

THE CATHOLIC CHURCH
AS AN EMPLOYER
IN AUSTRALIA TODAY

INTRODUCTION

In Australia today, the Catholic Church is a significant employer with employees engaged in diocesan and parish administration, pastoral care and the provision of education, health and community services.

The Church has consistently affirmed the dignity of labour, beginning in 1891 with *Rerum Novarum* by Pope Leo XIII, and continuing to recent times with *Gaudium et Spes*, *Laborem Exercens* and *Centesimus Annus*.

In the Australian context, the Bishops' Committee for Industrial Affairs (BCIA) issued *Industrial Relations – The Guiding Principles* (The Guiding Principles) in 1993 to draw attention to fundamental principles of morality and social justice. This was set against the new industrial framework of workplace reform and enterprise bargaining.

Since the publication of *The Guiding Principles*, workplace reform and enterprise bargaining in Australia have evolved into an industrial relations environment that promotes a direct relationship between the employer and the individual employee.

In this paper the Australian Catholic Commission for Employment Relations (ACCER) seeks to provide assistance to employers and managers who carry out the mission of the Church at a time of considerable challenge. At a general level, this is found in the current philosophical emphasis on the development of the individual employment relationship rather than the collective; the deregulation of industrial relations structures; a greater use of part-time, casual and contract employment; and the increasing involvement of the legal system in the resolution of industrial disputes.

Thus there is a need to provide guidance about the conduct of the employment relationship within Church organisations in the contemporary world. In this respect, the suggested approaches to the issues discussed within the paper are not intended to be prescriptive in terms of procedural detail. Rather, they are intended to articulate the foundation of values upon which the procedural detail of workplace policies and practices can be established (see Appendix for a summary of relevant Catholic Social Teaching in this area).

THE EMPLOYMENT RELATIONSHIP IN THE WORKPLACE

Pope John Paul II stated in *Laborem Exercens*:

“...the basis for determining the value of work is not primarily the work being done but the fact that the one doing it is a person.”¹

Work is for people, not people for work. Through work, individuals not only transform the world but also achieve fulfilment as human beings. In this sense, work has a consequence for the employee beyond the immediacy of the task being performed.

Values and Mission

The Church teaches that employees and employers should be regarded as partners in their place of work and in their respective roles. Mutual respect, esteem and goodwill should underpin the relationship between the employer and the employee.

Church employees should be encouraged and enabled to see their work not merely as a source of income, but as providing a service and a benefit to others in society and, in its ultimate sense, the mission of the Church. This should foster the development of personal accountability for the work to be undertaken, based on the concept of the good citizen who sees that his or her efforts have greater meaning and value in respect of the common good.

In the contemporary workplace, there is an increasing emphasis upon flexibility, efficiency and productivity. These can certainly contribute to the achievement of the objectives of the organisation in terms of the quality and delivery of service. However, these objectives are of short-term benefit only if they are not underpinned by respect for each person in the workplace. Accordingly, the observance of fair and just principles and practices is required for the establishment and maintenance of a workplace that encourages and supports the full development of all persons serving the Church.

Furthermore, the goals of Church organisations will be different to those of other employers within the community.

In this respect, each Church organisation should expect its employees to contribute to the maintenance and development of its being and purpose, through the development of a supportive understanding of the mission and objectives of the organisation. This requires each organisation to clarify its sense of identity and purpose with respect to the spiritual mission of the Church, so that this then informs the employment relationship as appropriate to the role being carried out by each employee. In this way, each employee will be clear about the expectations of the organisation. These expectations and obligations should be contained within the contract of employment and incorporated into the duty statement of each position.

¹ Pope John Paul II, *Laborem Exercens: On Human Work*, (September 1981) St Paul Publications, Homebush, para 6.

Employment policies

The *Code of Canon Law* states:

“Administrators of temporal goods...in making contracts of employment, are accurately to observe also, according to the principles taught by the Church, the civil laws relating to labour and social life.”²

As witnesses of the Gospel, the employment policies of Church employers need not only to comply with legislative minimums or standards but are to adhere to the Social Teaching of the Church.

