

# **Tipping the scales: A qualitative study of the impact of Work Choices on women in low-paid employment in Queensland**

Report to the Queensland Department of Employment and  
Industrial Relations

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# Executive Summary

## About the research

This report presents the findings of a qualitative assessment of the impact of changes in national work regulation on women in low-paid employment in Queensland.

Following the introduction of the 'Work Choices' legislation in March 2006 Australia's industrial relations regulatory regime has changed significantly. The full impact of these changes will not be seen for some time although there is already some quantitative and anecdotal evidence that the most vulnerable workers are experiencing negative impacts. Women, over-represented in low-waged employment and heavily reliant on the former award system, are likely to be among those most adversely affected.

The rationale for this research was to investigate in-depth the ways in which the introduction of Work Choices is changing employment for women in low-paid work and the impacts these changes are having. Our intention was not to ask how many women have been affected by the Work Choices changes, rather it was to listen to what women who had been affected had to say about their experiences. Through this process we explored why and how the changes take effect in workplaces and the impacts they have on individual workers, workplaces and the broader community.

Five occupational sectors were identified as 'minimum conditions' sectors (WiSER 2006) and the research focussed on the experiences of women in those five sectors (child-care, cleaning, retail sales, cafés and restaurants, aged care) and on women in low-paid clerical work. A variety of organisations assisted us to recruit our research participants. The 20 women were aged from 19 to 59 years and came from regional and metropolitan areas across Queensland.

## Changes at work

The changes experienced by the women were in one or more of the following areas: standards (such as income and hours); work processes (including work intensification); security (including job loss and changes from permanent to casual status); managerial prerogative (including scope for negotiation and discussion); and access to unions. The majority of the 20 women had lost their jobs, most of them as a result of dismissal, most with no access to unfair dismissal laws under Work Choices due to their employer having 100 or fewer employees. A few women experienced change at work as a direct result of new Work Choices workplace agreements.

All but two of the 20 women experienced reductions in their income as a result of changes linked to Work Choices. For two these were due to new workplace agreements which changed pay rates. Two other women lost income as a result of having their employment status changed from permanent to casual. One woman's employer just stopped paying the award penalty rates she was entitled to. In one workplace employees lost income as they succumbed to new pressures not to claim overtime rates. Sixteen women lost income as a result of job loss, through dismissal or forced resignation. Seven women who lost their jobs found other employment but only three maintained or increased their income. Women commonly reported that they were owed money following their termination, often their last pay as well as outstanding leave payments. Two women were being paid less than the Federal Minimum Wage.

Changes to working hours linked to the introduction of WorkChoices included not enough and too many hours. One woman was offered fewer shifts after refusing to sign an AWA. Several women who were dismissed without any right to access unfair dismissal laws had recently complained to their employers about overwork, very long hours and/or unpaid overtime.

Changes in other conditions following the introduction of Work Choices were most commonly experienced as increased demands to work longer and harder. Rather than formal arrangements changing their conditions, women were likely to experience increased pressures not to make use of the conditions they had. Most women accepted increased work demands and saw resistance as a much riskier path under Work Choices than it might previously have been.

Fourteen women had their employment terminated and another two were forced to resign. Some of them were dismissed without being given a reason, warning, notice or chance to respond. For others there was a clear train of events leading to the dismissal: in some cases it was the woman's questioning of work processes; in others it was a request or complaint about overwork or a refusal to agree to unreasonable demands or directions. Three women eventually lost their jobs as a result of what appears to be illegal discrimination.

Most of those who were dismissed worked for an employer with fewer than 100 employees so they no longer had a right to access unfair dismissal laws. Some women's employers had made it known that under Work Choices unfair dismissal laws no longer applied to their workplace. Other women reported that their managers made it clear at the time of the dismissal that they were aware of the Work Choices changes.

Changes in the workplace climate whereby there was less tolerance of questioning, less preparedness to negotiate, and less interest in trying to meet employees' needs or listen to their concerns were experienced by many women. No-one told us of a successful negotiation. Six of the women who were dismissed without access to unfair dismissal laws believe they lost their jobs *because* they had spoken up about conditions or attempted to negotiate changes to work processes.

There was little or no union presence in most of the workplaces of the women we interviewed and only two of the twenty women were union members. In the few workplaces where unions had a presence women were not optimistic about their ability to continue to represent workers under Work Choices.

While almost all of the women had little or no idea of what if any rights they had, they believed they had been treated unfairly and sought advice because of this. Among the 16 women who lost their jobs there were four who may have a right to access a remedy for unlawful dismissal or termination on the basis of family responsibilities, absence due to illness or pregnancy. Only one of these women was aware she may have had such a right when she first sought advice.

The complexity of the system generated frustration and confusion. Women reported spending hours and even days investigating their options and many called several advisory services before they were satisfied they had adequate information.

For women who did think they may be able to access a remedy the disincentives for taking action appeared to be first, the belief that it was likely to be difficult and expensive, and second, that there was little point as it would not provide compensation or 'justice'. Of the three or four women who no longer had a right to seek a remedy for unfair dismissal under Work Choices, but who may have been able to pursue a claim of unlawful termination, only one did so.

## The effects of the changes

All but two of the 20 women experienced reductions in their incomes as a result of changes to their employment arrangements made legally or illegally since the introduction of Work Choices and/or as a result of losing their jobs without any access to unfair dismissal laws. All were dependent on their incomes for basic living expenses. The loss of income following women's job loss was having a severe impact on some households' finances, including on the ability to pay for food, housing, utilities and other essentials such as children's school materials.

Several women spoke of fear and uncertainty in the workplace preventing workers from speaking up in case the consequences were victimisation or job loss. Fear, uncertainty and loss of self-esteem were also experienced by many women who no longer had their jobs. Loss of power was felt most keenly by women who were dismissed without a reason or without an opportunity to respond. Loss of trust and motivation at work were also felt by many women and some expressed a sense of disappointment and sadness that their hard work was not valued.

Finding another job was hard for most of the women who lost their jobs. Among the older women few had formal post-school qualifications and some expressed concern about age discrimination and about lack of full-time on-going jobs. The loss of self-esteem experienced by some women also made finding another job difficult. Without the right to seek a remedy to unfair dismissal women were also unsure about how they would deal with the blemish on their employment records. Women in small communities faced a range of additional problems after job loss.

Disruptions to the arrangements women had in place to enable them to combine their paid work and family responsibilities occurred with the introduction of new agreements, increased demands, less tolerance and as a result of job loss. Many women lost the regular and predictable working hours they relied on to enable them to engage in paid work and support themselves and others.

Two women spoke about negative effects of their dismissals on the clients of the services in which they had worked. Both were concerned for the people they had worked with and felt there had been no consideration of their needs. Several other women expressed concerns that the broader effects of the Work Choices changes would be a deterioration of relationships between workers and employers and the loss of a sense of a 'fair go' in Australian society.

The women told us they wanted certainty and security and for most this was about having regulations preventing unfair or unreasonable termination. 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.

Most women were fairly clear that they were not in a position to negotiate directly with their employers and would not be unless they had some 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.

## Overview and discussion of findings

The women's experiences show that the current system is failing to provide an adequate safety net for all workers and contributing to the erosion of employment standards. They also show that, rather than promoting workplace negotiation and bargaining, the changes have had the opposite

effect: they have diminished employees' capacity to bargain and removed their right to fair treatment by their employers.

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 Work Choices. 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 impact on workplaces and work practices appears to be significant. In some workplaces the Work Choices changes, particularly the loss of unfair dismissal, may be used by 'bad' employers to justify unethical or even illegal practices, or at the very least is allowing these practices to go unchecked. More generally it seems they may be contributing to the normalisation of poor practices among a larger 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 the women in this study. In some cases failure to pass on minimum wage increases and the removal of award penalties without registering the required workplace agreements may have occurred due to a lack of knowledge on the part of employers. There is 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.

These research findings show that 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. It appears more likely that there have been productivity losses through reducing workplace participation and the silencing of workers who have become fearful and insecure.

The impacts of the loss of unfair dismissal rights on individuals are considerable as are the impacts on households and families. The sense of powerlessness and loss of self esteem many women feel in turn impacts on their relationships, their health and on their ability to get another job. Women in the sectors of the labour market considered in this study do not find it easy to find work that pays an adequate income, can be managed with family responsibilities, and has regular and predictable hours.

The women interviewed for this study experienced the current system as unfair and unbalanced. They wanted employment regulations which enable genuine negotiation and representation, they wanted protection from unfair dismissal, access to remedies for unfair treatment and more easily accessible information and advice.

## Recommendations

Recognising the reduced scope for the Queensland Government's direct regulation of industrial relations it is crucial that the findings of this report be raised with the federal government. We recommend that:

1. the Government bring the findings of this report to the attention of the federal government as a matter of urgency.

In the period between commencement of this research commencing and this report of its findings, the Government has responded to the recommendations of the Queensland Industrial Relations Commission Inquiry into the Impact of Work Choices on Queensland Workplaces, Employees and Employers with several initiatives including the establishment of an ombudsman's office to promote fair work practices. Our findings provide further evidence that these initiatives are sorely needed and indicate some matters should be given priority by this office. We recommend that:

2. the Queensland Workplace Rights Ombudsman place a high priority on the implementation of the following recommendations of the QIRC Inquiry:

QIRC Recommendation 13: The statutory body conduct a public information campaign which informs and educate employees and employers as to their rights under appropriate legislation and in the workplace.

QIRC Recommendation 15: The statutory body regularly monitors the employment conditions of those vulnerable groups of workers identified in this report.

The findings of this research show that, without ready access to free professional assistance and representation, women are reluctant to take up their rights to remedies under the current system. We therefore recommend that:

3. the Queensland Workplace Rights Office establish a referral process for workers making complaints to appropriate organisations, and
4. the Government continue to support the provision of free legal advice and advocacy services for low-paid and vulnerable workers through services including the Queensland Working Women's Service and the Young Workers Advisory Service.

The findings of this study highlight the importance of minimum labour standards for women and other low-paid workers. Recent research has shown that state governments can improve labour standards in the private sector through innovative responses using public procurement (Howe and Landau 2006), and the Queensland Government has taken several initiatives in this area including the general provisions relating to industrial relations and occupational health and safety in the State Purchasing Policy and the codes of conduct for the building and construction industry and for outworkers. A review of the State Purchasing Policy currently underway recommends amendments to strengthen requirements for fair treatment of employees. Based on our findings we recommend that:

5. the Government investigate the scope for developing codes of practice or other mechanisms for encouraging fair treatment of employees and adherence to labour standards by private sector employers in the contract cleaning, retail, aged and community care and hospitality sectors.

# Introduction

## Summary

Following the introduction of the 'Work Choices' legislation in March 2006 Australia's industrial relations regulatory regime has changed significantly.

The full impact of these changes will not be seen for some time although there is already some quantitative and anecdotal evidence that the most vulnerable workers are experiencing negative impacts. Women, over-represented in low-waged employment and heavily reliant on the former award system, are likely to be among those most adversely affected.

The rationale for this research was to investigate in-depth the ways the introduction of Work Choices is changing employment for women in low-paid work and the impacts these changes are having on individuals, their workplaces, families and communities.

This report presents the findings of a qualitative assessment of the impact of changes in national work regulation on women in low-paid employment in Queensland.

