and common sense who deny racism but who may find discrimination and prejudice more understandable (Goot study figures show these differences).

I don't assume deeply embedded racism in Australia, but think that Australians, like any other national group, can become prejudiced and behave badly towards those they define as different. My own history, as a 'reffero' child in Bondi in the 50s, as well as my parents' flight from Hitler's Austria means I was an outsider and I know how this category has changed over the past 50 plus years. The then demands for assimilation and fears of non-Anglo strangers have been considerably diminished and, over this time, various ethnic prejudices have come and gone, depending very much on wider political and social cultures.

The question is 'Why it is happening now and can we defuse it? At a recent meeting I had with Muslim women, they agreed that attitudes towards them are now more hostile than a decade ago. These changes need to be examined in the context of the political and economic shifts of the past three decades which have created both increased anxieties about personal and political risks, and more recently, strong tendencies to conformity and moral panics. (Ungar 2001). If we accept the presumptions that such tensions and bad behaviours are more generally sourced, and not just targeting particular religious/ethnic groupings, we can work on strategies for reducing the climate of fear.

A starting point is to look at language and the terms used in debates and ensure that we can engage in discussions and explore options with the wider community with good will and understanding. (Verstehen)

Nationalism

There has been a substantial increase in calls on national identity over the past decade. An honours student in the late nineties traced the misuse of the term un-Australian from 1996 and now it has become a contested daily epithet. All sides of politics think they can raise an emotional link by using the term to describe a range of often ordinary bastardry or even just actions they don't like. This combines with constant evocation of mateship mythologies, the Anzac legend by the PM and others, which suggest that much of what is sometimes dubbed racism is more appropriately labelled excessive nationalism. The use of Australian flags, both to wear and to burn, seems to be again related to nationalism, not race. While not denying overlap, nationalism is a much more potent term for exploring the problems because it has both positive and negative connotations and allows for more nuanced analysis and even dialogue. The vision of a once-was-unity past and the cynical use of

national symbols to create exclusionary discourses needs to be discussed and challenged.

Moral panic and risk societies

These concepts usefully connect the savage attacks on particular groups with wider problems in Australia at present. A mixture of anxieties, moral panics and sentimentality becomes the basis for targeting a range of diverse out-groups with similar hate talk. The lock them up and throw away the keys reactions to parolees like Lewthwaite, the claims of job snobs underpinning the selling of the Welfare to Work package, and the anti-indigenous rhetoric are all part of packaging that reinforces certain views on belonging and social merit.

Ungar (2001) describes moral panic as being most fruitfully understood as the study of sites and concentrations of social anxiety and fear but notes these are often deemed to be individual crises. I like Ungar's connection of these to Beck's Risk society, but have extended the Beck focus on technological/science changes to include socio-political paradigmatic shifts in policy such as shifting collective (public) sharing of services to personal, individual risks as a causal factor.

There are some clear indicators of public anxieties shown in a recent Saulwick poll on the effects of ten years of Howard. Despite nearly half claiming they were better off, they showed the following indicators of discomfort,

- 50% chose the statement "Under Mr Howard Australia has become a meaner society where people in need are overlooked"
- While 18% said Australia had become a fairer society over the ten years, 40% said Australia had become a less fair society.
- 55% agreed that Howard has acted in a way which has led to a "more divided Australian community"
- Hamilton in his Ipsos Mackay Survey on happiness this year found only 26% felt life in Australia was getting better.

These figures suggest a society that is vulnerable to pessimism, which is not subject to soothing by economic, material well-being and likely to respond to anxieties about disease, terror and other 'panic' buttons, including xenophobia.

Prejudice

The functioning of group prejudice means defined people are assumed to share some form of group guilt. This is the ultimate evidence of minority status: assigning whole categories of people homogeneity and therefore joint culpability for any sins committed by any member(s). It covers much more than cultural, ethnic or biological categories such as sexual preference, marital status, looks, parenthood, suburb lived in or even football team/code supported. Most of us are prepared to admit to prejudices as evidence of quirkiness, not necessarily evil. An online dictionary offers the following definitions and synonyms of prejudice: noun: *An inclination for or against that inhibits impartial judgment: bias, one-sidedness, partiality, partisanship, like/dislike, Irrational suspicion or hatred of a particular group, race, or religion:*

bigotry, intolerance The verb is more pointed: *bias, blemish, damage, detract from, harm, hurt, impair, injure, mar, tarnish, vitiate*.

The range of these terms leaves spaces for forms of dialogue on the misbehaviour of any individual or group. It allows us to look at which prejudices can and do become toxic, what causes the need for scapegoats, and how to stop such behaviour. The definition of prejudice provided by Gordon Allport 60 years ago is still used as an authoritative definition: an aversive or hostile attitude toward a person who belongs to a group, simply because he belongs to that group, and is therefore presumed to have the objectionable qualities ascribed to that group. It echoes the almost contemporaneous definitions of stigma.

Stigma and pariah status

Goffman wrote, “an individual who might have been received easily in ordinary social intercourse possesses a trait that can obtrude itself upon attention and turn those of us whom he meets away from him... He possesses a stigma, an undesired differentness from what we had anticipated.’ where people then ‘exercise varieties of discrimination, through which we effectively, if often unthinkingly, reduce his life chances...We construct a stigma-theory, an ideology to explain his inferiority and account for the danger he represents’. This process of stigmatization obviously creates considerable damage to targeted groups and the effects need to be noted and countered, as such identifications both reduce the life chances and the perception of these by the minority group.

This may lead to other consequences, which also need to be considered. Self-identification as a member of an out-group, of accepting the stigmata, may also lead to other problematic responses. The pressure to identify and belong can be distorting if the only perceived option is to embrace pariah status and turn inwards into the group and commit to particular mores. The creation of gangs and of possible extremists means losing one’s capacity for thinking and judgment in return for an identity and the danger of moral homogeneity. This comes from another analysis of Arendt’s about being other defined into acceptability or excluded as the social pariah, both of which create isolation.

There is also evidence that when people define themselves as victims, they become overly sensitized to interpreting other problems and possible slights, as targeted at them e.g. as racist. Defining many everyday examples of incivility as racism may encourage the recipients to define themselves as stigmatised victims. This membership may inhibit the necessary thinking and judgment and encourage Arendtian blob/mob actions in groupings engaged in both sides of supposed race rioting.

