On Being Model Employers Who Exemplify Gospel Values and the Church’s Mission in the WorkChoices Era

Address to the Australia/New Zealand Conference of Managers of Diocesan Development Funds

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Francis Rush Centre
St Stephens Cathedral
Brisbane

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I note that today is a public holiday in Queensland and thus this transnational meeting of diocesan managers is taking place with work to be done, regardless of the local public holidays. I can only hope that you are here voluntarily, and that unlike the Telstra workers, the Queenslanders among you are not forced to forego your holiday in the interests of transnational efficiency of the church’s development funds. Your organisers have told me:

The key focus of Development Funds is to fund capital development in respective Dioceses; however it is important that we adopt a wider vision and look for creative ways to support Church in the area of Social Justice.

I am delighted to assist you in that mission here in the Francis Rush Centre. The late Archbishop Rush was my mentor and patron in my early years as a Jesuit serving the Church’s mission for justice. Even before my ordination, he as President of the Australian Catholic Bishops’ Conference had invited me to address the conference on the difficult political and legal issue Aboriginal land rights. It is over twenty years ago that he ordained me priest here in St Stephen’s Cathedral. At the ordination, he and the other Queensland Catholic bishops invited Archbishop John Grindrod, the Primate of the Anglican Church, and the Reverend Douglas Brandon, the Moderator of the Uniting Church to join them on the sanctuary for the ordination mass. This was appropriate because we had worked co-operatively espousing the rights of Aboriginal Australians. By working co-operatively for justice, it was right and proper that we worship ecumenically. Your conference organisers have set out this request for the opening keynote address:

Given the current discussions on Industrial reform the conference organisers thought that a keynote address addressing this particular issue and like issues would be a sound platform to build on over the couple days that we meet.

You will appreciate that I am no expert on IR law. I come as a relative novice to this whole field, and on some issues I may well be wide of the mark. But even in my mistakes, I will provide food for thought in your deliberations these next two days. So how do I approach the issue? I start by looking at what our bishops have said. I do this not because I woodenly accept that whatever the bishops say must be right.

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But I know they are church leaders informed by the church tradition and Catholic social teaching. Australian bishops, at least when all meeting together, are not readily given to making intemperate or party political statements. Some of them talk regularly to politicians of all stripes. I will be particularly attentive to any concerns they express in favour of workers or unions. After all, they all run dioceses which are now major employers, so they are not too likely to wear workers’ rights or union power on their sleeve, just for political effect. They are in the market, while at the same time wanting to live the gospel practically with a care for the poor and vulnerable, and while seeking the common good which includes economic development for the well being of all Australians, and for the well being of those living in countries poorer than ourselves.

The bishops did issue a statement in November 2005 at the time the Workchoices legislation was coming before parliament. They started with some presumptions about the desirability of economic growth. They said: “Economic growth is needed to provide prosperity and economic security for all and to provide equity and social cohesion. Economic growth is needed to enhance social justice.” They might not all be economic rationalists but as a group they do have that western mindset that presumes the pie will always be increasing and that it needs to be if we are to carve it equitably without too much social upset. In future, we might all need to question the presumption that economic growth is needed to enhance social justice. There may come a time when we see that economic growth in some countries is even inimical to social justice for all. They bishops then asked, “Does the proposed national system of employment regulation include the objectives of employment growth, fair remuneration, and security of employment? Does it promote truly cooperative workplace relations and ensure protection of the poor and vulnerable?” These are good questions for all of us to consider. Let me highlight four of the bishops’ concerns:\footnote{1}:

- It is not morally acceptable to reduce the scourge of unemployment by allowing wages and conditions of employment to fall below the level that is needed by workers to sustain a decent standard of living.
- Many employees, especially the poor and vulnerable, may be placed in a situation where they will be required to bargain away some of their entitlements, in particular…overtime rates, penalty rates and rest breaks.
- Unfair dismissal rights should not be dependent upon the size of the employer’s undertaking.
- The legitimate rights of unions are derived from the rights of their members…(Unions) are not ‘third parties’ or outsiders to the employment relationship.

