

## **Fairness Versus Choice: The Contested Discourses Of 'Australian' And 'UnAustralian' Values In The Industrial Relations Debate.**

Dr Kathie Muir  
Senior Lecturer,  
Gender, Work and Social Inquiry,  
School of Social Science,  
University of Adelaide

Email: [kathie.muir@adelaide.edu.au](mailto:kathie.muir@adelaide.edu.au)

### **Abstract**

The ACTU's 'Your rights at work' campaign has broken new ground in employing SkyChannel and television advertising to deliver a unified and slick message about the dangers of the government's WorkChoices legislation. President Sharan Burrow applauded 'courageous working Australians' prepared to stand up for their rights, families and communities by fighting to preserve national values of fairness, decency and a fair-go in the face of an 'unprecedented attack' on the rights of ordinary working people by the Howard government. The campaign therefore relied upon romanticised visions of nationalism as fairness, decency and people caring for each other, which Secretary Combet argued 'beat as strongly in the hearts of [contemporary] Australians as they have for generations'. The appeal of this vision of fairness was (and is) essential to their on-going campaign to defeat the legislation and the coalition at the next federal election. Similarly, the government has sought to delegitimise the union campaign as undemocratic, bad for the economy, and out of date with current workplace realities; in other words, 'unAustralian'.

This paper examines the competing ways nationalism, fairness and choice have been deployed within both the government's promotion of WorkChoices legislation and in the ACTU's campaign to overturn the legislation.

## **Fairness Versus Choice: The Contested Discourses Of 'Australian' And 'UnAustralian' Values In The Industrial Relations Debate.**

### **Introduction**

Recently, I have seen a couple of articles written in the field of industrial relations argue for the relevance of discourse analysis as a method of exploring and critiquing the construction of meanings in the WorkChoices campaign (Ainsworth et al., Bailey and Townsend).<sup>1</sup> This seems well overdue. Particularly in times such as the present, when cultural meanings and attempts to censor cultural and intellectual expressions are so extensively implicated in local and international political struggles, it seems cultural studies theories, methods and related approaches from other fields, including linguistics and political science, have an important role to play in challenging and resisting governmental attempts to impose political control and render its citizenry docile. Cultural studies, in particular, has made a major contribution to understanding the ways meanings are constructed, circulated and understood in public discourse, through media representations as well as in media consumption.

Industrial relations and trade unions have rarely been the focus of cultural studies research since the 1970s (GUMG). Even the representations of workers and working class lives have been regarded as somewhat unfashionable topics of research. It might be argued that with the rise in interest in theory, in the politics of pleasure and the diverse constructions of identity these topics were relegated to the store-room of academia. Cary Nelson, speaking at the Culture Fix Cultural Studies Conference in 2005, reminded us that the politics of our own worksites are increasingly relevant to our capacity to perform our work as intellectuals. He has said elsewhere that '[p]rincipled opposition had a place on the American campus, but I think increasingly the corporatized university wants corporate people' (Nelson). Some Australian academics have recently found that their own opportunities to do their intellectual work have been threatened either because of the politics of their worksites or the Government's politics about work. I argue that work and industrial relations are no longer an area we can afford to see as unfashionable or irrelevant for cultural studies research.

Using an analytical approach informed by cultural studies, political communication and media studies, this paper takes key statements from a selection of texts produced by the Government in its promotion of its WorkChoices legislation and compares them to a selection of material from the ACTU's 'Your rights at work campaign'. The statements are unpacked for the meanings they make about nationalism, fairness, democracy and choice and the ways these terms are woven together to create competing visions of Australian identity for the purpose of creating political communities (Louw, 96).

The Howard Government's \$55 million so-called 'information' campaign promoting the Workplace Relations Amendment (Work Choices) Act 2005, was one of the most expensive in Australian history (Senate, Orr). Second only to the promotion of the GST (van Onselen and Errington) it has been widely criticized including in sections of the media normally regarded as supportive of Howard; for example the *Australian* editorial called it an 'advertising rort' (*Australian*). The criticisms included the scale of the expenditure and the fact that most of the expenditure occurred before the legislation was finalised (it was not introduced into Parliament until November 2005). Of equal concern was the fact that it

was promotional in nature rather than informational (Orr, 17). It was also highly unpopular with the public, who resented the waste of taxpayers' funds and were suspicious of the changes (van Onselen and Errington, 7). Early in 2005 the ACTU won the support of its affiliates for an unprecedented television advertising campaign against the planned WorkChoices legislation. The move to an expensive TV advertising campaign required not only consent from affiliates but their commitment to resource such expenditure. Initial estimates of the cost of resourcing such a campaign were \$8 million. The first series of ads was screened in June 2005. The campaign includes TV and radio advertising, large national public events, regional events, marginal seat campaigns, delegate education, and individual union actions. It will continue at least until the next federal election due in late 2007.

### **Struggles Over Families: Family Friendly Policies Versus Struggling Families**

WorkChoices is promoted by both the Prime Minister and the Workplace Relations Minister, Kevin Andrews as addressing the need for family friendly policies. Their argument runs that a stronger economy is essential for prosperity. Also that this economic security is both an essential pre-condition of, and enables, a stronger more fulfilling family life. Andrews claims three times in the one interview that: '[t]he best thing we can do for families is have a strong economy' (Andrews, *IR Changes*).