Talking racism – the problems

My experiences in the last few years confirm that racism is a poor descriptor for complex and divergent phenomena. When Tampa occurred, I tried hurling

accusations of racism at people who supported any aspects of this Government's policy, to find that this usually changed conversations into withdrawal and silences, not engaged debate. I felt the mental barriers go up and needed to understand how they framed their arguments. I carefully read polls and reports and realised that the core of their objections was NOT the presumed Middle Eastern/Muslim origins of the Boat people but it was the law and order aspect. Their origins may have added to perceptions of the dangers of letting in illegals with no apparent respect for queues and due process, particularly post 9/11 but this was not the issue that most people responded to. So the more the policy was attacked as being linked to race by advocates, the more the government and its sympathisers refuted the argument by pointing out that they were bringing in black Muslims from the Horn of Africa whose places were put in jeopardy by the boat queue jumpers. Similarly some of the Cronulla defences were based on defending local women against hassling, so it was behaviour related, ergo not racist.

These examples made me aware how ineffective general accusations of racism were to describe the admittedly nasty behaviours experienced by many Muslim women and others who are identified as of Middle Eastern appearance. The obvious problems arising from the political public use of terrorism and crime cases to stigmatise a broad category of migrants are not easily described to the public as racist. The term racism carries a lot of baggage in establishing inflammatory discourses that no one is really prepared to own. Apart from a few white supremacist loons, no one wants to be labelled a racist, and few are even able to agree what it means. The older biological definitions still carry some weight but are largely seen as old hat and their use is more related to cultural, national or religious signifiers. Questions of colonisation or empire and of historical baggage may be very real to some but mean little to others, and using history for arguments can be problematic.

The evidence from student research

The following material comes from my qualitative research students' experiential learning about focus groups and interviews. They undertook a mix of class and individual exercises on the topics of 'racism' and diversity'. We debriefed on all of these processes and the tapes of class discussions were analysed. Students reported briefly on both technique and content of their research experiences.

I set this topic, in anticipation of this forum, to research how they would explore the words race and racism. The class was very ethnically mixed, including Indigenous, Hazara, Lebanese, Pakistani and Chinese students, both first and second generation, as well as Anglos. They are also Social Inquiry students in second or third year, some doing Law or International studies combined degrees and could be expected to have previously studied and discussed race and racism in their coursework. Respondents in their focus groups and interviews were similarly diverse but mainly non-academic.

Their reports were brief overviews of process and findings. My overall analysis is therefore more of a scan than in depth. What emerged was even the student groups

had serious difficulties in engaging with the term. It was deliberately set with the one word prompt 'racism' so no guidance was given on what they should talk about or how. Their feedback and debriefing showed little consensus on the language, or the approaches to the discussions. They obviously knew race was socially not biologically constructed and was also a very public issue, but failed to engage in any coherent discussions, feeling their way around areas that they saw as loaded and often uncomfortable. Stories of experiences were told with little dialogue, rather courteous listening, some silencing and guilt, and they made relatively little use of their coursework.

The discussions, their reports on their respondents' views with my observations and analyses suggest the following findings:

- Ability to claim victimhood conferred some levels of authority and authenticity on some students and group members, but this made discussion difficult.
- Interestingly, some non university respondents rejected their victim status and claimed there was little real racism, including some Hazara ex detainees who scoffed at calling Australia racist compared with Afghanistan, and a Chinese respondent who saw the odd comment as affectionate teasing.
- Some of the majority (Anglo) students sought acceptance by acknowledging their guilt as perpetrators but others felt unable to contribute and anxious about saying the wrong thing.
- In outside groups some majority members often expressed resentment at their loss of legitimacy to speak and wanted other people to adapt to 'our values'.
- The more powerless/fearful/anxious majority members were likely to resent what they saw as political correctness and felt no sense of privilege as members of the majority and found examples of reverse racism to justify their views.
- One footy group defended personal 'racisms'; with fear of terrorism confused into the package, and fear of loss of 'Australian' identity, and also claimed it's not racism if you accept them once they fit in.
- Only a North Shore Anglo group were very comfortable and willing to discuss racism as they had not been touched or embarrassed by it, itself an interesting finding.
- Multiple comments from respondents in all groups saw the solutions as blending in or by the majority becoming less aware of differences, as then these issues would go away. (Comment by one respondent: Are the blind racist?)

The responses show the serious difficulties in using the term racism both in its confusions of meaning and more because it tends to raise the emotional/tension levels so people become divided and have difficulties in engaging with possible solutions. Most respondents had difficulties around questions of whose views were 'valid', which also raises the question of how to engage the majority sources of the problem. If individuals from foreign backgrounds are seen as being victim-

authenticated, they can also be blamed for the problem. There is then little possibility of the issues being seen as a problem for and with the wider society. The legitimacy of who speaks out and defines the questions raises problems of how then to engage the wider community in dialogues that may assist in reducing discrimination and pain.

While these results are only indicative, they do offer evidence that the terms racism and racist do not work well in forms of public and political debate. They tend to play into divisions and confusions rather than provide an agreed language for discussion of the effects and damage done to out-groups by both every day forms of prejudice, formal policies and less formal innuendo style verbal wars that are being promoted by politicians seeking popular support and the media looking for headlines. The power of the last two deeply influences public opinions and the material above suggests that the continued use of the term racism by progressives will further limit our capacities to influence people to recognise the divisions that drive these and other forms of discrimination and injustice.

Conclusions

Using the term racism aggrandises issues so every day so called racism between people, becomes confused with something much more serious than basic incivilities/bad manners. So I want to separate these deliberate and unintended incivilities from forms of intentional institutionally backed discrimination. This will allow for engagement at both community and political levels and more options for finding remedies for everyday anxieties, pain and embarrassment, as well as different strategies for institutional forms of exclusion, which also need to be changed.

Racism will and should continue to be an academic area of study: an entry point into wide ranging sets of analyses and debates which have the time and tools to define and redefine the term, and reference its sources, nuances and its contextual usage. There, questions of power, oppressions, and cultural identities, legislative and scientific approaches can be explored. Racism connects with deep historical hurts and many legitimate grievances, of the residues of colonisers and the use of power to define those who are winners. But it doesn't work as a description of much of what is happening here and now where the powerless are turned against each other and played with by dog whistlers...

The recent disturbances in various Sydney suburbs illustrate the consequence of at least a decade plus of political fear mongering by both major political parties. Using fear as a vote gatherer has been the practice of both the NSW ALP and the Federal coalition, by emphasising law and order and/or terrorism. By creating a general sense of public anxiety about the way the world is going, incumbent political parties have played with emotions in ways that are unethical and may be counter productive to achieving more civil societies. The short-term political benefits create long-term costs, as fear is an ugly public emotion to nurture. It encourages distrust, populism and mob violence and tends to over-ride many other more socially responsible and desirable traits.