All employment policies and procedures are to be available at any time to each employee. The fair and just administration of these policies is essential for maintaining the integrity of the relationship with employees. The employer needs to examine each issue on its own merits when applying policies and procedures.

Prevention of Discrimination

Gaudium et Spes states that:

“...with respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, colour, social condition, language or religion, is to be overcome and eradicated as contrary to God’s intent.”³

With respect to any exemptions from anti-discrimination legislation, Church organisations need to be positive and precise in their approach to employment practices. It is critical that each Church organisation clearly articulates the inherent requirements of each position with respect to the mission of the organisation. It is recognised that each role might have a different expectation in this regard. That is, some positions might require a commitment to the religious faith of the Church, while other positions might require an understanding and a willingness to advance the mission of the organisation.

Church organisations may expect non-Catholic employees to respect Catholic religious practices but should not require them to participate in their celebration or observance. Conversely, reasonable accommodation for the religious practices of non-Catholic employees should be made by Church organisations.

At any level, Church organisations should develop policies that prohibit of discrimination (direct and indirect) and harassment (physical, emotional, racial, religious and sexual). This includes working towards a balance of men and women in the workplace, and especially of women in leadership positions. This might require the adoption of policies and practices that are flexible and accommodate the demands of family and personal life. Further, Church organisations should examine their recruitment and promotion profiles for persons from underrepresented groups, to ensure that they are not being excluded from the working life of the Church.

² *Code of Canon Law*, (1983) Canon 1286(1)

³ Second Vatican Council, *Gaudium et Spes; Pastoral Constitution on the Church in the Modern World*, (December 1965) Pauline Books & Media; Boston, para. 29.

Recruitment, selection and appointment

The recruitment of employees is to be based on fair and transparent procedures. Accurate and current position descriptions containing clear lines of accountability need to be available so that both the employer and applicants understand the expectations of the position. The employer needs to make applicants aware that they have a responsibility to provide appropriate documentation and an accurate account of their abilities and previous experience.

When employment is offered, the employer should make explicit in writing all of the terms of employment, including the projected duration of the position, probationary period, the details of the remuneration package, the duties of the position (including the expectations of the employer in terms of the contribution of the employee to the mission of the organisation), reporting lines and the terms of accountability, and matters affecting the termination of employment.

Job security is a legitimate expectation of employees. The employer should be open with employees that this is dependent upon performance and conduct, the ongoing need for the position and the level of financial resources. Furthermore, Church employers should not seek to improperly utilise fixed term, part-time, casual and contract forms of employment so as to avoid their responsibilities to employees. While these approaches can be legitimate and might be the only means of meeting the needs of the organisation in particular circumstances, Church employers need to question the motivation for introducing such forms of employment.

Employers are urged to seek advice about the latest developments in employment and industrial law before they undertake the recruitment of employees. This is especially relevant in the areas of anti-discrimination legislation; the selection process and criteria; the checking of references and police checks for employees who may have responsibility for the care of children or vulnerable persons; the terms of contracts of employment; and the use of employment agencies.

Wages and Conditions of Employment

Employees should be able to live in a manner worthy of human dignity, in order to fulfil their family and social responsibilities. The Church believes that the wages and salaries of employees should be based essentially on a strong sense of fairness and justice. That is, the *market* should not be the sole arbiter of the rightful salary of an employee.

There is a need to balance questions of internal and external equity with the financial pressures upon the organisation. However, the Church believes that the lowest paid employee should receive, at the least, a wage that provides for their basic human needs.

Given this, Church employers should offer fair and just wages and conditions of employment in line with the determinations of the relevant industrial tribunals.