The Government's new legislation is promoted as offering the means to make one's work *more* 'family friendly'. In the words of one of the WorkChoices ads: 'To help Australians reach a better balance between work and family life, we need to continue to make sensible, practical and fair workplace changes. To find out the facts call the hotline for the WorkChoices booklet'. Indeed, the main selling point of WorkChoices, as is reflected in the elided terms that comprise its name, is the claim that WorkChoices *enables* a worker to negotiate flexible work hours with their employer that will suit their family's specific situation. The rhetoric is heavy with these claims but lacks details of how the legislation might assist employees in negotiating such an agreement if it didn't suit the needs of an employer.

'This Government supports choice for families in determining their work and family needs and has a wide variety of policies and programs in place to assist this choice. These workplace relations reforms will continue to ensure that the choices provided to Australian families, through more jobs, secure income, stronger protections and increased flexibility, will be maximised' (Andrews, *WorkChoices: Moving*).

WorkChoices information booklet constructs the need to balance work and family as a core purpose of the changes.

'The Government's workplace relations reforms are designed to build on and enhance the protections and flexibilities already provided to Australian workers with family responsibilities. Achieving the right balance between paid work and family responsibilities is a significant issue for many Australian families. If we are to reach a better balance between work and family then we must continue to make sensible, practical and fair changes to the workplace relations system ...

'Bargaining at the workplace level is particularly suited to tailoring working

arrangements in ways that assist employees to balance work and family responsibilities' (Commonwealth of Australia, 63).

There are significant questions as to whether or not the existing Australian system of work serves the interests of families. Pocock argues that the part-time work "mummy track" is a second rate system for many Australian women, due to the 'poor job security and lower rates of benefits' (Pocock, 4-5). Women can get stuck in low wage jobs, and given the changes to parenting payments and single parents benefits, often fear that Centrelink will find them in breach of conditions if they reject or quit a job, or refuse to sign an Australian Workplace Agreement (AWA) because of unsuitable hours or conditions such as notice of shift or roster change.

Women in particular, have significant and very real concerns about their capacity to manage their family obligations as things have been. They dread the days when their children are sick and they face the worry of finding someone to look after them. They fear not only employers' ire but also the resentment of co-workers, asked to shoulder additional hours or cover for them if they cannot come into work or need to leave early to collect a sick child from school (Pocock). In a large number of cases they do not feel confident that they can bargain with their employers for more flexible hours that suit their own family needs especially around holidays and illness. Indeed, HREOC research confirms that '[m]ost family-friendly work arrangements provided by employers are discretionary and many employees are unable to access flexible initiatives' (HREOC).

Women in low income jobs recognise, what many industrial relations academics have argued, that the new laws favour managerial prerogative and employers' desires about flexibility rather than the desires of individual workers (Hall; Orr; Peetz). Kevin Andrews' reassurances about the strong economy and high levels of employment providing their strongest guarantee of employment and good conditions offers no comfort to women in service sector and other low-skilled areas of employment. Neither does the public relations spiel of the WorkChoices 'information' booklets. These women are acutely aware of how easily replaceable they are. Indeed, many are reminded by their employers everyday. The removal of the Unfair Dismissal protections led to a slew of news coverage about employers who instantaneously took advantage of the changed laws to dismiss employees who were not prepared to sign AWAs. The workers in these situations were often low-skilled and many were in situations where they had little opportunity to find alternative full-time employment. One case, which the union concerned ensured received maximum publicity, occurred in Mildura, a place where there are few alternative opportunities for full time work. Merbein Mushroom Investments offered its employees AWAs that would cut their pay by up to 25% through the replacement of an hourly rate with piece rates. Six women who refused to sign were sacked. Australian Workers' Union National Secretary Bill Shorten emphasised the family obligations of these women and how their families would suffer under this agreement. 'Nearly all these women have children to support. They are hard-working mothers in a difficult industry' (Shorten in ACTU *Sacked mums*)

The ACTU have made the issue of the family *un*friendliness of the new laws into one of the key messages of their campaign. They argue that the laws are not only hostile to working families but they are unjust and they erode hard won rights and conditions that have improved the lives of Australian working families immeasurably over the past 150 years.

They are therefore *un*Australian. The focus on families is not new in union campaigning. It is not just a tactic adopted in response to the current government's obsession with family values. It is one of a traditional suite of techniques that unions use to demonstrate that the impact of work issues extends beyond the immediate employer-employee relationship. In the context of the current Rights at Work campaign the strategic choice to emphasise the impact on families is a direct contest to the meanings the Government are trying to embed in relation to both the legislation and their own political credentials more generally. The ACTU challenge, therefore, has implications which extend beyond the struggle over the WorkChoices legislation.

