Introduction

It has been said the social teaching of the Church is a treasure, but I think sometimes it is a hidden treasure!! And the task I have been given this morning, in fifteen minutes, is to begin to unveil the treasure, and speak to you about the social teaching of the Church in the context of the Work Choices legislation, although I will leave it to the other speakers to go into the detail of the legislation.

Interventions Based On Church Teaching

Some of you may be aware that I have been active in the Work Choices debate, and the reasons for that are based solely on Catholic teaching, my personal conviction about it, and my responsibility as a bishop to uphold the principles it enunciates. When I, or other bishops, speak out on social questions, we are not doing so to be meddlesome, to impose solutions on governments, nor indeed to seek converts to Catholicism. The Church speaks on this matter because work is an activity of the human person, and the Church is legitimately interested in the life of the human person.

Notion of Balance

Last Sunday, I heard an address on Work Choices legislation given by Professor Don McCallum, Head of the Law School of Sydney University. He began with a sketch of the history of Industrial Relations in Australia and stated clearly that the seminal statement on modern industrial relations was that made by Pope Leo XIII, in his 1891 encyclical *Rerum Novarum*

But long before Leo XIII were the Benedictines whose rule of life was the first to introduce the notion of balance: balance between work, recreation, sleep and prayer. By making manual work part of their daily routine, the Benedictines elevated work from an activity fit only for slaves to an essential activity of a well-balanced life

This gave rise to the idea, captured by Leo XIII, and the foundational statements of Australian industrial relations, that a just wage and conditions must give employees and their families the opportunity for relaxation, the opportunity to engage in community activities and a reasonable time for sleep. This sense is far distant from the notion of workers which permeates Work Choices legislation, where work is purely a driver of an economic system, and workers are subordinate to the requirements of that system. It is an entirely technical view of economic processes.
First Principle: Dignity of Human Person

This brings me to the first principle of Catholic social teaching: the dignity and inviolable rights of the human person. Many non-Catholics, as well as people of no faith, share a belief in human dignity, but we need to be clear about the basis of our belief, and that basis is our belief about creation. God is the creator, and his creation is good. He has created men and women in His image and likeness.

This is the basis of our dignity: we are all created by God. The dignity of workers means that they cannot be treated as simply an input to the production process. Employees cannot be treated as commodities. In Catholic thinking, people are not valued according to their work, but rather work is valued because it is the free act of a human person.

Secondly, we are equal in dignity; brothers and sisters of the same Creator God. No one has more, or less, dignity because of any physical or intellectual attribute. And if we need any proof of that, we can remind ourselves that Christ thought that each one of us was worth dying for!

Balance in Relationships

This belief has profound implications for the ways in which we relate to each other in every aspect of life, including work. The principle of the dignity of the human person, and the rights which attend that dignity, are the bedrock of Catholic teaching on work, and of the various Conventions of the International Labour Organisation, the ILO. Even the term ‘industrial relations’ signifies an understanding that the laws and conventions which govern work are about relationships, and the appropriate balance between the parties in the relationship: that there is a reasonable and fair balance between the rights of employers and the rights of employees.

Purpose of Government

That is until Work Choice Legislation came along. The inherent affront to human dignity will be evident when you consider some of the individual provisions of the legislation, but it is revealing to consider the legal foundations of the legislation first. Work Choices is based on the Corporation powers in the Australian Constitution, and I will consider this in the context of the second principle of Catholic social teaching: the purpose of Government.

The purpose of Government is the promotion of the common good, “the sum total of those conditions of social living whereby people are enabled more fully and more readily to achieve their own perfection” (Mater et Magistra, 65). It is the role of government to structure society, including the economy, in ways which promote and ensure justice. The decision to base Work Choices legislation on the powers of Corporations is a fundamental shift in the foundation of labour law in Australia; a shift which sets aside the just balance of the relationship between the parties to one whose focus is the good of the Corporation alone.

