



ANGLICAN DIOCESE OF MELBOURNE

Rev'd Dr Gordon Preece, Chair & Executive

Anglican Diocese of Melbourne Social

Responsibilities Committee

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Justice Iain JK Ross

President

Fair Work Commission

Level 4, 11 Exhibition Street

Melbourne VIC 3001

c/ The Associate to his Honour, Justice Ross

Via email: amod@fwc.gov.au

Re: Penalty Rates case relating to retail and hospitality industry awards

Dear President Ross, Vice-President Catanzariti, and Fair Work Commission members,

Thank you for an opportunity for me to make a submission on behalf of the Anglican Diocese of Melbourne Social Responsibilities Committee on the important financial and social role of penalty rates in the retail and hospitality sectors. This submission is made with the backing of the 2015 Diocesan Synod motion I moved:

‘That this Synod:

- a. Notes with thanks the Federal Productivity Commission Report.
- b. Expresses concern about the proposals to cut penalty rates for Sunday work to the level of those for Saturday work. This ignores the still wide preference of the community for Sunday as a shared day of social rest, a shared day of worship for many, and the importance of extra compensation for those deprived of this, often amongst poorer members of the community'.

Why should the churches be involved in matters of industrial relations and working hours? And why move a motion to express our concern in relation to these issues? While we generally do not have a definite stance on the specifics of such issues we do believe in the relevance of biblical and ethical principles to these issues of the common good. They also have major pastoral implications for the work of our parishes, schools and agencies with people affected by them.

Firstly, this is not primarily a political issue but a civil society issue, where civil society and mediating institutions stand between the State and large employer groups and the isolated individual like a finger cut off from the hand. We are part of a whole, we are not just individual workers and consumers in a 24/7 market society. We are parts of families, friendship networks, sporting and community groups, and worshipping communities.

Secondly, weekend rates are a big part of low-paid worker's income. Penalty rates reward low-paid workers who are willing to work when the rest of us are spending time with family, friends, participating in community or religious events – or shopping and eating out in businesses they work in. Families working multiple jobs, people without permanent work who are willing to work shifts at unsociable hours, students paying their way through University or TAFE, even school, all benefit from penalty rates helping them make ends meet.

While penalty rates are an incentive for some people to work on weekends, many low-paid workers do not choose when they work – they are simply rostered on at their employer's discretion. For c. 4.6 million Australians, the extra cash is a footstep toward joining the middle class. It is an important means of social mobility in an increasingly unequal society.

The argument by some business advocates that more people will be able to be employed at the lower rates is neither logical nor supported by many economists. Many will simply take the opportunity to cut wages and increase profits. Workers will be forced to work extra hours to make up the income and will compete with others for a similar amount of work. The business case for the change has simply not been made (Ross Gittins, 'Don't be sure lower penalties mean more jobs', *Sydney Morning Herald*, 10 August 2015).

Thirdly, the principle behind penalty rates is that all days and times are not homogenous, despite the misleading cliché of a 24/7 society or more accurately economy, as it's spoken by those who think a society is no more than an economy.

Relationally, certain times are special. Weekends, particularly Sundays according to the research, are still special. Over 60% of Australians tick Christian on The National Census of 2011. Yet the specialness of Sunday as a day of rest is not just a Christian thing, diminishing in a secular society, as the Productivity Commission claims in its equalising of Saturday and

Sunday rates. The special significance of Sunday still has a carry-over effect in secular, pluralist Australia. It is the day of Mothers and Fathers day, of Fun runs, the Australian Open tennis finale and many other significant sporting, cultural and religious events.

The Sabbath, or the principle of one day in seven rest, was made for man/humanity, not man for the Sabbath' (Mark 2:27) it is for human flourishing. Sunday is a day of rest. We are finite and frail, needing rest, and rest, in rhythm with work. The French Revolutionaries tried to scrap Sunday with a day of rest every ten days but had to give up on the utopian project. Rest is not just physical recovery, but relational restoration and celebration together, for families, friends and communities. Rest is best when regular and relational.

