

SUMMARY REPORT

Women

and **WorkChoices**

**Impacts on the
Low Pay Sector**

A REPORT by

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EXECUTIVE SUMMARY

This report gives an overview of findings and recommendations arising from the full report *Women and WorkChoices: Impacts on the Low Pay Sector*. That full report includes the detailed analysis underpinning this summary report. (see <http://www.unisa.edu.au/hawkeinstitute/cwl/publications.asp>).

Background

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

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

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

This study

The authors were commissioned to conduct a deep qualitative study of a set of experiences amongst workers in low pay sectors, particularly child care, aged care, cleaning, retail, clerical and hospitality, across five states and the Australian Capital Territory. Full details of the methods and approach of the study, along with recruitment materials and interview schedules, are included in the full report.

Following ethics approvals from universities, recruitment materials were distributed through community organisations (including women's organisations, Indigenous, multicultural and disability organisations, churches, neighbourhood, community, legal and health centres) and industry bodies (including employers and unions). We also ran advertisements in local free newspapers targeting low income suburbs and in a few cases 'snowballed' out from initial interviews. The recruitment materials invited people who had 'been affected by recent changes in Australia's workplace laws' to contact the researchers. All interviews were conducted in confidence and pseudonyms are used throughout this report.

We were contacted by more workers than were interviewed, so we took the first set of interviewees who met our industry and occupational targets and had been affected by *WorkChoices* (rather than affected by issues unrelated to *WorkChoices*). We used an open-ended set of questions.

The interviews were conducted in late 2006 and early 2007. The women who were interviewed were negatively affected by changes arising from their employment conditions.

Interviews were conducted with 121 women. All interviews were recorded and transcribed. Between 14 and 25 interviews were conducted in each state/territory, and they were concentrated in the retail, care, hospitality, clerical and manufacturing occupations, with a few from cleaning, transport and personal services. Most interviewees were paid less than \$20 an hour, with 31 paid less than \$15 an hour. Fifty were employed under an award, 20 under collective agreement and 12 under an AWA, with 22 not sure what instrument governed their employment conditions. Thirty-six were casually employed, and around half worked part-time. Most had been employed for some years with only 39 employed for less than one year. Ninety-seven were from workplaces with less than 100 employees.

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

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

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

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

The need for qualitative study

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

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

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

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

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

Key findings

Workplace Climate

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

Significant changes have occurred in the workplaces of these women and in their employment relationships. For the most part, these changes have been negative and deleterious. Changes have included reductions in pay for already low paid workers, less certainty about wage rates and pay rises, intensification of work, less job security, less financial independence, less money for children and basic household costs, less representation and say at work and in the community, and poorer health and wellbeing. All of these outcomes weaken the capacity of these workers to participate in the workforce and in their communities. This is not their choice and it is not a desirable outcome for society at large. These are women who have pride in work and have been loyal and committed employees, many for extended periods.

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

Pay and conditions

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

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

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

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

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

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

Job security

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

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

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

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

interviewed work, *WorkChoices* is changing the workplace climate. Women describe being more fearful, less able to speak up and with a weaker capacity to contest illegal or unfair conditions or practices.

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

‘Negotiation’

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

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

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

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

Hours of work and family

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

These women’s accounts suggest a hardening of their employers’ attitudes around accommodating work and family. For some, this hardening has ended with dismissal when they have requested changes in hours, or resisted changes that their families struggle to accommodate. In some cases, minor requests have been met with severe responses including dismissal. A casual basis for employment proved especially hazardous for some. *WorkChoices* is being enacted in an environment where a quarter of employees are employed on casual terms.

The findings of this study contradict the assertion that *WorkChoices* is resulting in more flexibility, certainty and productivity – from the point of view of these employees. Indeed, the evidence is strongly suggestive of greater managerial prerogative, more unfairness at work, loss of control over working time, weaker voice, lower unionisation and less capacity to negotiate.

Leave and Redundancy

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

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

Gender pay equity

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

Unionism

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

Remedies

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

The spillover effects of *WorkChoices*

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

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

What workers want: fairness at work

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

The women interviewed wanted certainty and security and for most this means protection from unfair or unreasonable termination and fair, predictable earnings. The need for fairness was a universal theme and this was linked to having an opportunity to be heard – whether it be about work processes or

organisation or in the face of employer dissatisfaction. For those who were dismissed, an opportunity to be able to set the record straight or speak in their own defence was very important.

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

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

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

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

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

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

Decent work, productive work

The federal Government's stated position is that all workers have the individual capacity to initiate change, negotiating or bargaining for the terms and conditions that suit them. However, what this study shows is that for many low paid women workers in minimum conditions sectors the capacity to effectively bargain is in fact a myth.

The federal Government also claims that the *WorkChoices* changes will lead to increased productivity. An employment relationship that is skewed towards unilateral employer and managerial discretion is antithetical to increased productivity, which research has consistently demonstrated needs to be built on trust, commitment and a positive organisational climate in which employees feel valued and recognised. Thus, over the medium to long term, the sorts of changes which individual interviewees in this study experienced, and about which they feel hurt and let down, are also a problem for businesses and employers. The *WorkChoices* changes do nothing to encourage good management or quality work.

