

Ron McCallum Debate

Draft Transcript

AIER Ron McCallum Debate 2025

Thursday 6 November 2025, Wesley Conference Centre

Now or Never? How Can We Make Workplace Relations Fairer and More Productive?

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James Fleming (00:01:24):

Good evening and welcome everyone to this, the 15th annual Ron McCallum Debate on industrial relations. I'm James Fleming, the executive director of the Australian Institute of Employment Rights, the A IER, and this is the 20th anniversary of the Institute. To mark the occasion, we've made a short film with some of the highlights of our previous debates over the years, going back all the way to 2006 and our first debate about work choices. So it was actually the work choices changes and their radical reduction of work entitlements and the safety net that inspired the creation of the institute. Many saw the work choices changes as greatly unfair, removing unfair dismissal rights for many people and diminishing the safety net of awards. So the idea of the institute was to restore fairness and partisanism in the system and to bring unions, employers and experts together to reestablish some acceptable fundamental rights and norms that we might, well, if not all, agree on that.

(00:02:21):

There'd be some broad consensus on this then led to the creation of a charter of employment rights and that informs the work that we continue to do today. You'll see in the film that the first debate was actually quite heated and many of the issues raised in the debates over the years are still very much live questions and relevant to today's topic. So tonight's debate topic is now or never. How can we make workplace relations fairer and more productive? Before we begin, I'd like to acknowledge the traditional custodians of this land on which we meet and pay my respects to their elders past, present and emerging. I'd like to welcome our live audience at the Wesley Conference in Sydney and also those tuning in online. We've put some of our ideas for how workplace relations can be made more fair and productive in our latest book, a new work relations architecture, and we're giving you all a copy for those in attendance in person and all the registrants.

(00:03:16):

We're going to send a digital copy by email afterwards. So a big thanks to our esteemed debate participants and keynote speakers and to our main sponsors tonight, Harmers Workplace Lawyers for their generous contribution,

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which helps make this debate possible. The format of the debate is that we'll show the short film. Then we'll hear from our three distinguished keynote speakers, the first being our guest of Honour and Patron Emeritus Professor Ron McCallum. Then we'll hear from Justice Morty Bromberg, the president of the Australian Law Reform Commission. And finally from our keynote speakers, we'll hear from Minister Amanda RidgeWorth, who I believe is just coming from the airport. And five minutes away our moderator, justice Hatcher, the president of the Fair Work Commission, will then host the debate and I'll turn things over to him and please note the proceedings are being recorded and will be uploaded online afterwards. So now I'd like to go ahead and play the film with highlights from our previous debates.

Speaker 3 (00:04:23):

This government has decided that there should be a return to the freedom of contract days of the 1890s. Now this is a massive change. It is indeed a revolution.

Speaker 4 (00:04:37):

Our publishing business currently has less than 100 employees, that magical number and yet I'm not interested in taking advantage of the opportunities now afforded to me and I think that I'm not alone, that most employers want to treat their staff in a fair and accountable manner. I support the institute because I think it's important that we open up the debate on the future of workplace relations in Australia and I believe that the tripartite framework of the institute is the best way to create rights that will have broad community support.

Speaker 5 (00:05:07):

Joe Hockey, if I could start with you, obviously we can't avoid the elephant in the room.

Speaker 6 (00:05:13):

Wages have gone up in real terms since the 27th of month and industrial disputation at its lowest levels since 1913.

Speaker 5 (00:05:21):

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But it is true that some workers have had to give up some of the benefits that they previously enjoyed to take part in your, what you would say is nirvana

Speaker 6 (00:05:30):

Here, but Yana, what you don't hear is the trade off the benefits that they're getting.

Speaker 5 (00:05:34):

And how has work Choices legislation impacted on your member's relationship with Sharon's members?

Speaker 7 (00:05:42):

We have dramatically,

Ian Coyle (00:06:31):

We have a distinguished American guest with us.

Speaker 9 (00:06:35):

I sort of think of the Me Too movement as like the clock striking 13 in that you would think if there were effective voice complaint and conflict resolution procedures in organizations, we wouldn't have such reprehensible behavior.

Speaker 10 (00:06:49):

I worry that inequality is going to be driven even further apart. Do think our label or system as it's evolved allowing such a widespread use of casual work and independent contracting has contributed to that.