Being one of the largest employers in the country, the Catholic Church in Australia has the Australian Catholic Commission for Employment Relations (ACCER). Last September, prior to the release of the bishops’ statement, the ACCER issued a lengthy Briefing Paper on the Commonwealth Government’s Proposals to Reform Workplace Relations in Australia. Half of that paper is a very useful and thorough outline of Catholic Social Teaching on work, the rights of workers, and mutual responsibilities.

\footnote{1 Public Statement by the Australian Catholic Bishops Conference in Relation to the Commonwealth Government’s Workplace Relations Amendment (Workchoices) Bill 2005, 25 November 2005}
In our church workplaces, we should expect our senior management and staff to be familiar with this teaching and able to give junior staff some understanding of this rich tradition.

The ACCER listed four principal issues which have caused it concern with the government’s proposals:

- Minimum wage setting
- Unfair dismissals
- Minimum conditions, awards and agreement making
- The reduced role of the Australian Industrial Relations Commission

The benefits and propriety of one national system rather than a variety of state and territory systems augmented by a federal system need not detain us long. The High Court will hear a case this month testing the limits of the Commonwealth Parliament’s power to legislate in this field. In a globalised world, I am not one to lose too much sleep over a more comprehensive national workplace law for a national economy.

Under the rubric of a national system, we need to consider if the national measures are the right measures for the country at this time. If there is not the constitutional power for the Commonwealth to govern all workplace relations, and there is not, then is the new mix of federal and state cover more equitable and more workable than the previous system? Or is it simply a power grab by Canberra? It is fascinating to watch those on the ministerial benches advocating increased power for Canberra on a number of fronts who, when in Opposition, were great advocates of state rights. I am one of those Australians who have long accepted that in a globalised world and in a fairly homogenous nation like Australia, there are many national tasks which are best handled nationally. There are others which are best left to the states under the principle of subsidiarity.

There are some moves afoot to permit more employees in state government enterprises continued access to arbitration and conciliation processes. This may not be simply obdurate, reactive politics at work. Let’s remember the praise Pope John Paul II lavished on Australia’s system of conciliation and arbitration when he visited Australia in 1986. Speaking to workers at the Transfield factory in Parramatta, he said:"2

"Australia has a long and proud tradition of settling industrial disputes and promoting co-operation by its almost unique system of arbitration and conciliation. Over the years this system has helped to defend the rights of workers and promote their well being, while at the same time taking into account the needs and the future of the whole community.

On 21 September 2005, Cardinal Pell spoke at the National Press Club and in answer to a question on IR reforms, he said that while some unions and their leaders may have abused their power from time to time, Catholic tradition would not support a further weakening of unions, but rather "a modest strengthening" of their position:"3

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2 Address of John Paul II, 26 November 1986, n. 8
3 The Age, 22 September 2005
Some of these trans-national corporations are very, very powerful indeed and I think we need strong and effective and humane and altruistic unions to continue to dialogue with these people. I am certainly not supportive of a radical rethink of the unions. I think that's gone far enough, you might even argue it's gone a bit too far.

The ACTU boasts backing from the Australian Bureau of Statistics for its claim that “Through collective bargaining union members earn an average 15% or $118 a week more than non-union workers.” Professor Ron McCallum, a respected industrial lawyer and Dean of the Sydney Law School told the National Press Club in November 2005:

The rules on collective bargaining are tilted very much against trade unions. First and foremost there is no mechanism in this bill to allow a majority of employees at a workplace to insist that they be dealt with collectively. This fault line goes back to the Keating era when that Government never fixed this problem and never understood the protections that are in place in United States labour law. In the US and Canada, if a majority of employees wish to be dealt with collectively by a trade union, the employer must bargain collectively. In Britain in the recent Tony Blair laws, trade unions also may be recognised for the purposes of collective bargaining if they can show majority or strong support in a workplace. There is a central process with the arbitration committee. In New Zealand, if workers want to be dealt with collectively, the employer must deal with those workers, but only those who wish to be dealt with collectively. Our legislation elevates individual bargaining above collective bargaining. The capacity of the trade union to take industrial action is so limited that it can turn collective bargaining into collective begging. I think if a majority of Australians want to be dealt with collectively, that should be their right, as it is in the US, Canada, Britain, Europe, Japan and New Zealand. These rights are what we should be looking at, what should be the fundamental rights of people at work in a democracy like Australia.