Returning briefly to Arendt, these manifestations are what she would define as anti-political, undermining the possibilities of thinking and judgement that lead to care for the public world. Her stress on human plurality and the sharing of diverse viewpoints, as well as her concern about mindlessness' possible contributions to totalitarianism signals the need for a wider political campaign. This needs to both clearly identify governments' misuse of their powers to create divides and to create alternatives that move beyond simplistic oppositional nostrums.

There are always flaws in our social fabric, areas of tension and conflict, which can tear us apart if certain circumstances occur. These diversities add to creativity and change but can flare into serious social rifts and communal violence if they are affected by a climate of fear and anxieties. There is a responsibility on public figures to ensure that these divisions do not expand into serious violence and for active citizens to support or initiate strategies for change.

Present policies are inadequate as discrimination is dealt with mainly by complaints and most laws are primarily based on racial discrimination not beliefs. Other current policies offer exhortations for tolerance and harmony and make available grants to pursue these. Harmony encourages us all to sing from the same song sheets and Tolerance means put up with condescension. Neither recognise that current levels of fragile social cohesion risk undermining the resilience, creativity and trust building that is needed for functional diverse societies. We need respect not tolerance, as respect is based on the equal value of all, and more civil societies need to cope civilly with cacophony/discord to avoid stagnation and stasis.

To finish I want to quote Ghassan Hage, who is responsible for putting me on up front, in a recent SMH article:

'Anti-racism in Australia needs to re-invent itself, whether it aims for the difficult goal of getting through to racists, to invite them to reflect on the negative effect of their actions, or the easier but just role of helping to formulate policy that limits the capacity of racists to hurt their victims.'

I hope I have offered some possibilities.

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Women workers and low paid worst affected by IR laws: New research shows

Contrary to the Federal Government's promise that conditions for award workers would be 'protected by law', new research by Professor David Peetz shows that almost 20,000 employees are losing award coverage every month under the new IR laws and that pay for female workers is falling.

Commenting on the research released today, ACTU President Sharan Burrow said:

"This new research torpedoes the Howard Government's credibility.

It shows that the new IR laws have had no discernible economic benefit and that women workers and the low paid are being badly affected by the loss of pay and conditions," said Ms Burrow.

Key findings of the research by Professor Peetz are:

- * Women's pay has dropped significantly under the new IR laws with real average earnings for women in the private sector falling by 2.0% and a majority of award workers suffering a real wage cut averaging almost 1% under the new minimum wage setting process.

- * Almost 20,000 workers are losing award coverage every month and are being put onto AWAs or other non-union 'agreements' that remove formerly protected award conditions including overtime, penalty rates, rest breaks and other important job conditions.

- * The rate at which overtime is being removed by AWA individual contracts has doubled under the new IR laws and 82% of AWAs have reduced or abolished overtime pay. The research shows that 63% of AWAs are abolishing penalty rates; 64% axeing annual leave loading; 69% abolishing or reducing rest breaks; 73% reducing or abolishing public holiday payments; and 52% abolishing shift work loading.

* While there are approximately 400,000 AWA individual contracts in use - less than half the one million the Federal Government claims - the effect of the new IR laws have been keenly felt with up to 41% of workers saying they know of someone affected by the new laws and 39% of clerical and administrative workers reporting they feel more scared about their job now than before the laws came in.

The research also shows that the Federal Government has exaggerated the employment effects of the new IR laws and that jobs growth was higher in 1994 when protection from unfair dismissal was actually introduced than in the post-WorkChoices period.

Professor Peetz finds that there is no evidence of significant economic benefits of new IR laws and, in fact, labour productivity has so far declined.

Download Professor David Peetz's report [Brave New Work Choice - What is the story so far.](#)

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BRAVE NEW WORK CHOICES: WHAT IS THE STORY SO FAR?

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ABSTRACT

This paper uses data from a range of sources, including the Australian Bureau of Statistics, the Department of Employment and Workplace Relation, private surveys, media and web reports, to analyse the experience to date under WorkChoices. Matters considered include the level and distribution of real earnings changes; productivity and economic performance; employment growth; conditions of employment and the content of agreements; dismissal behaviour by employers; and the minimum wage decision by the Australian Fair Pay Commission.

Introduction

The *Workplace Relations (Work Choices) Amendment Act 2005* (hereafter 'WorkChoices') made the most revolutionary changes to Australian industrial relations law in a century. These changes, detailed more extensively elsewhere (Stewart, 2006), included: abolition of the 'no disadvantage' test by which registered individual and collective agreements were assessed and approved, replacing it with five minimum standards; abolition of unfair dismissal protections for workers in firms with less than 101 workers or for whom *part* of the reason for their dismissal was 'operational'; privileging individual contracts ('Australian Workplace Agreements' or AWAs) over collective agreements (CAs), for example by enabling them to override

¹ Presented to *Diverging Employment Relations in Australia and New Zealand?*, 24th conference of the Association of Industrial Relations Academics of Australia and New Zealand, Auckland, NZ, 9 February 2007. This paper includes data current up to 8 February 2007.

CAs at any time or place and making it illegal to include in CAs 'prohibited content', such as provisions restricting AWAs or enabling union training or unfair dismissal protections; restricting the right to undertake collective action in ways that are unusual or unique by international standards (for example, by prohibiting pattern bargaining or the involvement of non-members in planning or executing industrial action); restricting union entry to workplaces; forcing many employers previously covered by state legislation into the federal jurisdiction through expansive use of the 'corporations' power in the constitution to regulate industrial relations; and removing core functions of the independent Australian Industrial Relations Commission (AIRC), handing them either to specially established government agencies or private corporations. Although many comparisons have correctly been made with the radical New Zealand reforms of 1991, there are also fundamental differences: in particular, while the *Employment Contracts Act* 1991 was a radically deregulatory approach, WorkChoices is a radical interventionist approach, with over 2600 pages of legislation, regulation and explanatory memoranda.

Various claims were made by proponents about the impact WorkChoices would have, including that it would lead to 'more jobs, higher wages [and] a stronger economy', (Australian Government, 2005), would enable workers to 'continue to enjoy the benefits of...low inflation and low interest rates' (Australian Government, 2005), and would generate 'productivity improvements...driven by the shift of workers reliant on awards to other methods of pay setting such as collective and individual agreements' (Andrews, 2006), while 'employment growth will be stimulated by changes to the unfair dismissal laws which represented a barrier to employment' (Andrews, 2006).

WorkChoices came into force on 27 March 2006 and, according to the advocates, these expectations have been confirmed. The 'successes of Work Choices' include that 'we have seen record high jobs growth across Australia...there has been strong wages growth since the introduction of Work Choices...[and] labour productivity grew by 2.2 per cent in this financial year' (Abetz 2006).