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Speaker 11 (00:07:05):

When you think about the insecure work rates across the economy, when you think about how few employees are covered by collective agreements today, there is flexibility, but it's predominantly with employers

Speaker 12 (00:07:18):

When there's a loophole that undercuts job security or wages for a worker. Parliament's particularly over the last 10 years have tended to just let it slide.

Speaker 5 (00:07:28):

This bill will only make it more difficult for employers to employ casuals.

Speaker 7 (00:07:35):

The best way to future proof our workplace relations system is to ensure that the system is as flexible as possible while preserving fairness for all.

Speaker 13 (00:07:46):

I could almost get everyone to sign up to. We need a system that's flexible and fair. It's then how you move beyond that point.

Ron McCallum (00:07:54):

We really have a lot of work to do and we need to think outside the square. In a world where technology is changing,

Liam O'Brien (00:08:03):

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We can't rely on set and forget approaches to policy thanks to that rapid pace of change.

Speaker 16 (00:08:09):

I hope it was a reasonably balanced debate, Joe. We tried to make it that way. I'm sorry if it didn't come out that way in the wash, but no doubt it'll resume at another venue another time. Thank you very much.

James Fleming (00:08:27):

Let me now go ahead and introduce our patron and guest of honor tonight, Ron McCallum, after whom the debate is named. So Ron has been the AAR's patron for many years and is one of Australia's most well-regarded law experts and one of the world's leading disability advocates. He's a past chair of the United Nations Committee on the rights of Persons with disabilities. Ron is also the first totally blind person to have been appointed to a full professorship in any field at any university in Australia or New Zealand. He's a former professor and dean of law at Sydney University and he was senior Australian of the year in 2011. Over to you Ron.

Ron McCallum (00:09:04):

Thank you very much James. I am truly honored to be here at the 20th anniversary, 20 years of the Ron McCallum debate. It still gives me shivers to say that and I must acknowledge the wonderful work throughout those two decades of Michael Harma and all our colleagues. If you'll allow me, I want to acknowledge two people who are here this evening. First, I'm truly honored that Justice Morty Broberg Bromberg is here tonight. He was at the first debate. I have learned a great deal from him from when he was a student of mine and now I learned much more now that he's been a federal court judge for years and years and he's a dear friend. I also want to acknowledge Professor Therese McDermott from Latrobe University, sorry, from Macquarie University. I'm mixing my states. When I came up to Sydney to the University of Sydney 32 years ago, Therese and I taught labor law together and I learned a great deal from her.

(00:10:10):

So I'm pleased to see her still in the field. Well, our topic tonight is really how to make workplaces fairer and more productive. Fairness is a word in Australian labor law that we've been paying lip service to for years and years. We have what I'd call a surface approach to fairness. If I go back to 1971 in the New South Wales Industrial Commission, we had Lottie's case. Lottie's case was an interesting one because it was a paid official or organizer of the A WU, the

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Australian Workers Union and the A WU dismissed him and he brought an unfair dismissal proceedings against the union and it was Justice Sheldon who said, well, what you have to give the employee before you're dismissing her or him is a fair go all round. But it was all very surface. There was no great detail. Similarly, we've been in love with the word fairness in relation to statutes.

(00:11:11):

The very first one I can find is the Fair Work Act, 1994 of South Australia and another bill that I had something to do with the Fair Employment Bill 2000 in Victoria, which failed to pass. And of course we have the Fair Work Act in 2009, but I think if we want to make workplaces fairer, we have to go deeper and I've been looking at some statistics and figures. First of all, there's the Equality at Work index of November this year, so it's just come out last week and it's from the Australian Center for Gender Equity and Inclusion at work at the University of Sydney, Ray Cooper and her colleagues. And they show that while gender equity has increased for many women in the area of safety and health and her harassment, we are going backwards that we're losing fairness for women in the workplace, particularly in the areas of safety.