Sunday is a time when we can slow down to the pace of the very young, old, and disabled. Sunday is most often the day when these vulnerable people are paid attention or are visited or called. It is a day that resists today's pervasive fragmentation and social erosion. If the family, social and health costs of not keeping Sunday somehow special were calculated rather than swept under the carpet or externalised they would be found to far outweigh any penalty costs to businesses opening on Sundays (see <http://www.keepsundayspecial.org.uk/evidence/>).

Ex-Prime Minister Howard referred to bar-b-q stoppers, meaning topics like politics and religion which silence the conversation. But the greater and graver bar-b-q- stopper is the abandonment of the weekend, especially Sundays, as just another working and commercial day in a 24/7 calendar. It's difficult enough these days coordinating people's diaries to have a bbq together. It will be near impossible for many when Sunday loses its specialness through the price signal of not paying penalty rates to those who miss out on its specialness. This is the real bbq stopper. We have largely lost the sense of a shared, relational family meal in the day, with catastrophic consequences to conversation and communication between the generations, how much more if we now lose the ability to eat and drink and talk over a bbq together as families and friends.

Fourthly, there are many poignant stories of people who in order to put food on the table miss out on sitting at the table or watching their children at footy etc. Studies show the social, psychological and physical costs when they are cut off from family and friends. It makes it harder for families and friends to build shared memories together. Further, as Prof. Greg Patmore, a University of Sydney labor and business historian shows, the education system reflects the standard working week and its weekends so parents can spend weekend time with family. In an increasingly adultist society we need to remember this special time for children and parents (and also the elderly). Weekends, Sundays especially, are a form of generational bridging capital in time.

Fifth and finally, there are real concerns re threats to freedom of religion and worship for both Christians regarding Sundays, and other religions regarding their days of rest e.g. Jews from Friday to Saturday sunset, and Moslems on Fridays if this principle of respect for 'sacred days' is breached.

The National Christian Life Survey (NCLS) Occasional Paper 23 shows that 15% of Australians attend church at least monthly (2011). McCrindle Research concludes from this data that 'twice as many Australians attend church at least once per month (3.495 million) as attend all AFL,

NRL, A League and Super Rugby games combined per month during the football season (1.684 million).

This is part of being a genuinely, deep pluralist and secular society, not a monotone secularist or market or money based society. Already, despite legislation, some find it hard to worship regularly. Once Sunday is priced as just another day, it will become harder to justify religious exemptions, not just for Christians.

A United Voice member gave evidence for the Productivity Commission. She has worked the Sunday shift at an RSL club for more than a decade, since her husband's accident that resulted in them losing their house. She's Catholic - not overly devout – but likes going to mass occasionally with her mum and sister. She can't. The (highly paid) barrister representing employer groups argued that she could attend the 7am mass at the Cathedral – and still have time to travel 20 minutes to begin her shift at 8am. She pointed out that she wanted to attend mass with her mother and sister, who did not attend the Cathedral.

This is where the economically reductionist and isolating, individualistic view of time misses the shared relational significance both of religious practice and of a special, shared social day of the week for most of the population, which is compensated for it people miss out. Sunday is not just a day for the devout – it's a day for rest, families, friends, young and old.

Sunday penalty rates recognise the special nature of Sunday as a shared day of rest for what should be kept as a minority who miss out for emergency work or economic necessity. If all days are days for doing deals, we'll all miss out, and may sell our souls, and be no longer whole. Sundays are special for spiritual, social, sporting, and secular reasons of needing a rest - a fair reward for being penalised by missing out on those things by having to work from employers' imposed necessity or economic necessity. We urge you not to engage in a massive, destructive, utopian economic experiment which will risk reducing us to *homo economicus*, and exaggerating even more the economic inequalities of our society. Such a move would not only be unChristian and irreligious, but inhuman and unAustralian.



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