## Origins of the study

The regime known as Work Choices came into being in late March 2006 as a result of amendments to the federal workplace relations laws in late 2005, changing significantly the legal framework for employment relations in Australia. The changes have been described as representing 'a major turning point in the regulatory framework for industrial relations in Australia' (QIRC 2007b: 13) and as an 'avalanche' which 'shook our federal and State labour law systems to their very foundations' (McCallum 2007: 437). The federal government used its corporations power under the constitution to bring the employment relations of all trading corporations under the Work Choices federal regulation, affecting at least 75 per cent of the Australian workforce (McCallum 2007: 438). Under the changes the Australian Industrial Relations Commission (AIRC) is no longer able to make awards, set the minimum wage nor hold test cases to set new standards for conditions such as maternity leave or redundancy pay. Employees are no longer able to seek redress for unfair dismissal unless their employer employs more than 100 employees. The legislation places individual agreements above collective workplace agreements (McCallum 2007: 439). Workplace agreements no longer have to meet a broad 'no disadvantage' test, instead they must not undercut the new fair pay and conditions standard that contains only five minimum conditions. Wage setting has been moved to the new Australian Fair Pay Commission and the new wage setting parameters no longer include consideration of fairness.

Prior to the introduction of Work Choices academic analysts and others expressed concerns about the likely impact of the changes on particular groups of women and men who experience disadvantage in the labour market including low-paid workers, young people, carers, employees with casual status, and workers in small workplaces and workers with relatively little workplace power (see for example Briggs 2005, Group of 151 Australian Industrial Relations, Labour Market, and Legal Academics, Mangan 2005). Concerns were also expressed that the changes would have adverse impacts on women including as a result of changes to the institutional framework which has been a critical determinant of gender equity outcomes (see for example Whitehouse 2006) and through undermining general standards on work and family (see for example Edgar 2005, Pocock 2005). In Queensland the Government has responded specifically to concerns about gender pay

equity under Work Choices by establishing a pay equity inquiry which is examining the impact of the federal government's Work Choices amendments on gender inequity in pay.

Concern by women's organisations, academics and the Human Rights and Equal Opportunity Commission (HREOC) about the impact of the Work Choices changes on women led to the development of a proposal for a research project the first part of which was funded by HREOC and conducted in 2006. In the first stage, Women in Social and Economic Research (WiSER) researchers at Curtin University of Technology produced the report *Women's pay and conditions in an era of changing workplace relations: Towards a "Women's Employment Status Key Indicators" (WESKI) database* on behalf of a consortium of researchers from Curtin University of Technology, RMIT University and the Universities of Queensland, South Australia and Sydney.

The proposal for the present study was initially developed as the second qualitative stage of this national project. Each of the research centres involved agreed to make a contribution and to seek additional funding from other sources to conduct research in each of the state jurisdictions and in the ACT. In Queensland funding support for the research was provided by the Queensland Department of Employment and Industrial Relations.

The National Federation of Australian Women (NFAW), the YWCA Australia, the Women's Electoral Lobby (WEL), the Don Chipp Foundation, Women with Disabilities Australia and the Victorian Women Lawyers each provided some funding for a national project. This funding has enabled the development of a national project report which will bring together the key findings from the research in each of the states and territories involved. It has also enabled the researchers to collaborate in developing their research designs and instruments and in identifying key themes arising from the interviews.

## Goals of the study: the experience of change

The purpose of this study was to report on the experiences of women in 'minimum conditions' employment who had experienced changes in their work that were in some way causally linked to the new industrial regulations.

Our intention was not to ask how many women have been affected by the Work Choices changes, rather it was to listen to what women who had been affected had to say about their experiences. Through this process we planned to explore why and how the changes take effect in workplaces and the impacts they have on individual workers, workplaces and the broader community.

The 'minimum conditions' workers we selected for investigation in this research were those identified in the 'Women's Employment Status Key Indicators' database (the WESKI project) mentioned above. The WESKI project aimed to identify data and indicators relevant to specific industry and occupational areas in which women have traditionally relied upon minimum conditions to establish their employment entitlement. Five occupational sectors were identified as 'minimum conditions' sectors (WiSER 2006) and the aim of this research was to focus on the experiences of women in those five sectors: child-care, cleaning, retail sales, cafés and restaurants and aged care.

A year or so after the introduction of the Work Choices legislation there is still little quantitative data available on its effects. However, the evidence that is available bears out the predictions of the numerous studies which pointed to the potential for significant negative impacts on workers, particularly workers who experience some disadvantage in the labour market (see for example Peetz 2007).

The final report of the QIRC Inquiry into the Impact of Work Choices on Queensland Workplaces, Employees and Employers was published earlier this year. The QIRC reported that the only outcomes evident in the AWAs reviewed and in the evidence put before the Inquiry were lower wages and conditions. The QIRC noted there had been ‘no evidence whatsoever of reciprocal productivity and flexibility gains for employees and employers to justify such one-sided outcomes’ (2007a: 6). In its report the QIRC stressed that the most severe impact of Work Choices was most likely to be felt by those less skilled and vulnerable workers including young workers, women, low-skilled workers, workers in rural and remote areas, workers from non-English speaking backgrounds and workers with family responsibilities.

The Inquiry also identified workers with no access to unfair dismissal laws as vulnerable workers (QIRC 2007a: 104). These workers make up a significant proportion of the Queensland workforce: John Mangan has noted that the industrial relations changes leave employees in over 95 per cent of Queensland businesses without access to remedies for unfair dismissal (equivalent to around 75 per cent of Queensland employees) (2005: 41).

The women whose experiences are related in this report are members of those groups identified as vulnerable under Work Choices. The purpose of recording and relating their experiences in this research is to expose both the processes of change in workplaces and the impacts of the changes on vulnerable workers such as these.

## The research process

### Methodology

An interpretive methodology was considered the most suitable for achieving the research goals. By collecting data through qualitative interviews we were able to explore in-depth the experiences and issues that the research participants themselves identified as important and relevant in their experiences of change in the workplace and the impacts of that change. The primary research material is the stories of the women who we interviewed, all of whom experienced change which in some way was linked to the introduction of Work Choices.

### Research protocols and human ethics clearance

Approval for conducting the research was sought and gained from the relevant ethical review committees at both the University of Queensland and Griffith University. As part of this clearance the research was bound by federal privacy legislation.

All participants gave their consent for their interviews to be audio-taped on the basis that the information they provided would not be used in any way that would enable their identification. Research participants were assigned pseudonyms and other details which could potentially enable identification of participants have been omitted or changed. In cases where participants did not complete the Participant Consent Form (included in the appendix at the end of this report) prior to the interview their verbal consent was gained at the beginning of the taped interaction and they were posted the written consent form to complete and return to the research team.

At the conclusion of the interview each participant was offered a double cinema pass as a token in recognition of the time they had contributed to the project and all participants were offered a copy of a final report of the research when it becomes publicly available.

### Recruitment

We determined that a variety of methods would be required to recruit research participants as we were targeting a very specific group – women in a limited range of industry/occupational areas who had experienced change at work due to Work Choices. We were also seeking to recruit women of different ages, from different backgrounds with a range of different household circumstances

In addition to distributing project information widely within a variety of women's and community networks and generating publicity through a media release we approached key informants who we thought were likely to come into contact with women in the target group. We made direct approaches to a wide range of government, non-government and community organisations and to training bodies and trade unions, seeking assistance to recruit potential research participants. This was done via telephone calls, email correspondence and by attending meetings of relevant groups. The organisations we approached for assistance included:

- Women's and other community organisations including the YWCA Queensland, the Islamic Women's Association, the Catholic Church's Social Action Office, the Patchwork Project, Work/Life Alliance, and the Kyabra Community Group.
- Workplace advisory services including the Queensland Working Women's Service and the Fair Go Queensland Advisory Service.
- Trade unions including the ANF, ASU, LHMU and SDA.
- TAFE institutes with teaching programs in the targeted industries and university student employment services.
- Child care centres, area consultative committees and group training organisations in which we had professional or personal contacts.

We asked these organisations to provide information about the research to potential research participants (see participant information sheet included in the appendix at the end of this report) and to seek expressions of interest from women in our target group. Women who expressed interest either provided the referring organisation with their contact details to be passed on to the research team or they contacted us directly.

### **Selection criteria**

We sought to interview women who relied upon minimum conditions to establish their employment entitlement and so, in our recruitment efforts, we targeted workers in the five occupational sectors identified in the WESKI Report: child-care, cleaning, retail sales, cafés and restaurants and aged care. We also sought to restrict our research participants to women who had in some way been affected by the changed industrial regulations.

Several women who expressed interest in the research fell outside the targeted occupational areas but were in relatively low-paid work and had experienced changes due to Work Choices. We included these women, mainly clerical workers, as research participants. Their details, along with those for all the research participants, are provided later in this report.

Eleven women who contacted us were not included in the research. Six were women who expressed interest in participating in the research but whose experiences at work could not be linked to Work Choices. It was often difficult to ascertain in initial discussions with potential research participants what role Work Choices played in their experiences, and most women had negative experiences that they wanted to speak to someone about. We conducted an interview with a seventh woman whose background information and interview data have not been included in this report as it was not evident to us that her situation was affected by Work Choices. We excluded another four women who had experienced negative changes at work linked to Work Choices as

they were in highly-paid roles including, for example, roles such as residential services manager and retail area manager.

Three women who agreed to having their contact details passed on to us declined to be interviewed when we contacted them. Two of these women had been dismissed from their jobs and they gave similar reasons for deciding not to participate: the experience of job loss had been traumatic and they wanted to forget about it and move on. The third woman said she was concerned that if she participated in the research her employer would find out and she would lose her job.

### **Data collection:**

The semi-structured interviews were designed to gather information about:

- changes women had experienced at work since the introduction of Work Choices;
- the women's understanding of how changes were caused or affected by Work Choices;
- the impacts of the changes on the women, in their workplace and on their colleagues, and on their households, families and communities; and
- the women's views about what the current industrial relations system.

An interview pro-forma was developed for use as a guide or checklist to ensure key details were collected for each participant. However the interview structure varied with each interview as women told us about their experiences and views with the emphasis and in the order that made sense to them. The interview pro-forma is included in the appendix at the end of this report.

Personal and employment details were also collected from each participant as per the Background Information Sheet also included in the appendix.

The majority of interviews were conducted by telephone, all at times chosen by the research participants. Two of the interviews were conducted face to face. While it had initially been anticipated that most interviews would be conducted face to face, several factors, including the geographic spread of participants, and the lengthy time period over which the research was conducted, meant that this was not possible. In all cases the interviewer and research participant spoke to each other prior to the interview, in most cases they spoke at least twice and the interviewer was able to develop a good rapport with the participant prior to conducting the interview.

The length of interviews ranged from 25 minutes to an hour and a quarter. Interviews were transcribed by a professional transcription service and then checked for accuracy by the interviewer who also took detailed notes during the interview.

### **Transcript analysis and presentation of findings**

Preliminary analysis of interview transcripts identified a number of themes which were further developed in collaboration with researchers conducting interviews in other states. These themes provide the framework for the presentation of our findings in this report and are discussed briefly at the beginning of the relevant sections.

The findings are presented in a mainly descriptive form to allow the women to speak for themselves. The overall findings are discussed briefly at the end of the report.

# The 20 women we interviewed

## The research participants

We interviewed 20 women whose experiences are included in this report. Their background, employment and household details are provided in Table 1 on the next page and described briefly below. Table A1 in the appendix provides a brief description of the changes experienced by each of the women.

The women's ages ranged from 19 to 59 years. Three women were from non-English-speaking backgrounds, one of these was a recent migrant.

In terms of household circumstances the largest group (12 of the 20 women) lived in a couple household. Three of these women were their family's sole earner, supporting their partners and children.

