



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

**Media Release
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Catholic Bishops call for changes to workplace legislation

The Catholic Bishops of Australia today called for changes to the Federal Government's employment law reforms to help moderate the impact on the poor, the vulnerable and families.

The Bishops, meeting in Conference in Sydney, have issued a statement saying that the integration of economic growth and social justice is a fundamental obligation of government and must be pursued in ways that are fair and equitable to all.

"The Catholic Bishops of Australia have been scrutinising the religious and ethical implications of the Commonwealth Government Workplace Relations Amendment (Work Choices) Bill (2005)," their statement says.

"Given the fact that the Catholic Church is a major employer in Australia, this legislation is of particular interest to us. We are guided by our own social teaching that offers us ethical principles and terms of reference.

"A major concern of Catholic Social Teaching is always the effect legislation has on the poor and vulnerable and its impact on family life."

The Bishops question whether the proposed national system of employment regulation includes the objectives of employment growth, fair remuneration and security of employment and whether it promotes truly cooperative workplace relations and ensures the protection of the poor and the vulnerable.

"We are concerned that the proposed legislation, as it is presently drafted, does not provide a proper balance between the rights of employers and employees in several respects," their statement says.

"Changes are necessary to alleviate some of the undesirable consequences of the legislation, especially in regard to its potential impact on the poor, on the vulnerable and on families."

In particular the Bishops raise concerns with the Government's proposals regarding the Minimum Wage, Minimum Conditions and Bargaining, Unfair Dismissals and the Role of Unions.

The Bishops' employment relations body, the Australian Catholic Commission for Employment Relations, has previously issued a briefing paper outlining concerns with the Government's proposals and its officials appeared at the Senate Inquiry into the legislation.

For more information contact ACCER Executive Director John Ryan on 0417 371 054.

**Public Statement by the Australian Catholic Bishops Conference in
Relation to the Commonwealth Government's Workplace Relations
Amendment (WorkChoices) Bill 2005**

Introduction

1. The Commonwealth Government's proposals for reforms to Australian employment law have prompted wide debate throughout the country. It is a debate that has caused many of us to reflect on the fundamental values that should underpin our workplaces and society as a whole.
2. Economic growth is needed to provide prosperity and economic security for all and to provide equity and social cohesion. Economic growth is needed to enhance social justice.

Catholic Social Teaching

3. The Catholic Bishops of Australia have been scrutinising the religious and ethical implications of the Commonwealth Government Workplace Relations Amendment (Work Choices) Bill (2005). Given the fact that the Catholic Church is a major employer in Australia, this legislation is of particular interest to us. We are guided by our own social teaching that offers us ethical principles and terms of reference.
4. A major concern of Catholic Social Teaching is always the effect legislation has on the poor and vulnerable and its impact on family life.

As Pope John Paul II wrote in his encyclical *Laborem Exercens*:

“...in many cases they [the poor] appear as a *result of the violation of the dignity of work*; either because

opportunities for human work are limited as a result of the scourge of unemployment, or because a low value is put on work and the rights that flow from it, especially the right to a just wage and to the personal security of the worker and his or her family.” (*Laborem Exercens*, 8)

5. Our experience emphasises the importance that employment, fair remuneration and job security play in providing a decent life for workers and their families. They are particularly important for those who have limited job prospects and who are vulnerable to economic change. It is not morally acceptable to reduce the scourge of unemployment by allowing wages and conditions of employment to fall below the level that is needed by workers to sustain a decent standard of living.

Role of Governments

6. Governments have a responsibility to promote employment and to ensure that the basic needs of workers and their families are met through fair minimum standards.
7. Catholic Social Teaching recognises and supports a proper balance between the rights and responsibilities of employers and employees. The terms of employment cannot be left wholly to the marketplace. The responsibility of government is to ensure that there is a proper balance between respective legal rights, especially when bargaining positions are not equal.

Our Concerns

8. Does the proposed national system of employment regulation include the objectives of employment growth, fair remuneration and security of employment? Does it promote truly cooperative workplace relations and ensure the protection of the poor and the vulnerable?
9. We are concerned that the proposed legislation, as it is presently drafted, does not provide a proper balance between the rights of employers and employees in several respects. Changes are necessary to alleviate some of the undesirable consequences of the legislation, especially in regard to its potential impact on the poor, on the vulnerable and on families.

Minimum Wage

10. Workers are entitled to a wage that allows them to live a fulfilling life and to meet their family obligations. We are concerned that the legislation does not give sufficient emphasis to the objective of fairness in the setting of wages; the provision of a fair safety net by reference to the living standards generally prevailing in Australia; the needs of employees and their families; and the proper assessment of the impact of taxes and welfare support payments.

In our view, changes should be made to the proposed legislation to take into account these concerns.

Minimum Conditions and Bargaining

11. The legislation proposes a major change in the guaranteed safety net for employees and the procedure for making employment agreements. Our concern is that many employees, especially the poor and vulnerable, may be placed in a situation where they will be required to bargain away some of their entitlements. In particular, we refer to overtime rates, penalty rates and rest breaks. The legislation should be amended to provide that these are appropriately protected.

Unfair Dismissals

12. The Government proposes the removal of unfair dismissal laws in regard to businesses with up to 100 employees and to make changes to the laws applying to larger firms. Such changes would reduce job security. Employees should have appropriate redress against unfair dismissals. This does not ignore that termination of employment is justified in particular cases. There is also a case for the amendment of the existing unfair dismissal laws to improve their efficiency and effectiveness. However, unfair dismissal rights should not be dependent upon the size of the employer's undertaking.

The Role of Unions

13. The legislation should enable cooperation between employees so that they can advance their mutual interests and enable them to participate freely in unions. The legitimate rights of unions are derived from the

rights of their members. In their proper role in the workplace they are not “third parties” or outsiders to the employment relationship. We ask the Parliament to give close consideration to the potential impact of the proposed legislation on the capacity of unions to represent their members. It would be wrong for the Parliament to enact laws that impede or frustrate unions in carrying out their lawful representative activities.

Conclusion

14. The integration of economic growth and social justice is a fundamental obligation of government. They must be pursued in ways that are fair and equitable to the society as a whole. In this context, our proposals for change to the *Workplace Relations Amendment (Work Choices) Bill 2005* seek to moderate the impact on the poor, the vulnerable and families and limit any consequences on social cohesion.