While enterprise bargaining has been promoted as the major means for negotiating salaries and conditions, the Award system remains a critical feature of Australia's industrial relations system. It establishes a safety net of terms and conditions of employment for several million Australian workers and underpins all enterprise agreements. Wherever possible, Church employers should adopt the salary benchmarks of awards even if they are not directly a party to an award.

As a matter of principle, Church employers should support the protection offered by awards to employees. Any restrictions or difficulties with Award conditions of employment or work practices can be best resolved through a co-operative approach, rather than through the legislative reduction of employee entitlements.

It should be recognised that the award system does not cover the work of some employees. Therefore, other arrangements, such as common law contracts of employment or individual employment agreements, may be agreed in order to give expression to the conditions of employment.

At all times, though, Church employers should provide fair and just wages and conditions to their employees, irrespective of the nature of the industrial or legal instrument that is utilised to give meaning to the employment relationship.

Safe working conditions

Church employers should make every effort to ensure that their work place is safe and that they take appropriate responsibility for the physical and mental wellbeing of their employees.

In *Gaudium et Spes*, it is stated that:

“Since economic activity for the most part implies the associated work of human beings, any way of organising and directing it which may be detrimental to any working men and women would be wrong and inhuman.”⁴

It is not sufficient to ensure that the legal minimum standards are met. As a commitment to their employees, Church employers should implement preventative strategies for the safety of their employees without the imperatives of legislation.

Employees are expected, within reason, to take proper responsibility for their personal health and safety and that of their fellow employees in the workplace.

Participation in decision-making

Employees should be involved in decision-making at appropriate levels of the organisation. In establishing and maintaining a fair and just workplace, the Church employer is to encourage participation in decision-making so that all persons may exercise their right to contribute views about how their work life is organised.

In *Gaudium et Spes*, it is stated:

“In economic enterprises it is persons who are joined together, that is, free and independent human beings created to the image of God. Therefore, with attention to the functions of each - owners or employers, management or labor - and without doing harm to the necessary unity of management, the

⁴ Pope Paul VI, *Gaudium et Spes; Pastoral Constitution on the Church in the Modern World*, (December 1965) Pauline Books & Media, Boston, para. 67.

active sharing of all in the administration and profits of these enterprises in ways to be properly determined is to be promoted.”⁵

Though managers ultimately make those decisions appropriate to their responsibility, participation of employees in the formulation of decisions that affect the workplace is essential for cooperative and effective implementation of change.

Performance reviews

Performance reviews allow the employer and employee to openly discuss the expectations of the organisation and the achievements of the employee, with an emphasis on the future development of the employee within the objectives of the organisation.

Performance reviews should formally occur at regular, pre-determined intervals for all Church employees. It is critical that employees are well informed about the process and criteria to be used for the review.

The review procedure may include a self-review by the employee, a review by the relevant supervisor or manager and consultation with external sources or peers when appropriate. Feedback is directed, as far as is possible, toward the mutual growth of both the employee and the organisation. That is, the individual ability and needs of the person are to be considered within the needs and objectives of the whole organisation.

It is important that any review seeks to provide encouragement and appropriate support to the employee. In this respect, the wellbeing and future development of the employee should be considered during the process of review. This requires sensitive leadership from the employer and managers. Open and honest listening, together with a clear view of the needs of the whole organisation, is required of the management team so that a mutuality of commitment is achieved.

Additionally, Church employers should establish access to counselling or employee assistance services to employees outside of the formal review process, so that matters of a personal nature do not lay unattended until the time of the formal review.

Training, development and continuing education

The *Code of Canon Law* requires:

“Lay people who are pledged to the special service of the Church, whether permanently or for a time, have the duty to acquire the appropriate formation which their role demands, so that they may conscientiously, earnestly and diligently fulfil this role.”⁶

Further training and education needs to be available for all Church employees in areas relevant to their roles. Given that the Church values faith development, its employees need to have the opportunity and encouragement for spiritual growth. Such opportunities will promote the understanding of each employee about his or her role in the mission of the Church.