The ACTU and its affiliates have undertaken extensive polling and focus group research in marginal seats in several Australian states. They are using this research to inform their campaign strategy, to test their advertising and other campaign messages and to maximize the vote against the Government and its new IR laws at the next Federal election. Their research has found high levels of community concern about the capacity of workers to negotiate arrangements that suit their needs with employers. Many workers, particularly women and young people, are anxious about negotiating an individual agreement and fear that they have little bargaining power in such negotiations. These findings have been particularly pronounced amongst people in lower income brackets, up to \$60,000 per annum (George Wright, ACTU, pers. comm. 2006).

The focus on families also meets other objectives of the ACTU's 'Your rights at work' campaign. In particular, it seeks to demonstrate that 'the Government agenda is an attack on the rights and aspirations of Australians' (ACTU, *Union update*, 4). The ACTU argues that '[e]very Australian can be affected by what the government proposes. We need to draw the links between how people are treated at work and the impact on families and communities' (ibid, 7). The ACTU is acutely aware that it must reach beyond its membership to workers in non-unionised sectors and the broader community. The emphasis on everyday family dilemmas and 'kitchen table economics' in its paid advertising is seen as helping to achieve that.

In contrast to the dry language and imagery of the Government's highly expensive WorkChoices advertising campaign, the ACTU campaign commenced with ads that took us inside the daily lives of (fictional) ordinary workers, with scenarios drawn from the unions' research. The ads were simply filmed but conveyed both drama and authenticity. The workers are constructed as quintessentially Australian, they could be low or middle income employees and in some scenarios are recognisably aspirational.<sup>2</sup> They are 'Howard's battlers' whom the ACTU must win back to voting for the ALP if the laws are to be overturned (Greenfield and Williams; Scalmer, *The Battlers*). The style and settings of the ads are recognisably local. The stories take familiar anxieties and show that through the impact of the new legislation they are transformed into major, potentially life-changing dramas.

Two of the television ads feature a male and a female worker with their children directly expressing their concerns about what would happen to these children if their bosses changed their working hours and conditions without notice, or consideration of the impact upon their lives. The best known of the initial ads, and the one that had the most public impact, featured a woman called Tracy being rung at home by her boss and being told to

come in for work. Tracy says she can't, she's rostered on for the following night and has no-one to look after her kids. Her boss says if she doesn't come into work he will sack her. Shocked, Tracy says 'You can't sack me'. Her boss tells her that (under the new laws) he can. Tracy is then shown in distress as her young children look on, ringing her own mother and pleading for help minding the children so she can work rather than be sacked.

This advertisement pitches its message to that significant group of working women, mentioned above, who juggle paid employment with childcare and are constantly anxious about how they will manage if something goes wrong or a child falls ill (Pocock, 192-8; HREOC). The Tracy ad gave a powerful voice to the mundane nightmares of many Australian working women that rarely get any airtime in the Australian popular imaginary. The ad proved to be a powerful message which resonated across talkback radio and the suburban barbeques of middle Australia well beyond the life of the ad. This pitch creates an image of unions as caring for wider concerns than just those within the workplace, expanding to include quality of contemporary life. It is central to their appeal for broad community support and to the promotion of unions as key players in the values debate.

The Tracy ad addressed working women who might not readily identify with the union movement. These are not people who are easily reached by traditional union demonstrations or who would necessarily identify with public protest. Indeed, these are also key audiences who have moved away from traditional news media (Turner 5). Public relations campaigns including advertising are essential to reaching this demographic. The ACTU's message was that the government that had promised them unprecedented prosperity was implementing new industrial relations laws that would not only take away their job security but also this prosperity (by driving wages downwards and through the loss of penalty rates) and threaten the stability of their family life. These are complex messages, not easily conveyed by usual industrial campaigns but much more suited to the symbolic richness of advertising.

Workers in these television advertisements were offered no capacity to choose or 'tailor' agreements that suited their personal situations but instead were 'given a take-it or leave-it' choice. The Minister for Workplace Relations Kevin Andrews called these ads 'deceptive' and 'misleading', 'dishonest and wrong' (Andrews, *ACTU Workplace*). The day after he first attacked the ACTU over the ads workers in his own federal government department revealed they had been subjected to intense pressure to sign AWAs (Workers Online).

Fathers, too, were addressed in this series of ads. In one ad John tells viewers that his boss has told him that his shifts have been changed to include Friday nights and Saturday mornings. John says he told the boss he couldn't work on Friday nights 'cos the missus works' and that he coaches under 12 (football) on Saturday mornings. His disgusted comment to the audience is that he 'thought this government cared about families'. The ACTU ad featuring John and his family commitments was designed to reach the male audiences, whose first response to the new laws and ACTU ads warning of their dangers might have been to brush aside such cautions, believing that they personally would be able to negotiate a favourable deal with their employer and believing that their own value would protect them from being sacked. This ad and a later one showing the impact of the laws on a man's teenage daughter, are designed to remind such men that they are vulnerable too, if not directly.

At around the same time as the ad featuring John was released, conservative Sydney Anglican Archbishop Dr Peter Jensen engaged in the debate. He expressed his concern about the damage the new laws could do to family relationships in an address to the Anglican synod in October 2005. He said:

‘Our prosperity, dear brothers and sisters, has been purchased at a fearful price to relationships. Recently I’ve been raising questions publicly, as you may know, about the Government’s IR revolution. What concerns me is the need to preserve shared time for children, families and relationships for all Australians... Without shared time we may as well be robots. I have to admit I wait nervously to see what a new workplace relations system is going to mean for our community’ (Jensen).