In total, eight of the 20 women lived in households that were reliant solely on their earnings for income. Three women were supporting and caring for either a partner or another family member who had a chronic illness or disability.

The women worked in the following areas:

- Two worked as cleaners, one for a contract cleaning company and the other as a cleaner/housekeeper in the accommodation industry.
- Four worked in the community sector. Two worked as nursing assistants in residential aged care institutions. Another worked in community aged care and the fourth as a community services worker.
- Five worked in retail, four as sales assistants, one as a receptionist.
- Three worked in accommodation, cafés and restaurants, two in food and beverage services and one in a reception role.
- Six were clerical and administrative workers - these included two receptionists in business and property services, one receptionist in manufacturing, and three workers in accounts/payroll/personnel areas in manufacturing or wholesale trade.

The six clerical workers, while outside our initial target group, were included on the basis that they were in low-paid roles. Five of the six were covered by awards, one was on an unregistered individual agreement on an above award rate.

The women's length of service ranged from 3½ months to almost 30 years and the group was evenly split between those who had been in their job for under a year and those employed for more than a year. Six women had casual employment status and the others had permanent status.

Only one woman was employed under a Work Choices workplace agreement and this was an employee workplace agreement (a collective non-union agreement). AWAs were introduced in another woman's workplace but she did not sign one.

Only three of the 20 women were union members, one of whom was a workplace representative.

**Table One: Characteristics of the 20 research participants**

	18-24	25-34	35-44	45-54	55+	Total
<b>Age group</b>	2	5	4	7	2	20
<b>Non-English speaking background</b>		1	2			3
<b>Household</b>						
sole parent			1			1
Couple		5	3	4		12
Lone person				2	2	4
Other (group/other family)	2			1		3
<b>Dependants</b>						
No dependants	2	2	1	4	2	11
Dependent children		2	3	1		6
Other dependants (*also has dept. child/ren)		1	1*	2		3
<b>Occupational area</b>						
Cleaning				2		2
Aged-care/community services			2	2		4
Retail	2	2	1			5
Accommodation, cafes, restaurants			1	1	1	3
Clerical		3		2	1	6
<b>Employment type</b>						
Permanent	1	5	2	6	1	15
Casual	1		2	1	1	5
<b>Industrial arrangements</b>						
Award	2	1	1		1	5
Non-registered individual agreement		1	2	1	1	5
Work Choices employee workplace agreement				1		1
Union enterprise agreement				2		2
Not known		2	1	2		7
<b>Length in job</b>						
Up to one year		4	2	2	1	9
1 to 5 years	2	1	1	3	1	8
5 to 10 years				1		1
More than 10 yrs			1	1		2
<b>Region</b>						
Brisbane	1	2	2	4		9
Regional	1	3	2	3	2	11
<b>Total</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>7</b>	<b>2</b>	<b>20</b>

## Why the women spoke to us

Fifteen of the 20 women who spoke to us were referred to us by agencies they had contacted for advice about changes at work or following their dismissal from their jobs. The others made contact with the research team after hearing about the research from other sources including through their union, coming across a media release about the project and through a university service.

Several women said they found it helpful to speak about their experiences to get over them as they had been distressing or 'traumatic'. Others wanted to tell their stories because they felt they had been treated unjustly, had not been given an opportunity to put their side of the story and they wanted to have a say. Most of these women spoke of being hard and loyal workers and of feeling an enormous sense of injustice at being undervalued, treated with disloyalty or dismissed.

Many of the women spoke about wanting to ensure that what they had experienced did not happen to others. Several who had lost their jobs said they thought people needed to know how enormous

the impact of being dismissed was, particularly when, as one woman put it ‘you don’t know why, without even knowing why, without being given a chance to rectify whatever the problem was’.

Many women were concerned about outcomes for other workers who might not be in the position ‘to stand up for themselves’ or who were less knowledgeable about their rights. They spoke of concerns about their own work colleagues but, commonly also, about younger workers and lower-paid workers who they saw as being very vulnerable in the current industrial relations climate. Some women made it very clear that these concerns motivated them to tell their stories.

The preparedness of some women to speak to us was linked to their appreciation of the support they had received from either the Queensland Working Women’s Service or the Fair Go Queensland Advisory line which told them about the research project.

In the next two sections of the report we describe how the women have been affected by the new industrial relations system and the actions they have taken in response. Following that we consider the impacts of the changes on the women, their workplaces and families and on the wider community. We then report the women’s views on the current industrial relations arrangements and on what they would like from an industrial relations system. An overview of the findings and our recommendations arising from the research complete the report.

# Changes at work

## Overview of changes

The changes experienced by the women were in one or more of the following areas: standards (such as income and hours); work processes (including work intensification); security (including job loss and changes from permanent to casual status); managerial prerogative (including scope for negotiation and discussion); and access to unions.

A few women experienced changes at work as a direct result of the implementation of new workplace agreements under Work Choices. Many more women experienced changes which they linked to Work Choices, either because their employer cited the legislation when introducing changes, or because their employer threatened them with dismissal or told them that they could be easily dismissed now that the new legislation was in place.

Some employers told women that their dismissal or changes to their standards or to their employment status was allowable under Work Choices when this was not in fact the case. Whether these employers have knowingly used the new legislation as an excuse to behave illegally or whether they are genuinely confused about their obligations to their employees is not clear.

The majority of the 20 women who spoke to us lost their jobs. Most of them were dismissed. In some cases their managers had cited the new Work Choices legislation as allowing them to dismiss the worker. In other cases women were dismissed after questioning or resisting changes such as an increase in the demands placed on employees or attempts to downgrade their working conditions. Some women experienced discrimination.

This section of the report describes the changes experienced by women in each of the different areas. A brief description of the main changes experienced by each woman is provided in Table A1 in the appendix.

## Changes in standards

### Income

All but two of the 20 women we interviewed experienced reductions in their income as a result of changes linked to Work Choices. In two cases the reductions were the result of the introduction of new workplace agreements which changed pay rates. Two other women initially lost income as a result of having their employment status changed from permanent to casual, including one whose hourly rate was not increased to reflect this. Another woman's employer stopped paying the award penalty rates she was entitled to and this woman was dismissed soon after she complained about this. Employees in another workplace lost income as they succumbed to new pressures not to claim overtime rates for the extra hours they worked. As discussed in more detail elsewhere in this report, sixteen of the women we interviewed lost income as a result of losing their jobs, through dismissal or forced resignation, in most cases without any access to unfair dismissal laws because of the Work Choices changes. While seven of women who lost their jobs now have other employment, only three have maintained or increased their income.

Two women had their incomes reduced when new workplace agreements were introduced in their workplaces. Lindsay (see boxed account on the next page) lost income because she was not given her usual shifts after refusing to sign an AWA, while others in her workplace lost income because the AWAs took away their penalty rates. Karen, along with other casuals in her workplace, also lost

income when penalty rates were dropped in the new collective non-union workplace agreement. The new agreement, which Karen says was put in place without the casual workers having a chance to voice their concerns, increased the hourly base rate of pay slightly but meant that all the weekend casuals lost a significant proportion of their incomes.

**Lindsay** is single and in her early 20s. She works in retail sales on a casual basis and is supporting herself through university. Lindsay has been working at the same store for four years. She mostly works weekends, although over the vacation she does more work.

Late in 2006, all casual employees at the store were offered AWAs, with the offer that they would be put onto permanent part-time contracts.

Lindsay is one of the few workers at the store who have not accepted the offer. The offer reduced the hourly wage for a casual from around \$18.50 an hour (as a casual) with time and a half on a Sunday, and double time on public holidays, to \$15 an hour whatever the day worked, with no penalty rates. Concurrently, the store began hiring new employees who were 15 years old and were only offered the new AWAs, at junior rates; around \$8 an hour for all hours worked. Any existing employee who was offered a transfer or promotion (for example, from part-time to full time work) was expected to sign an AWA, with reduced conditions.

The existing casuals were told that if they did not go onto AWAs, they risked not being rostered on as frequently as before. This has occurred to Lindsay. She was told, 'Because you're so expensive, I won't be able to give you many hours, because other girls are a lot cheaper'. Lindsay still gets some hours, but not as many as before. She never gets work on public holidays now. Her sister, who also worked there, refused to sign an AWA and now is not put on the regular roster at all. Recently four weeks went by with her getting no work at all.

Lindsay feels undervalued by her employer and is not willing to accept lower pay, even if she is disadvantaged by getting less work. She said 'It feels like everything they do is stingy ... We're always so busy and there's never enough staff and there's always people complaining but nothing ever changes'.

Lindsay is trying to develop alternative sources of part time work. But she is very concerned about her colleagues, particularly those who have full time jobs and especially those who have children. One co-worker lost \$150 a week when the changes came in, and is now rostered more often to work weekends, and is spending less time with her husband. Another woman who is also on an AWA, and thus cheaper to employ than Lindsay, has to find care for her primary-school aged children on Sunday, and is receiving \$15 per hour. As Lindsay said, "Before, all the older staff never worked on the weekends, but now they are being told you have to work on weekends". Lindsay clearly articulates that she is lucky and 'has choices'. She knows many of her colleagues are not so lucky.

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

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

Lorraine refused her employer's demand to reduce her pay and change her status to casual and felt she had no choice but to resign. She has no right to unfair dismissal. Dianne was employed on an award rate as a part-time housekeeper/cleaner in a resort. She worked on several public holidays over the Christmas and new year period. When she got her pay she discovered she had not been paid the penalty rate she was entitled to receive for the public holidays she worked. She complained to her manager who said he would 'fix it'. Dianne was dismissed a few days later and did not receive her outstanding pay.

Women commonly reported that their employers owed them money following their terminations, often their last pay as well as outstanding leave payments. Two women told us they had been on hourly rates of less than \$12.50, under their award and under the Federal Minimum Wage of \$13.47 (from 1<sup>st</sup> December 2006). Both women worked in clerical roles in property and business services.

## Hours

Lindsay had inadequate hours following her refusal to sign the AWA; for other women, long hours and unpaid overtime were problems. However when they spoke up about these issues they lost their jobs - in the new regulatory regime under which they no longer had access to unfair dismissal laws.

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

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

Lorraine was paid to work a 45-hour week and she was working 50 hours. Her employer reluctantly agreed to her reducing her work hours due to health reasons. A few weeks later he used this reduction to argue that Lorraine had 'broken' their original employment agreement and therefore it was reasonable for him to reduce her hourly pay by \$3 and to change her status to casual.

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

I started to think that I was doing a lot more hours each day, you know starting at 7.00 and quite often I wouldn't get home until 7.00 at night. And I was quite happy to do that in the first couple of weeks, new to the job... So that was fine, I worked solidly for

months and I was doing on average 47/48 hours a week. I got to the stage where I was absolutely exhausted, my health suffered incredibly.