It being less than a year since the laws took effect, any assessment of the impact of WorkChoices can, at this stage, only be preliminary. Assessment is also hampered by the fact that some critical information (in particular, on the content of agreements) has been suppressed (McIlwain, 2006b). This paper aims to assess the impact of WorkChoices on the evidence available to date. The emphasis is on quantitative data that are available, and in each case we shall try to identify the effect, if any, that WorkChoices (WC) appears to have had to date. A separate paper at this conference examines the gender dimensions.

coverage

AWA coverage is invariably overstated by the government and its agencies. During 2006 the millionth AWA was signed, but as this included all AWAs signed since

January 1997, the majority of those AWAs had expired. The Employment Advocate gave evidence in November 2006 that there were 610,000 'live or operational' AWAs (McIlwain, 2006b). This is unquestionably an overestimate, as it assumes that every AWA signed in the preceding three years is still in force – that is, no employee who has signed an AWA in the past three years has resigned, or been promoted, dismissed or replaced. The last time there was an independent benchmark (the ABS Employee Earnings and Hours survey) the Advocate's methodology overestimated AWA coverage by 60 per cent. Applying that same ratio implies current coverage of about 380,000 employees, though the actual figure is likely to be higher (perhaps 400,000 or so – around 5 per cent of employees) because of the recent policy-induced acceleration in AWA take-up.

Initially, take-up of new agreements under WorkChoices was very slow compared with the pre-WorkChoices period (an average of around 50,000 AWAs per quarter had been signed over the two preceding years). Just 6263 AWAs were lodged in April as the new simplified system took effect. There was a rush to finalise union CAs before WorkChoices took effect, so only 16 union CAs covering 1239 employees were lodged in April. Normally accounting for the majority of employees under agreements, union CAs in April covered only 21 per cent of agreement-covered employees in April. Since then, the rate of take up of all forms of agreement has accelerated, with 76,161 AWAs lodged in September quarter. Overall, in the nine months to 30 September 2006, some 212,000 WorkChoices AWAs were lodged, covering just under 2½ per cent of employees. (The number of people actually on WC AWAs in December 2006 would, of course, be slightly less than this.) Around double that number – 420,000, representing 5 per cent of employees – were covered by new union CAs signed under WorkChoices, while 97,000 (slightly over 1 per cent of employees) were covered by non-union CAs under WorkChoices. In total, then, approximately 750,000 workers (9 per cent of employees) were working under agreements signed under WorkChoices at the end of December (Australian Bureau of Statistics, 6202.0; Office of the Employment Advocate, 2006b).

The number of employees covered by new non-union 'agreements' (including AWAs, greenfields and EGAs) each month has grown by about 27,000, but only a small part of this is due to a drop (of about 8,000) in the number of employees covered by new union agreements. By implication, most of the newly covered employees were previously covered by awards (or had awards underpinning their unregistered individual arrangements). They have, as a result of being covered by WC 'agreements', lost forever their award coverage in that job (except in relation to any 'protected award conditions') (s399).

WorkChoices AWAs were more common in larger than smaller businesses: over three fifths were in businesses with 100 or more workers. But they were in the minority in large firms: amongst businesses with 500 or more employees, union CAs accounted for the majority of WorkChoices agreement-covered workers. In businesses with less than 100 employees, however, AWAs accounted for over three fifths of WorkChoices agreement-covered workers. (Office of the Employment Advocate, 2006b).

Overall, employees under new union CAs represented the majority (56 per cent) of WorkChoices agreement-covered employees. However, this number was lower than the 81 per cent of federal agreement-covered employees working under union CAs recorded in May 2004. Conversely, the share of WorkChoices agreements employees accounted for by new AWAs, at 28 per cent, was higher than AWAs' share in May 2004 (9 per cent). The share of non-union collective agreements was relatively stable, rising from 10 per cent in 2004 to 13 per cent under WorkChoices (calculated from Australian Bureau of Statistics, 6306.0; Department of Employment and Workplace Relations, 2004; Office of the Employment Advocate, 2006b; Peetz, 2006). WorkChoices was aimed at shifting people from collective to individual forms of employment, and it is clearly having some effect in this regard, though perhaps not as much as its proponents would hope.

One factor limiting the effects of WorkChoices is that many organisations have decided against taking advantage of the 'opportunities' it presents. For example, a small business survey found that 62 per cent of respondents said they would retain their present approach to employment, pay and conditions in light of WorkChoices, with only 9 per cent clearly indicating they would not retain their present approach while 18 per cent gave a 'maybe' response (AMR Interactive, 2006). In a web-based survey of 1595 employees with undisclosed sample design, 24 per cent of employees indicated they had noticed a change in their organisation's HR policies since WorkChoices took effect, but the other 76 per cent detected no change (Talent2, 2006). Though the survey did not appear to be representative of occupations, these employee results were broadly consistent with the employer survey above. The tight state of many parts of the labour market is currently an impediment to many employers making use of the 'flexibilities' available.

This in turn is seen by some as likely to blunt the social and political impact of WorkChoices. However, there are large variations in labour market conditions across industries, occupations and regions, and often these are experienced within family or friendship networks. Thus, although only a small minority of employees were working under WorkChoices agreements, some 41 per cent of New South Wales residents said in a Galaxy opinion poll that they knew a friend or family member adversely affected by the reforms (Silmalis, 2006). While the figure might be lower if collected at a national level – as New South Wales (experiencing growth of 0.6 per cent in final demand over the year to September quarter 2006) is not reaping the benefits of the resources boom to the same extent as Western Australia (9.3 per cent) or Queensland (8.0 per cent) (Australian Bureau of Statistics, 5206.0) – the WorkChoices experience is clearly being widely felt. Perhaps because of this, public antagonism to WorkChoices did not soften in the first nine months after WorkChoices took effect (Newspoll, 2007).

In summary, as a result of WorkChoices, more employees are moving onto AWAs than before, and fewer onto union CAs. Award coverage is likely declining. The effects of WorkChoices are being reduced because many firms are not taking advantage of the opportunities it present.