Jensen was one of several religious leaders to engage in the debate over the impact of the workplace relations laws and nearly all argued that the laws went too far and threatened the precarious balance between work and families. Many of these leaders, including Cardinal George Pell, featured in the ACTU’s SkyChannel broadcast on November 15 2005. Their voices were critical to demonstrating the breadth of concern over the laws, to framing the laws as unjust and anti-family and to framing the opposition as a community coalition engaged in the battle over Australian versus *unAustralian* values.

The clearest most unmistakeable challenge to the Government’s construction of their policies as family friendly can be found in Sharan Burrows’ address to the November 15 2005 rallies. Broadcast to around 300 separate gatherings in Australia (and available to be viewed and downloaded from the ACTU website as well as being circulated via DVD) Burrows called upon people to secure workplace fairness for their children’s future:

‘We must not be the first generation of Australians who leaves our kids with fewer rights at work than we inherited. And we won’t be. Today we are standing up for the values that shape the way we care about each other. The way we care about time for our families and care about a nation that balances prosperity with our great way of life.’ (Sharan Burrow 2005)

The ACTU challenges the Government not only on the issues of the family friendliness of their laws but most significantly on the terrain of national values. The ACTU is, in effect, proposing an alternative vision of nationalism and ‘social citizenship’ (Hearn and Lansbury). The ACTU have engaged in the struggle with Howard over reclaiming the battler both in terms of its cultural meaning and the battler vote.

In focussing the challenge to the Government over the laws as being ‘unAustralian’ in their impact on family life, however, various potential audiences are excluded from the ACTU’s address. Both the Government and the ACTU are defining families in a narrow, traditionally hetero-normative sense. The responsibility for the private sphere is constructed as primarily remaining that of the woman’s. While men are positioned as being participants in the work/family balance drama they are seen as assistants in that struggle who step in and take ‘bit parts’ when ‘the missus works’. ACTU focus group research found these ads to be the ones that best spoke to and about the concerns of working families in their target audience. However, by designing ads that speak specifically to and about the concerns of

particular kinds of hegemonic, white, hetero-normative families other potential audiences are excluded. These include other kinds of families, childless couples of all kinds, women who are aggravated by such representations of their roles and young people. Young people are another key group to be disadvantaged by the legislation and many are as yet undecided voters. Whilst some individual unions (such as the Liquor, Hospitality and Miscellaneous Workers Union) and state labour councils (such as SA Unions) are targeting young workers in specific campaigns the ACTU advertising is not.<sup>3</sup> ACTU campaign staff say that young people are not their primary target audience (George Wright pers. comm.) Essential Media Communications<sup>4</sup> Director Tony Douglas did point to some radio ads which are having greater resonance with youth audiences and the TV ad that features the young female worker with her father (Douglas pers. comm.). He also noted that recent ACTU polling had found there was a strong rise in youth opposition to the legislation, this suggested young people were picking up on the concerns expressed over the legislation in other forums.

### **‘Heroes of fairness’ versus the ‘best friend the workers of Australia have ever had’<sup>5</sup>**

Fairness and the ‘fair go’ are also highly contested terms in this debate and the campaigning around it. Former ALP Prime Minister, and former president of the ACTU, Bob Hawke has robustly asserted the historic pride Australians take in their nation as being the land of the ‘fair go’. It is, he argues, a central Australian value. Clearly John Howard’s undermining of fairness in the workplace and in society is, in this framing of the argument, unAustralian. At the 2005 National Day of Community Protest Hawke argued:

‘[I]t is a fight to preserve what is at the very heart of what we have always liked to believe is the very essence of the Australian character: That is that this is the nation of the fair go. This is a fight which you cannot lose, which you must not lose. We must win it if Australia is to remain the country we think it is.’ (ACTU *National Day*).

The current Prime Minister argues that ‘[a] fair-go relies on a strong economy that creates jobs and avoids recession’ however, he avoids a definition of fairness (Howard *Workplace Relations* 8). During the very early days of the ACTU’s television advertising campaign the Government pulped 458,000 of its information brochures about WorkChoices and reprinted them with the word ‘fairer’ inserted in the title. The cost of this reprinting is said to have been \$152,944 (Senate Committee Report). Clearly the terms ‘fairer’ and ‘fairness’ are seen as central to the framing of the debate and to winning community consent to the changes.

The ‘name and shame’ campaign conducted by individual unions and state labour councils from late 2005 and into 2006 has highlighted the significant inequalities of power individual workers face in negotiating with employers. Under the old legislation it was possible to achieve a certain amount of redress through the unfair dismissal legislation. Since its abolition, however, and the taking effect of WorkChoices, these protections are significantly diminished. Since the introduction of the legislation unions have ensured that Australian media audiences have been presented with numerous and diverse range of examples of unfair employment practices and negotiations.