And I got told when I said to (supervisor) I wanted to change the way things were slightly to make it flow better, and I asked for permission to tweak a few things... to get things done quicker and easier so that it was less stressful and so that I wouldn't have to work so many hours a day and I'll may be able to have my lunch break. That's what I said to her and she's like "well why can't you eat your lunch at your desk?" I said, "Well I need to go and buy something". "Well why can't you bring something from home and bring it in the morning?" (Georgie)

### **Other conditions**

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

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

## **Changes in work processes**

### **Work intensification**

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

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

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

work extra shifts where once they used to sort of say 'no, I don't want to', now they feel they have to. (Maureen)

Several of the women, including Georgie, Dianne and Irene, were employed in jobs in which the demands on them were excessive but they put up with these until they felt they could no longer manage. When they complained or suggested there might be other ways of organising the work they were dismissed. Georgie, whose experience was discussed above, describes the pressures of the workload in her job:

... the filing just never got done and it just built up and built up every day and things like reports and (payments) and cheques and things each month weren't getting paid because there just simply wasn't enough time... The pressure of having to get all of the data entered by 4.00 pm because that's when the (interstate) bank closed was intense and I couldn't go anywhere, and I couldn't stop and do anything else, or think about anything else including eating because I knew that if I stopped there wouldn't be enough time to get it done. (Georgie, clerical worker)

### **Nature of supervision**

Several women who were dismissed from their jobs without access to unfair dismissal laws under the new legislation, were given no reason for their dismissal and struggled to understand why they had lost their jobs. A couple could only think that they had not been quite as deferential as their supervisors expected to be. Among these was Bette who insisted she be given a reason for her dismissal and was eventually told by her supervisor it was due to her 'insubordination':

There wasn't one time I didn't (stay late) for them, you know... I did everything right, everything... I did it all without being asked, you know. (But) if you don't conform to their ways, and their ways are you must sit there, you must work, you must do as we say when we say, whatever, which you do when you go to work, but you shouldn't have to feel like you're in a, a production line. That's basically what it was you know you, they look at the watch when you get up for lunch, they look at the watch when you get back, you couldn't leave until the phone time said exactly five o'clock when really, on your own watch and, and the world time said it was six minutes past five. I, I, I give up. (Bette).

## **Changes in security**

### **Change in form of employment**

Two women had their employment status changed from permanent to casual. In Kira's case her employer wrongly cited Work Choices as allowing him to do this and Kira agreed to become a casual in the early months of her pregnancy as she did not think she had any choice. It was not until she sought advice after trying to return to work after having her baby that she found out she had a right to seek redress for an unlawful termination.

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

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

## Job loss

It has been reported to me that he was very happy with the new laws because he walked around the office for a day saying 'ha ha I can sack you all at any time if I want to'. That was repeated twice to me by different people, obviously half jokingly, but certainly he had taken it in his stride. (Nicola, community services worker)

As noted earlier, the majority of the women who spoke to us lost their jobs. Fourteen women had their employment terminated and another two were forced to resign. Some of the women were dismissed and given no reason, no warning, no notice and no chance to respond in any way. For others who were dismissed there was a clear train of events leading to the dismissal: in some cases it was the woman's questioning of work processes; in others it was a request or complaint about overwork or a refusal to agree to unreasonable demands or directions. Three women eventually lost their jobs as a result of what appears to be illegal discrimination.

Most of the women who were dismissed worked for an employer with fewer than 100 employees, although only two of them worked for small businesses with under 20 employees. Some of the women's employers had made it known to all their employees that under Work Choices unfair dismissal laws no longer applied to their workplace. Other women reported that their managers made it clear at the time of the dismissal that they were aware of the Work Choices changes.

Some of the women linked a deteriorating work environment to the Work Choices changes. In Maria's case there was an overnight change whereby workers no longer had access to their employer's vehicles which up until then they had been able to use in their work visiting their aged clients. Managers advised that this was entirely due to changes made by the government funding body. When Maria questioned this and checked the funding conditions to find it was not true she was dismissed without warning or notice for 'disloyalty'. As her employer has only around 60 employees she is not able to access a remedy for unfair dismissal.

Several women were dismissed after questioning the way things were done or suggesting they could be done differently. Both Irene and Georgie complained about the way their work was organised and suggested changes to their work processes to take the pressure off and to improve workflow. Both women were dismissed soon after without warning, reason or notice. On reflection these women think their employers considered it was easier to get rid of them than to address the underlying problems. Similarly Sarina and Bette thought their employers dismissed them as a way of dealing with a situation of conflict between staff. Three of the women had very recently been congratulated on their excellent work performance. These and other examples suggest that the loss of unfair dismissal provisions under WorkChoices allows poor or bad employment practices, possibly even encouraging them and contributing to declines in workplace productivity.

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

No, no, two days before it did happen, I was told by the manager and the owner of the actual company that I was doing such a good job, they didn't want me to leave and it's the

first time (this work) has been done correctly... (After I was dismissed) I went out to my car and just burst out crying because I've never been sacked in my life and I mean I've worked at quite a few places and I mean I'm a hard worker, I believe I am and I'm a quick learner and everything and I put my heart and soul into the place and that's what happened. ... Oh, it made me feel as if I was a blooming thief. (Bette)

**Christa** worked as a sales assistant in a large specialist retail store with 50 to 60 employees for over three years prior to being dismissed in early 2007. She was aware that the businesses had not been doing well and in the previous week her manager had advised all staff they needed to 'pull their weight'. Christa had voluntarily come in early every day that week to 'help out' by cleaning her area before the store opened. She was called to a manager's office and told that the owner had been observing her work for the last few days and her employment was being terminated. Christa was given no warning nor was she given a reason for her dismissal. She was asked for her key and escorted out of the building.

Christa said 'I didn't know what to do. I just sat there for a few minutes. I thought it was a joke. Well, it must be some kind of mistake, it must have been somebody else but no, it was me.' Christa said she needs to find another job very soon or she will be unable to keep up with her rent and her car repayments. She feels foolish for thinking she would be appreciated for working hard and she feels embarrassed and ashamed when potential employers ask why she left her last job. She doesn't want to work in retail again but is not sure what else she can do.

Three other women were offered vague suggestions about there being some problem with their performance as the reason for their dismissal without any notice. None of the three had previously been given any warning nor had they been given any feedback on their performance which indicated there was anything wrong. Emily told us that, despite her efforts to find out why she had been dismissed she never really knew what the reason was.

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

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

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

## Changes in managerial prerogative

As indicated in the aspects of the women's stories related so far, many women experienced changes in the workplace climate whereby there was less tolerance of questioning, less preparedness to negotiate, and less interest in trying to meet employees' needs or listen to their concerns.

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

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

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

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

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

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

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

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

They've had shocking incidences of abuse in that, you know, sometimes they've applied for holidays and, they're quite entitled to (them), but have then been told that they haven't got any staff and therefore they can't have them. And the support workers in particular are often more ethnic people who have English as a second language who don't know the legislation and don't know English terribly well and so really don't know what to do with these situations because they've come from a background where they've not always been able to get work and so to be able to get a job means that they're grateful for what they've

got but the employer takes advantage of that and just uses some of these people quite abominably ... and worse now under the Work Choices thing because the mentality from the staff now is that they're scared... Scared to stand up for themselves because they're worried that under the legislation now that they haven't got any way to sort of fight things like unfair dismissal or fight unjust requests. (Maureen)

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

Dianne was dismissed on the day she complained about her pay:

As I walked in to give the master key back, he goes 'what are you taking?' I said 'I'm taking my own personal things'. And then he again said, 'look just get out, f... off, get off the property.' ... But just the way he treated me I mean, ... I'm not dark dark but I've got dark skin and I don't know whether he just didn't like that or what. I don't know. (Dianne)

## Changes in access to unions

Most of the women we interviewed were employed in workplaces where there was little union presence and only two of the twenty women were union members, although a couple of the older women said they had been in the past.

In the few workplaces where they had a presence women were not optimistic about unions' ability to continue to represent workers under Work Choices. Wendy was not a union member and said she and some of her colleagues had decided the union was not likely to be able to help them. Their employer had made it clear they did not want the union involved in their upcoming agreement negotiations.

I mean in the past they've never been terribly keen on having the unions involved. We've already had incidences where they've tried to sort of exclude the union from the negotiations. (Interviewer asks: Has Work Choices had any effect on that?)  
Oh yes, it now gives them permission to do it. (Wendy, aged care)

As a union workplace representative in her aged care workplace Maureen had become unsure about whether she should raise issues with her managers since the introduction of Work Choices. She also worried that no-one would be prepared to take on the role of workplace representative when she retired.

Now even I'm uncertain as to how far I can speak up on behalf of the staff without either getting myself into trouble or making it worse for the staff members you know because now under the legislation they've almost made unions powerless in the work place. (Maureen, aged care)

A lot of the staff are saying to me they really don't know what they're going to do once I leave because nobody's really prepared to take on the role that I've had because they're really, really scared about being targeted the way I have been, so if anything, management have achieved their goals in that nobody else wants to take on the job. (Maureen, aged care)

Karen's experience provides one indication of the sorts of hurdles that workers wanting union representation face under the Work Choices legislation:

In that collective agreement, it did say that you could have a union rep come in and what have you, but when I read the details, you had to get a certificate or you had to get something from the Office of Employment Advocate for the bargaining agent or the union rep to be able to attend the meeting and by the time I sat down and talked to people and worked it all out, it was two days before the meeting when I made all these phone calls and then I thought, well I don't think I will be able to get a certificate within two days from this Advocate to allow that person to attend. Yeah so they did sort of say that we could have someone in there like that, to bargain for us. (Karen)

## Actions & remedies

### Attempting to negotiate with employers

#### Women negotiating themselves

Few women identified circumstances in their employment in which they felt able to negotiate directly with their employer about their conditions and no-one told us of a successful negotiation under the Work Choices changes. Six of the women who were dismissed but who don't have access to unfair dismissal laws believed they lost their jobs *because* they had spoken up about their conditions or attempted to negotiate changes to work processes. Most of the women were very uncertain about their rights.

In Lindsay's workplace individual AWAs which cut penalty rates were offered on a 'take it or leave it' basis. For Lindsay the consequence of not signing was that she was offered fewer shifts. For some of her workmates who did sign an AWA the result was that they were now required to work on weekends, for a lower hourly rate than previously, disrupting their family and childcare arrangements.

In Karen's workplace the lack of genuine opportunity for negotiating a non-union collective agreement left those employees who had the most to lose with little chance for a say (see boxed story below). When asked why the changes were being made Karen's manager told her they had no choice because the introduction of the Work Choices legislation required them to make a new agreement. He did not explain why the agreement needed to include the loss of penalty rates.

**Karen** is aged in her 50s and is the sole earner in her household. She has been employed on a casual basis in a large suburban entertainment venue for the past few years. Her employer has just introduced an employee workplace agreement (a non-union collective agreement) which alters pay rates and cuts penalties for weekend work and the result of which is that many casual staff have had their weekly pay reduced. Some casuals who work weekends and nights have had a \$40-\$50 cut in their weekly pay. The agreement runs for five years and has no provision for pay increases.

As required by the Work Choices legislation Karen's employer provided her with a copy of the proposed agreement a week prior to holding a meeting at which the majority of employees who attended voted in favour of it. However, Karen believed the process did not allow for the genuine involvement of casual employees. The majority of employees at the meeting were permanent full-time staff who did not work on weekends and who received a slight pay increase as a result of the agreement. The meeting was held at a time when several casual workers were unable to attend. Karen was told by two permanent employees in confidence that they had been directed to attend and she believed they were not in a position to vote against the agreement. She believed the process of voting by a show of hands was intimidating for some the younger casuals who may have felt pressured to vote in favour of the agreement.

As noted above some of the women who were dismissed had raised questions or sought to negotiate change in the workplace and their employers had responded by dismissing them. A few women attempted to negotiate to keep their jobs or, at to at least be heard by their employers, in response to being told they were dismissed.

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

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

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

### Use of unions/other advocates

Of the 16 women who were dismissed or forced to resign from their job, none sought assistance from a union or other advocate to negotiate with their employer. None of these women were union members and almost all were in workplaces where there was little or no union presence.