UNFAIR DISMISSAL PROVISIONS

No data are available on the extent to which unfair dismissals by employers have increased under WorkChoices, as the only previous information was from administrative collections and the abolition of protections for workers in many firms means data are no longer collectable. Some workers who would previously have pursued a claim in the AIRC under unfair dismissal laws are forced to use the more expensive unlawful termination procedures. Anticipating this, funding for the Human Rights and Equal Opportunities Commission was increased by \$2 million over two years to enable it 'to handle the possible increase in complaints' (Ruddock quoted in Schubert, 2006b). However, the shift to the unlawful termination jurisdiction is unlikely to meet the needs of all eligible workers: as Western Australia's Equal Opportunity Commissioner warned, one consequence of WorkChoices is a fear among workers about lodging complaints concerning discrimination (ABC, 2006). There are numerous press reports and anecdotes of unfair dismissals, and of the threat or actuality of dismissals being combined with cuts in pay and conditions (eg Burke, 2006; Cooke, 2006; Humphries, 2006; NSW Nurses Association, 2006; Young Workers Advisory Service, 2006). Without a tribunal process to test those that fall outside of unlawful termination, though, it is impossible to know how extensive has been the change in employer behaviour. In some cases, publicity and union pressure led to workers being reinstated (ABC Radio National, 2006a), demonstrating, as the Chaser team commented, that 'the new IR system guaranteed fair outcomes for workers in all cases where there was national media attention and a huge public outcry' (ABC Chaser Team, 2006).

Anxiety about job security seems to have increased. A Morgan survey showed small movements in perceived job security. The proportion of respondents expecting unemployment to rise over the coming year fell by one percentage point. While in normal circumstances we would expect this to lead to an increase in job security, the proportion of people who thought their job was safe fell by two percentage points, though most respondents remained in this category (Morgan 2006). A more substantial shift is observed when people are directly asked if they feel more insecure: the web survey mentioned earlier, while not representative of occupations, claimed that 39 per cent of clerical administrative workers (and, with small N, 42 per cent of blue collar workers) felt more scared about their job security now than they did before the IR reforms came into effect – while such fears were felt by only 24 per cent of senior managers and 15 per cent of CEOs (Talent2, 2006).

Workplaces which are exempt from the unfair dismissal laws appear to be the site of the greatest employee anxiety. Amongst calls concerning dismissal made to the Victorian Workplace Rights Advocate's Workplace Rights Information Line (WRIL) a disproportionately large number came from workers in small and medium sized workplaces (ie those with less than 100 employees) when compared with the

distribution of employees as a whole. Workplaces of this size also appeared to be overrepresented amongst calls concerning other matters (procedural unfairness, underpayment, leave, discrimination, harassment, individual contracts, etc) (Australian Bureau of Statistics, 6310.0; Gahan, 2006).

This suggests that the unfair dismissal changes may be having a broader effect on workplace relations and might be leading to increased anxiety at the workplace.

australian workplace agreements

There are many stories of cuts in pay and conditions through AWAs (Australian, 2006; Office of the Workplace Rights Advocate, 2006; Schubert, 2006a; Workplace Express, 2006d; WorkplaceInfo, 2006a; Young Workers Advisory Service, 2006), but there are only limited quantitative data published by the Office of the Employment Advocate (OEA), the government agency responsible for collecting and promoting AWAs. The disclosure of information on the loss of 'protected award conditions' (that is, award conditions that were, according to government advertisements, 'protected by law') in a sample of the first batch of AWAs in May 2006 led to considerable public debate. Subsequently, dissemination of such data was terminated, due to the Advocate's 'serious concerns about the methodology' and his view that 'focusing on certain characteristics in isolation, without considering what else the parties may have agreed, had the potential to produce misleading and distorted results' (McIlwain, 2006b). The latter concern should have led to more, not less, information being disseminated. As to the former concern, the sampling method was identical to one which had been used to generate data for the OEA's last major official report to parliament on AWAs, covering the years 2002 and 2003.

In May 2006 *all* AWAs in the OEA's sample removed at least one 'protected' award condition, and 16 per cent excluded *all* protected award conditions. The remaining limited information available on WorkChoices AWAs, and a comparison with pre-WorkChoices AWAs, is shown in Table 1. Several observations stand out. There is a strong focus in AWAs on reducing protected award entitlements. The rate at which conditions are being removed is substantially higher under WorkChoices AWAs than under pre-WorkChoices AWAs. In the case of overtime pay, the rate at which this has been removed through AWAs has doubled, from a quarter of AWAs in 2002-03 to over half of AWAs in 2006. Indeed, overtime and penalty rates are particular targets for removal. Over three fifths of AWAs abolish penalty rates altogether. Over four fifths of AWAs abolish or reduce overtime pay. Majorities of AWAs abolish or reduce meal breaks and public holiday payments. A majority of AWAs abolish shiftwork loading, and large numbers abolish allowances and other conditions. We have no inkling as to how many AWAs reduced or abolished redundancy pay, because it is not a "protected" award condition and the OEA issued no data about unprotected conditions.

Nor, unfortunately, were data ever made available on differences in patterns between industries or occupations. For example, we would expect that AWAs in industries and occupations with tight labour markets (such as mining, where AWAs are common) would have quite different characteristics to those in industries where labour has limited bargaining power (such as retailing and hospitality, where they are also expanding).

In sum, the available data indicate a substantial loss of conditions of employment, for many workers signing AWAs, as a direct result of WorkChoices, though we would not expect this to be the case in all sectors.

Table 1: Reductions or losses of protected award conditions under AWAs, 2002-2003 and April 2006 (%)

	2002-03	2006			2002-03 to 2006	
	absorbed (abolished)	abolished	'modified' (reduced but not abolished)	total reduced	unchanged	increase in rate of abolition
overtime pay	25	51	31	82	18	+104%
penalty rates	54	63	na	na	na	+ 17%
annual leave loading	41	64	na	na	na	+ 56%
shiftwork loading	18	52	na	na	na	+189%
rest breaks	na	40	29	69	31	na
public holiday payments	na	46	27	73	27	na
days substituted for public holidays	na	44	na	na	na	na
declared public holidays	na	36	na	na	na	na
incentive based payments/bonuses	na	46	na	na	na	na
allowances (expenses; skills; disabilities)	41	48	na	na	na	+ 17%

na = not available.

Sources (calculated from Department of Employment and Workplace Relations and Office of the Employment Advocate, 2004; McIlwain, 2006a; Office of the Employment Advocate, 2006a)

comparing AGREEMENTS

In the first Estimates hearing, the duty Minister observed that '33 per cent of collective agreements expressly excluded all protected award matters' (Abetz, 2006), double the rate for AWAs. This was based on data for April 2006, during which most 'collective' agreements were in fact non-union 'employee collective agreements'. It seems likely, then, that non-union CAs were removing protected award conditions at least as rapidly as AWAs. Minister Andrews later claimed on television that one third of *union* CAs 'also had the removal of those conditions' (ABC TV, 2006), but it has proved impossible to verify this. The claim is also inconsistent with evidence from the Victorian Workplace Industrial Relations Survey, conducted in May-June 2006, which found that workplaces in which collective agreements dominated were over twice as likely to pay penalty rates and overtime rates as workplaces in which individual contracts dominated (Considine, 2006).