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

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

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

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

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

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

RECOMMENDATIONS

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

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

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

Job security

We recommend that:

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

Working time

We recommend that:

2. Legislative prohibitions on award content, including in relation to forms of employment and hours of work, be removed.
3. That a right for employees to request changed working hours (including the number of hours, starting and finishing times and shift patterns, along with the right to return to full-time hours), be enshrined in legislation as a minimum standard. This law should require employers to reasonably consider such requests and enact appropriate enforcement machinery to ensure the right.
4. Penalties for non-payment of overtime be increased and publicised.

Pay and pay equity

We recommend that:

5. To overcome the uncertainties of the current minimum wage setting system, a regular guaranteed annual adjustment to the Australian minimum wage be introduced.
6. The Australian Fair Pay Commission explicitly consider the needs of women working in low pay jobs and pay equity in its deliberations.
7. The Australian Fair Pay Commission take more active steps to promulgate its decisions to ensure they are widely applied.
8. The Human Rights and Equal Opportunity Commission monitor the impact of *WorkChoices* on pay equity, both in terms of wages increases and trade offs.
9. Legislative provisions that make contracts of employment secret and that restrict the sharing and comparison of contract conditions be removed.
10. The Productivity Commission conduct an inquiry into the gender pay gap and the means to reduce it.
11. The federal Government increase research around pay equity in Australia to inform future steps to reduce the gender pay gap.

Information for employers and employees

We recommend that:

12. The federal Government require all employers to provide employees with a simple information sheet on the wages and conditions that apply in their employment, including the relevant industrial instrument on which these conditions are based, in an easily accessible format including for those whose first language is not English.
13. The minimum wage, the annual adjustments and the penalties for non-payment be set out clearly and accessibly for employees and employers. This information should be made available in a format that is easily understood and available to employees and employers in low paid sectors, including those whose first language is not English.
14. Information and advice be provided to employees and employers about negotiating rights and processes and further avenues of support and representation.
15. The federal Government continue to support independent, specialist advice and advocacy services for vulnerable workers.
16. The federal Government establish a Small Business Advocate to assist small business avoid and resolve cases of unfair dismissal, including by developing codes of practice.

Enforcement & redress

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

17. That the federal Government ensure that employees in low paid jobs are paid (at least) the mandated minimum wage by policing employer practices and enforcing the minimum wage in low paid jobs and sectors.
18. In order to address underpayment or non-payment of wages and the lack of understanding of the process of recouping unpaid wages, the federal Government ensure the provision of an accessible avenue that enables workers to claim outstanding pay in a timely, inexpensive and non-legalistic manner.
19. The federal industrial inspectorate be strengthened to enable timely investigation and prosecution, and random inspections, particularly of workplaces that employ low paid and vulnerable workers and that have 100 employees or less.
20. The federal grant to assist an employee to obtain legal advice be extended to include representation, whether by the same or a different legal practitioner.

Choice and voice

We recommend that:

21. Employment conditional on the signing of an Australian Workplace Agreement be prohibited.
22. The right of employers to impose Greenfield 'agreements' on employees be abolished.
23. Employees be given genuine rights to consultation and representation, to promote trust and commitment in the employment relationship.
24. Legislative barriers to and restrictions on union entry and collective bargaining be removed.
25. Any legislative or government funding requirements making it mandatory to offer an Australian Workplace Agreement in the advertising and hiring of employees be removed.

Specific recommendations for further research and monitoring

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

1. The federal Government commit to a five yearly comprehensive study of changes at work in Australia, repeating a modified version of the Australian Workplace Industrial Relations Survey (AWIRS) on a five yearly basis.
2. The federal Government and state governments complement the quantitative analysis of AWIRS with qualitative analysis of the effects of changes at work on sub-groups of workers, including young people, women, and other disadvantaged and vulnerable groups.
3. The federal Government explicitly monitor the wages and conditions of those working in the low paid feminised sectors of childcare, aged care, cleaning, retail and hospitality via the regular (at least annual) collection and analysis of detailed gender disaggregated data, both quantitative and qualitative.
4. The federal Government ensure the development of indicators suitable for monitoring the stated industrial goals of flexibility, simplicity and fairness and that data relevant to quantifying these indicators be provided by industry and occupation disaggregated by gender, age, cultural background.
5. The federal Government ensure that reporting on collective agreements and AWAs are systematically presented in their reports rather than added as discrete sections in highly aggregated form.
6. The Office of the Employment Advocate be required to produce annual reports on AWAs which report on an extended range of indicators including:
 - a. average hourly and weekly wage rates for employees in non-managerial and non-professional occupations;
 - b. provisions for the adjustment of wage rates during the life of the agreement;
 - c. compensatory wage payments for the absorption of penalty rates and/or other employment conditions;
 - d. the inclusion of non wage benefits such as bonus payments;
 - e. the incidence of trading off provisions, such as annual leave, for wage payments;
 - f. the incidence of averaging ordinary working hours across several weeks or months and common averaging periods used for this purpose;
 - g. ordinary working hours, including the incidence of ordinary working hours of more than forty per week;
 - h. the availability of flexible start and finish times and breaks;
 - i. developments or changes in the standards of family-friendly provisions such as access to paid family or parental leave;
 - j. the availability of other forms of leave such as annual leave, unpaid leave and long service leave;
 - k. access to family friendly employment benefits such as employer provided or subsidised childcare.
7. As a central point of lodgement for all Australian Workplace Agreements, the Office of the Employment Advocate establish and manage a comprehensive database that provides indicators from a census of agreements, overcoming the need to use unpublished sample data from the Australian Bureau of Statistics to report on key indicators such as wage movements in Australian Workplace Agreements.
8. Reporting formats by the Office of the Employment Advocate and the Department of Employment and Workplace Relations, be standardised to enable comparison of information between collective workplace agreements and Australian Workplace Agreements.
9. The designation of particular employment provisions as 'family friendly' is in particular need of a commonly understood working definition for the purpose of comparing conditions of employment between jurisdictions and forms of employment contract. This term is widely used

