

# A CATHOLIC UNDERSTANDING OF THE NATURE OF WORK.

Against the background of the imminent enactment of dramatic new laws regulating industrial relations and the constant suggestion that the Christian churches should "butt out of the debate, it is timely to remind ourselves of the attitude of the Church to the performance of work.

For over a century the various Popes have issued encyclicals designed to assist Catholics to understand their role in the world of work and to state the rights and obligations which attach to workers qua their employment. In particular the encyclicals warn employers and governments against attaching to work a value which exceeds the value of the workers themselves.

Although most of the public debate has centred around the proposed statutory changes (individual work contracts, the existence of unions, the right to strike and the abolition of state systems and so on), the heart of the debate should be about the general and social philosophy which has led to the suggested changes. About this the Church has never been ambivalent.

Our Lord's parable concerning fair wages and St. Paul's appeal on behalf of Onesimus finds confirmation in the words of Leo XIII in *Rerum. Novarum* (1).

*"Workers are not to be treated as slaves; justice demands that the dignity of human personality be respected in them, enobled as it has been through what we call the Christian character... it is shameful and inhuman to use men as things for gain and to put no more value on them than what they are worth in muscle and energy."*

In 1981 John Paul II devoted most of the important encyclical *Laborem Exercens* to underscoring the principle. (2)

*"...we must first of all recall a principle that has always been taught by the Church: the principle of the priority of labour over capital.... This principle is an evident truth that emerges from the whole of man's historical experience...."*

*„This truth, which is part of the abiding heritage of the Church's teaching, must always be emphasised with reference to the question of the labour system and with regard to the whole socioeconomic system. We must emphasise and give prominence to the primacy of man in the production process, the primacy of man over things. "*

*"All that we can say of everything in the production process... is that it conditions man's work we cannot assert that it (puts) man and man's work into a position of dependence. " (2)*

The Pope examined the development of the modern capitalist society with its 'economistic perspective' and stated.

*"This way of stating the issue contained a fundamental error ... the error Of economism, that of considering human labour solely according to its economic purpose.... within the framework of the present consideration, it seems that economism had a decisive importance for the fundamental issue of human work. "*

There can be no doubt that over the last 40 years western societies have succumbed to the economic and social philosophy of economism. Although capitalist in character it bears surprising similarities to communism. Stakhanovism, the glorification of work for the sake of the State, is not qualitatively different to the Prime Minister's 'new breed' of 4' enterprise worker' who will put the long-term needs of the economy before their own interests. He foreshadowed legislative inducements to bring this about.

There is no doubt that the philosophy of 'economism' is the driving spirit behind the proposals to change the industrial relations system in Australia. It is the stated reason for making all the changes. The needs are defined as the 'economy', "productivity more jobs' (even if they are at much lower wages) ... and so on.

An examination of the proposals provide glaring contrasts to the comments of the Popes on the subjects and point up their falsities from the viewpoint of Catholic teaching.

## THE FIXING OF THE MINIMUM WAGE

The fixing of the minimum wage has traditionally been by way of a case brought to the Conciliation and Arbitration Commission. This body has been the independent umpire in industrial disputes since the nation was founded. The wage so fixed after debate involving the unions and taking into account the social and economic difficulties of the poorest wage earners has never been high. It is the barest possible wage on which a person can live. It allows for nothing in the way of luxuries.

The government proposal takes this power away from the independent tribunal and places it in the hands of a group of economists and these are chosen by the government. It is acknowledged by everyone that it will lead to the fixing of minima at levels below those which would be fixed by the Commission. There would be no point in making the change otherwise. These and other legislated minima are economically based rather than being based on fairness.

This is a classic example of putting the economy ahead of the people the economy is intended to serve.