No, well they haven't got a union put it that way, I mean whether there was ever a talk of someone joining a union I would say he would get rid of you for that as well. (Irene, clerical worker)

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

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

I used to be a union member, I didn't think I'd need to at this place (Maria)

Funny thing was I was asked to join the union (at that time) and I never got around to it. (Dianne)

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

### Remedies & their effectiveness

While most of the women who lost their jobs through dismissal or forced resignation had little or no idea of what if any rights they had in the circumstances all believed they had been treated unfairly and sought advice because of this. Many called advisory services to find out whether their employer owed them money in lieu of notice or to find out how to get access to money which was owed to them. Among the 16 women who lost their jobs were four who may have a right to access

a remedy for unlawful dismissal or termination on the basis of family responsibilities, absence due to illness or pregnancy. Only one of these women was aware she may have had such a right when she first sought advice.

The issue for them, invariably, was that they had been treated unreasonably or unfairly and there was no way of having this acknowledged.

... it's not about (pay), it's about the fact that I didn't actually think that I had done anything wrong and that (my manager) could just bandy the new industrial relations laws around and threaten people with those and that she could tell people whatever she wanted. (Maria)

I rang everyone in relation to (employment) conditions. I rang everything I could think of... Some of them ran me around, they kept giving me another department to ring and they all basically said because the company wasn't over a hundred staff they had, I had, not much of a leg to stand on. Some of them did tell me that I was entitled to two weeks' severance pay instead of the one week. I've, I've put in a claim to get the extra week. I still haven't been paid by the way... I don't want the job back, and I'd just rather not see him for the rest of my life if I could choose. It's just, I feel extremely that something wrong's been done and I have nothing to fight it, nothing. But the only compensation I'm going to get is the extra weeks' pay. (Emily)

The complexity of the system also generated frustration. Women reported spending hours and even days investigating their options and many called several advisory services before they were satisfied they had adequate information. For women who did think they may be able to access a remedy the disincentives for taking action appear to be first, the belief that it is likely to be difficult and expensive, and second, that there is little point as it will not provide compensation or 'justice'. Bette became disheartened after getting what she perceived to be conflicting advice from the places she rang:

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

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

Three or four of the women we interviewed who do not have a right to seek a remedy for unfair dismissal under Work Choices may have been able to pursue a claim of unlawful termination. However, only one woman was taking up this option.

Based on what the women told us, it appears this is due, in part, to women's lack of awareness of their rights in regard to discrimination and to confusion and uncertainty given the complexity of the multiple systems. In relation to the latter point, it appears that it is possible that the Office of Workplace Services may not have provided some of the women with information about the option of seeking remedies through mechanisms outside the industrial relations system.

Kira sought advice when her employer told her she did not have a job after she wanted to return to work a few months after having a baby. The first advice she received was that she had no right to parental leave as she had not been employed for 12 months. However when she called the Queensland Working Women's Service she was advised that she may have a right to unlawful termination as her employer had demanded she change her employment status from permanent to casual in the early months of her pregnancy.

Two women who do have the right to pursue remedies found the processes difficult and confusing and they suspect the benefits may not outweigh the costs of proceeding. Annelise persisted but Kira found the prospect too daunting.

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

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

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

The overwhelming picture painted by the majority of women – who do not have right to seek a remedy under Work Choices – was of being alone and powerless to deal with what they saw as unfair and unjust treatment in any way other than to 'move on and get over it'. At the same time women were enormously grateful for the advice and assistance they had received.

Yeah well look, everyone was so helpful at all the services I called. The gentleman at Fair Go Queensland, he was just amazing because I was quite upset obviously and he said you know we'll call these people and call these people and give these people a call and you know, and this that, this you know, and then so I called all the people he recommended and everyone there was really good but I sort of, you know, in regards to, you know there's like a 50 odd dollar fee to lodge an application. I mean if you've just lost your job that's a lot of money ... Like all the people who gave me advice and everything were really nice. (Julie)

Two women had contacted the same private company which they had found through searching the internet and both were advised the firm could assist them to recover any outstanding pay for a 10% fee.

Well I rang the Women's Service or something and they more or less said to me they can't do anything because there's less than 100 workers and I think it was a Union or something that I rang that said the same thing. Then I rang someone from (law firm), I think, it's been such a long time since I rang them, and he more or less said to me, 'you know you can win this case, you take them to court, blah, blah' and he went on and on and on and then he says but we'll take 10% of what you get, and I just thought to myself well what's the point of putting myself through all that stress when I know I'm going to get the money anyway that I'm entitled to and then they are going to take 10% of it. (Interviewer: What money did he think you were entitled to?) Well it was my wages that were owing, my holiday pay. (Sharon)

# The effects of the changes

## Effects on the individual

### Financial impacts

As noted earlier, 18 of the twenty women we interviewed experienced reductions in their incomes as a result of changes to their employment arrangements made legally or illegally since the introduction of Work Choices and/or as a result of losing their jobs without any access to unfair dismissal laws. All of the women we spoke to relied on their incomes for basic needs and, while the impacts of income reduction or loss varied among the women depending on their circumstances, without exception they were significant and in most cases, for families and households, not just for the women themselves. These financial impacts on the women, their families and households are described in some detail later in the report.

It is worth noting here that a common theme in many of the interviews was that women were already struggling or just managing financially in low-paid employment. This meant they were often highly vulnerable to additional pressures or demands and reluctant to speak up to defend their rights as they were very aware of the difficulties they would have if they lost their jobs. This is illustrated well by Maureen's comments about the situation for many workers in the aged care institution where she is employed. Since the introduction of Work Choices employees had been under increased pressure to work extra shifts without the overtime rates they had depended on to get by financially:

People say that they'll do the (overtime) shifts because the wages are so low. The staff tend to see the overtime as a way of supplementing their income. So you know, I mean, in most other industries you have the ability to do overtime. For some reason or other it's frowned upon in aged care but it's the only way people can supplement their incomes so the staff are often keen to do that but they're constantly sort of being made to feel as though you know they're sending the company broke by doing it. ... Nothing's cheaper just because you're single. ... In aged care in particular you have a lot of older women now who are trying to support themselves and have to work two jobs or work long hours... And that then makes them vulnerable because they have no choice but to do the things that they're asked to do because they can't afford to not have a job. So they have to just, and I mean management's very much aware of that. They know. (Maureen)

### Increased fear & uncertainty

Several women spoke of fear and uncertainty in the workplace which prevented workers from speaking up for fear they would be victimised and/or lose their jobs.

I think (the manager) has his favourites and you know, some are favoured and some aren't and anyone that disagreed at that meeting (to vote on a new workplace agreement) might have had shifts cut. (Karen)

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

Fear and uncertainty were also experienced by many of the women who no longer had their jobs.

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

### **Loss of self-esteem**

Many women who lost their jobs without warning or reason, experienced loss of self-esteem. As shown in Georgie's case below and later in descriptions of some women's experiences of finding another job the consequences of loss of self-esteem can be significant.

Well I started to feel that I was a bit hopeless, I thought God what do I do? Am I really bad? Do I piss people off or did I not work fast enough? Did I not work hard enough? And I started doubting myself and I was quite depressed for about a week. So I really sat around home doing nothing and just felt really miserable... I'm temping again so it doesn't impact so much on temping but if I was to go and apply for a full time position I'm sure they'd say 'how come you were only there for a few months?'. (Interviewer: Have you tried to find another permanent job?) No, just temping. It's easier. I mean I got the job section in the paper and I looked through it and I just sort of thought, in that state of mind, I was thinking perhaps I'm not capable of applying for these types of jobs. I mean I'm doubting myself and that's silly because I've done this since school ... and I know I've done a good job. (Interviewer Is it still impacting on you now?) Absolutely. I've started thinking that I'd never be able to do a good job. Yeah, so I'll probably just stick with the temping for a while. Yeah definitely with the temping for a while. (Georgie)

You reel in it. You just, you (have) constant self doubts. And going over the last couple of weeks thinking 'what could I have done differently?' and 'what's wrong with me?' and. It takes a while to actually realise, you know, it's probably not you. If you had done something wrong you would've admitted to it (Emily).

You know you kinda feel so flat, you know there's, after all your hard work, there's just nothing there really. (Sarina)

### **Internalising new workplace norms**

Most women were disappointed and unhappy with the treatment they received at work and while some maintained they would continue to uphold high work standards others spoke of being careful in the workplace from now on, of no longer being naive about management, of being 'foolish' for thinking their hard work was appreciated, of not bothering to give their all anymore, of not trusting.

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

### **Loss of job satisfaction**

Similarly, several women expressed a sense of disappointment and sadness that their hard work was not valued.

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

The belief that she and other workers had been treated badly by their employer made Karen feel like leaving a job she really enjoyed and which suited her well:

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

### **Loss of power**

Loss of power was felt most keenly by women who were dismissed without being given a reason why or without being given the opportunity to respond.

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

### **Negative impacts on health and wellbeing**

Several women spoke about the damaging personal effects of the work intensification they had experienced, either under the threat of dismissal, or in one woman's case under pressure to compete with other cleaning contractors that had cut wages.

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

The health effects of job loss were very serious for some of the older women in particular. Wendy had been doing agency work since her dismissal from her permanent aged care position of a number of years. Despite feeling 'very shaky' and not really ready to work Wendy was doing the agency shifts because she and her husband were in 'dire financial straits' as they depended solely on

her earnings. She said she felt the dismissal had a very bad effect on her and she was uncertain how she was going to manage. Sarina and Lorraine were also struggling to cope.

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

Also there's that, also just every day life is pretty stressful and I needed to bring in the money I did because my husband doesn't work either so I needed to make sure I had enough money to cover everything. (Lorraine)

Annelise, who pursued an unlawful dismissal claim, worried about the effect of the stress on her baby.

(Interviewer: How did you feel going through all this?) Being pregnant, absolutely stressed out of my mind. That's why I decided to get Working Women to help me because I couldn't do this by myself it was too stressful, even stressful with someone helping but it was financially, emotionally in every way, physically draining and I thought my poor baby. (Annelise)

### Having to find another job

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

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

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

Finding another job was hard for most of the women who lost their jobs. Among the older women few have formal post-school qualifications and most expressed concern about age discrimination and about the lack of full-time on-going jobs. Sarina's comments below illustrate both these points.

It's not easy once you're (in your late 50s), getting a job somewhere else. You give your resumé and you know you get, I always put my date of birth, maybe I shouldn't. I don't think you have to anymore, but I do. I found I've had response by going into places, they all say 'look you know we don't have a position but you know we'll keep you in mind'.

They're all very polite. I think it's so hard when you read the papers. I've gone to Centrelink, I've got an interview to see if they can get me a job... I'm not giving up because the longer you're out of work the harder it is to find work. (Sarina)

I'm working for (a friend). I got a job with her, but it's not a permanent job, no continuity. I got one day, the week before and then nothing, you know. This week I've got, I've got tomorrow, Saturday... The following week I don't know what I'm doing see, so it's not enough for me. I really need to have at least four days a week to survive you know. (Sarina)

### **Effects on training**

Three women we interviewed, one in her 40s and the other two in their 50s were undertaking or planning to undertake training to upgrade or gain new qualifications. All of them were motivated by the prospect of improving their labour market and career prospects by either moving into an occupation that was in higher demand or being able to earn higher wages.

After she lost her job Maria decided to take on full-time study while she is receiving a sole parent payment. The other two women experienced negative effects on their training. Maureen had been undertaking a course to upgrade to a higher nursing level which would have increased her employment options and her pay considerably. She had been sponsored by her employer and was very close to finishing her training. With the loss of her job she now faced a wait of another six months and the prospect of having to pay several thousand dollars to re-enrol and re-do the last few units. Irene had been planning to move into the aged care field for some time. Now she was not sure how she could pay the substantial fees wanted by the training provider to do the course.