You know the story about asking directions: you ask directions of a local person, and he says “well, I wouldn’t start from here”!! If you wanted to enact just labour law, you wouldn’t start from the Corporation powers!
Collective Bargaining Abolished

The right of workers to act collectively is central to Catholic social teaching. It was stated explicitly in the great Encyclical *Rerum Novarum* which still stands the test of time. The great injustice of Work Choice Legislation is that it obliterates the principal instrument of collective action which is collective bargaining. Let us be very clear about this: there is no right to collective bargaining under the legislation. Any collective bargaining that may take place is entirely at the whim of the employer.

This is manifestly unjust! And you don’t need to take my word for it! The removal of the right to collective bargaining places the new legislation in breach of the ILO *Convention on Fundamental Principles and Rights at Work, 1998*, which states that all member states, even if they have not ratified the Convention, are obligated to promote and to realise in good faith, freedom of association and the right to collective bargaining.

Option for the Poor

The Option for the poor is a vital principle of Catholic social teaching. This principle insists that we stand with the poor and oppressed since we encounter Christ Himself in the poor and the outcast. The Christian community should stand side-by-side with the victims of injustice as part of its continuing mission to serve the Gospel of Jesus Christ.

Work Choices hits hard at the disadvantaged and vulnerable groups in Australia. The already unemployed, people in Rural and Regional Australia, women in casual and part-time jobs, the disabled, and young people will suffer disadvantage under this legislation. The other speakers, I am sure, will elaborate on these points. In the regulation of the labour market, governments have an obligation to protect the rights of the vulnerable. No fair-minded person could say that Work Choices does that.

On the contrary, the legislation is weighted heavily, too heavily, in favour of the employer. Let us take the example of an AWA. There is nothing intrinsically wrong with an AWA provided that the worker is highly skilled and has a sophisticated capacity for negotiation. In the workplace, some, but by no means all, workers will have skills of sufficient marketability, and the capacity to negotiate an AWA which suits them, but the fact remains that the majority will not.

In eliminating the constraints imposed by the Award system, the legislation stacks the scales in favour of the employer, and particularly to the disadvantage of vulnerable groups.

Church as Employer

Earlier I made mention of balance, and my remarks so far have focused on employees. But the Church, as you well know, is an employer, in fact, a very large employer, and the Church must have her own house in order if she is to continue to speak with credible force on this legislation.

Catholic social teaching recognizes the right to private property and, deriving from that right, the right to conduct business, and to profit from that business. But this right does not over-ride the right of workers to a wage which enables them to support a family, with all that that entails. What applies to employers in businesses- for-profit also applies in not-for-profit organizations.
The legal position with regard to the Catholic Church agencies and Corporations power is not yet clear, and perhaps Mr McDonald will have more to say on that, but, of course, the Church is under a very heavy obligation to observe the principles of her own social teaching.

**Erosion of Trust**

There is one final point I wish to make, and that is about trust. The almost defunct recourse to unfair dismissal provisions creates a climate of distrust because the fear of dismissal stalks the workplace. This is a most significant point because to the degree that a person acts, or is impeded from acting, through fear, to that extent a constraint has been imposed on the person’s freedom.

The generation of fear among workers cannot be reconciled with any Christian understanding of the world of work. Fear erodes trust and builds distrust, embittering relations between employers and employees, and between fellow employees, who cannot even discuss the provisions of their AWAs with their mates at work.

**Conclusion**

In summary, I suggest that this legislation is spectacularly inadequate when tested against the principles of Catholic Social Teaching.

How many of us thought we would live to see the day when an Australian government would legislate to ensure that the interests of business run rampant, at the expense of the dignity and rights of the human person? In a few years, will we echo the words of Pope Leo XIII, “Hence, by degrees it has come to pass that the workingman has been surrendered, all isolated and helpless, to the hardheartedness of employers and the greed of unchecked competition”.