Unlike the United States, Australia does not have a large black market for labour which is highly casualised and poorly paid. Australia’s lowest paid workers are paid much more than the lowest paid workers in China and in those countries which are our major trading partners in the region. Unlike most economically competitive countries in the region, we do not have a foreign guest workers’ program. We do our own dirty, low paid work. The government continues to stress the need for our workforce to remain competitive. But at what cost to those on the bottom of our employment ladder?

Presumably the Howard Government would have had no interest in reducing the powers of the Industrial Relations Commission and setting up the Fair Pay Commission unless there was a strong possibility that the new arrangements would put a brake on any increases to the minimum wage. Should there be an economic slowdown there may even be the prospect of the Fair Pay Commission reducing the real minimum wage in the future. That would not have been a possibility had the Industrial Relations Commission retained its power.

Much has been made of the strong Christian disposition of Ian Harper, the Chairman of the Commission, and the appointment of Patrick McClure from Mission Australia who has pledged a commitment to the poor and vulnerable in our society. But these gentlemen will be constrained by their legal mandate to make decisions “with the primary objective of promoting the economic prosperity of the people of Australia”.

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5 R. McCallum, “A Unique Attack on Workers’ Rights”, *Sydney Morning Herald*, 18 November 2005
6 Kevin Andrews, Media Release, 9 October 2005
The present minimum wage is $12.75 an hour. John Howard claims that wages have gone up 14% during his term as Prime Minister. The ACTU rightly points out:

Since 1996, the Howard Government has fought every increase in minimum wages that unions have put to the Australian Industrial Relations Commission. If the Government had had their way the minimum wage would only now be $11.43 an hour.

On 27 April 2006, Mr Harper said:

Clearly if the Australian economy went into a severe recession we'd have to think very clearly what that meant for minimum wages because of the impact of that on unemployment. If I put real wages up too high and result in a lot of people losing their jobs, I won't be doing what I've been asked to do.

We may be moving towards a system which puts more of the burden on the poor when it comes to promoting the overall prosperity of the nation. This is the economic variant on the Caiaphas principle. It is better that the poor suffer more for the well being of the nation. I have some sympathy for the view expressed by Stephen Smith, the ALP’s Shadow Minister for Industry, Infrastructure & Industrial Relations:

I don't subscribe to the view that reducing the Minimum Wage, or reducing wages at the lower end of the market increases employment. Let me give you a simple anecdotal example: if you have a cleaner who is currently on the Minimum Wage, about $25,000 a year, the Government's view is that if you reduce the cleaner's wage by $2,600 a year - which have been their submissions to the Industrial Relations Commission over the last ten years - then two things will occur, firstly the cleaner would be more productive, which is of course a nonsense, but secondly, somehow magically you would have two cleaners.

Given the constraints on intervening parties before the Industrial Relations Commission, the ACCER has in the past put a strong emphasis on the need for the minimum wage of one person to provide enough for a family of two adults and two dependent children to live in frugal comfort, in accordance with the principles set down in Justice Higgins’ famous Harvester Judgment. In the 2005 Safety Net Review Case, the Commission submitted that the Harvester principle should still apply but with provision for two rather than three children, “having regard to the number of children in contemporary Australian families”. I think much more has changed with Australian families and work practices since 1907. The mix of family types and the variety of work practices mean there is now little sense in making a “two plus two family unit dependent on one wage” as the baseline for calculating the living wage.