- but encompasses varying conditions of employment. It is recommended that this be addressed through a combination of literature review and qualitative data collection and analysis.
10. While earnings and conditions are clearly important, the development of working definitions of job quality would enable the identification of potentially useful indicators from existing data collections. In the first instance, this be addressed through a combination of literature review and qualitative data collection and analysis.
 11. The data on agreements and awards be available for independent research.
 12. The federal Government implement research to provide robust data as a basis of monitoring dismissal in Australia.

Summary: Women interviewed and main changes reported

Women interviewed	Australian Capital Territory
Janis, a cleaner, in the 45-54 age bracket, with children, working part-time.	Had to apply for her own job – after more than 30 years with the firm – when a new contractor took over. She refused to sign an AWA despite suffering considerable stress. Janis was also concerned about the wider impact of IR change. She had no doubt that competition was driving wages down and also affecting the quality of cleaning work. Clients deserved better – as did workers: ‘we shouldn’t have to apologise for wanting a proper wage’.
Marianne, a full-time clerical worker, in the 45-54 age bracket, with children; the sole-earner.	Had been sacked without notice by her employer – by email. Her boss, she reported, ‘just decided to lay me off because she was a very small firm under 100 employees’; all this without warning or explanation, right after the laws came in. Marianne – like others - was especially upset by the loss of independence that her new marginal status meant: ‘I want to be able to stand on my own two feet and support myself’.
Gillian, over 55, working in aged care, part-time; sole-earner; no dependant children.	An experienced and hard worker, Gillian was concerned about unilaterally imposed changes in work arrangements and work intensification: ‘I’ve always worked hard ... but the workload is heavier’. Lack of a say at work was the biggest change she reported along with ‘an atmosphere of fear’ and the rise of ‘dobbers’ as worried workers sought to curry favour.
Sonja, over 55, working in aged care, part-time; no dependant children.	After coming from Europe some years ago, Sonja was alarmed about the loss of penalty rates under <i>Work Choices</i> and changes to her working hours that cost her money. There was now no consultation, no information, especially for workers with poor English. She simply laughed in despair when asked if she could now approach her managers to talk about these things.
Chrissie, 25-44 age group, working in aged care, part-time; sole earner, with children.	Chrissie’s penalty rates had been cut after <i>Work Choices</i> came into effect and as the quality of care declined under cost pressures. Chrissie was a supervisor herself and very worried about workloads and about how clients as well as workers were suffering. She too was threatened with the sack and suffered stress. For her, the changed laws gave employers a free hand: ‘it sounds like they’re under their own law’.
Jo, casual kitchen hand, in the 18-24 age bracket, sole earner, no children.	Jo was another worker facing pressure to sign an AWA against her will. For three months thereafter, she was simply offered no work and finally went to another job – back on an award. For her, the story of <i>Work Choices</i> had been a simple one: in hospitality some employers were cost-cutting and taking advantage, especially when women lacked language skills and confidence.
Mel, full time child care worker, in the 18-24 age bracket, sole earner, dependent children.	Mel was sacked the very day that <i>Work Choices</i> came into effect. After some personality clashes but with no warning, ‘no reasons whatsoever’, she was fired. Questioned as to whether she could do this the boss replied, ‘watch me’. When she found a new job, home life was harder, especially in terms of looking after her kids, because of greater travel times.

<p>Donna, part time in aged care; in the 45-54 age bracket, no dependant children</p>	<p>Donna, an experienced worker, told us that ‘as soon as these laws came in’ management became more heavy handed. Work was not only harder – characterised by multi-tasking and staff cuts – but managers played ‘favourites’ in dealing with their workers. At least as worrying for Donna was that quality of care was now ‘below average’ as cost cutting became more pronounced. Why would no-one speak out? Fear and insecurity at work.</p>
<p>Kasey, full time child care worker; in the 18-24 age bracket; no children.</p>	<p>Faced with staff cuts and work pressure, what could be done under <i>WorkChoices</i>? Not much, Kasey’s union told her. Seemingly random dismissals upset staff, parents and children alike. Workers felt pressurised, care declined. All these managerial decisions were, in the workers’ minds, tied to the new laws but they had no redress, no voice.</p>
<p>Bonnie, 25-44 age group, transport, part time; dual earner household.</p>	<p>Working in buses, Bonnie found that after <i>WorkChoices</i> came into effect, there was a change in the attitude of her bosses that led her to worry about rosters, organising her time and the chances of getting a fair deal at work. She was mostly concerned, though, for others: ‘for a lot of other people they don’t have the safeguards that we have, so it makes it harder on them’.</p>
<p>Rose, 25-44 age group, transport, part-time; sole earner with children</p>	<p>In a long list of worries about how little say she now had in work arrangements and about how insecure jobs now felt, Rose was alarmed that the once central role of unions as a voice for workers was being undermined: ‘I don’t think there’s anything they can do in today’s society really. Under these new IR laws, you’re damned if you do and damned if you don’t’.</p>
<p>Debbie, 55+; sole earner; aged care.</p>	<p>Debbie lost her job when the new unfair dismissal laws became effective. Diagnosed with lung cancer on the Thursday before Easter, she rang in sick on the Tuesday. She told us that when she arrived at work on Wednesday the manager ‘sat me down and said that they no longer required me as I was too sick to work’. Although devastated and unsure about her future, she hadn’t lost her sense of humour: asked if there were things she had not liked about her job she replied ‘getting sacked’.</p>
<p>Sally, casual retail worker, 18-24 age group.</p>	<p>As a young retail worker, Sally was at sea with the changed laws and no attempts were made to help her understand her contract, let alone her rights. Changes in the management team exacerbated this – different contracts were offered, a ballot was organised that ran together the issues of changes in work organisation with the question of what sort of contract the employees would be under. Uncertainty as best, chaos at worst.</p>
<p>Louise, 25-44 age group, retail; full-time</p>	<p>After the new laws came in, Louise and her co-workers were handed a new bonus scheme. And in a similarly unilateral way, full-time staff were then told that they would have to work every second public holiday from now on, like it or not. ‘They just told us then and there and that’s what was going to happen and they’ve become quite strict about it.’</p>