Annualised wage increases under new union CAs have averaged about 4.03 per cent in the two quarters since WorkChoices took effect. This is very slightly above the

annual rate of inflation (average about 3.95 per cent over the period), and above the rate under non-union employee CAs (3.60 per cent) (Department of Employment and Workplace Relations, 2006). This pattern, whereby union CAs have higher increases than non-union CAs, has been consistent since non-union CAs were effectively introduced under the Workplace Relations Act 1996. (Before then, non-union 'Enterprise Flexibility Agreements' had been possible, but rare.)

Prior to WorkChoices, average wage increases under AWAs had been in the range of 2 – 2½ per cent per annum (ACIRRT, 2001, 2005), well below the rate in union CAs and even non-union CAs. No data have been published, or possibly even collected, on average wage increases under WorkChoices AWAs. All that is known is that 22 per cent of AWAs contain no provision for a wage increase during the life of the agreement. This is well down on the rate prior to WorkChoices (when 73 per cent contained no mention of a wage increase (ACIRRT, 2001)), though this is probably due to the greater length of AWAs under WorkChoices. They can now last for five years, compared to three years pre-WorkChoices, and it is difficult to imagine many people willingly signing an agreement that provided for no increase over a five year period. There are anecdotes indicating a pattern is for AWAs to contain a reasonable wage increase up front but little or nothing afterwards.

In sum, the data imply a likely loss of conditions in mainly non-union collective agreements under WorkChoices, and a reduction in wages growth in the formal sector as a result of the increased share of instruments that are encouraged by WorkChoices and that provide for relatively low rates of wage increase. However, as with several other areas, more data are required.

employer greenfields agreements

Employer greenfields 'agreements' (EGAs) are not agreements in any sense of the word. They are unilateral instruments setting pay and conditions, determined solely by management of an organisation before it establishes a new 'project' or 'undertaking' (which appears to include, under WorkChoices, a new branch of a franchise or a business that has been sold in certain circumstances). Workers cannot legally take industrial action for 12 months after an EGA comes into force. EGAs were created by WorkChoices. Prior to WorkChoices, greenfields agreements could only be made with unions, for bona fide new businesses. Since WorkChoices took effect, the number of union greenfields agreements has fallen sharply, and two thirds of greenfields 'agreements' have been EGAs. Average wage increases under EGAs (3.48 per cent) are below those under WorkChoices union greenfields agreements (3.64 per cent) and indeed the lowest of any time of agreement for which data are available (Department of Employment and Workplace Relations, 2006).

Newsletter *Workplace Express* analysed the content of 34 EGAs in November 2006. It found that EGAs fell into three categories: fast food EGAs (the biggest category,

which included franchisees of Subway, Hooters, Wok in a Box, Grill'd, Hogs Breath Café and Seaking Seafood) which provided for low wages (typically \$13-15 per hour), mostly abolished penalty rates and excluded protected award conditions; finance EGAs (mostly Bank of Queensland franchisees) which provided for low wages but retained most protected conditions and severance pay; and construction EGAs (in roads & mines, in Western Australia and Queensland), which provided for higher wages (\$20 or more per hour) due it seems to labour shortages (Workplace Express, 2006b). Stories about EGAs are emerging (Horin, 2006). One particular EGA worth noting was one covering United Petroleum petrol stations in Tasmania. Having bought the stations from another company, the new owner was able to persuade both the OEA and the Office of Workplace Services that it was a 'new undertaking', allowing him to unilaterally establish an EGA covering pay and conditions for existing employees of the stations. Through the abolition of penalty rates and other conditions, their pay was cut by up to \$190 per week, and any industrial action in protest at this would have been illegal and attracted fines of \$6000 per day (ABC Radio National, 2006b; Paine, 2006; WorkplaceInfo, 2006b).

In sum, WorkChoices has created a new instrument, the EGA, which is associated with the loss of conditions for a significant number of employees, though not all employees covered by EGAs (depending on their position in the labour market).

minimum wages

The November 2006 decision by the Australian Fair Pay Commission (AFPC), to grant a \$27.36 per week increase in award wages for workers on wages of up to \$700 per week, and \$22.04 per week above that, was seen by many as unexpectedly generous to those reliant on awards. However, it needs to be recognised that the AFPC had little room to manoeuvre. State tribunals had already granted their award workers increases of around \$20 over 12 months. When annualised, the AFPC's increase was actually slightly less generous than what most state tribunals had provided. It was the second lowest minimum wage increase in real terms since the Coalition came to office – representing a real wage fall of 0.9 per cent fall on average for award-reliant employees, according to data from the AFPC chair (Workplace Express, 2006c). The AFPC will move its decisions to mid year, enabling it to pre-empt state tribunals and exert more authority over minimum wages. Whether it will be able to overcome the confusion caused by its failure to publish the minimum wage rates that arise from its decisions, and apparent errors in the rates posted by the federal Department, is another matter (AAP, 2006; Workplace Express, 2006a).

In short, the minimum wage fixing arrangements established under WorkChoices have led to a real wage decline for most award-reliant (low wage) workers, but the full effect is yet to be seen.

wages AND PROFITS

The average weekly earnings (AWE) survey reveals that, during the six months to August 2006, average weekly ordinary-time earnings for full-time adult employees (AWOTE), in real terms (that is, after adjusting for prices), *fell* by 1.1 per cent. Real average weekly total earnings (AWTE) fell by a similar amount (Australian Bureau of Statistics, 6302.0, 6401.0). Another indicator of wages growth, the labour price index, showed a real decline of 0.6 per cent in hourly earnings excluding bonuses in the six months to September quarter 2006.

The only other occasions in recent decades which have seen such a reduction in real wages in the AWE survey were in 2000 (when the GST was introduced) and in the 1980s (when the centralised Accord was in place). In both these other occasions the reductions in real wages were in one form or another explicitly 'offset' through the tax-transfer or social wage systems. However there has been no explicit offsetting for the reduction in real wages that has occurred during the first six months of WorkChoices. Indeed, its existence is denied. We would not expect this reduction in real wages to continue indefinitely, with inflation forecast to fall in the context of changing petrol and fruit prices. Nonetheless, the most notable thing about this reduction in real wages is that it has occurred in the tightest labour market in three decades. Normally tight labour markets are associated with strong growth in real wages. Even stagnation of real wages would be unusual in such circumstances.

Retailing and hospitality (accommodation, cafes and restaurants) are two industries where workers are likely to be especially vulnerable to the effects of WorkChoices. The industries are highly casual, reducing workers' bargaining power. On average, according to the labour price index, since 1997 hourly earnings growth in these two industries has been 17 to 19 per cent lower than earnings growth across all industries. Workers in both industries are reliant on penalty rates for night and weekend work, and these are susceptible to change under WorkChoices. In the two quarters since WorkChoices took effect, hourly earnings growth in these industries (at 1.0 per cent and 0.7 per cent respectively) were 47 per cent and 61 per cent lower than the all-industry average (Australian Bureau of Statistics, 6345.0). This probably reflects the loss of penalty rates and other conditions of employment, though unfortunately the data to verify this are not published.