We now have a whole raft of measures including the Family Tax Benefit Part A which is designed to help all income earners with the raising of their dependent children and the Family Tax Benefit Part B which is designed to give extra help to families with one main earner, including single parent families and those still fortunate enough to be able to afford to have one parent living at home caring full time for young dependent children. The real tussle now is between those who advocate across the board tax cuts which will favour single income households with no dependents, and those who advocate further relief by way of the family tax benefits which are targeted to those income earners supporting families.

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7 S Smith, Media Interview, 28 April 2006
Another equity issue to consider is that there is now a distinct new group in the low paid casualised work force. They are the children of middle class parents, who decide to live in the parental home much longer than in previous generations. They are marrying later, and enjoying parental financial support for much longer. For some of them (mostly students), their casualised work life is dedicated largely to paying their mobile phone bills, their overseas travel, and their social outings. I am not decrying any of this. It is great that there is a generation of Australians who have opportunities which were not available to their parents’ generation in such numbers. But their minimum casualised wage rate does not need to be calculated according to the needs of a family of four living in frugal comfort. The equity challenge is to provide the right suite of tax, income and welfare measures for those disadvantaged persons who do not have a middle class home environment to support them, while having wages which are sufficiently competitive for employers to want to take on more casual staff including those who will continue to reside in their parental home largely supported by their parents.

Kevin Andrews keeps telling us that these laws are good for us. But he would say that, wouldn’t he? But hang on, he is a strong Catholic and he has a proven commitment to families, having done much to have the Howard government adopt a suite of tax and welfare measures buttressing family life, providing tax relief and welfare benefits to families with dependent children and to single families and families with one partner anxious to stay at home bringing up children. Has he been put there, just to make these tough measures more palatable? Remember how Lionel Bowen and Michael Tate had to be the Catholic face of the Hawke government from time to time. But then again, Andrews did do some industrial work at the Melbourne Bar and not usually for unions. He does look fairly committed to these reforms when he takes on the Opposition and the unions in parliament. He and Prime Minister John Howard are claiming that these reforms are just a natural extension of the reforms first instituted by the Keating government. The government claims that overall we will all be winners because we need a more flexible labour market which can assist with creating economic growth and more jobs. Without this flexibility, they think that even more industry will go offshore, and our onshore productivity will suffer.

On 7 December 2005, Michael Chaney, the President of the Business Council of Australia (BCA) which boasts of employing nearly one million Australians and accounting for 30 per cent of Australia’s exports, wrote to all members

Business, including BCA, has been urging Federal and State Governments to support these changes because they have correctly identified them as vital to Australia’s future prosperity. The changes will help reverse a significant decline in Australia’s productivity. Business must use the new workplace relations environment to positive effect – to increase productivity and maximise the economic benefits flowing from these changes to the community. Past reforms have generated more growth, more jobs and more opportunities for Australians. Business now has the opportunity to utilise the latest workplace reforms to build on that success.

On Friday, the *Sydney Morning Herald* carried the story about young workers for Pow Juice which went into voluntary liquidation on the eve of the commencement of the new workplace laws. A new company started trading the next day. The old employees like 16 year old Amber Oswald used to be paid $14 an hour. They were all to be re-employed, having first signed Australian Workplace Agreements (AWAs), described by the union representative as a “bare-bones” deal. Under the AWA they
were to receive only $8.57 an hour. The only problem for the company was that the casual worker Amber had never got around to signing the AWA before she returned to work for the new company, serving the same juice to the same customers. As Amber had not signed an AWA, her union was still able to take Amber’s case before the Australian Industrial Relations Commission. Pow Juice was represented by EI Legal, a division of a company that drafts workplace agreements for small businesses. At the hearing, the commissioner threatened the EI Legal representative with contempt, describing his behaviour as “the most objectionable that I’ve seen in this commission for many, many years.” The union representative later told the Herald, “The truly sad thing is that under the new laws if they had carried out their plan properly this commission would have no jurisdiction.” Due to the company’s oversight, Amber has been able to return to work on $14 an hour. Her workmates of the same age doing the same work are now receiving only $8.57 an hour. There ain’t too much justice in all of that. Last year the ACTU launched an extensive “Your rights at work” campaign including a website with almost daily news updates. Alas I see that the website has not been updated since 12 April 2006. There has been no statement about Amber’s case that I can find from the ACTU or the federal opposition. Maybe we all need to be a little more vigilant on behalf of the Ambers in our midst.