⁵ Pope Paul VI, *Gaudium et Spes; Pastoral Constitution on the Church in the Modern World*, (December 1965) Pauline Books & Media; Boston, para. 68.

⁶ *Code of Canon Law*, (1983) Canon 231(1)

The Work and Life Balance

Catholic Social Teaching places significance on the interaction between the family, society and work. Importantly, the principles of the *right to rest* and the *right to a just wage* interact to support the formation of strong family and social relations.

The recognition of the need for people to rest, to undertake personal and spiritual development, to engage in community and cultural activities and to take time with their family are important requirements for every individual.

In this context, *family friendly* policies are one aspect of policies relevant to finding a balance between *work and life*. There needs to be sensitivity and attention to the personal needs of employees who do not have direct family commitments. They too have a contribution to make within the community and this should be encouraged with appropriate procedures.

Therefore, in respecting the individual, there is a need for balance between the time spent at the workplace and the time spent away from the workplace in pursuit of personal and social activities. Such a balance needs to be recognised and encouraged by the employer to fully support, develop and respect the individual employee:

"Economic considerations, whether by the employer for increased production or by the employee for increased wages, cannot set aside the need to provide for adequate rest. Recognition of the need for adequate rest brings with it consideration of the reasonable time which may be worked in any one day or in any one week."⁷

At the workplace, it is necessary for each employee to be given an opportunity to have proper rest between the days of work, with the hours to be worked on a daily basis being reasonable. Industrial awards or agreements and legislation establish requirements for rest periods during and between shifts. Occupational health and safety guidelines and industry standards can act also as a guide in establishing working hours and rest periods.

Freedom of association

Pope John Paul II states in *Laborem Exercens* that the various rights of workers give rise to the necessity of:

"the right of association, that is to form associations for the purposes of defending the vital interests of those employed in the various professions."⁸

The Church recognises that trade unions and employer organisations have a right to exist and to represent their members. However, individual employees and employers must be free to decide whether or not to join representative organisations. Compulsion, either to join organisations or not to join them, is a breach of the right of individuals to choose whether and how they will exercise their right of freedom of association.

⁷ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993), page 2.

⁸ Pope John Paul II, *Laborem Exercens: On Human Work*, (September 1981) St Paul Publications, Homebush, para. 20.

It is a breach of fundamental freedoms to force employees or employers to join any organisation. Employees should not be disadvantaged by their membership of trade unions or by their refusal to join such associations. They should not be denied employment or terminated because they do or do not belong to a trade union.

Relationship with trade unions

Given the right to freedom of association, Church employers should recognise that trade unions have a legitimate interest in representing their members, be this in relation to compliance with awards and legislation, the representation of individual employees in grievance processes or in the negotiation of enterprise agreements.

Church employers should seek to establish a co-operative working relationship with trade unions. Where an association or union is legally constituted, the Church employer should recognise its representatives and endeavour to consult and negotiate with them.

The Church believes that industrial organisations should act in the interest of their members and be subject to reasonable laws:

“It is a misuse of the power of organisations for them to be used for purposes other than those for which they were created, and for which their members freely joined them.”⁹

However, Church employers should not use the law to render trade unions ineffective, so as to deprive them “of their proper role in the protection of rights of their members and the role they play in contributing to the common good.”¹⁰ On the other hand, Church employers should be able to expect that trade unions will respect their right to fulfil the mission of the Church.

Enterprise Bargaining

Where enterprise bargaining is to be undertaken by Church organisations, it should be conducted on a collective rather than on an individualistic basis. In this way, Church employers ensure equity and justice and cohesion of purpose within their organisations. Within a collective framework, it should be possible to have regard to the particular circumstances and needs of individual employees.

This still acknowledges that the circumstances or needs of each workplace may lead to variations in the agreements that can be achieved between different employers and employees. Church employers should be guided in their agreements by the future direction and requirements of their organisations, rather than the circumstances of external bodies. At the same time, Church employers need to be aware of industry and community standards, and the historical nexus between wages and conditions in their own and other sectors.