Women interviewed	New South Wales
Penny, 25-34, process worker, no dependent children	Penny emigrated with her family from Vietnam and works as an assembler in a factory. Penny is employed under the relevant state award. After the commencement of <i>WorkChoices</i> , her employer unilaterally removed the 'Picnic Day' public holiday entitlement. Her paid overtime has been eliminated, even though she is required to work the same hours as previously.
Amanda, 18-25, call centre operator, no children.	Amanda applied for a call centre sales job. When she was given the job, Amanda was told that she would be offered an AWA but she was not given an opportunity to view the AWA until after she had started work. The AWA offered a fixed hourly rate of pay and did not include any penalty rates. When Amanda asked if she could be employed under the award, she was told that signing the AWA was a condition of employment.
Leanne, fast food worker, 35-44 years old, 5 dependent children	Leanne formerly managed a fast food outlet. She was dismissed from her employer, a company managing employment for over 50 employees across several franchises, without reason. Leanne considered herself a hard-working employee and her employer had never indicated otherwise. She had recently been giving additional responsibilities. The dismissal came as a complete shock to Leanne.
Nancy, Cleaner, 45-54, 2 dependent children	Nancy works as a cleaner. For five years she had been employed as a regular casual cleaner at a club. Soon after the commencement of <i>WorkChoices</i> , she and all the other cleaners were dismissed for 'operational requirements', as the management had decided to contract out the cleaning. After being dismissed, Nancy has taken on a job cleaning at a tourist facility. Here she is employed on an AWA and is experiencing many of the same problems that confronted her in the last months at the club: low pay, and an increase in managerial prerogative resulting in job intensification and unsafe working practices.
Trish, Clerical worker, 45-54	Trish had worked as a clerical worker for her employer for over 18 years. She was employed part-time on the award. She was told that she was being dismissed 'for operational reasons' and no other reason. She has not been able to find permanent work since.
Melanie, Child care worker, 18-25, pregnant	Melanie had been working as a childcare worker in regional New South Wales. She had been made permanent. After she became pregnant, she was dismissed without reason. She did not know if what had happened to her was legal. She has been unable to find other work and her relationship with her de facto husband is suffering.
Ivana, Retail worker, 18-25, permanent, no dependent children	Ivana works in a large retail store. Recently, rostering arrangements have changed, giving permanents much less control over their hours. Ivana has been pressured to work late at night, when it is unsafe for her to travel home, and on Sundays, when she would prefer to go to church.

Jodie, childcare worker, 34-44	Jodie was an experienced childcare worker. Her employers announced at a staff meeting that because of the new laws, everyone would have to sign a new workplace agreement. After Jodie challenged what had been said and pointed out that workers could remain on the award if they wished, she was sacked. She has since found work in another centre with a union agreement.
Gina, hospitality worker, casual, 25-34, single mother, 4 children	Gina's employer is exerting pressure on its casual employees to convert to permanent part-time. Gina would prefer to stay as a casual employee, because she depends on the loading to make up her income and also because the part-time arrangements do not give her control over the number of hours or shifts worked.
Maria & Sophia, 55+ manufacturing workers	Maria and Sophia have worked for their employer for over 20 years. The employer no longer has enough work, and Maria and Sophia have accrued redundancy entitlements under their enterprise agreement. Their employer is waiting for their enterprise agreement to expire and hopes to avoid paying redundancy.
Jan, childcare worker, permanent part-time, 34-44, 3 dependent children	Jan worked part-time at a childcare centre. After <i>WorkChoices</i> her employer unilaterally cut her hours and would change shifts at short notice. Jane became very stressed and after becoming ill, Jan resigned.
Kate, Manufacturing worker, 25-34, 2 dependent children	After <i>WorkChoices</i> commenced, Kate's employer removed shift loadings. The employer is now refusing to negotiate a new agreement.
Amber, process worker, 34-44, 2 children, 1-5 years of service.	Amber was dismissed after not turning up to work because of illness. The dismissal has created immense financial hardship. Her gas and electricity were about to be cut off and she had taken a loan from Centrelink. The 2006 minimum wage increase had not been passed on to Amber. She is pursuing an unlawful dismissal application.
Iris, process worker, 34-44	Iris was a full-time worker but has recently had her hours cut unilaterally by her employer from 38 to 30.
Celine, process worker, 45-54	Celine works as an assembler and has experienced a number of problems at work. Her employer only pays employees irregularly. Her employer refused to pay her one day's sick leave after she could not produce a certificate. Her employer feels he can act beyond the law.
Lois, process worker, 34-44	Lois works as an assembler. Her employer has removed overtime pay and stands people down when they make mistakes. Recently, the employer has removed chairs from the work area and makes them stand all day. He has threatened employees who join a union.
Helena, process worker, 45-54	Helena works as a machinist in a small factory. She is paid less than the minimum casual hourly rate and does not receive sick pay or holiday pay. Since <i>WorkChoices</i> commenced, she has lost overtime penalties and breaks during shifts. Her employer will not even allow her to go to the toilet.