As your conference organisers have invited me to give “a wider vision and look for creative ways to support Church in the area of Social Justice”, let me offer some more general comments about church state relations as highlighted during the national debate on the Workchoices legislation.

George Pell and Peter Jensen, the Catholic and Anglican Archbishops of Sydney, issued statements in July 2005 expressing concerns about the Australian government’s proposals to amend the industrial relations laws. Church going government members questioned the competence and role of church leaders. The Prime Minister John Howard said there was no such thing as a Catholic or Anglican view on anything. When asked to explain this statement during parliamentary question time, he said: “There will be Catholics who will agree with us and disagree; there will be Anglicans who will agree and disagree. That is how it should be in a nation such as this, which has a proper regard for the respective roles of the government and the church.”

His deputy, Peter Costello, had earlier been very critical of Phillip Aspinall, the Primate of the Anglican Church, on the basis that “having a theological degree doesn’t mean you are an IR expert”. Costello said he had no problem with church leaders speaking as freely as they wish on every issue: “Whether it is a politician, whether it is a journalist or whether it is a church leader, every person has the right to freedom of speech and the right to be judged on the merit and content of their views.”

The church leaders had confined themselves to general statements of principle about the proposed legislation, expressing particular concern for the weak and vulnerable workers who, without the benefits of collective bargaining, might forego their entitlements too easily in their negotiations with an employer. In Australia, the senior church leaders do not see a need to offer their own assessment of most issues requiring resolution by our elected politicians through parliamentary debate and legislation. When they do speak, it is usually in relation to issues which are contested

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8 (2005) CPD (HofR) 2, 11 October 2005
9 Ibid., 3
on moral and religious grounds. There are coherent and morally defensible views about such issues on both sides of the parliamentary chamber and a plurality of views within any church community. Some of these issues even risk splits within a church community.

Archbishops Pell and Jensen have been the preferred Catholic and Anglican Church spokesmen for the government and its supporters. The cherry picking of bishops was made easy for the government politicians and their supporters given the frequent public disagreements between Archbishop Jensen and Archbishop Peter Carnley when he was Primate of the Anglican Church.

The standing of Pell and Jensen with government members skyrocketed during the 2004 federal election when they took the initiative and singled out Labor's education policy for adverse public moral assessment. Pell and Jensen were joined by their Melbourne colleagues while the bishops outside the big two cities were left out of the loop. The government was very happy to run with this timely moral assessment by senior church leaders. Archbishop Bathersby from Brisbane went public in response to his brother bishops’ action saying that if Catholic leaders “were constructive in the matter” they would “find flaws in both sides of an education policy”.

Some in the government may even have thought that Pell and Jensen were sympathetic supporters of the Howard government. Thus the surprise when both these men, and not just the likes of Peter Carnley, came out and expressed some reservations about the government's proposed industrial relations changes. It was easy for the government to dispatch the new primate Phillip Aspinall to the sidelines dismissing him because he was not an expert in industrial relations. But such a cheap trick could not be played on Pell and Jensen whose expertise on war and education funding was not an issue for the government when in a corner.

When told that Pell and Jensen were “worried about the impact (of the industrial relations changes) on family life”, the Prime Minister claimed this was an exaggeration. It was not. Jensen had said, “This nation and its political leaders must be committed to ensuring optimum working conditions for the nation's workers; a living wage that will mean everyone has the ability to provide for themselves and their families the necessities of life; strong unions that will represent workers; and the preservation of leisure time for families to be together for rest and recreation and to maintain their relationships.” Cardinal Pell told the Sydney Morning Herald that he was awaiting the details of the reforms but expressed the point of principle that “civilised” conditions such as lunch breaks, annual leave, long service leave, superannuation, union access and family time should be preserved. He was “not sure we should encourage foolish people to barter these things away too quickly”.