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

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

Nobody's doing part-time here. It's all casual. Most of the pay here is low and I've been sick of working for low wages, that's why it's time for me to stand up for myself and okay be paid what I'm worth you know. (Lorraine)

I'm still debating whether to relocate. I'm not worried about actually getting a job again, I'm very confident that I can, with what I do. But it's just that it's hard (if I stay here). Here everything and everyone is connected. It is basically a small place. (Dianne)

### **Effects of changes on colleagues & the workplace**

As described earlier, in some of the women's workplaces, the introduction of Work Choices has meant increased fear and reluctance to speak up, effects that the women see as clearly linked to the ways their managers are using Work Choices to increase control.

Karen was very pessimistic about the likely effects of the introduction of a Work Choices employee workplace agreement in her workplace and was disheartened by her manager's response to her concerns (see boxed story below).

### **Karen's workplace**

Karen identified the impacts of the new collective agreement process in her workplace as increased pay inequity and reduced trust as well as the likelihood of increased turnover.

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

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

Women who were dismissed also spoke of the effects this had on their work colleagues.

I have spoken to (a work colleague) because I just wanted to ring and tell her that does he realise he has to pay me the week but because they were all so scared she wouldn't talk to me at work, she actually rang me from home. And I said 'oh (name) I really didn't want to do this to you', I said 'the question I had was actually a work question' and she said 'Irene we're just all devastated' (Irene)

As already discussed earlier in this report the loss of unfair dismissal rights for many employees may be contributing to the normalisation of bad employment practices.

I think it is absolutely terrible... Just the fact that it makes a difference of whether or not there's 100 employees it makes a big difference in your case and what your case is. I think if you're unfairly dismissed it is unfair it shouldn't really matter on how many employees someone has. I think its giving the people the attitude of 'I have the right to treat someone unfair just because I have 100 or less employees' and that's not a good attitude to have and not a very good moral to have. (Annelise)

## **Effects of changes on households & the community**

### **Impacts on household finances and housing**

While seven of women who lost their jobs now have other employment only three have maintained or increased their income. The loss of income following women's job loss was having a severe impact on some households' finances, including on the ability to pay for food, housing, utilities and other essentials such as children's school materials.

I'm not starving, put it that way... I mean my kids are great because occasionally they'll come home with a bottle of milk or you know like a loaf of bread or some eggs, so that's nice you know. But yeah look, I'm just, you know, I guess I'll notice it you know in April and then again in October when I've got insurances and maybe car registrations and so on. So you know I still have to run a car so it's, yeah you know, look, put it this way, it's not easy. So I'm even today signing to sell my house. ... I think well if I sell my house and

make some money on my house and perhaps downgrade and get a smaller home and, and... (Interviewer asks: Are you thinking of selling your house because you lost your job?). Well, I kind of feel, yeah, I mean I just don't want to sit here and, and, and feel sorry for myself, I've got to keep going, I'm not going to let that get me down, but if I sell my house and, you know, find a, find an older home. (Sarina)

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

Okay well leaving my job obviously it makes it a lot more tougher for us. I mean we've been through a rough period anyway... So it does make it tough. We've got a tough year ahead of us too cause I mean the kids are growing, I've got 2 children, ... and they're growing like anything. They need new uniforms and I've already put in the book list into the newsagent, so they'll need to be picked up and paid for in the new year. All these things sort of add up. And you try not to let it all get on top of you but you know sometimes I can understand how it does with people cause how are they going to do it all? (Lorraine)

We're lucky that we don't have a mortgage that you know. We're just in a place of our own. So I can imagine if you had to pay for all of that as well. Mate, that's why families break up and stuff like that. (Lorraine)

Kira and her family had planned for her return to work after maternity leave but her employer had denied she was on leave. Earlier in the year she had agreed at his insistence to change her employment status to casual.

It's had a big effect (on our finances). We've had to borrow money from the parents, I've got a childcare position for (child) so I've got him in childcare and I don't have a job. But if I cancel it I might not get another (place). So it has, it's created a big hassle. (Kira)

In Karen's workplace the workers most affected by the loss of penalty rates were women who worked on weekends because this is when they could get other family members to provide childcare whereas during the week they would have to pay for care. Another young woman was probably going to have to return to live in her parent's home.

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

I have a mortgage and I have bills and I have a car loan you know. It's pretty scary especially when you're not sure how long it'll take to get a new job and how long you're going to be out of pocket, you know, not have the double income coming in you know. I mean lucky for us we had savings and stuff to fall back on but not everybody would. (Julie)

### **Loss of work-family balance**

Disruptions to arrangements women had in place to enable them to combine their paid work and family responsibilities occurred with the introduction of new agreements and as a result of job loss. Many women lost the regular and predictable working hours they relied on to enable them to engage in paid work and support themselves and others.

Since the introduction of AWAs in her workplace Lindsay said the older workers were being rostered on to work weekends more often despite that fact that they didn't want these shifts because they lost the time they had spent with their families.

Having lost her part-time job of many years, Lou took a full-time job much further from home as she thought she probably would not be able to find a local part-time. She had not wanted to work full-time until her children had started school.

I am finding that five days a week commuting and trying to get home to see the children before they get to bed and all those things is having a big impact. (Interviewer: how are you managing child care?). We haven't been able to get them into (child care) so my mum is looking after the two that aren't in school for the time being but she is getting on I suppose and she doesn't necessarily cope for long periods of time so it is certainly not a long-term thing. (Lou)

### **Uncertainty and insecurity**

The irregularity of the work Wendy has had since her dismissal makes it difficult for her to plan. This is both because she doesn't know how much money the family will have and because she needs predictable work to be able to plan as she provides some care for her husband who has a chronic illness. Similar problems were experienced by other women who had been unable to find permanent or full-time jobs. Lou and her partner had been secure in the knowledge that Lou was returning to her part-time job following maternity leave. The loss of this has made it difficult for them to plan.

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

### **Impacts on clients and service users**

I feel a lot of sadness for the clients who just basically have been dumped and nobody I know is working with them so I think it is appalling and I don't understand why the funding bodies don't get angry about that. (Nicola)

Two women spoke about the effects of their dismissals on the communities and clients of the services they worked. Both were concerned for the people they had worked with and felt there had been no consideration of their needs. Neither woman was given the chance to tell their clients they were leaving their employment and both were concerned about whether people were being appropriately supported. A third woman had spent a lot of her own free time as a volunteer providing additional care and support for aged care residents, including accompanying them on walks and providing personal services such as hairdressing. Since her dismissal she thought she would no longer be able to do this as she believed she would be told she was not allowed on the institution's premises.

### **The broader impacts on communities and society**

Quite a few of the women expressed concern that the broader effects of the Work Choices changes would be a deterioration of relationships between workers and employers and the loss of a sense of a 'fair go' in Australian society.

I just feel sorry for these young ones that are coming up because if people don't want them, they are just gone and it's not good for society. (Interviewer: What do you think the impact on society is?) I think that the impact is, you know, if the employer is not going to give a bugger, well why should the worker? (Sharon)

... people are taking advantage of those new laws and to take advantage out on someone who's pregnant, maybe not knowing that there is a loophole in the discrimination path. I think it is disgusting. I think at the end of the day you'd got to question yourself where your morals are and that's what I'm really, really hurt by. I think a lot of things that they've changed because it's changing everyone's way of thinking about where's everyone's fair go and that's what Australia is meant to be all about. (Annelise)

## Views of the system and of what's needed

### The current system

Just call(ing) a meeting and not hav(ing) a true representation and call(ing) it a collective agreement that stands for 5 years now. I just think however that is allowed to go through these days is just horrendous. (Karen)

I really think the laws suck at the moment. I think it leaves the people without, we just have no say virtually. It's been taken out of our hands. And I think that more and more cases will come up like mine or like whatever and maybe someone will have to listen and maybe do something about it. (Lorraine)

You know I honestly thought there was still at least a warning entitled, so I didn't realise that it was literally cut throat, so if the boss can be in a bad mood, (he/she can) take it out on someone and you're gone. (Emily)

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

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

### What the women want

I don't know, I mean ideally, I'd love, I'd love a redundancy payout or something but the thing is I, at this stage I don't care if I win, I don't care if I lose, I just, I kind of want to make a stand for other women. I know that sounds really stupid but. (Kira)

### Balance

Kira's comments above echo the sentiments of many of the women who said what they wanted was a system that treated everyone fairly. They expressed concerns that under the current regulations there was no balance and that it was not fair that employees had no security.

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

employer. So you know, there's a lot of employees out there who are extremely vulnerable. (Maureen)

Well it should get back to (where you get a) written warning ... really because, that should be a compulsory thing, or you should be given a reason... It's just ridiculous. It just gives them power. If they don't like someone it doesn't matter how hard they work. Yeah, it's just giving people power. It shouldn't be for, like it's a big company, but they have less than 100 employees, I think that it should be lowered. You know for a smaller company, like home-based businesses, things like that, that's fair enough, but not a larger company like that. (Christa)

## Security

Many of the women said they wanted certainty or security and, for most, this was linked to having regulations preventing employees being dismissed without warning. The views below echo those of many of the women we interviewed.

Just a little bit more warning. They (dismissals) just can't happen straight off, bam, gone. A little bit of warning, even just the one, it prepares you a bit better and it gives you at least one chance to stand up for yourself. At the minimum I'd like to see that. (Emily)

There needs to be a situation where a person cannot be sacked unless they have warnings and there's proof, simple accountability, that is, evidence. And if you don't have that then you can't be sacked, that workers understand their rights are that (their employer) has to prove to you through a process of communication if there's something wrong with the standard of your work. And a warning, it would be that simple. But because there's a staff of less than 100 people basically he can just say 'you're not right for the organisation you don't fit in' but that's just saying that well there's a personality clash. And that's OK in small business, why should you appoint those you don't get on with? But that leaves staff in such a shocking situation. (Nicola)

I think there should be a reason you know and I mean I have actually been in charge of people and I have actually sacked people but when I've done it, it's been under a rule that you have to do three things and you're out. (Sharon)

### Julie's view

Yeah, well I guess like, like I, I mean I'm not 100 per cent sure of the law but sort of you know, I've heard like 100 employees or less they can just sack you without giving you a reason and stuff. I mean that's just ridiculous isn't it? There should be some sort of termination process like three warnings and you're out the door, you know... You know, it shouldn't just be like, 'We've decided we don't like you, see ya'.

Interviewer: Why do you think that?

Well I just think that the every day Australian has a right to a secure job. Everyone has bills, everyone has families to feed. People should know that their jobs are secure, if they're going to lose their job they get a little bit of notice, you know. It's basically a fair go, isn't it? I mean in Queensland it is a fair go, a fair go for the everyday person, not just the big business, not the businesses and you know, the people who pay the big taxes. I just think you should be able to go to work and know that you're reasonably secure there.

## Fairness

Fairness was something else women invariably said they wanted from the regulatory system. For many 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 some women who were dismissed an opportunity to be able to set the record straight or speak in their own defence was very important.

I'd like to see employment laws changed. I'd like to see it just be fair for the employee.  
(Maria)

Give me the right to defend myself. (Emily)

## Representation and assistance to negotiate

As indicated by some of the experiences related already, most women were fairly clear that they were not in a position to negotiate directly with their employers and would not be unless they had some protection. They wanted employment regulations which enable genuine negotiation and representation.