The Government continues to insist that individual employees can fairly bargain with their managers and companies in the face of mounting evidence that many managers are giving their employees the sign or leave ‘choice’.<sup>6</sup> Employees may be protected from duress by



legislation but in considering an AWA, with no unfair dismissal legislation, limited access to union representation, and the costs of taking court cases for unlawful termination reported to be as high as \$30,000, the practical test of 'fairness' fails in the eyes of many people.

Interestingly, the government's own arguments for these legislative changes seem to be inconsistent when it comes to the discursive construction of fairness. In justifying the abolition of the unfair dismissal laws Howard and Andrews tell stories about small business operators being effectively blackmailed to pay 'go away money' by unscrupulous employees (Howard *Why Our Unfair*). It is *employers* who are to be delivered fairness through the abolition of unfair dismissal legislation. For employees, the concept of fairness is no longer relevant. It has been replaced with the protection from unlawful termination, a far narrower set of proscribed events. Indeed, Kevin Andrews is reported as having argued that the workplace is not an appropriate venue to pursue fairness, which instead is apparently achieved through the tax and social security systems (Towart 271). In selling the abolition of unfair dismissal the definition of 'unfair' is presented as being so vague as to be unreasonable and unworkable. And yet, at the same time, the government continues to argue that fairness is central to WorkChoices and the gains employees will achieve through the new arrangements. 'We also need to make our workplace relations system fairer and provide a better balance in the workplace for employees and employers' (Commonwealth of Australia, 5). In the promotion of WorkChoices 'fairness' is presumed to be a transparent and commonly understood term upon which people agree.

The ACTU has made the term 'rights' the focus of their advertising campaign 'Your rights at work'. This is because their research showed that many people thought the existing system or their own situation was 'unfair' and that 'fairness' was a relative concept (Wright pers. comm.). They argue that it is fundamental rights that are under attack by the government, rights that have taken several generations of struggle to achieve and that should not be relinquished willingly (see Burrow). However, the term fairness has also been used quite extensively both in tandem with rights and separately in the context of the National Day of Community Protest broadcast. The idea of 'fairness' was used as the lynchpin for a vision of a community alliance for change and the invitation to participate. The erosion of 'rights' was chosen to best express the reason for action to overturn the legislation.

'The second thing we must do is win the support of the wider community.

We must invite Australians to join a movement for change - not just a movement to achieve rights at work, but a *movement for fairness and justice*, a movement for democratic rights.

We must build a broad coalition of people committed to a better future.

Be part of it. Contribute in practical ways.' (Combet 2005)

The 'Your rights at work' campaign is not only a campaign to overturn the current legislation and to protect workers' rights into the future. It is an attempt to articulate an alternative set of values for the labour movement and to inspire the ALP to build on this initiative and the unions' investment in it. It is an attempt to claw-back Howard's successful colonization of the term 'battler' and to reinscribe the term with its traditional labour values and affiliations (Scalmer, *The Battlers*; Greenfield and Williams;

Dyrenfurth). The ACTU is also trying to position itself as relevant to aspirational workers, those struggling to get ahead, to break into the housing market (Scalmer *Searching*). It is trying to create a new (as well as revive an old) political community allied to the social democrat and left parties that have a sense of community identity and a commitment to looking out for each other in the face of the government's and Business Council of Australia's determination to escalate individualism in Australian society.<sup>7</sup> As can be seen in the choice of images used in the National Day broadcast and DVD this vision is built on a (romanticised) image of past strengths and achievements that inform an idealistic vision of what the movement can be again. It also offers an inclusive vision of a multiracial and diverse workforce.

The Prime Minister's applause for the contribution individuals make to the national good through their role as 'enterprise workers' is central to the WorkChoices argument that these laws are essential for the national good, and that opposition to the laws, being against progress, prosperity and security, is unAustralian. 'Australia can't afford to stand still' was the message that took up a whole page in the 2005 national print advertising blitz. Here unions are positioned as obstinate relics of the past that stand in the way of progress. There is not room here to unpack Howard's vision of the enterprise worker (Howard *Workplace Relations* 2) and its shift of the locus of identity from production to consumption, from a person with strong social and work relationships to someone who instead shapes their lives through purchasing power (Rose 102-3; Casey). This vision is strongly implicated in the Prime Minister's articulation of national values, and yet it is the source of another apparent contradiction.

### **ACTU and Australian values**

The ACTU's 2005 National Day of Community Protest, broadcast via SkyChannel to some 300 venues around Australia, included testimonies from retired unionists about the nature of the struggle they participated in to win the workplace rights and conditions Australians' currently take for granted. It also included personal stories from workers and others currently engaged in struggles over fairness, justice and rights at work. The Asbestos Diseases Foundation President, Bernie Banton, who has led the fight for compensation for the James Hardie workers was one. Andreia Veigas, a young woman whose husband was killed in a workplace accident leaving her to bring up their small children alone, was another. Stories and messages of support were also contributed by well-known actors such as William McInnes, church leaders and workers in a variety of industries. After these messages were screened, ACTU president Sharan Burrow welcomed many of these people on stage calling them 'courageous working Australians standing up for their families and their communities', thus redefining again the nature of the struggle, its identity and its terrain of operation. Through these personal accounts of contemporary and historic struggles the ACTU sought to present an alternative image of 'ordinary' Australian heroes. These people were shown as having moral fortitude and courage for standing up for their beliefs, for working for the good of others as well as (or instead of) their own self-interest. Indeed, they embodied positive qualities of Australian identity and of mateship.