It is in the best interests of Church organisations to ensure that their employees and their representatives understand the funding of their organisations. This enables fairness and objectivity about the financial parameters of the organisation during enterprise bargaining discussions.

⁹ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993), page 3

¹⁰ *ibid.* page 5

A particular difficulty for Church employers with enterprise bargaining is they are generally involved in pastoral activities, education, health, and the community service sectors of society. They are seeking to assist the vulnerable, disadvantaged and needy. They provide a qualitative service, not a quantitative product. Therefore, the potentially adversarial nature and conduct of enterprise bargaining is antithetical to the nature of these organisations and their mission:

“No party should hold unreasonable sway over another.”¹¹

The resolution of disputes and grievances

Both justice and reconciliation should be at the core of any grievance procedure, as required by the *Code of Canon Law*:

“When a person believes that he or she has been injured by a decree, it is greatly to be desired that contention between that person and the author of the decree be avoided, and that care be taken to reach an equitable solution by mutual consultation, possibly using the assistance of serious-minded persons to mediate and study the matter. In this way, the controversy may by some suitable method be avoided or brought to an end.”¹²

Procedures for the resolution of grievances and disputes should be readily available to Church employees. Rather than creating confrontation, their focus should be designed to mediate diverse or opposed perspectives, to alleviate the frustration caused by human or other limitations, to heal painful experiences and to promote the full development of the employee.

Church employers and employees should establish consultation processes at the workplace level to prevent or to resolve any grievances or disputes between each other. Employers, employees and their respective representatives have a responsibility to act in a constructive and expeditious manner when they are faced with disagreement or conflict.

If the grievance or dispute cannot be resolved directly between the employer and employee, they should seek the assistance of their trade union or employer adviser or a mutually agreed independent mediator.

If the matter cannot be settled by such assistance, then the relevant industrial tribunal or an independent arbitrator should be utilised.

¹¹ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993), page 4

¹² *Code of Canon Law* (1983) Canon 1733(1)

Industrial action

The use of industrial action – by either employees or their employer - should be a last resort, when all other reasonable means for the resolution of a dispute have been truly exhausted. In this respect, it is important that there are well-established processes to enable the employer and employees, together with their representatives, to discuss fully the issues in contention without having to resort to industrial action or sanctions against each other. Therefore, it is critical that there is access to properly constituted industrial tribunals and that such bodies have the capacity to resolve all matters brought before them by means of conciliation and arbitration if necessary.

If industrial action does occur, it is appropriate for Church employers to deduct pay for any strike action taken by employees. At that point, the employee has withdrawn his or her labour and is not available to work. Further, where the industrial relations system provides for conciliation and arbitration processes, it is legitimate for Church employers to utilise the processes of the relevant industrial tribunal when facing or are faced with industrial action or dispute. This should be in order to resolve the matters in dispute with the appropriate assistance of the tribunal.

Church employers should only resort to common law remedies against the taking of industrial action if there is no other alternative and the intended action is being taken without regard for proper process or its consequences. Recourse to legal action is a drastic measure of last resort, with potentially long- term consequences for the quality of the employment relationship.

Termination of employment

Given the Church's view of the employment relationship, any termination of employment should occur only after all other courses of action have been examined and fully considered. An open process and due diligence is required of the employer to ensure that termination is justified. That is, the first approach of the employer should be to maintain the relationship, if at all possible, rather than seek to sever it.

Termination procedures should include clear identification of the reasons for which an employee may be terminated. These procedures are to detail and affirm the rights and responsibilities of each person involved in the termination process.

In any circumstance that may involve termination of employment, Church employers are to make sure that employees are able to arrange suitable representation, whether in the form of a lawyer, trade union official or friend. It is paramount that the employee has the opportunity to respond to any and all allegations.

CONCLUSION

Church employers should seek to be model employers who exemplify the values of the Gospels and the mission of the Church.