I don't know how you can really put yourself in any better position because I mean, the company basically make the rules about what they want, they make the contract. You don't sit there and say 'well I'm going to take this part out of the contract because I don't agree'. You can't write something into their contract that says 'I would like you to give me three written warnings before you can fire me'. (Interviewer: So you don't think you could negotiate for that?) Well I haven't thought of negotiating, I mean I've thought about it, but I have never tried to negotiate in the past. I don't know if that's the given thing to do. But really employers do have the ruling stick. You don't really feel protected. (Georgie)

The two women who were union members looked to their unions for assistance. However all were pessimistic about what support unions could provide under Work Choices as evidenced by Maureen's worries about how much she could speak up in her role as workplace union representative without 'either getting myself into trouble or making it worse for the staff members'.

As most of the women who spoke to us had been dismissed from their jobs, when we asked about assistance in negotiation and representation, their responses were, not surprisingly, about getting assistance after they had a problem. Women wanted more support and assistance than they currently get and they wanted to be able to get all the information and advice about their concerns from a single source.

Why can't the government be helping us, not just the employer. Because that's just how it seems to be. You can ring Wage Line, you can ring federal government 'Oh yes, yes you are right, you are right but I'm sorry there's nothing we can help you with'. (Lorraine)

So all in all I've probably spent four hours on the phone by the time you get through, by the time someone rings you back, it's just a shame that there isn't just one person you can ring and you can get all the information and you can stay with that person for like an hour or so. So that they can, they've got like a checklist that they can take you through because when (something like this) happens you just don't know what to think. (Irene)

# Overview and discussion of findings

## Overview

... it's changing everyone's way of thinking about where's everyone's fair go and that's what Australia is meant to be all about. (Annelise)

The women who participated in this research have in common the experience of having their employment standards and/or security eroded as a result of the introduction of Work Choices. Our research aims, our selection criteria and our recruitment methods targeted women such as these and it has not been our intention to put forward their stories as representative of all workers' or all women's experiences. Rather, these women's experiences serve to illustrate the ways in which the Work Choices changes can take effect in the workplaces of 'minimum conditions' workers.

The women's experiences show that the current system is failing to provide an adequate safety net for all workers and has contributed to the erosion of employment standards. They also show that, rather than promoting workplace negotiation and bargaining, the changes have had the opposite effect: they have diminished employees' capacity to bargain and removed their right to fair treatment by their employers.

These changes are having damaging impacts on individuals, some of which are likely to be long-term, as are the impacts on families. Impacts in the workplaces of the women in this study were all negative and appear to include encouragement of bad employment practices and possible declines in productivity. The women also believe there are likely to be much broader negative impacts.

## Discussion

### Work Choices and vulnerable workers

With its greatly expanded coverage, the federal industrial relations system is now relied upon by most workers to provide the basis for a reasonable standard of living and fair and reasonable conditions that enable a balance between work and family and community life. The findings of this research provide strong evidence that the system is failing 'minimum conditions' workers in many ways.

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 is being undermined under Work Choices. 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 impact on workplaces and work practices appears to be significant. In some workplaces the Work Choices changes, particularly the loss of unfair dismissal, may be used by 'bad' employers to justify unethical or even illegal practices, or at the very least is allowing these practices to go unchecked. More generally it seems they may be contributing to the normalising of poor practices among a larger 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 the women in this study. In some cases failure to pass on minimum wage increases and the removal of award penalties without putting in the required workplace agreements could have occurred due to a lack of knowledge on the part of employers. There is a very significant 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.

These research findings show that for many women in low-paid jobs the opportunity to negotiate and bargain with their employers does not exist. Any productivity and flexibility gains made in the women's workplaces appear to have been made at the employees' expense and there is evidence of reduced workplace participation and the silencing of workers who have become fearful and insecure. These findings appear to confirm John Mangan's predictions that the changes may reduce employees' perceptions (and the reality) of job and wage security – outcomes that his research indicates would be counter productive for economic performance (2005: 34-5).

The experiences of the women in this study show that for individuals who are dismissed without warning, notice or even reason the impact of the loss of unfair dismissal rights is considerable. The sense of powerlessness and loss of self esteem many women feel in turn impacts on their relationships, their health and on their ability to get another job. Women in the sectors of the labour market considered in this study do not find it easy to find work that pays an adequate income, can be managed with family responsibilities, and has regular and predictable hours.

The women interviewed for this study experienced the current system as unfair and unbalanced. They wanted employment regulations which enable genuine negotiation and representation, they wanted protection from unfair dismissal, access to remedies for unfair treatment and more easily accessible information and advice.

## Recommendations

Recognising the reduced scope for the Queensland Government's direct regulation of industrial relations it is crucial that the findings of this report be raised with the federal government. We recommend that:

1. the Government bring the findings of this report to the attention of the federal government as a matter of urgency.

In the period between commencement of this research commencing and this report of its findings, the Government has responded to the recommendations of the Queensland Industrial Relations Commission Inquiry into the Impact of Work Choices on Queensland Workplaces, Employees and Employers with several initiatives including the establishment of an ombudsman's office to promote fair work practices. Our findings provide further evidence that these initiatives are sorely needed and indicate some matters should be given priority by this office. We recommend that:

2. the Queensland Workplace Rights Ombudsman place a high priority on the implementation of the following recommendations of the QIRC Inquiry:

QIRC Recommendation 13: The statutory body conduct a public information campaign which informs and educate employees and employers as to their rights under appropriate legislation and in the workplace.

QIRC Recommendation 15: The statutory body regularly monitors the employment conditions of those vulnerable groups of workers identified in this report.

The findings of this research show that, without ready access to free professional assistance and representation, women are reluctant to take up their rights to remedies under the current system. We therefore recommend that

3. the Queensland Workplace Rights Office establish a referral process for workers making complaints to appropriate organisations, and
4. the Government continue to support the provision of free legal advice and advocacy services for low-paid and vulnerable workers through services including the Queensland Working Women's Service and the Young Workers Advisory Service.

The findings of this study highlight the importance of minimum labour standards for women and other low-paid workers. Recent research has shown that state governments can improve labour standards in the private sector through innovative responses using public procurement (Howe and Landau 2006), and the Queensland Government has taken several initiatives in this area including the general provisions relating to industrial relations and occupational health and safety in the State Purchasing Policy and the codes of conduct for the building and construction industry and for outworkers. A review of the State Purchasing Policy currently underway recommends amendments to strengthen requirements for fair treatment of employees. Based on our findings we recommend that:

5. the Government investigate the scope for developing codes of practice or other mechanisms for encouraging fair treatment of employees and adherence to labour standards by private sector employers in the contract cleaning, retail, aged and community care and hospitality sectors.

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# APPENDIX



School of Political Science and International Studies

The University of Queensland  
Brisbane Qld 4072 Australia

## Participant Information Sheet

My name is Gillian Whitehouse. I am an Associate Professor with the School of Political Science and International Studies at the University of Queensland. I am working with Fiona Macdonald, also from the University of Queensland, and with Janis Bailey from Griffith University on a research project called 'The Impact of Changes in National Work Regulation on Minimum Conditions Workers'. The aim of this project is to better understand the impact of changes in Australia's workplace regulation (the Work Choices IR changes) on workers.

We are interested in finding out what impact recent changes have had on workers who are 'vulnerable' or at risk of having their conditions at work affected in negative ways. Our research is focused on women who work jobs in childcare, clerical, retail, cafes and restaurants, and hospitality.

In Queensland Fiona, Janis and I are undertaking 20 interviews. Interviews in other states will be undertaken by researchers from RMIT University, Curtin University, the University of Sydney, and the University of South Australia. Overall we are conducting around 100 interviews with workers throughout Australia in 2006 and 2007.

**We would like to invite you to participate in an interview.** Your participation is entirely voluntary. If you do choose to be interviewed the interview will be conducted at a time and location suitable to you. In the interview we will ask you questions about yourself and your paid work. We would like your permission to audiotape the interview to make sure everything is noted accurately. These tapes will be transcribed later, but throughout this process your identity will remain confidential.

The interview will take around 45 minutes to an hour. You may stop the interview at any point for any reason and ask us not to use the information we have collected from you. You can also access the information you provide to us in an interview at any time.

The results of the study will be published in a report and in academic journals. However your identity will remain confidential. All the information you provide will be securely stored for seven years in locked filing cabinets at the University of Queensland and then destroyed.

At the end of the interview we will ask for your postal address so we can send you a summary of the final research report in 2007 if you would like to receive one. As we may conduct a follow up study to this project in the next year or so, we will also ask you if you are willing for us to contact you in the future to request your participation in another interview.

We will organize a double move pass to thank you for your participation if you decide to take part in an interview for this project.

**If you would like to participate in an interview or have any questions about the project** (before or after the interview), please call one of us:

Fiona Macdonald: 3346 9317, email [f.macdonald@uq.edu.au](mailto:f.macdonald@uq.edu.au)

Janis Bailey: 5552 7748, email: [j.bailey@griffith.edu.au](mailto:j.bailey@griffith.edu.au)

Gillian Whitehouse: 3365 3280, email [g.whitehouse@uq.edu.au](mailto:g.whitehouse@uq.edu.au).

This study adheres to the Guidelines of the ethical review process of The University of Queensland. Whilst you are free to discuss your participation in this study with project staff (contactable on 3365 3280), if you would like to speak to an officer of the University not involved in the study, you may contact the Ethics Officer on 3365 3924.

# APPENDIX

## INTERVIEW PRO-FORMA (A)

Real first name..... Interview No. ....DSS file name.....

Date of interview.....Interviewer:.....

**Interview Questions and Notes** (*these are guidelines only; pursue interesting issues where they arise. Skip questions already covered in earlier answers.*)

### **Introduction:**

1. Read out information sheet about project.
2. Do you have any questions about the research?
3. Read consent form – yes or no: clear recorded response required.
4. This can take from 30 minutes to an hour – is that OK? Please feel free to stop the interview at any time if you need to, for any reason at all.
5. Would you like to choose another name so that we can use it in place of your real name which we want to keep confidential?

### **Interview questions**

- 1. *Could you tell me about any changes at work that have affected you since 31 March 2006?***  
(allow participant to tell her own story)

In exploring the nature and extent of changes, check/elaborate on the following:

#### **a. Changes to hours of work**

Have your hours of work changed?

- Overall number
- Starting & finishing times
- Days of the week
- Shift arrangements

Are your hours predictable?

Has the way you are notified of your working hours changed?

Do you have any control over your working hours?

Do these hours suit your needs?

How comfortable would you feel to ask to change your hours or pattern of work?

#### **b. Changes to rates of pay**

Has your *normal* hourly pay gone up or down, and by how much?

Has your total weekly pay gone up or down, and by how much?

Has your access to any of the following changed?

- Shift loadings
- Overtime loadings
- Penalty rates for weekend or work outside of normal hours
- Casual loadings

#### **c. Changes to leave provisions**

Has your access to any of the following leave arrangements changed?

- Paid maternity leave (pay & amount)
- Paid paternity leave
- Leave for the care of sick dependents
- Leave for personal emergencies
- Cultural leave
- Training leave

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### d. **Changes to security of employment**

Has your job security been affected by changes in your -

- Required notice of termination
- Workplace location

### e. **Changes to form of work contract**

Have you moved from a collective agreement/award to an AWA?

Have you moved from permanent to casual status?

### f. **Has your employer changed? What effects might this have on your work?**

## 2. *Have any other aspects of your workplace or working conditions changed?*

Explore the following:

- Thinking about the **atmosphere at work**, has anything changed – for example, in terms of:
  - How secure you feel
  - How willing you are to speak up (to fellow workers, to the boss, to the union)
  - Relationships at work
  - Occupational health & safety
- Thinking about your **workload**, how would you say that has changed? (a lot heavier, a bit heavier, a bit lighter, a lot lighter)? ---Because?

