



Australian Institute of Employment Rights

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Ron McCallum Debate on Voice Queries if the Australian 'Fair Go' Applies to Everybody

Last night, the 13th annual Ron McCallum Debate on industrial relations moderated by President Hatcher of the Fair Work Commission focused on the theme of "voices and work – reform, challenge, diversity and the universal Fair Go" (recording and transcript [available here](#)). The debate occurred after the failed referendum on an indigenous voice to parliament and in the shadow of the Closing the Loopholes Bill debate, with Minister Burke and Shadow Minister Cash amongst those giving keynote addresses. The debate brought to the fore the state of inclusion, diversity and fairness in Australian workplaces today, with speakers addressing the exclusion of women, people with disabilities, gig workers, and neurominorities. The debate was attended by over 500 people online and at the Wesley Conference Centre in Sydney.

Minister Burke highlighted the benefits of the Closing the Loopholes Bill for gig workers and decried the "fear campaign" by business. "If we want to get wages moving, we can't have a situation where some employers lawyer up find a way to evade the legal protections that all their competitors are abiding by and somehow allow that to be the norm. For some businesses, it's not fair to their competitors, it's not fair to the workers who miss out as a result", he said. Shadow Minister Cash, on the other hand, argued that the government had not listened to businesses' complaints that the Bill would increase complexity and uncertainty and discourage casual employment.

In introducing the debate panel of union and business leaders, experts and advocates, Justice Hatcher noted that, "The notion of a fair go or a fair go all round has been embedded in Australian workplace relations since federation", but, he also highlighted that, as Donald Horne famously observed, "the uniquely Australian benevolence implied by the fair go was not extended to Aboriginal and Torres Strait Islander peoples, nor to outsiders who failed to conform to dominant masculine and cultural norms." Justice Hatcher warned that, "The challenge of reinventing the concept of the fair go for today's diverse Australian society and workforce remains with us."

Karen Iles, a lawyer and advocate for victims of sexual harassment and social justice for First Nations people, said that, after the failed referendum on indigenous voice, there had been "a profound breakdown of trust in this country, but also in workplaces". Before workplace reform, she argued, we have to "start talking about truth telling and getting to the heart of what racism really looks like in this country."

Sex Discrimination Commissioner Anna Cody noted that Australia was trailing far behind at number 46 in terms of the gender pay gap which continues to be 22%. Further, "33% of women have

experienced sexual harassment in the last five years. For culturally and racially marginalised women, that's one in two women." Whilst noting the welcome development of a new positive duty on employers to prevent sexual harassment, she pointed out that the legal system still puts the focus on individually aggrieved women to carry the burden of legal proceedings.

Nicola Street from AI Group said that the argument for the benefits of greater diversity in the workplace had been accepted – "businesses with greater diversity perform better" – but the question now was how to achieve this. In terms of neurodiversity, Judy Singer, known as the godmother of neurodiversity for coining the term, said that, for neurominorities, whether to disclose their condition or not was always going to be a difficult question.

Syed Mubashir, a rideshare driver with 25,000 trips up his sleeve, and an activist that is taking on Uber said, "Australia is all about mateship. We do care about [whether] the morning coffee beans comes through a fair trade. But why don't we care about the Uber drivers, the gig workers who take you in the morning to your work to catch a flight, to take you home safely, overnight?". He added that, "I have been constantly exploited during the past eight years in the ride chain industry with workplace harassment, unsafe working conditions, being paid peanuts and no rights at all, no sick, no holiday pay, and no super, no award wages and working 12 hours a day and constantly getting used and abused by these companies."

On the other hand, Ron McCallum, a blind former legal professor and world-renowned disability advocate, said, "One group can't even get to the workplace, let alone have their voices heard and this group are we persons with disabilities. We are at the bottom of the heap." He lamented that the workforce participation of people with disabilities had not improved in 30 years.

Anna Boucher noted the high representation of migrant workers in the gig economy and argued that various aspects of the Closing the Loopholes Bill would assist migrant workers, including the pay equalisation provisions for labour hire workers and the proposed power for the Fair Work Commission to make minimum standards for gig and employee-like workers. She noted that, with migration growing faster than expected, "focus on migration within our industrial relations and labor law reform as an issue will only accelerate in Australia in future decades."

Quotes attributable to James Fleming, Executive Director of the AIER:

"The debate is always a litmus test of where Australian workplaces are at. We saw last night that, from including the voices of First Nations workers, women and victims of sexual harassment, migrants, and neurominorities, there is much to be done if the elusive dream of the 'fair go' is going to be realised for everyone."

"No-one could have put it more powerfully than Syed Mubashir, a ride share driver, when he stared down the audience to ask if we care about the Uber driver that takes us to work and home again safely at night, the same driver that has none of the rights or voice that employees enjoy. If we care about each other, this is not a situation we should tolerate. It's time to take inclusion and diversity seriously and the bedrock of a fair go and a voice for everyone is truly universal minimum standards that don't leave anyone behind."

AIER BACKGROUND

The Australian Institute of Employment Rights is one of Australia's leading industrial relations think tanks. We strive to promote better industrial relations between unions, business and government and a fairer, more co-operative workplace relations system. We are independent, non-partisan and not-

for-profit. Our multi-stakeholder structure and work in promoting international and fundamental labour standards is inspired by the International Labour Organization.

RON McCALLUM BACKGROUND

Emeritus Professor Ronald C McCallum AO is widely recognised as Australia’s leading labour law expert and one of the world’s leading disability advocates. Ron has been blind since birth and, as he relates in his 2019 Memoir, “Born at the Right Time”, thanks to new assistive technologies and the encouragement of those around him, he became the first totally blind person to be appointed a full professor at any university in Australia. Ron is a past Chair of the United Nations Committee on the Rights of Persons with Disabilities, the key global body for disability rights, and was named Senior Australian of the year in 2011. Ron is a patron of the AIER and the debate is named in honour of him and his life’s work in promoting justice and fairness at work.

Media Contact

For further information, to arrange an interview with James Fleming or Ron McCallum, please contact:

Jane Kewin
Media Adviser Australian Institute of Employment Rights Inc
e. media@aierights.com.au
p. +61 407 101 299
ENDS



**Australian Institute of
Employment Rights**

ABN 29 685 578 949
Level 1 / 214 Graham Street
Port Melbourne VIC 3207

e admin@aierights.com.au
p 03 9647 9102
f 03 9647 9199