# Australian union test case enshrines long working hours

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For nearly three years, one of the main activities of the Australian Council of Trade Unions (ACTU) has been to conduct a campaign for "reasonable working hours". It commenced with a survey completed in October 1999, which linked the sharp increase in working hours over the past two decades with stress-related illnesses and workplace accidents.

Apart from occasional media releases, the "campaign" consisted entirely of running a test case in the Australian Industrial Relations Commission (AIRC), seeking the insertion of a "reasonable hours" clause in federal awards. Few workers were involved in any way. No mass meetings or industrial action were ever called. The ACTU's purpose was to bury the issue in the industrial court and head off any independent opposition and action by working people.

When the AIRC handed down its ruling at the end of last month, the result was predictable. It will do nothing to assist the millions of workers forced to work increasingly longer hours. Instead, the decision enshrines the present work regime, while creating the illusion that workers now have the right to refuse long overtime hours.

The court ruled that workers can refuse to work "excessive or unreasonable" overtime on a particular day on the grounds of family responsibilities or health and safety considerations. However, it neither defined what constitutes "excessive hours" nor placed a ceiling on the number of hours that employers can compel their staff to work. The ACTU did not seek such a definition nor insist on regulations that will restrict employers.

At the same time, the AIRC rejected out of hand the only specific claim put forward by the ACTU: that workers be given two days off with pay after working "extreme hours," such as 48 hours per week for three months.

Nevertheless, ACTU president Sharon Burrow hailed the ruling as an "historic victory" that gave workers "empowerment and control" over their working lives.

Only those who are both distant from and indifferent to the enormous difficulties that plague the everyday lives of ordinary working people could make such a claim. Workers are unlikely to refuse to work overtime when they can be easily replaced from the existing massive pool of unemployed.

Nor can those who refuse to work "excessive hours" rely on any protection from the unions, which have agreed that the definition of "unreasonable" hours will be determined industry by industry "in accordance with their requirements".

Moreover, real wages have declined so far over the past two decades that many workers are now forced to work extraordinary amounts of overtime just to make ends met.

The director of Adelaide University's Centre for Labour Research, Dr Barbara Pocock, gave expert evidence in the case. Dr Pocock warned that the ruling "would not stop the trend towards longer hours".

Just how little Burrow's claim of worker empowerment corresponds to reality can be gauged from the comments from the federal government and major employers, who welcomed the ruling. Workplace Relations Minister Tony Abbott described the result as "fair", saying that the issue of working hours remained "in the hands of companies and employees in the workplace". Australian Industries Group chief executive Bob Herbert said little had changed as a result of the AIRC decision, because "these issues are mostly worked out at the workplace".

Research conducted by Iain Campbell of RMIT University, which was presented during the ACTU test case, showed that average working hours in Australia

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are now longer than most other industrialised countries and are moving toward top ranking, alongside the US and South Korea.

The average full-time working week increased by 3.7 hours between 1982 and 2000, a larger increase than other OECD countries. According to Campbell, "this amounts to over 21 million extra hours per week or the equivalent of 550,000 full-time jobs". From 1998 to 2000 this trend accelerated, adding 48 minutes to the average working week.

Between 1985 and 2002, the proportion of employees working 40-45 hours rose from 23.4 to 31.3 percent, while for 45-50 hours it increased from 17.8 to 26.1. The percentage working 50 hours or more rose from 10.2 to 17.4.

Data assembled by the ACTU revealed that the number working 60 hours or more increased from 3 to over 7 percent between 1980 and 1996. The ACTU data also concluded that Australia has the highest rate of unpaid overtime among developed countries, with 25 percent of full-time employees not paid for an average of 2.7 hours a week each.

The precarious circumstances of young workers and those in casual employment make them most susceptible to employer pressure. A Young Christian Workers Association survey last year of 1,400 young casual workers aged 15 to 25 found that a third were forced to work overtime without pay.

A report commissioned by the ACTU showed that long hours dramatically worsen existing medical problems, including diabetes, epilepsy, hypertension, asthma and digestive problems. Working more than 55 hours a week doubles the risk of heart disease. Chronic fatigue associated with excessive hours has been linked to nervousness, anxiety, sexual problems and depression.

Nearly half (49 percent) of those interviewed stated that work arrangements contributed to ongoing health problems. Some 76 percent complained of stress-related problems, 72 percent of continual tiredness, 55 percent of headaches, while 51 percent suffered from depression. The health problems increased proportionally to the number of hours worked.

Excessive hours also caused safety problems. Over a quarter of interviewees reported that longer hours had contributed to accidents or near misses at work. The report concluded that 40 percent of work accidents may be due to human error caused by fatigue. Another survey estimated that 17 hours of sustained wakefulness—and such working hours are not uncommon—is the equivalent to having an unsafe blood alcohol level of 0.05 percent.

In mounting its test case, the ACTU did everything possible to cover over the role that the unions have played in creating these conditions.

ACTU assistant secretary Richard Marles, who ran the ACTU's case, claimed that the ruling would "reverse an obnoxious trend in play for the last 20 years," during which "workers have lost control over their own lives as more and more time and energy was handed over to the boss with longer and longer hours and greater intensification of work".

Workers did not simply "hand over" their time and conditions to employers. Marles' reference to 20 years inadvertently points to the historical reversal in the social position of the working class that began with the election of the Labor government headed by former ACTU president Bob Hawke in 1983.

Under Hawke's Prices and Incomes Accord, the ACTU collaborated with the government to fundamentally restructure workplace relations to meet the demands of globally mobile capital. Year after year, hard-won protective conditions and job security were traded off. Central to this process was the enforcement of "flexibility," particularly in working hours.

Even in dangerous industries such as underground mining, 12-hour shifts were imposed, the five-day working week was abolished and continuous, seven-day around-the-clock production was introduced. Penalty rates, which once acted as a limited deterrent to employers demanding excessive overtime, were either scrapped or severely cut back.

The record shows that the "obnoxious trend" of longer hours, with its escalating health and safety problems, and terrible impact on workers' family and social life, did not fall from the sky. It is part of the legacy of decades of policing by the unions, in the interests of employers.

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