Women have been particularly affected. They represent the majority of employees in retailing and hospitality. Nominal AWOTE for females in the private sector rose by only 0.5 per cent in the six months to August 2006, compared to 1.3 per cent for males. In real terms, female AWOTE in the private sector fell by 2.0 per cent in six months to August 2006 (Australian Bureau of Statistics, 6302.0). Again, we would expect the size of the real wage fall to diminish as inflation eases, but the relative movement implies a widening of inequality between men and women.

The wages share of national income was, seasonally adjusted, 53.8 per cent in September quarter 2006, up marginally from 53.5 per cent in March quarter, which had in turn been just 0.1 points above a 35-year low. In trend terms, the wages share of 53.7 per cent was a mere 0.1 percentage points above the 35 year low recorded in March quarter. The profit share, by contrast, has never been stronger. At 27.5 per cent in September quarter 2006 (seasonally adjusted), it was 0.5 points above the previous all-time high of 27 per cent recorded in March quarter. In trend terms, the 27.3 per cent recorded in September quarter was also an all-time high, 0.4 points above the pre-WorkChoices record achieved in March quarter 2006 and over 6 points (that is, nearly 30 per cent) higher than its average over the past 35 years (Australian Bureau of Statistics, 5206.0). There appears, then, to also be a widening inequality between the owners of capital and labour.

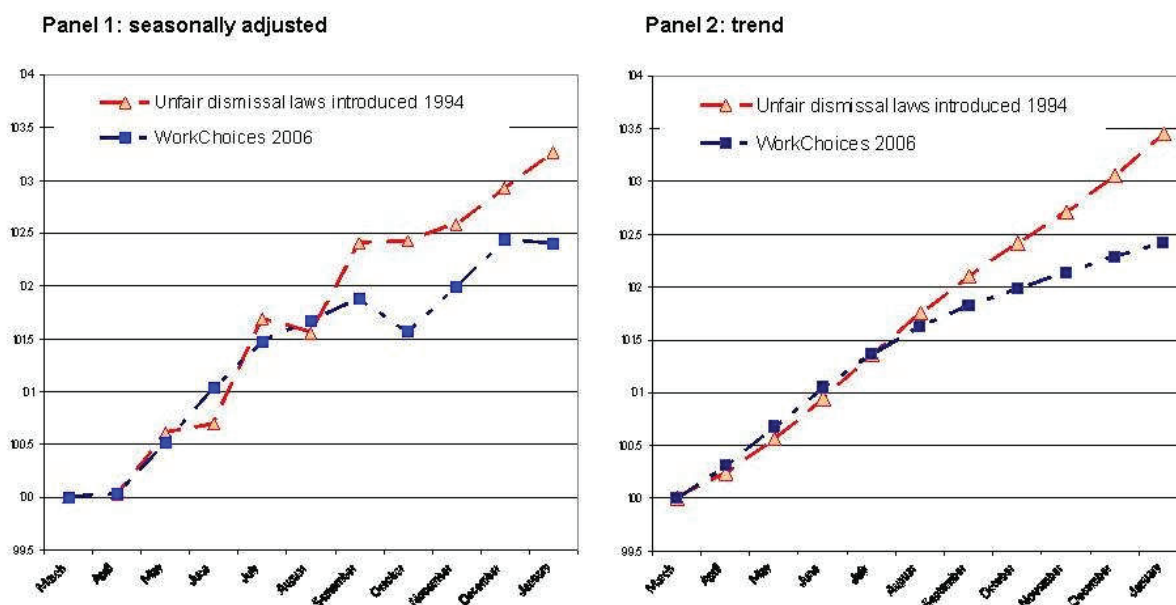
In short, WorkChoices has been associated with a decline in average real wages, at least in the short term, despite the economic boom. It appears to have led to real wage declines in retail and hospitality, probably as a result of the loss of penalty rates in those industries, and in the short term at least a drop in real and relative earnings for women, while profits are at record levels, continuing a trend established under the Workplace Relations Act.

employment

WorkChoices was to deliver substantial employment growth through the partial abolition of the 'job destroying' unfair dismissal laws. A useful benchmark to assess the job creation effect of WorkChoices, then, is to compare employment growth in the period since WorkChoices was introduced with employment growth in the equivalent period after the unfair dismissal laws were introduced at the end of March 1994. The comparison is shown in Figure 1. In seasonally adjusted terms (panel 1), over the eight months from March to November 2006, employment grew by 241,300 or 2.38 per cent. But over the same eight months after the unfair dismissal laws were introduced in 1994, employment grew by 256,400 or 3.25 per cent. In trend terms (panel 2), employment growth of 2.39 per cent under WorkChoices was noticeably weaker than the 3.43 per cent growth after the unfair dismissal laws were introduced. The implication is not that the unfair dismissal laws were more effective job creators than the law that abolished them; rather, the implication is that the strong growth of employment in 2006 is unrelated to the abolition of the unfair dismissal laws, and instead reflects other factors.

In short, the recent employment growth, while strong, appears to owe more to underlying demand in the economy – driven in no small part by the resources boom – than to the introduction of WorkChoices.

Figure 1: Employment growth over ten months from March 1994 (introduction of unfair dismissal laws) and from March 2006 (partial abolition of unfair dismissal laws)



Note: index, March = 100
Source: ABS Cat No 6202.0.

economy and productivity

The WorkChoices economic miracle has yet to materialise. The annual rate of inflation rose from 3.0 per cent in the year to March quarter 2006 to 3.9 percent in September quarter 2006, before easing to 3.3 per cent in December quarter (Australian Bureau of Statistics, 6401.0). Interest rates were increased by 0.25 percentage points in each of May, August and November 2006 (Reserve Bank of Australia, 2006). WorkChoices did not create these increases, but nor did it ensure that workers would 'enjoy the benefits of...low interest rates' (Australian Government, 2005).