In the era of sedition laws and the threat of imprisonment for those who might be inciting protest or terrorist acts, and at a time when Australians and Australian institutions that criticise the Government are frequently and vociferously attacked by Howard's cheer

squad, the right-wing media commentariat, this does require courage. In the Day of Protest speaking out for your own and your colleagues' rights is constructed as not only a courageous act but also as one that is essential to preserve and strengthen democracy. Here is one of the fundamental claims of the ACTU campaign. Democracy in Australia, and the very essence of its social fabric, is threatened on several fronts by a government driven by an ideological compulsion to change, rather than a demonstrated need to implement such change. This focus on rights in the context of Australian values is a key element of the campaign through which the ACTU aims to build alliances with more educated, middle-class voters.

Of course as in any struggle over meaning of signs the ACTU cannot fully succeed in the goal of defeating the 'commonsense' meanings Howard has sought to associate with trade unions, industrial relations, enterprise worker, choice and WorkChoices. Nonetheless, the 'Your rights at work' campaign has seen the union movement re-engage in the struggle over meaning with significant professionalism, passion and resources. This effort is succeeding in disrupting the acceptance of the WorkChoices legislation but it may not be enough to change the government.

In July this year the individual workers who told their stories in the ACTU's 'Real workers real stories' TV advertisements were viciously attacked as liars by the Prime Minister and Attorney General Philip Ruddock in the press and the ACTU too was accused of lying about the circumstances of their dismissals (Howard *Doorstop*). These workers' situations were apparently 'investigated' by the government agency the office of Workplace Services without the agency ever speaking to their workers only their employers. A secret report based on this investigation was prepared and its conclusions were leaked to the Sydney *Daily Telegraph* triggering an attack on the workers by that paper (McIlveen; ACTU, *ACTU Condemns*). As the previous experiences of others such as Andrew Wilkie and Scott Parkin demonstrate being a dissenter and a vocal critic of the government's in these times is a risky, costly and high stress practice. The people who gave their accounts to the ACTU's Day of Protest embody a challenge to individualism, political passivity and Howard's demand that we turn ourselves into 'enterprise workers' caring more about the future of the company than for each other.

These stories, and people's willingness to tell them represent a key element in the ACTU's challenge to Howard's vision of Australian values. In Howard and Andrew's justification for the need for WorkChoices trade unions and unionists belong to the 'Industrial Relations Club' which looks after insiders rather than the interests of all Australians. Kevin Andrews argues that:

'Union power led to the institutionalisation of unproductive work practices whose legacy continues to impede the Australian economy from reaching its full capacity, both in respect to output and other economic and social goals, such as lowering unemployment and increasing workplace participation' (Andrews *A Nation* p.80)

In Andrews' and Howard's accounts unions are unAustralian as is low productivity. However, the ACTU attempts to show the gains unions have brought to the citizens of the country including the fairer distribution of its increased wealth. This point is made in several testimonies to the National Day as is the point that workers *should* benefit in times

of economic prosperity. The scripting of the key speeches by President Sharan Burrow and Secretary Greg Combet constantly revolved around an articulation of national values that included the idea of social citizenship (Hearn and Lansbury; see Burrow 2005).

### **Conclusion:**

The competing campaigns of the Government and the trade union movement over the industrial relations laws have revolved around opposing constructions of fairness, choice and Australian values. The struggle is by no means over and will continue at least until the federal election in 2007. The ACTU appears to have made significant gains in public opinion in the first twelve months of their campaign, particularly in their challenge to the perceived 'fairness' of the laws and their impact upon families. Their gains in relation to the issue of workers' rights and trade union rights are less clear and probably more fragile. The government has recently broadened out the debate over values into the discussion over a statement of Australian values that prospective citizens must sign. With regards to industrial relations, it can be argued that the ACTU have been quite successful in attempting to set the terms of the debate and in building 'a favourable structure of values into the debate' (Towart 269). However, the government has many avenues and means at its disposal to pursue its values campaign and to deploy these values in their efforts to construct a political community favourable to its re-election. They are also likely to invest significant effort and resources in attempting to undermine the gains the ACTU has already made.

The struggle over WorkChoices, however, has shown that the dominance that Howard was presumed to have achieved over the meaning of the term battler is able to be challenged. It also shows that the loyalties of those who occupy the subject positions of the political category 'Howard's battlers', that is low-income voters who voted for the government in 2004 over interest rates, are fluid. Insecurity over fairness in the workplace may be a key issue in returning their votes to the ALP.

In the political and cultural struggles over the industrial relations laws competing meanings are as central as material effects on the lives of a diverse array of Australian workers and those who live with them. They remind us of the relevance of cultural studies to industrial relations and to other forms of political struggle, and of contemporary struggles over the meanings and regulation of work to our cultural studies practice.