(00:12:20):

Another report is the Workplace Wellbeing Index 2005 by Gallagher Benefits and HR Consulting and they show that in the areas of mental health and burnout over the last three years, Australia has been going backwards. How do we get workplaces to be more fair and inclusive when we're going backwards? I think we need what I call not surface fairness, but we need deep listening. Deep listening by employers, employees and trades unions. We need to listen to employees, we need to make people welcome, we need to ensure inclusion and I think we can do a lot better and take fairness into a deeper area where it has much more meaning for all employees and we also need to make sure that everyone gets appropriate remuneration and we need to look at childcare and all of the other things. It's something I think we can do. I think that we are facing huge numbers of challenges.

(00:13:32):

We're seeing the workplace is fragmented, people working at home, people working in different locations, more and more people being employee like rather than standard employees. And we're going to see automation and robotics. If we want to keep productivity with all these changes, we must ensure that everybody is looked after that the fair go all round is individualized to mean that everyone is listened to, everyone is learned from so that we can become a more productive, clearer and happier society. And let me say that I think the big area that's still a great neglected is the whole area of mental health and burnout, particularly in public sector institutions. Thank you very much.

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James Fleming (00:14:31):

Thanks Ron. And as is cud with the debates, we'll hear from Ron later in the debate with his reflections on how it went. So now I'd like to go ahead and introduce Justice Morty Bromberg, who is the president of the Australian Law Reform Commission. He was appointed a judge of the Federal Court of Australia in 2009 after a long career as a barrister at the Victorian Bar and a solicitor working in Melbourne, London and Hong Kong. He was also an occasional consultant to the International Labor Organization. Justice Bromberg presided over many of the most important cases in the areas of law in which he practiced His honor led the Federal courts employment and industrial relations national practice area and his honors wide ranging practice and experience included administrative law, native title, law, migration law, human rights and constitutional law. So some 14 years and over 500 judgments. After his honors appointment to the federal court, he was appointed president of the A LRC in July, 2023 for a period of five years, but he also continues as a part-time judge at the federal court. Justice Brumberg has concluded a range of A LRC inquiries and is currently leading the reviewing to justice responses to sexual violence and the Future Acts regime under the native Title Act 1993. Welcome Justice Bromberg.

Justice Bromberg (00:16:02):

Thank you James for that generous introduction. I in my current position as president of the Australian Law Reform Commission, I get invited to speak at events like tonight's fairly often as the founding president of the Australian Institute of Employment Rights, the wonderful institution that's hosting tonight. I was particularly pleased to receive this invitation to speak, especially as I was very firmly instructed to be brief. But what pleased me more was that the invitation was an invitation to speak at an event which honors my great friend and mentor Ron McCallum, Ron McCallum and I go back a long way.

(00:17:08):

Ron was my lecturer when I was about a 18-year-old student at university. Ron lectured me in labor law. Ron ignited my passion for labor law, a passion which has really dominated my work as a lawyer and my work as a judge. If I have any wisdom at all about labor law, it is largely due to Ron even the little bit of wisdom I wish to convey to you tonight that there is a better way to reform our labor laws has a connection to Ron and some of it you've heard about already. Ron and I were both members of the steering Committee of Eminent Persons, which as part of a law reform exercised engaged in by the Australian Institute of Employment Rights in 2006 2007 developed the Australian Charter of Employment Rights and this accompanying book by the same name as the introduction to the book states, the charter was created as an instrument for advocating for the reform of labor law in Australia.



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(00:18:47):

The message that I really want to convey tonight is not so much about how we should reform the substance of our labor laws. It is a message largely about process. However, I cannot pass over the charter of employment rights without saying that that document was and remains a very, very useful guide to how the content of our labor laws should be reformed. The charter is framed as a statement of the reciprocal rights of workers and employers that our laws should recognize and enforce. It was crafted on the premise that improved workplace relations requires a collaborative culture in which workers commit to the legitimate expectations of the enterprise in which they work and employers provide for the legitimate expectations of their workers.

(00:20:05):

The importance of collaboration or of a collaborative approach was not only an essential element central to the charter's content, it was also the defining ingredient in the law reform process through which the charter was created. The charter is largely based on the rights recognized in conventions and recommendations made through the collaborative tripartite processes of the ILO in which all of the three stakeholders in labor relations, workers, employers, and government have direct input into the formation of labor law reform at the international level. Indeed, the very idea for the formation of the Australian Institute of Employment Rights as a think tank for the promotion of labor law reform was that a tripartite structure fairly reflecting the perspectives of employers, workers and government should beat the heart of this institution as well as its proposals for reform.