In *Laborem Exercens*, Pope John Paul II stated:

“...the danger of treating workers as a special kind of merchandise or as an impersonal force needed for production ...always exists especially when the whole way of looking at the question of economics is marked by the forces of materialistic economism”.¹³

The employers and managers of Church organisations are to be leaders who ensure that there are fair, equitable and mutually respectful processes for all matters affecting employees. They need to recognise that their treatment of employees may affect others as well. If this is remembered and put into action, a just workplace can be built and maintained.

¹³ Pope John Paul II, *Laborem Exercens: On Human Work*, (September 1981) St Paul Publications, Homebush, para. 7.

APPENDIX:

CATHOLIC SOCIAL TEACHING AND THE EMPLOYMENT RELATIONSHIP

Catholic Social Teaching is a set of principles and teachings based on Christian values, which aim to bring about a good and fair society for the benefit of all.

Official texts establishing Catholic Social Teaching include papal documents (known as encyclical letters), documents of the Second Vatican Council (1962-1965) and the statements of local and regional conferences of Catholic Bishops.

Some of the principles, which are most directly relevant to an Australian industrial relations context, are found in the document *Industrial Relations - The Guiding Principles* (the Guiding Principles), which was published by the Bishops' Committee for Industrial Relations in 1993.

A fundamental principle of Catholic Social Teaching is that work affirms, enhances and expresses the human dignity of those that undertake it. Therefore, upholding the dignity of every person should be at the core of the employment relationship and any industrial relations system.

The *Guiding Principles* state that the Catholic Church holds firmly “the right of citizens to work and the primacy of dignity of each human person, which must be recognised in all laws, particularly in laws governing economic strategies and industrial relations.”¹

Within the context of the dignity of each person and their respective needs Catholic Social Teaching promotes several fundamental principles:

The right to work

Work is considered to be one of the principal means by which people seek personal fulfilment, dignity and make their contribution to the common good. Therefore, people should not be treated like any other resource or commodity in the market place.

Laborem Exercens states that:

“work bears a particular mark of ... humanity, the mark of a person operating within a community of persons. And this mark decides its interior characteristics; in a sense it constitutes its very nature.”²

Given this, the relationship between the employer and the employee should be one of mutual respect and dignity, with both parties working together to achieve the objectives of the business and security of employment.

Furthermore, the role and influence of the *indirect employer* is seen as necessary to the development of the employment relationship:

¹ Bishops' Committee for Industrial Affairs, *Industrial Affairs - The Guiding Principles*, (August 1993), page 1.

² Pope John Paul II, *Laborem Exercens: On Human Work*, (September 1981) St Paul Publications, Homebush.

“Apart from governments, ... courts, tribunals and other institutions which shape the legal framework and the manner in which the employer/employee relationship is regulated...must also act justly and must recognise freedom of association.”³

It is recognised that, on occasions, the relationship between the employer and the employee may not be harmonious and that they may not be able to resolve matters of difference. An independent third party may be required to assist the bodies to settle such differences in a fair and just manner.

Therefore, any industrial legislation should not act to the exclusion of third parties in the employment relationship, whether those third parties are unions, employer associations, private mediators, industrial tribunals or courts, or governments.

In some instances it may be necessary for an industrial tribunal to intervene in the employment relationship, in order to protect the social and economic considerations and interests of the community.

It may be also necessary for such a tribunal to intervene in order to provide balance to the bargaining relationship between the two parties, especially where one party is able to use its industrial strength as a means of intimidation against the other.

The right to just wages

“Every family has the right to sufficient income through work. Workers have the right to just minimum wages and to just and safe working conditions.”⁴

In this context the employer has a moral obligation to provide a just wage. This has been considered historically to be a wage that takes into account the needs of the individual and their family, and not just that individual's value within the labour market. Catholic Social Teaching does not regard the welfare system to be a means of substitution for a just wage.

