

Submission
No 52

INQUIRY INTO IMPACT OF COMMONWEALTH WORKCHOICES LEGISLATION

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Date Received: 28/07/2006

Theme:

Summary

Asian Women at Work Inc
Submission to the NSW Upper House Inquiry into the Impact of WorkChoices
Impact of new Industrial Relations Laws on Asian Women Workers

Asian Women at Work is working with Asian migrant women. Our primary target group are women from Chinese and Vietnamese backgrounds, while we have contact with smaller groups of working women from other migrant ethnic backgrounds including Filipino, Lao, Khmer, Thai and Indonesian. We have a current membership of 1,100 working women.

Generally the women we have contact with are working in low paid employment in industries including clothing, furniture, cleaning, restaurants, food, metalwork, packaging and plastics. The majority work in small to medium size businesses. A significant proportion of the women we have contact with work for below award level wages and conditions. This includes, but is not exclusive to outworkers in the clothing industry.

At this early stage of the implementation of WorkChoices we do not have dramatic stories of the nature that have hit the headlines in recent months. The changes have been more subtle.

The impact WorkChoices has on the industrial relations experiences of migrant women workers we work with fit into three categories.

1. Women who have experienced a reduction in conditions, and an associated loss of income.
2. Women who have experienced an increase in stress and abuse in the workplace.
3. Women who never experienced award wages and conditions, and see a job with fair wages and conditions as even more out of reach.

1. Reduction in Conditions

Interestingly, all the cases that have been reported to us of a reduction in conditions we believe are actually illegal.

A factory in Campsie stopped paying penalty rates to its employees in January. This is obviously before WorkChoices commenced, and the workers were not asked to sign an AWA which allowed this.

A factory in Fairfield stopped paying overtime after the commencement of WorkChoices but again without an AWA.

The closest we have seen to an AWA was an agreement, written in Chinese, which spelt out some very basic wages and conditions. She was required to sign it at her interview as a condition of commencing work. The agreement specifies a 40 hour week. The rate of pay was \$14 an hour with opportunities for increase every six months based on productivity and following employer's instructions. Overtime pay was to be paid "at the normal rate" without specifying what that normal rate is. Interestingly, the worker was to receive training for the first 6 months of her employment and for that \$125 a week would be deducted from her wages. If she was a good learner and productive worker, after 3 years she would have this training money paid back to her. Not all 5 minimum

conditions were included in the agreement, nor did it purport to replace any award conditions.

A worker in a furniture factory with 41 women reported how one, two or three people were sacked every month over the last 12 months. She does not believe anyone was paid redundancy pay. After she was sacked in June there was only 3 people left in the factory and she received no redundancy pay.

2. Increase of Stress and Abuse

The single biggest issue migrant women workers are reporting to us is the increase in stress and fear of workers in their workplace. Workers are fearful they could be sacked and are not speaking out about any issues concerning them in their workplaces. They are not raising health and safety issues, they are not speaking up about unfair treatment and they are being bullied and abused by employers and supervisors to a greater degree than before.

In one factory a English speaking background male worker who had been casual for over 12 months asked to be put on permanently. The boss responded "its is an open door here. If you don't like what you have you can leave." The migrant women in that workplace witnessed this treatment of an English speaking worker and felt that they have no power to raise any issues if that the ESB worker could not do anything.

Others have reported an increase of "surveillance" by employers, greater monitoring of time spent in the toilet, pressure to work faster and an overall increase in the atmosphere of fear in the workplace.

These changes in workplace atmosphere were reported from the time when WorkChoices was tabled, not just since WorkChoices officially commenced.

3. Below award wages and conditions

This third group is also a large group. Many migrant workers in Australia have never had a job where they were paid award wages and conditions. Some women have been in Australia for 20 years and have worked for most of that time but always in below award wages and conditions. They say they have no choice if they want to work, and their lack of English language skills prevent them from having alternatives.

One woman tells us there are only 3 people in her clothing factory. The boss is complaining that she is too slow, and is pressuring her to work faster. She has stood up to him and said she will leave if he keeps pressuring her. She believes he has kept her on because he couldn't find anyone else to do the work. She is working full time, at below award rates of pay, and does not get annual leave. She is apparently paid for sick leave, however, but we understand she rarely takes time off for illness. She has complained to the employer about his overuse of cockroach spray in their confined workplace as the smell is really bad and irritating, however he continues to use it extensively.