Sunny, process worker, 45-54	Sunny has worked in her current job as a process worker for over 5 years. She has not had a pay rise since her business was sold to another operator two years ago. As a non-English speaker, she is too scared and doesn't know how to ask for a pay increase.
Su, Cleaner, 45-54	Su works as a cleaner. She suspects she is underpaid and is worried about speaking out. She is worried she will not be able to get another job because of her age and non-English speaking background.
Rochelle, Retail worker, 18-25, casual	Rochelle had been working for a retail store. Rochelle was encouraged to sign an AWA that removed casual loading and shift penalties in exchange for extra hours. The extra hours did not make up for the lost penalties. Those employees that did not sign on were not given shifts.
Laura, Retail, 18-25, casual	Laura had just started work in a small retail store. Laura was paid less than the award rate. Even though Laura suspected it was less than the award rate, she chose not to complain for fear of punishment.
Natalie, 34-44, permanent, clerical worker, 3 dependent children	Natalie worked in the financial sector. She had taken leave to care for a child who was hospitalised, affecting her sales levels. A week before her 12 month probation period expired, Natalie was dismissed. Natalie is pursuing an unlawful dismissal application. In the meantime, she is looking for temporary work.
Ayumi, 34-44, clerical worker	Ayumi was offered a six-month fixed-term position in a large financial services organisation. After two weeks, she was dismissed for 'operational reasons'. She has been offered other temporary work in another department, but there is not enough hours to support herself.
Bernadette, childcare workers, 55 years	Bernadette believes she was targeted following her union activity in negotiating a collective agreement. Her duties were changed without training and workload increased. She was then dismissed.

Women interviewed	Queensland
Maria, aged care, 4 years in her casual job. Sole parent with teenage children	<p>Manager told M that <i>WorkChoices</i> required her to provide details about nature of illness causing her work absence thus using <i>WorkChoices</i> ‘illegally’ to get personal information.</p> <p>M dismissed without warning or notice after questioning a decision by management. She has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees.</p>
Lorraine, full-time perm’t in a tourism-related business, mid-40s, supporting a family of four.	<p>L’s employer demanded that she change from permanent to casual status on a lower rate of pay. He insisted the change was for business reasons but the demand was made soon after L had reduced her work hours for health reasons. L refused her employer’s demand and resigned but has no right to seek a remedy to unfair dismissal as her employer has under 100 employees. L considered pursuing an unlawful termination claim on the basis of discrimination but did believe she could do this without paying for legal support that she could not afford.</p>
Dianne, mid 40’s part-time cleaner/ housekeeper	<p>D. was employed part-time but, for weeks, had been working full-time for 7 or 8 days straight with one day off in between because her new manager would not employ anyone else to work with her in a role that required more than 1 part-timer. She had complained about not receiving penalty rates for public holidays and requested 4 days’ off when her manager accused her of inappropriate behaviour and dismissed her without warning or notice.</p>
Fran, part-time cleaner, in her 50s	<p>F’s employer pays award rates but is under pressure to cut costs. The company recently lost some contracts to another company that has introduced AWAs with reduced pay rates. F. believes this is the cause of the work intensification she and her colleagues have experienced over the last few months.</p>
Christa, mid 20s, full-time retail, in her job for 3 years.	<p>C. arrived at work to be told her work had been observed for the last few days and her employment was being terminated. C. had never been given any negative feedback about her performance. She was escorted from the building. She has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees (the business has 60 employees) .</p>
Karen, aged 50+, casual hospitality for 3 years, family breadwinner	<p>An employee workplace agreement (collective non-union agreement) was introduced at K’s workplace in a process which did not allow genuine input from casual employees who lost penalty rates as a result of the arrangements.</p>
Emily, 1½ yrs f/t hotel receptionist, in her 20s	<p>E was dismissed without warning, reason or notice. E. has no right to seek a remedy to unfair dismissal because her employer has only 30+ employees.</p>