Church leaders, like the rest of us, could be forgiven at that time for not knowing the detail of the industrial reforms and their impact. Even Andrew Robb, the chairman of the government's task force, speaking after the Prime Minister's observation about the churches, had to admit that “we just simply don't know” whether Mr. Howard's 1996

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10 ABC Radio, AM, 29 September, 2004
11 ABC TV, Insiders, 7 August 2005
12 A Statement from Archbishop Peter Jensen on Industrial Relations Reform, 8 August 2005
13 Sydney Morning Herald, 6 August 2005
guarantee that no worker would be worse off under his workplace laws still applied. When asked about the stand taken by Pell and Jensen in support of powerless or ill-informed persons seeking to negotiate their employment conditions under the new arrangements, the government backbencher Malcolm Turnbull replied.14

George Pell and Dr Jensen are (in) no doubt there are foolish people; and no doubt they're very concerned for them. But perhaps they would be better off trusting individuals' freedom and sense of independence and capacity to determine their own lives and make their own judgments and if they did that, people would make the decisions that suited them. The old sort of regime of telling people how to live their lives, be you a government or a churchman, is running out of time. Australians want to be free. They want to have independence. They want to have choice. And our side of politics, the Liberal Party, we are a party committed to freedom and choice and independent enterprise and that's what we seek to promote. Now there are some people that distrust human nature and believe that people won't make the right decisions and that others should make those decisions for them. We err on the side of respecting individual judgment and respecting individual's choices. Others may disagree, but that's our philosophy.

Jensen and Pell rightly confined themselves to statements of principle - statements consistent with their church traditions and teaching on economic matters. Archbishop Jensen is a strong evangelical Anglican rightly reputed for basing his public utterances on the scriptures and the tradition of his Church. Cardinal Pell has been a strong supporter of the Catholic social teaching enunciated by Pope John Paul II whose encyclical *Laborem Exercens* dealt with human labour and the rights of workers.

Though there is always room for disagreement about how the principles are to be applied in practice, it is far too cavalier for government or their supporters to dismiss church leaders who have restricted themselves to statements of principle. There may be room to debate how families are best protected in a more globalised economy. But it is not good enough for government simply to cherry pick their church leaders, and then, when they find even their preferred church leaders expressing concerns based on the religious tradition, to dismiss their remarks on the basis that each individual will decide. Each individual will make a decision in good conscience about how best to apply the relevant moral principles in the particular situation. But a Catholic or Anglican should receive some guidance from church authorities who confine themselves to expressions of principle true to the religious tradition. This should even be the case for a Catholic or Anglican cabinet minister in an Australian government which has control of both houses of Parliament.

Maybe Mr. Howard was concerned about the effect that the archbishops' remarks could have on some senators and members of the public not quite so convinced about the need to take the industrial reform package on trust. The Prime Minister was wrong on two counts. It was not an exaggeration to claim that the archbishops were worried about the impact on family life. There is such a thing as a Catholic or Anglican view on the morality of war or the morality of government funding for education or on the morality of industrial relations changes impacting on families.

While the bishops confine themselves to statements of principle true to their faith traditions, they do express an Anglican or Catholic view. As for the application of the

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14 *ABC, Lateline*, 19 August 2005. Archbishop Jensen took up this statement by Turnbull in his Boyer lectures, saying: "
principles and the assessment of the detail of proposed laws or policy, there is much 
room for individual judgment made in good conscience.