## **LIMITATIONS IN THE MAKING OF AWARDS**

Traditionally the Conciliation and Arbitration Commission has had the power to make awards in settlement of disputes and these can regulate the various elements that go into employment contracts. It is proposed that jurisdiction to make awards will be limited significantly. The balance of the terms of the employment contracts will be at the whim of the employers. The independent umpire will, thus, no longer have the power to make fair and just awards in these areas. The encyclicals have repeatedly held that the state has a responsibility to ensure that wages and working conditions are fair and are not left to the initiative of employers.

The Pope "... attributed to the 'public authority' the 'strict duty' of providing properly for the welfare of the workers, because a failure to do so violates justice...(3) "The state cannot limit itself to favouring...the rich and prosperous nor can it neglect.. the majority of society. ..It is for this reason that wage-earners should be especially cared for and protected by the government."

## **WORKPLACE AGREEMENTS**

At the heart of the changes proposed by the government is the translation of award entitlements to personal agreements made between the worker and the employer. Although certain minima are required these are limited in number and generally are well below award standards.

To call these 'agreements' is a misnomer. An employee who does not agree to be regulated by the terms of a personal 'agreement', entirely drafted and devised by his employer will, at best, have no future in the company and often will be sacked for so refusing. This is already happening on a grand scale and will be unrestricted when the right in an employer to "unfairly dismiss" and employee is enshrined in law.

The Church has always set its face against such unfairness. "*The Pope immediately adds another right which the worker has as a person. This is the right to a just wage', which cannot be left to the free consent of the parties ..... The concept of relations between employers and employees, purely pragmatic and inspired by a thorough-going individualism, is severely censured in the encyclical as contrary to the two-fold nature of work as a personal and necessary reality.....If through necessity or fear of a worse evil the workman accepts harsher conditions because an employer or contractor will afford no better, he is made the victim of force and injustice. " (3) "If compelled by necessity or moved by fear of a worse evil, a worker accepts a harsher condition, which although against his will he must accept because the employer or contractor imposes it he certainly submits to force, against which justice cries out in protest. " (1)*

## **THE CRIPPLING OF TRADE UNIONS**

Once unions lose the right to bring unfair dismissal actions on behalf of workers, the right to have effective awards arbitrated and the right to negotiate workplace agreements on behalf of their members, there will be a great incentive for workers not to belong to a union which will not be allowed to help them.

In the construction industry the government has already gone much further and plainly envisages the total destruction of the unions in that industry. Union negotiated enterprise agreements are to be retrospectively nullified. For strikes individual workers can be fined \$22,000 and the union \$110,000. Employers that reach agreement outside of government guidelines will be excluded from getting government contracts. Even protected industrial action is severely curtailed if it adversely affects and employer.

The proposed legislative changes will emasculate the trade union movement and only those will survive that change into friendly societies and play no part in the effective regulation of Australian workplaces.

For its part the Church has always seen trade unions as playing a pivotal role in the fight for social justice for workers. John Paul 11, in particular, saw a strong union movement as an essential element in a Christian workplace.

*"All these rights ... give rise to another right, the right of association, ie. to form associations for the purpose of defending the vital interests Of those employed in the various professions..... modern unions grew up from the struggle of the workers - workers in general but especially the industrial workers -to*

*protect their just rights vis-à-vis the entrepreneurs and the owners of the means of production. Their task is to defend the existential interests of workers in all sectors in which their rights are concerned. The experience of history teaches that organizations of this type are an indispensable element of social life, especially in modern industrial societies. "*

*"Catholic social teaching ... (holds that unions) are indeed a mouthpiece for the struggle for social justice, for the just rights of working people in accordance with their individual professions." "... it is clear that, even if it is because of their work needs that people unite to secure their rights, their union remains a constructive factor of social order and solidarity, and it is impossible to ignore it. "*

*"It is always to be hoped that, thanks to the work of their unions, workers will not only have more, but above all, be more: in other words that they will realise their humanity more fully in every respect. "*  
(2)

Ten years later (May 1991) John Paul II reaffirmed this traditional view of unions when he said:

*"This is the place to mention once more the role of trade unions, not only in negotiating contracts, but also as 'place where workers can express themselves. They serve the development of an authentic culture of work and help workers to share in a fully human way in the life of their place of employment". (3)*

*In referring to the rights which are 'inalienable and proper to the human person' is the natural human right to form private associations. This means above all the right to establish professional associations of employers and workers, or of workers alone. Here we find the reason for the church's defence and approval of the establishment of what are commonly called trade unions ... because the right of association is a natural right of the human being ... .. the formation of unions cannot... be prohibited by the state because the state is bound to protect natural rights, not to destroy them....." (3)*

The Pope saw the limitation on the right to organise effective unions as a form of poverty. He knew better than anybody that it was the Polish union organization, "Solidarity", which led the illegal strikes that liberated Poland from Communist oppression. He states: (2).

*"... in today's world there are many other forms of poverty. For are there not certain privations or deprivations which deserve this name? The denial or the limitation of human rights - as for example the right to religious freedom, the right to share in the building of society, the freedom to organise and to form trade unions---do these not impoverish the human person as much as, if not more than, the deprivation of material goods. ?*

## **STRIKES**

Over recent years the incidence of strikes in Australia has fallen sharply. The proposed changes to the industrial laws will virtually outlaw even this low incidence of stoppages. There will be allowed some stoppages during the very limited periods of protected action but even here the strikes will not be allowed to harm the employers business. The threat is to outlaw them altogether in some "essential service" industries. Where strikes occur on issues of safety the onus lies on the workers to prove the validity of the safety issue or the strike will be illegal. Personal fines on workers and unions are a feature of the legislation.

The Church recognises the right of workers to strike and sees such action as a human right rather than an industrial privilege. As with all rights it has to be exercised responsibly.

*"One method used by unions in pursuing the just rights of their members is the strike or work stoppage, as a kind of ultimatum to the competent bodies, especially the employers. This method is recognised by Catholic social teaching as legitimate in the proper conditions and within just limits. In this connection workers should be assured the right to strike, without being subjected to personal penal sanctions for taking part in a strike." (2)*

The Church has suggested several prerequisites for the undertaking of a just strike. The issue has to be significant, there must be a reasonable prospect for success, the harm done must be proportionate and all other means of peacefully achieving the object should have been tried and failed.

In the past the existence of an effective arbitration system has been argued as providing an alternate means to the strike. Now, however, unions can argue that the absence of the Arbitration commission justifies the taking of direct action for legitimate ends. Furthermore, the government proposes to heavily fine individual workers in the building industry.

## **CONCLUSION**

So very much more could be said on this topic. The citations from the encyclicals are only a small fraction of the statements of the Popes on the subject of human rights in the workplace. Nothing has been said here as to the arbitrary abolition of long-established and highly respected state industrial relations systems.

What is important is the fact that all the various changes set out herein provide evidence of the drive to establish the philosophy of economism and materialism as the prevailing social and economic ethic in Australia.

Such a system does not recognise the inherent dignity of every worker nor does it acknowledge that workers have rights which no employer and no government has any right to deny or limit. The prevailing ethic is well illustrated by the universal use by employers of the title "Human Resource Manager". Complaints by the unions and the ACTU that this expression denigrates workers have met with silence from most employers.

It is plain that the casualisation of the workforce, the growing use of "Labour Hire" firms and the denial by employers of any duty of fidelity to workers are all tending to the gradual creation of a servile workforce.

The argument that it is "all about choice" is cynical and dishonest. A polite suggestion (let alone a threat) by an employer that a worker might like to reduce his annual leave to two weeks, or sign a personal agreement is tantamount to an order and everyone in industry on both sides acknowledge this fact.

It is hard for the laity to understand how the leaders of the Church can remain silent in the face of this attack on a central pillar of Catholic social doctrine.

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1. Rerum Novarum.....Leo XI 1 15/5/1891
  2. Laborem Exercens .....John Paul 1114/9/198 1.
  3. Centirimus Annus. ....John Paul 11 1/5/1991.