### 3. *Do you know why these changes were made?*

### 4. *Were they discussed with you beforehand, either directly or through the union?*

### 5. *Are you anticipating further change?*

### 6. *Do you know when your wages and conditions of employment will be adjusted next time?*

### 7. *What about in your other job(s)? Have there been any changes there?*

### 8. *What effects have these changes had on you?*

(allow participant to tell her own story)

In exploring effects check/elaborate on the following:-

- Thinking about the **balance between work and home or family**, has it become easier or harder to balance work & non-work commitments (a lot easier, a bit easier, a bit harder, a lot harder)?
- Have changes at work affected, for example:
  - Caring arrangements
  - Sharing household work
  - Household/family relationships
  - Household finances/budgeting
  - Life planning e.g. house, education, kids leaving home, holidays, retirement
  - Commuting/travel time
- Have changes in your working life affected your **participation in community, school or church activities?** (e.g. neighbourhood watch, school coaching, tuck shop...)
- Have changes in your working life affected your **social life** in any way? (e.g. catching up with family and friends, going out...)
- Have changes in your working life affected your **health** in any way? (e.g. stress, tiredness, given up exercise, more prone to work injury...)

### 9. *What do you like about your work?*

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10. *What are the good things about your pay and conditions?*

11. *What don't you like about your work?*

12. *Did you belong to a union? Do you now?*

*Would you feel comfortable in contacting a union for assistance? Would you previously?*

13. *Do you have any thoughts about the changes to employment laws in Australia?*

14. *What would you like to see happen in the future about employment laws?*

15. *Is there anything else you would like to add?*

16. *Would you be willing to be contacted for a follow up interview in a year or two to see if anything has changed in your experiences at work?*  Yes  No

*If so, what number would be best to call you on?.....*

17. *We would like to speak to more people about these issues, would you be happy to pass on our contact details to others who might be interested?*

### INTERVIEW PRO FORMA (B)

**For participant who has lost her job since 31 March 2006**

Real first name..... Interview No. ....

Date of interview..... Interviewer:.....

**Interview Questions and Notes** (*these are guidelines only; pursue interesting issues where they arise. Skip questions already covered in earlier answers.*)

#### **Introduction:**

6. Read out information sheet about project.

7. Do you have any questions about the research?

8. Read consent form – yes or no: clear recorded response required.

9. This can take from 30 minutes to an hour – is that OK? Please feel free to stop the interview at any time if you need to, for any reason at all.

10. Would you like to choose another name so that we can use it in place of your real name which we want to keep confidential?

#### **Interview questions**

**1** *Could you tell me about how you lost your job?*

(allow participant to tell her own story)

In exploring the circumstances of job loss, check/elaborate on the following:-

- a. What form of job loss was it?:-
  - An individual dismissal
  - Pressure to resign
  - Work restructuring
  - Part of general redundancies
  - Change of owner
  - Other
- b. What reasons (if any) were you given?
- c. Why do you think it happened?
- d. Did you have any warning?
- e. Was your dismissal preceded by other changes to your wages or conditions?

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If yes, what were they?

- f. Did you try and do anything about it?  
If yes, what happened?

## 2. *What effects did the loss of your job have on you?*

(allow participant to tell her own story)

In exploring effects check/elaborate on the following:-

How has it affected your:-

- Individual & household finances
- Housing/place of residence
- Family/dependents
- Relationships
- Ability to socialise
- Community participation

## 3. *How easy or hard has it been to find a new job?*

## 4. *Have you found a new job?*

## 5. *If yes, how does this job compare with the old one?*

In comparing jobs, check/elaborate on the following:-

### a. **Change to form of work contract**

Have you moved from a collective agreement/award to an AWA?

Have you moved from permanent to casual status?

### b. **Changes to hours of work**

Have your hours of work changed?

- Overall number
- Starting & finishing times
- Days of the week
- Shift arrangements

Are your hours predictable?

Has the way you are notified of your working hours changed?

Do you have any control over your working hours?

Do these hours suit your needs?

How comfortable would you feel to ask to change your hours or pattern of work?

### c. **Changes to rates of pay**

Has your *normal* hourly pay gone up or down, and by how much?

Has your total weekly pay gone up or down, and by how much?

Has your access to any of the following changed?

- Shift loadings
- Overtime loadings
- Penalty rates for weekend or work outside of normal hours
- Casual loadings

### d. **Changes to leave provisions**

Has your access to any of the following leave arrangements changed?

- Paid maternity leave (pay & amount)
- Paid paternity leave
- Leave for the care of sick dependents
- Leave for personal emergencies

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- Cultural leave
- Training leave

**e. Changes to security of employment**

Has your job security been affected by changes in your -

- Required notice of termination
- Workplace location

**6. Has your change of job made easier or harder to balance work & non-work commitments (a lot easier, a bit easier, a bit harder, a lot harder)?**

Has it affected, for example:

- Caring arrangements
- Sharing household work
- Household/family relationships
- Household finances/budgeting
- Life planning e.g. house, education, kids leaving home, holidays, retirement
- Commuting/travel time

**7. Has your change of job affected your ability to participation in community, school or church activities?** (e.g. neighbourhood watch, school coaching, tuck shop...)

**8. Has your change of job affected your social life in any way?** (e.g. catching up with family and friends, going out...)

**9. Has your change of job affected your health in any way?** (e.g. stress, tiredness, given up exercise, more prone to work injury...)

**10. What do you like about your work?**

**11. What are the good things about your pay and conditions?**

**12. What don't you like about your work?**

**13. Did you belong to a union? Do you now?**

**Would you feel comfortable in contacting a union for assistance? Would you previously?**

**14. Do you have any thoughts about the changes to employment laws in Australia?**

**15. What would you like to see happen in the future about employment laws?**

**16. Is there anything else you would like to add?**

**17. Would you be willing to be contacted for a follow up interview in a year or two to see if anything has changed in your experiences at work?**  Yes  No

**If so, what number would be best to call you on?.....**

**18. We would like to speak to more people about these issues, would you be happy to pass on our contact details to others who might be interested?**

# APPENDIX

## IMPACT OF CHANGES IN NATIONAL WORK REGULATION

### BACKGROUND INFORMATION SHEET

Your name \_\_\_\_\_

Contact number \_\_\_\_\_

(For contact purposes only. No information that might identify you is included in this study.)

Please tick the appropriate box.

What is your age?

- 18-24
- 25-34
- 35-44
- 45-54
- 55 & over

Country of birth \_\_\_\_\_

Main language spoken at home \_\_\_\_\_

- Aboriginal or Torres Strait Islander
- Person with a disability

Year of schooling completed  
less than year 10

- year 10
- year 11
- year 12

Do you have any post-school  
qualifications? If yes, please specify.

- Certificate \_\_\_\_\_
- Diploma \_\_\_\_\_
- Degree \_\_\_\_\_
- Graduate diploma \_\_\_\_\_
- Postgraduate degree \_\_\_\_\_

How many dependent children do you  
have?

- no children
- 1 dependent child
- 2 dependent children

- 3 or more dependent children

Do you have any other dependents?

- Yes

Relationship to you \_\_\_\_\_

What type of household do you live in?

- Couple
- Lone Parent
- Lone Person
- Group household
- Other family
- Other, please specify \_\_\_\_\_

At the commencement of March 2006  
(before any change or loss of job):-

What was your occupation? (in your main  
job if you had more than one)

\_\_\_\_\_

If you had more than one job, what  
occupations were they?

2<sup>nd</sup>

Job \_\_\_\_\_

3<sup>rd</sup> Job

\_\_\_\_\_

Which job did you experience change in or  
did you lose?

\_\_\_\_\_

—

Which Industry was this job in?

- Agriculture, forestry and fishing
- Mining
- Manufacturing
- Construction
- Wholesale trade
- Retail trade
- Accommodation, cafes, restaurants
- Transport and storage
- Communication services
- Finance and insurance
- Property and business services
- Govt admin and defence
- Education
- Health and community services
- Cultural and recreational services

## APPENDIX

- Personal and other services

### Did you work for:-

- A government agency (local, state or federal)  
 A non-government community org.  
 A private business

### How many were employed at your workplace?

- 1-4  
 5-19  
 20-99  
 100-199  
 200 or more

### How many hours did you usually work each week, excluding overtime?

- 0-15 hours  
 16-34  
 35-40  
 46-50  
 50 or more

### What days did you usually work on?

- Monday  
 Tuesday  
 Wednesday  
 Thursday  
 Friday  
 Saturday  
 Sunday

### If you were a shift worker, what sort of shift did you work?

- Day shift  
 Afternoon shift  
 Night shift  
 Rotating shift

### What was your hourly rate of pay in this job?

- under \$10  
 \$10-\$15  
 \$15-\$20  
 \$20-\$25  
 \$25-\$30  
 \$30-\$35  
 \$35-\$40  
 \$40-\$50  
 over \$50

### What was your usual weekly wage in this job? (before any change)

- \$0-99  
 \$100-199  
 \$200-299  
 \$300-399  
 \$400-499  
 \$500-599  
 \$600-699  
 \$700-799  
 \$800-899  
 Over (specify)\_\_\_\_\_

### Was your job -

- Permanent  Casual  Limited Term Contract (specify length \_\_\_\_\_)

### If you were a casual worker, was your work-

- Regular/ongoing  
 Relief  
 Short term  
 seasonal  
 Unpredictable

### How long had you been doing this job?

- Less than 1 year  
 1-5 years  
 5 years or more

### Were your wages & conditions set by –

- award  
 collective agreement  
 Australian Workplace Agreement  
 another individual contract  
 don't know

### What was your main source of household income? (before any change)

- Wages and salaries  
 Government entitlements/pensions  
 Business  
 Other (eg. superannuation)

**Residential Postcode:** \_\_\_\_\_

**Work Postcodes:** \_\_\_\_\_

# APPENDIX

**Table A1: Changes at work experienced by the research participants**

<p>Maria, aged care, 4 years in her casual job. Sole parent with teenage children</p>	<p>Manager told M that Work Choices required her to provide details about nature of illness causing her work absence thus using Work Choices ‘illegally’ to get personal information. M dismissed without warning or notice after questioning a decision by management. She has no right to seek a remedy to unfair dismissal because her employer has fewer than 100 employees.</p>
<p>Lorraine, full-time perm’t in a tourism-related business, mid-40s, supporting a family of four.</p>	<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>
<p>Dianne, mid 40’s part-time cleaner/ housekeeper</p>	<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>
<p>Fran, part-time cleaner, in her 50s</p>	<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>
<p>Christa, mid 20s, full-time retail, in her job for 3 years.</p>	<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>
<p>Karen, aged 50+, casual hospitality for 3 years, family breadwinner</p>	<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>
<p>Emily, 1½ yrs f/t hotel receptionist, in her 20s</p>	<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>
<p>Maureen, aged care, aged in her 50s.</p>	<p>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.</p>
<p>Julie, clerical, manufacturing, in her 20s</p>	<p>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.</p>
<p>Sarina, retail sales, 5+yrs, aged in her 50s</p>	<p>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 (the business employs between 20 and 25 people).</p>

.....Table continues on next page

# APPENDIX

Table 1A: continued

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 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
Kira, in her 20s, receptionist, married, 2 children	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.
Lou, part-time reception, retail, 5+ yrs, married, 2 young children	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.
Nicola, community services worker, aged in her 40s	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.