Maureen, aged care, aged in her 50s.	M. is a workplace union representative. Her employer is pressuring workers to do extra work without overtime pay and employees are afraid of standing up for their rights. While some of this occurred prior to the recent IR changes, M believes the legislation has made it much worse.
Julie, clerical, manufacturing, in her 20s	J was told her position was being 'made redundant'. She was given no reason and escorted from the workplace. She has no right to seek a remedy to unfair dismissal because she had been employed for one week under 6 months.
Sarina, retail sales, 5+yrs, aged in her 50s	S believes she was forced to resign. Her manager threatened her with dismissal because she continued to see an ex-employee socially. S has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees.
Annalise, retail sales, in her early 30s	A's employment was terminated several months into her pregnancy. She was told by her employer he did not have to give her a reason because he had fewer than 100 employees. A successfully pursued compensation for an unlawful termination.
Irene, clerical worker, in her 50s	I. was dismissed a day after questioning processes at work. Her manager had recently given her extremely positive feedback about her performance. Her employer has only 25-30 employees so she is not able to seek a remedy for unfair dismissal.
Lindsay, in her 20s, casual retail sales.	AWAs were introduced in L's workplace cutting penalty rates out, thereby reducing many employees' wages on weekends and public holidays. Casuals were told that if they did not sign an AWA they risked getting fewer shifts. This has happened to L who was one of a few workers who did not sign an AWA.
Sharon, late 40s, clerical, 1 ½ years	S. was dismissed. She made many attempts to find out why her employment had been terminated but she was told 'we don't need to give you a reason any more'. She is unable to pursue an unfair dismissal claim because her employer has fewer than 100 employees.
Wendy, aged care, 5 years, in her 40s, sole earner in her household	W. was dismissed following allegations against her that were never substantiated. She believes she was dismissed for advocating on behalf of residents. She wants to clear her name and is worried she may not get another job if she cannot do this. She has been advised she has no right to seek a remedy for unfair dismissal if her employer does not have 100+ employees. This is under investigation.
Georgie, early 30s, clerical	G. had been working extremely long hours to get her job done and she was told she was doing a 'great job'. She was dismissed after suggesting some changes to the work process and telling her manager she was exhausted from overwork. She had been with her employer for less than 6 months so had no right to seek a remedy to unfair dismissal.
Bette, 40+, clerical, 2 years, supporting her family	B. was dismissed for 'insubordination' after questioning her manager's demand that she provide him with a medical certificate she did not believe she was required to provide. Her employer has about 40 employees so she is not able to seek a remedy for unfair dismissal

<p>Kira, in her 20s, receptionist, married, 2 children</p>	<p>Several months into her pregnancy, K agreed to change her employment status to casual under pressure from her manager who said, under the new laws, she would have to change if he insisted. Several months after having her baby K sought to return to work. Her employer she said there was no job as she was casual. She is thinking she may pursue an unlawful termination claim.</p>
<p>Lou, part-time reception, retail, 5+ yrs, married, 2 young children</p>	<p>L was told she was 'redundant' but given no other information about why her employment was being terminated. She was advised (she thinks by a government agency) that if she pursued an unfair dismissal claim her employer would probably cite 'operational reasons'. She is now just managing in a new full-time job that is much further away from home. She thinks she will not be able to find part-time work with regular hours.</p>
<p>Nicola, community services worker, aged in her 40s</p>	<p>N. was dismissed without reason or warning from her job in a remote community. She thought she had been performing well. One day, her manager lost her temper and dismissed Nicola. As it was one week before her probation period finished she had no right to seek a remedy to unfair dismissal.</p>

Women Interviewed	South Australia
Sue, 24, casual production assistant on an individual contract.	After a probationary period S attempted to negotiate a full time contract with improved conditions, but felt she had no choice but to accept a contract that cut her income without matching compensation.
Anne, 57, receptionist/hospitality worker on an AWA. With a disability from a previous work injury her job options are limited.	AWA was extended without her knowledge or consent. It does not provide for a pay increase over its 3-year term and the rate of pay is lower than that paid to other workers doing the same job. When A queried the difference she was reprimanded as AWAs were secret.
Maggie, 52, marketing manger for a firm with less than 101 employees.	Was bullied and intimidated into resigning. Prior to <i>WorkChoices</i> M would have had a clear case of constructive dismissal. She now has no remedy.
Michelle, 58, sewing instructor for a small profitable retail outlet for 6¾ years on conditions matching an award.	When M refused to change her employment arrangement to an employer proposed self employed contract, which shifted costs onto herself, gave no security of income and reduced conditions for doing the same work, she was dismissed. She no longer has a remedy for dismissal. The proposed contract/dismissal enabled her employer to avoid long service leave obligations.
Sara, 23, sales assistant for 5 years for firm employing less than 101. Has an impairment restricting some work options.	Employer's attitude to taking sick leave entitlements changed with downturn in business and <i>WorkChoices</i> . Threatened with dismissal on spurious and unfair grounds. Resigned rather than be dismissed, with no redress for constructive dismissal. Unable to proceed with house purchase with loss of job.
Elizabeth, 24, retail worker.	Dismissed for misconduct, which E strongly denied. No opportunity to defend herself. Dismissal linked to change of company policy on length of employment of staff and the introduction of <i>WorkChoices</i> .
Kate, 58, worked 14½ years as clerk.	Moved to an AWA and later retrenched. Under the previous award K would have been able to contest her selection for retrenchment.
Mary, 42, receptionist of 6½ years for facility employing less than 101.	Resigned rather than be dismissed for misconduct, which M strongly denied. Independent advice was she would have had a very strong case for constructive dismissal, a remedy now denied. Suffered ill health as a result of allegation and lack opportunity to contest it. Hasn't been employed since.
Deborah, 38, community worker, 4 years with community employer.	With <i>WorkChoices</i> lost award connection and subsequent wage flow-ons and allowances. Staff are attempting to negotiate a new collective agreement, but on their own it is very slow, divisive and frustrating.
Lily, 31, sales manager for company employing less than 101.	Treated less favorably on return from maternity leave. L was finally made redundant. Very difficult to prove discrimination on the basis of pregnancy or parenting responsibilities. She was informed that due to <i>WorkChoices</i> she was entitled to 2 rather than 6 weeks redundancy pay
Shannon, 43, hospitality worker for establishment employing less than 101. Sole parent of 2 primary school aged children.	S was dismissed over the phone when she refused to commence a shift after working continuously from 5.30pm to 6.30am and only a subsequent 3½-hour break. She had no remedy for unfair dismissal. She had shifted her country location to get the job.
Ruby, 33, secretary for 5 years. Sole parent of young child.	Was dismissed for refusing to change from part-time to full-time. R could not find sufficient after school care and in any case does not want to have her child in long hours of care every day. She feels under additional pressure from Welfare to Work requirements.