“In circumstances of exploitation and coercion, the indirect employer must provide opportunities for the just settlement of disputes. They may also think it wise to set down a code of minimum standards of wages and conditions based on respect for the dignity of each human person engaged in the workplace and cognisant of the needs of the worker and his or her dependents.”⁵

As such, the award system should be maintained and continued to ensure that wages do not drop to such a level that it becomes impossible to sustain an adequate standard of living. However, the setting of a statutory minimum wage by governments or industrial tribunals should not become a substitute for the moral obligation of employers to pay a just wage.

³ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 4.

⁴ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 2.

⁵ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 5.

The right to form associations

The right of employers and employees to form trade unions and employer associations is considered to be the proper and legitimate exercise of the right to freedom of association.

The right to freedom of association is considered to be a fundamental freedom of a just society. *Laborem Exercens* states that the purpose of trade unions is to defend the vital interests of employees:

“They are...*a mouthpiece for the struggle for social justice*, for the just rights of working people in accordance with their individual professions.”⁶

In this context the organisations must act in the interests of their members and within the guidelines of the law.

Compulsion to join or not to join an industrial organisation is considered to be a breach of the right of individuals to choose whether and how they will exercise their right to freedom of association. In exercising their right to join or not to join an industrial organisation, employees and employers should not be harassed, victimised, intimidated, or otherwise influenced in their decision.

The right to strike

The right to strike or to withdraw one's labour is considered to be a basic right of every individual. It is recognised by Catholic Social Teaching as being legitimate in proper conditions and within just limits:

“In the case of industrial disputes, the right to strike must only be used as a last resort and in proportion to the issue. It is an 'extreme means'.”⁷

Therefore, it is considered appropriate to strike only when all other avenues of a proper process have been exhausted and where the withdrawal of labour, or other type of industrial action, is in proportion to the justice of the claim. The taking of sympathy action, or using industrial action for political purposes that are external to the immediate employment relationship, is not considered to be appropriate.

The right to withdraw one's labour should exist without the threat of personal sanctions or criminal charges being laid against the worker and without the threat, coercion, duress or intimidation of the worker to take, or not to take, the industrial action.

In addition to the right to withdraw one's labour, workers also have “the right to refuse any activity to which they morally object, and to refuse to carry out duties which they genuinely believe to be dangerous to their health or to the safety of themselves, other workers and the community.”⁸

However, for workers undertaking essential services, special arrangements should be made in order to guard against the withdrawal of these essential services from the community.

⁶ Pope John Paul II, *Laborem Exercens: On Human Work* (September 1981) St Paul Publications, Homebush, para. 20.

⁷ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 3.

⁸ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 3.

When an issue arises where withdrawal of labour in the essential services is warranted, there is an obligation on the employees to exercise restraint, while there is also a parallel obligation to ensure that grievances are dealt with *speedily and justly* by the direct employer and by the indirect employer. In such a case the indirect employer may be an industrial tribunal, government or court.

The right to adequate rest

Every worker has the right to adequate rest. The employment relationship must take account of this right.

“Respect for human dignity requires that working conditions, including the length of shifts and the length of a week's work, be such as to protect the health and well-being of workers and to recognise their obligations to their family and the wider community.”⁹

The recognition of the need for people to rest, to undertake personal development, to engage in community and cultural activities and religious belief and to take time with their families is also an important requirement in the respect for human dignity and the establishment of humane working conditions.

It is believed that the two areas of work and family life must support each other in such a way that work becomes a condition to make it possible to form a family. At one level, the family requires the wages that workers generally earn by undertaking work. At another level, family life requires something other than material resources. The time and care that parents are able to give their children is an essential element of a strong family life in which children develop as human beings and learn to take their place in society.

To this extent, it is important that *family-friendly* policies are implemented in the workplace to support family life and to build a healthy society.

⁹ Bishops' Committee for Industrial Affairs, *Industrial Relations - The Guiding Principles*, (August 1993) page 9.



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