As church workers and church managers, you need to have a strong sense of the 
Church’s right and obligation to speak on these issues. You are entitled to have 
church leaders who will not play party politics but who will fearlessly and prudently 
express informed concerns about new laws and policies. We all know that the law 
does not have to be invoked every day when there is a trusting relationship between a 
good employer and a good employee. The law needs to be strong and specific enough 
to deal with the abusive employer or the lazy employee. The law needs to be flexible 
and general enough for employers and employees to build trust and confidence in 
each other.

It is not good enough for us as church people simply to sit around at a conference on a 
public holiday expressing dissatisfaction or doubt about new laws and policies. Mind 
you, dissatisfaction and doubts become more justified in the Australian political 
process when the government controls the Senate with the result that the major check 
and balance requiring reasoned public debate and justification for reforms has been 
lost. The problem is exacerbated when many of us ordinary citizens are left 
wondering about the need for such laws at this time when we have full employment, 
when the economy is robust, and when the corporate end of town is enjoying much 
higher wage rises and improvements in conditions than the bottom end of town. If we 
are simply preparing for the rainy day when the middle class will be better provided 
for only if we have an employment system more able to exploit low paid, casualised 
workers, we will have done a very unAustralian thing. But come to think of it, maybe 
that is becoming the more Australian thing to do.

The last thing you want to do at this conference is to have a group whinge about the 
government, or about the Opposition, or about the Unions, or even about the Jesuits. 
You need to strategise to see how you and the Church as an employer can meet the 
concerns raised by the bishops and the ACCER. So this is my challenge to you this 
day. How are you going to guarantee that no church agency would ever act like Pow 
Juice did with Amber and her workmates, or how the Cowra abattoirs did with their 
workers making out that the faithful workers were to be off laid for operational 
reasons thereby avoiding the operation of the unfair dismissals law?

So let me put eight specific challenges before you.

1. Given that it is not morally acceptable to reduce the scourge of unemployment 
   by allowing wages and conditions of employment to fall below the level that is 
   needed by workers to sustain a decent standard of living, what will we do in 
   the Catholic Church Development Funds to ensure that all our staff, including 
   the most casual and the lowest paid, are provided with suitable wages and 
   conditions?
2. How should we best set those wages and conditions, given that the Fair Pay 
   Commission is likely over time to provide a minimum wage less than what we 
   would have accepted as appropriate from the Australian Industrial Relations 
   Commission?
3. Given that many employees, especially the poor and vulnerable, may be 
   placed in a situation where they will be required to bargain away some of their
entitlements, in particular…overtime rates, penalty rates and rest breaks, what will we do to ensure that all our workers retain their entitlements to overtime rates, penalty rates and rest breaks?.

4. Given that unfair dismissal rights should not be dependent upon the size of the employer’s undertaking, what will we do to ensure that we have in place a fair procedure for reviewing a worker’s performance before dismissing them?

5. Will we provide employees in small church and diocesan offices with at least the same due process rights before dismissal as would be provided if they were employed by a corporation with more than 100 employees?

6. Given that the legitimate rights of unions are derived from the rights of their members and that unions are not ‘third parties’ or outsiders to the employment relationship, what will we do to ensure that unions are able to operate effectively in all church workplaces? What will we do as managers and employers to encourage union participation?

7. The ACCER has noted that “the establishment of the Australian Fair Pay and Conditions Standard will assist some workers who do not currently have such protection. This will include some Church employees who are currently award-free, such as housekeepers, cleaners and other domestic workers in parish areas.” How do we know when it is appropriate to accept the voluntary generosity of people and when it is necessary to provide just working conditions for those who through their generosity keep so many church institutions running?

8. The Australian Catholic Bishops passed a motion at their November 2005 Conference: “That the bishops, as a matter of principle, adopt a general position in their workplaces to maintain the current integrity of their employment relations by ensuring their employees’ salaries and conditions are not unilaterally diminished.” How can we assist the bishops implement this principle?

With these challenges, I leave you on this 2006 Labour Day Holiday in Queensland where it is beautiful one day, and perfect the next. May the spirit of Francis Rush inspire you these days, and may our workplaces embody the justice of the Kingdom.