A more credible target for WorkChoices would be labour productivity. A useful benchmark is the 2.5 per cent annual growth in productivity achieved under the traditional award system of the 1960s and 1970s (Australian Bureau of Statistics, 5204.0; Peetz, 2005), as the alleged inefficiencies of the award system are often derided as the rationale for WorkChoices. But here the story is no better. Labour productivity (GDP per hour worked) fell by 1.6 per cent nationally, in seasonally adjusted terms, between the March and September quarters of 2006. In the market sector, labour productivity fell by 1.7 per cent over the same period (Australian Bureau of Statistics, 5206.0). Labour productivity figures are volatile, but the trend estimates by the ABS also show declines: by 0.7 per cent across the economy as a whole, and 0.4 per cent in the marker sector. (These are figures over the two

quarters since WorkChoices took effect – the annualised rates of decline would be double those indicated here.) Labour productivity is best assessed over the course of a complete productivity cycle. That said, two years into this growth cycle, the cumulative productivity growth of just 1.8 per cent to 2005-06 is the second lowest of any comparable period at this stage of the last eight growth cycles (before account is taken of the drop in the September quarter). In trend terms, labour productivity in September quarter 2006 was only 1 per cent higher than it was in March 2004, two and a half years earlier.

Some have suggested that this poor productivity performance is simply the arithmetical result of the entry of semi-skilled and unskilled workers into the workforce as a result of WorkChoices (Pearson 2007). However, at less than 18 per cent, the share of 'unskilled' workers (labourers and elementary clerical sales and service workers) in the workforce has been, during the past three quarters, the lowest average on record (Australian Bureau of Statistics, 6291.0).

We would not expect these declines to continue indefinitely – a rise in productivity must occur sometime soon. But from these data, and from extensive evidence elsewhere (Dalziel, 2002; Peetz, 2005), there is no reason to believe that WorkChoices will be able to generate a significantly higher productivity growth rate than occurred under the traditional award system, or would have occurred anyway.

The Australian Small Business survey, undertaken by MYOB, found that only 12 per cent of small business respondents believe the new WorkChoices legislation will lead to an increase in business productivity. By contrast, 34 per cent disagreed, including 14 per cent who strongly disagreed (AMR Interactive, 2006). Perhaps one reason for this was that 40 per cent of small business respondents considered that the legislation is 'unfair to many employees', compared to just 24 per cent who disagree (AMR Interactive, 2006).

In sum, it is doubtful on the evidence to date that there is any positive impact on labour productivity arising from WorkChoices, and there is a possibility, yet to be confirmed, that its effect may end up negative.

INDUSTRIAL DISPUTES

The number of working days lost due to industrial disputes in the June and September quarters 2006 was 53 per cent lower than the equivalent period a year earlier and a record low (Australian Bureau of Statistics, 6321.0.55.001). This reflects in part a medium term trend in Australia (and a number of other countries) of declining overt industrial conflict. Industrial conflict has been falling consistently since 1983 (the beginning of the prices and incomes Accord). Working days lost fell by 75 per cent between 1982 and 1995, and by 58 per cent between 1995 and 2005 (Australian Bureau of Statistics, 6321.0.55.001). However, the recent data also reflect the fact that WorkChoices has introduced a large number of restrictions on industrial action that make most forms of industrial action illegal. It could be argued

that the decline in industrial conflict is simply one manifestation of the lower level of power that employees have under WorkChoices.

One possibility, yet to be confirmed, is that the restrictions on industrial action are now so severe that unions will decide to ignore the law, as it is almost impossible to adhere to it. Data on causes of disputes are available for only one quarter, but these indicate that in June quarter 2006, working days lost due to potentially 'legal' industrial action (ie action associated with enterprise bargaining) were 89 per cent lower than the average over the two years to March quarter 2006 (note that the ABS data do not identify whether the disputes were actually legal, only whether they were associated with enterprise bargaining). By comparison for non-enterprise bargaining related disputes (almost certainly all technically illegal) the decline was only 29 per cent (and indeed there was a rise between the March and June quarters 2006). Over the preceding three years, these (illegal) non-bargaining-related disputes accounted for about 48 per cent of working days lost, but in the first quarter of WorkChoices this jumped to 83 per cent. These quarterly figures on cause of dispute are highly volatile, however, and importantly may be influenced by the finalisation of negotiations for most union CAs before WorkChoices took effect, so more data will be required before provisional inferences can be drawn.

In sum, the first six months of WorkChoices have seen a continuation of the long term trend reduction in industrial disputes, but it is possible (but not yet clear) that WorkChoices has had an effect in separately reducing the level of legal industrial action, mainly by making many previous industrial actions illegal.

Conclusions

This review of the experience under WorkChoices indicates several conclusions. Union agreements still dominate, but more employees are moving onto AWAs than before, and fewer onto union CAs. Award coverage is likely declining. The effects of WorkChoices are being reduced because many firms are not taking advantage of the opportunities it present.

The unfair dismissal changes may be having a broader effect on workplace relations and might be leading to increased anxiety at workplaces, moreso those with less than 100 employees, many of whom are now exempted from unfair dismissal protection.

There has clearly been a substantial loss of conditions of employment, particularly overtime pay and penalty rates, for many workers signing AWAs, as a direct result of WorkChoices, though we would not expect this to be the case in all sectors.

WorkChoices has created a new instrument, the EGA, which is associated with the loss of conditions for a significant number of employees, though not for all employees covered by EGAs (depending on their position in the labour market).

Union CAs are providing the highest wage increases, and EGAs the lowest, though there are no data for AWAs, which might be lower again. The data imply a likely loss of conditions in mainly non-union collective agreements under WorkChoices, and a reduction in wages growth in the formal sector as a result of the increased share of instruments that are encouraged by WorkChoices and that provide for relatively low rates of wage increase.

The minimum wage fixing arrangements established under WorkChoices have led to a real wage decline for most award-reliant (low wage) workers, but the full effect is yet to be seen. WorkChoices has been associated with a decline in average real wages, at least in the short term, despite the economic boom. It appears to have led to real wage declines in retail & hospitality, probably as a result of the loss of penalty rates in those industries, and in the short term at least a drop in real and relative earnings for women. Meanwhile profits are at record levels, continuing a trend established under the Workplace Relations Act.

The recent employment growth, while strong, appears to owe more to underlying demand in the economy – driven in no small part by the resources boom – than to the introduction of WorkChoices.

Inflation and interest rates have risen, but this is not directly attributed to WorkChoices (though it was claimed that WorkChoices would have beneficial effects in these areas). Productivity has fallen; it is doubtful on the evidence to date that there is any positive impact on productivity arising from WorkChoices, and there is a possibility, yet to be confirmed, that its effect may end up negative.

The first six months of WorkChoices have seen a continuation of the long term trend reduction in industrial disputes, but it is possible (but not yet clear) that WorkChoices has had an effect in reducing the level of legal industrial action, mainly by making many previous industrial actions illegal.

In several areas, more data are urgently required, in some cases as a result of the withholding of official information. Nonetheless, these are, in general, the patterns we would expect to see from a transfer of power from employees to corporations.

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