Wendy, 18, sales assistant for 2½ years for large retail company. Work provides essential income for living and her studies.	Since <i>WorkChoices</i> breaks have been removed, scheduled pay increases delayed and jobs changed. Erratic, unilateral changes are being made to her working hours. W may have to choose between work and study.
Frances, 24, pharmacy asisstant for firm employing less than 101.	Following change of franchise and <i>WorkChoices</i> , F's rate was cut without consultation. She tried to negotiate but was told that if she didn't like it she could leave. She was afraid of dismissal.
Carol, 41, community worker with 2 dependent children	C's contract was told her contract would not be renewed after she 'blew the whistle' on malpractice by a supervisor. C was bullied by the person she accused and previous health conditions were exacerbated. Her marriage broke down under the strain of the problems at work and then loss of income.
Jane, 53, aged care nurse for private facility employing less than 101.	J was instantly dismissed for alleged malpractice, which she strongly denies. She traces her close monitoring and final dismissal to her union involvement. She was advised that she has no remedy for her dismissal, which also threatens further employment in her industry.
Ellen, 30, check-out operator for 8 years with a large retail company.	Since <i>WorkChoices</i> E's breaks have been removed or reduced, oh& s procedures have become lax, and the hours of fellow employees have lessened and become more uncertain. She is afraid for the future. She is looking for a better job, but in her sector most new jobs are on AWAs and with even less security.
Rebecca, 35, aged care attendant for over 3 years in a facility employing less than 101 in a country location.	R was dismissed with no remedy following an incident with a resident and after she had worked 7 shifts, late and early, without a break. She was advised that prior to <i>WorkChoices</i> she would have had a strong unfair dismissal claim, especially as she continued to be rostered on after the incident, and as dismissal occurred when she called the union for assistance. R was suicidal after her dismissal from work and residents that she loved. She lost her house and has shifted towns to get another job.

Women Interviewed	Victoria
Mary, 60+ year old community service sector worker.	Permanent part-time hours cut in half. Position description changed. Threat of AWAs, 'Climate of fear'
Melanie, 22 year old hospitality industry worker	Dismissed without warning after an order was 'mucked up' by another worker. No recourse to constructive dismissal claim because < 101 employees.
Jan, 50+ year old retail worker	Dismissal without warning after raising issue about stock. No recourse to constructive dismissal claim because < 101 employees.
Deanna, 35 year old health services worker	Dismissal without warning after requesting part time arrangement be adhered to. No recourse to unfair dismissal claim because < 101 employees.
Maryanne, 45 year old retail industry worker	Resigned after bullying and abuse by owner increased post <i>WorkChoices</i> .
Kate, 26 year old hospitality industry worker	Dismissed without warning. No recourse to unfair dismissal claim because < 101 employees.
Tess, 30 year old+ community services industry worker	Change in climate. Less accommodation of her disability and increased job insecurity because of disability.
Grazia, 45 year old+ cleaner	Had a workplace injury, union not allowed on site till written permission finally given. Led to difficulties negotiating an appropriate return to work.
Maria, 50 year old childcare industry worker	Unilateral rostering changes threatened, despite provision in EBA for mutual agreement.
Annette, 55 year old aged care industry worker.	Change in climate. Threatened with instant dismissal after raising concerns in staff meeting.
Liz, 48 year old retail industry worker.	Unilateral removal of annual leave 17.5% loading.
Lilly, 50 year + old aged care industry worker	Climate change. Manager refuses to intervene in dispute with co-worker. Asked to breach OH & S regulations
Annie, 36 year old retail industry worker	Dismissed without warning after raising issue of underpayment of award wages and conditions. No recourse to constructive dismissal claim because < 101 employees.
Stephanie, 60+ year old community services sector worker	Dismissed without warning, after 16 years with agency. No recourse to unfair dismissal claim because < 101 employees.
Kylie, 15 year old retail worker.	Dismissed without warning, despite good feedback about performance. No recourse to unfair dismissal claim because < 101 employees.
Helen, 30 year old childcare industry worker	Dismissed without warning when tried to negotiate workload and responsibilities as part of new individual contract No recourse to unfair dismissal claim because < 101 employees.
Jodie, 22 year old retail industry worker	AWAs introduced with no negotiation. After company backed down penalised with cut in hours.
Emily, 21 year old hospitality industry worker	Dismissed without warning after her same sex partner dropped her off at work. No recourse to unfair dismissal claim because < 101 employees.
Lynette, 50+ year old retail worker	Resigned after her hours were cut and another person was employed to undertake the work on a lower rate of pay. No recourse to constructive dismissal claim because < 101 employees.