### **References**

7.30 Report, 'Union seizes on coal worker contract' ABC television, 3 July 2006, transcript at <http://www.abc.net.au/7.30/content/2006/s1677788.htm> (accessed 4 July 2006).

ACTU, 2005, *Union Update 2005*, No. 2, Melbourne, ACTU.

ACTU, 2005, 'National Day of Community Protest November 15 2005' DVD, Melbourne, ACTU, view excerpts at <http://www.rightsatwork.com.au>.

ACTU, 2005, 'Sacked mums go to court over AWA's 25% pay cut', [http://www.actu.asn.au/public/news/1113968086\\_10548.html](http://www.actu.asn.au/public/news/1113968086_10548.html)

ACTU 2006, *ACTU Condemns Disgraceful Federal Govt Attack On Sacked Workers*,

Media Release 26 July 2006, [http://actu.labor.net.au/work\\_rights/news/1153898054\\_31010.html](http://actu.labor.net.au/work_rights/news/1153898054_31010.html)

Ainsworth, Susan, Marian Baird, and Leanne Cutcher, 2006, 'WorkChoices and Word Choices' *Our Work, Our Lives... National Conference on Women and Industrial Relations*, Brisbane.  
<http://www.qwws.org.au/filestore/OWOL%20Papers/PDF/Ainsworth%20et%20al%20FINAL%20-%20DONE.pdf>

Andrews, Kevin, 2005, 'A Nation of participants workplace relations and welfare reform' *The Sydney Papers*, Autumn 2005, pp74-82.

Andrews, Kevin, 2005, 'IR changes family friendly, says Andrews', *Insiders Australian Broadcasting Commission Transcript of interview 23/10/2005*,  
<http://www.abc.net.au/insiders/content/2005/s1488537.htm> [accessed June 27 2006]

Andrews, Kevin, 2005, 'WorkChoices: Moving towards a Simpler National Workplace relations system,' Media Release, 9 October 2005.  
<http://mediacentre.dewr.gov.au/mediacentre/AllReleases/2005/October/WorkchoicesMovingTowardsASimplerNationalWorkplaceRelationsSystem.htm>

Andrews Kevin, 2005, 'ACTU Workplace Relations ads are wrong and misleading', Doorstop interview, Parliament House Canberra, 20 June 2005.

Andrews Kevin 2005, 'Doorstop interview Melbourne'. 15 November 2005,  
<http://mediacentre.dewr.gov.au/mediacentre/AllReleases/2005/November/DoorstopInterviewMelbourneDUPLIC1.htm>

*Australian*, 2005, 'Editorial: an advertising rort', *The Australian*, 31/8/2005, p. 31.

Bailey, Janis and Keith Townsend, 2006 'Selling 'WorkChoices' to the Australian public' unpublished paper presented at the Canadian Industrial Relations Association Conference, Toronto, 1-3 June 2006.

Burrow, Sharan, 2005, 'Remember This Day - 15 November 2005', <  
[http://www.actu.asn.au/work\\_rights/news/1132026716\\_13553.html](http://www.actu.asn.au/work_rights/news/1132026716_13553.html)> (last accessed 30/1/06).

Business Council of Australia (2004) *Aspire Australia 2025*,  
<http://www.bca.com.au/content.asp?newsid=94443>

Casey, Catherine, 1995, *Work, Self and Society: After Industrialism*, London, Routledge.

Combet, Greg, 2005, 'Address to the National Day of Community Protest, 15 November 2005' <  
[http://www.actu.asn.au/work\\_rights/news/1132019526\\_1598.html](http://www.actu.asn.au/work_rights/news/1132019526_1598.html)> (last accessed 30/1/06).

Commonwealth of Australia, 2005, *WorkChoices: A Simpler, Fairer, National Workplace Relations System For Australia*, Canberra.

Dyrenfurth, Nick, 2005, 'Battlers, refugees and the republic: John Howard's language of citizenship', *Journal of Australian Studies*, *Backburning*, no. 84, pp.183-96, 259-61.

Glasgow University Media Group (GUMG) (1976), *Bad News*, Routledge & Kegan Paul.

Greenfield, Cathy and Peter Williams, 2001, "'Howardism' and the media rhetoric of "battlers" versus "elites"', *Southern Review*, Vol. 34, No. 1, pp. 32- 44.

Hall, Richard, 2006, 'Australian Industrial Relations in 2005– The WorkChoices Revolution', *Journal of Industrial Relations*, Vol. 48 (3) pp. 291-303.