When we run information sessions for new migrants through the Adult Migrant English Program the response to the segment on Rights at Work is often – "those might be our rights but we are never going to achieve that".

Many migrant workers (recent arrivals and long term migrants) report working for only \$8 to \$10 an hour. They are treated as casuals in terms of job security and hours of work, but never receive any casual loading. Some are provided with some payment in kind like accommodation in lieu of wages. This accommodation is usually only rudimentary – a room at the back of the house or in the garage.

Since WorkChoices this group have described a worsening environment in their workplaces similar to that described above and a greater sense of hopelessness that anything can improve for them.

Looking for Work

Many women in our network have lost their employment due to the overall reduction of jobs in the manufacturing sector where they have worked. They have had limited opportunity to learn English or develop skills.

These women in our network looking for work report that they are mainly introduced to jobs through their friends. They accept what is offered in terms of wages and conditions without argument.

Under the new laws they are worried that if they ask for too much the boss won't give them a job. They know they should ask more about their rates of pay but they are scared and accept anything.

A lot of women are finding the only factory work they can get at the moment is casual work, so they are doing short term casual jobs in a range of workplaces and are constantly on the look out for work.

Migrant Women Describing their Fears about the New Laws

Asian women workers are expressing to us great fear and powerlessness in the face of the changes to industrial relations laws. They describe the laws as clearly intended to assist employers not employees, and expect that the impact will go well beyond their workplaces to family income, family time together and ultimately quality of family life.

In their submissions to the Senate Inquiry into WorkChoices some of the women in our networks raised the following issues, in their own words -

1. Disadvantaged by limited English – forced to sign Individual agreements
As migrants and with poor English we find it very difficult to argue with our bosses. If the boss asks us to sign a contract we will be scared that we will lose our job if we don't sign it, so we will sign even if we don't think the contract is fair. We expect to be forced to sign agreements that take away some of our pay and conditions. In addition, we expect agreements will be written in English and we will not fully understand what we are being asked to sign.

2. Reduction in Family Income
The bosses are very interested in this new law. We expect our family income will go down when bosses no longer have to pay overtime or penalty rates. The bosses always take the cheapest option. These agreements will mean less money. With the low incomes we receive we rely on overtime pay to have enough money to pay all the bills.

3. Workers can be sacked without a reason

We are concerned about the removal of unfair dismissal laws. Most migrant workers like us work in workplaces with less than 100 workers. Without these unfair dismissal laws it means we will be scared that if we ask our boss for anything we might be told to go home. We will be scared to speak out about anything, even if it affects our safety at work, because we might lose our job.

So where is our job security now? We will be fearful of reporting discrimination, bullying and sexual harassment for fear of being sacked. The stress we experience at work will be carried into our family lives as we cannot deal with the problems in our workplace without placing our livelihoods at risk.

4. Limited access of unions to workers in the workplace

We are worried about not being able to see the union in our factory. Migrants need unions more. It's much harder for us if there is no union because unions can talk to the boss for the workers. The union officers have good English and know the law. When the union officers speak out for us, individual workers are not singled out and won't lose their job.

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5. Removal of Skill Levels from awards

The removal of skill levels from awards will mean our wages will drop immediately. Many of our bosses only ever provide us with the minimum pay and conditions required by law. Without the skill levels the minimum legal wage for each of our industries will drop to the lowest skill level wage. Some of us are highly skilled in sewing, making garments sold by designer outlets. This removal of skill levels is especially unfair on us.

In Summary – from the women workers themselves

We are worried that the new laws give the employers a lot of power. Good employers are hard to find. Our experience is that employers are always trying to get more benefits for themselves. We are confident employers will be looking for ways to minimise their obligations, and will use these new laws to reduce what they pay us.

Because our husbands or we ourselves can be sacked without being given a reason many of us will be scared to speak up about anything in the workplace, even if something is dangerous or unfair. Our families need a strong safety net to protect them from uncaring bosses.

These new laws are like a noose around our neck. They will kill us. Why is it the poor people that have to suffer the most?

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