Adriana, 28 year old retail worker	Employer reduced her hours from full-time to part-time at the end of her probation period. She has no access to unfair dismissal because < 101 employees.
Christine, 48 year old aged care industry worker.	Negotiation of new Union EBA halted and AWAs introduced with loss of conditions
Amanda, 36 year old community services industry worker.	Colleague was dismissed without warning with serious negative impacts on clients & workplace. Colleague had no recourse to an unfair dismissal claim because < 101 employees.
Kath, 50 year old retail worker	New contract makes her a contractor & places greater demands on her. Told by supervisor this is allowed under WorkChoices.
Maggie, 48 year-old hospitality worker.	Dismissed following repeated requests that her manager address bullying behaviour by a colleague. No recourse to constructive dismissal claim because < 101 employees.

Women interviewed	Western Australia
Amy, in her 30s, currently a student but recently working as a part-time sales assistant in the retail sector.	Experienced difficulties finding appropriate shifts/work schedule following illness which reduced capacity to work full-time hours.
Barb, in her 50s, works part-time in the hospitality sector.	Barb was offered a workplace agreement but opted to remain employed under an award. She feels that her employer is treating AWAs as a “big stick” and has sought advice from State government department about her rights at work.
Carol, in her 40s, works on a part-time basis in the hospitality sector.	There have been questions of underpayment of wages that have been difficult to resolve due to complex management/supervisory structure. Carol has also had trouble with her hours of work being reduced so that she no longer has a viable job with her current employer.
Dana, in her 20s, works part-time in a clerical/administrative position in the health sector.	Dana left her previous employment when she was dismissed after raising a complaint about harassment at work.
Edith, in her early 60s, works on a casual basis in the hospitality sector.	Edith was recently dismissed from her job following a change in management. She had been employed with that organisation for 18 years. Edith sought a legal remedy for her previous dismissal in which the new owners cited “operational reasons” for her dismissal. She claims that these reasons were not given at the actual time of her dismissal.
Ellen, aged 29 works full time in the hospitality sector.	Ellen has been working under an AWA since 2003 which she feels she signed under duress. She is seeking a remedy for underpayment of wages and claims that her employer made false statements to the about the no disadvantage test when filing the agreement.
Fran in her early 20s, works full-time in the retail sector.	Fran’s key concern is the increasing number of duties she has at work. Fran is employed under an AWA. After accepting her current position at one wage classification it was later regraded to a lower paid classification because she had no supervisory duties. Now she is increasingly called upon to supervise other staff but there has been no reclassification to the higher wage rate.
Gabby, in her 30s, works as a casual cleaner in the accommodation sector.	The key concern is a perceived lack of flexibility with the working hour requirements of the <i>Welfare to Work</i> provisions. Gabby feels she is well treated by her employer. However, she is planning to change jobs because of concerns with her hours of work and the difficulties of finding a roster that suits her family responsibilities.
Hettie, in her early 60s, works full-time in a specialised retail organisation.	Hettie left her last job because of an increasing demand that she engage in a wider range of duties, including heavy lifting. She received medical advice that heavy lifting would exacerbate an existing medical condition. When she raised the issue at work, she was asked “What, are you getting past it?”
Jane, in her 30s, works on a casual basis as an aged care worker.	Jane enjoys her work but has challenges finding work hours that accommodate her employer’s requirements, her household responsibilities and the provisions of the <i>Welfare to Work</i> regulations.

Jenny, in her 30s, works in a clerical position in a relatively male dominated industry sector.	Jenny would like to negotiate a pay rise but has been told this is not possible at a stage when the organisation is attempting to sell off part of the company. So far this process has been ongoing for 9 months.
Keeley, in her 20s, works full time in the child care sector.	Questions exist about underpayment of wages. Work intensification and the capacity to adequately meet the requirements of the job were also significant concerns.
Liz, in her 20s, works on a casual basis in the hospitality sector.	Liz enjoys her work but has concerns about management practices such as rostering of hours and lack of support for staff when implementing the organisation's policies.
Mandy, in her 40s, works on a casual basis in the aged care sector.	Mandy's main concerns involve her attempts to balance working hours with her family's needs and CentreLink requirements.
Nina, in her 40s, works on a part time basis in the aged care sector.	A key concern is the prospect that Nina's workplace may be bought by another company that typically utilises AWAs. Nina has some concerns about the implications for working conditions for employees at her workplace.
Olivia, works part-time in the aged care sector.	Work intensification and short staffing cause concerns with the capacity to provide care to clients.
Petra, in her 50s, works on casual basis in a specialist retail/service role.	A constraint for Petra is the way her wages interact with her disability pension entitlements.
Ruth, in her early 60s, works on a casual basis in the hospitality sector.	Ruth has had concerns about safety practices at work and with repercussions from seeking union advice/action.
Sue, in her 30s, works in the child care sector.	Sue's hours of work and employment conditions changed so that it became difficult to reconcile her work and household responsibilities. She resigned from her position because she feared being sacked under the provisions of <i>WorkChoices</i> .
Tammy, works in an administrative position in a specialist sales/service firm.	The need to become progressively more confident when negotiating employment conditions under AWAs was a key point in Tammy's discussion.

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