Hearn, Mark and Russell Lansbury, 2005, 'Reworking citizenship: renewing workplace rights and social citizenship in Australia', *Reworking Work: The Proceedings of 19 AIRAANZ Conference*, Sydney. <http://www.econ.usyd.edu.au/wos/worksite/citizenship.html>

Howard, John, 2005, Address to the Sydney Institute, 'Workplace Relations Reform: The Next Logical Step' 11 July 2005. <http://www.pm.gov.au>

Howard, John, 2005, 'Why our unfair dismissal laws aren't working', Address to the Chamber of Commerce and Industry of Western Australia, 25 September 2005, <http://www.pm.gov.au>

Howard, John, 2006, 'Closing address to Liberal Party Federal Council 26 June 2006,' <http://www.pm.gov.au/News/speeches/speech1442.html>

Howard, John, 2006, 'Doorstop Interview Upwey-Belgrave RSL', Upwey, 26 July, 2006. <http://www.pm.gov.au/news/interviews/Interview2036.html>

Human Rights and Equal Opportunity Commission (HREOC), 2006, *Striking the Balance: Women, Men, Work and Families*, Sydney, Background paper, (accessed 20/9/2006), [http://www.hreoc.gov.au/sex\\_discrimination/strikingbalance/background.html](http://www.hreoc.gov.au/sex_discrimination/strikingbalance/background.html)

Jensen, Peter, Reverend, 2005, quoted in 'Govt. Defends IR changes' ABC television The 7.30 Report 11/10/2005 transcript at <http://www.abc.net.au/7.30/content/2005/s1479969.htm>

Louw, Eric, 2005, *The Media And The Political Process*, London, Sage.

McIlveen, Luke, 2006, 'Sacked legally', *Daily Telegraph*, 26 July 2006. <http://www.news.com.au/dailytelegraph/story/0,22049,19910763-5001021,00.html> (accessed 15 September 2006)

Muir, Kathie, 2006 (forthcoming), 'Sky Channel And The Battle For Australians' Hearts And Minds: The ACTU's Use Of Media In The "Rights At Work" Campaign', ANZCA 2006: *Empowerment Creativity & Innovation in Media & Communication, Conference Papers*, Adelaide.

Nelson, Cary interviewed by Marc Bousquet, *Workplace 5*, 1 Oct 2002. <http://www.louisville.edu/journal/workplace/issue5p1/bousquetnelson.html>.

Orr, Graeme, 2006, 'Government advertising: Informational or self-promotional?', *Democratic Audit of Australia*, March 2006. <http://>

Peetz, David, 2005, 'Coming soon to a workplace near you – the new industrial relations revolution', *Australian Bulletin of Labour*, Vol. 31, no. 2, pp. 90-111.

Pocock, Barbara, 2003, *The Work/Life Collision*, Annandale, Federation Press.

Rose, Nikolas, 1990, *Governing The Soul: The Shaping of The Private Self*, London, Routledge.

Scalmer, Sean, 1999, 'The battlers versus the elites: The Australian right's language of class' in *Overland*, No. 154, Autumn 1999, pp. 9-13.

Scalmer, Sean, 2005, 'Searching for the aspirational', *Overland*, No. 180, Spring, pp. 5-9.

Senate Finance and Public Administration References Committee, 2005, *Government Advertising and Accountability Report*, Canberra,  
[http://www.aph.gov.au/Senate/committee/fapa\\_ctte/govtadvertising/report/c04.htm](http://www.aph.gov.au/Senate/committee/fapa_ctte/govtadvertising/report/c04.htm)

Towart, Neale, 2005, Framing the Debate: the Unions' Campaign, *Journal of Australian Political Economy*, No. 56, pp. 268-276.

Turner, Graeme, 2005, *Ending The Affair: The Decline of Television News and Current Affairs in Australia*, Sydney, UNSW Press.

Van Onselen, Peter and Wayne Errington, (forthcoming) 2006, 'The Howard government's industrial relations campaign', ANZCA 2006: *Empowerment Creativity & Innovation in Media & Communication, Conference Papers*, Adelaide.

Workers Online, 'Choice Bro, Andrews unmasked', *Workers Online*, Issue 269, 24 June 2005,  
[http://workers.labor.net.au/269/news1\\_bro.html](http://workers.labor.net.au/269/news1_bro.html)

---

### Notes:

<sup>1</sup> Authors who have examined trade union campaigning tactics in response to WorkChoices include Towart, and Muir.

<sup>2</sup> For example in the ad in which the couple are discussing how they can make ends meet in the face of reduced income under the husband's new AWA, he suggests they will have to cut back on the support they had intended to offer their daughter for tertiary study. The woman objects 'But we *promised* we'd help her go to uni'. Most, although not all the characters in the 2005 ads were Caucasian. More diversity is evident in the 2006 'Real workers, real stories' ads. A selection of ads can be viewed at <http://www.rightsatwork.com.au/>

<sup>3</sup> For example Unions SA's U-Who network for young people and the LHMU's campaign 'Band Together' <http://www.lhmu.org.au/lhmu/flash/BandTogether4.swf>

<sup>4</sup> Essential Media Communications is the agency working with the ACTU on the campaign.

<sup>5</sup> Neale Towart claims focus group research conducted by Unions NSW 'regularly shows that unions are seen as "heroes of fairness"' (Towart 273), whereas the Prime Minister has claimed that his 'government has been the best friend that the workers of Australia have ever had' (Howard 2006).

<sup>6</sup> For example the highly publicised case of 21 year old mine truck driver (and former Matildas soccer star) Lorissa Stevens who was terminated for refusing to sign an AWA that demanded she give 12 hours advance notice of sick leave or pay a \$200 fine (7.30 Report).

<sup>7</sup> The BCA envisage increased individualism as characteristic of Australians and as something to be encouraged in their twenty-five year vision 'Aspire Australia 2025'.