(00:21:47):

The impetus for that approach to labor law reform is reflected in Bob Hawke's forward to the Charter of Employment Rights. Our esteemed former prime minister said this and I quote, I can't quite do it in his accent, but my appeal to Australia, to all workers, to all employers, to all political parties is this Let Australia move beyond the class politics, the vitriol, the entrenched distrust, and the shortsightedness that have characterized at least the last 10 years of industrial relations in this country, let us set aside forever the senseless tug of war between labor and capital and encourage both to pull cooperatively in the one direction. Australian industrial relations has now reached the tipping point. Australia needs to recognize that a winner take all approach is unsustainable, but that a win, win-win solution is attainable.

(00:23:13):

That impetus for a change way of reforming labor law in Australia is also reflected in my own words in the introduction to the book where I said this and I can do this in my own accent. A balanced, fair and inclusive approach



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to workplace relations in Australia is long overdue. Labor law has been a political football kick back and forth by the warriors of class politics for far too long and at far too great cost. Class-based politics have engendered an adversarial and conflict driven approach to workplace relations that has not served Australia well. This trend continues. The charter is an attempt to encourage a new direction.

(00:24:14):

Now unfortunately, the new collaborative tripartite direction to labor law reform that the charter was based upon and which it tried to foster has not eventuated. Labor law reform in Australia remains a largely partisan exercise, which depending on which of our major political parties is in government, either the agenda of the workers or alternatively the agenda of the employers is the primary basis for the reform. A well-crafted and far more effective law reform process would be based on a contemporaneous holistic consideration of the agendas of all relevant stakeholders. That consideration would be conducted with comprehensive consultation and the active participation of all relevant stakeholders. It would make a non-partisan independent evidence-based assessment of the merits of each and every claim for reform. The process would identify the legitimate rights and needs of workers and those of employers and supported by transparent reasoning. The law reform process will demonstrate how in accordance with a principled rather than a value laden approach, those rights and interests have been appropriately balanced to achieve a regime which is fair to all. Now if noting that the Minister for Employment and Workplace Relations is in the room, you'll beginning to think that my speech is a pitch for an Australian law reform Commission inquiry into Australia's labor laws. Let me assure you, you are correct,

(00:26:36):

But let me end by saying that based on my 45 years of experience of labor law, whoever is given the opportunity to conduct a labor law reform exercise of the kind that I am here advocating for that exercise can be expected to unveil a very rich vein of productivity benefits, a gold mine of productivity, able to be accessed and shared by both workers and employers alike. That gold mine is what Bob Hawke had in mind as the win win solution to the problematic winner take all approach to the reform of Australian labor laws. Thank you for listening and given that I have been brief, can I take the opportunity to acknowledge some of the people who were here at the very beginning and without whose assistance this institute would never have lasted. And I speak obviously of Ron McCallum, but I also speak of Michael Harma and Fiona Hardy. I hope I haven't missed any of the originals, but their contribution to the work of the Australian Institute of Employment Rights has been nothing other than magnificent and I'm pleased to be able to publicly say so. Thank you.

James Fleming (00:28:39):

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Thank you Justice Bromberg. I'd now like to introduce our final keynote speaker, the Honorable Amanda RidgeWorth, minister for Employment and Workplace Relations. If you'd like to please come to the stage and I'll say a few words of introduction. So in 2007, minister RidgeWorth was elected as the member for Kingston at 29 years of age. She's a member of the federal Labor's cabinet and was previously Minister for Social Services and Minister for the National Disability Insurance Scheme. She previously served in a number of shadow ministries including for early childhood education and development and youth and veterans affairs and defense personnel. She was educated at state schools in Adelaide and was a volunteer swimming instructor and surf lifesaver. During her university studies she worked as a sales assistant and developed a strong interest in workplace fairness. Amanda followed this passion to work in the trade union movement, both as a union rep and as an occupational health and safety trainer. Amanda graduated with a bachelor of psychology with honors from Flinders University and a master's degree in psychology from Adelaide University. And after graduating she practices a psychologist working with general practitioners in the delivery of mental health care to the community. I'm told she lives in Helic Cove with her husband Tim and their two young sons, Percy and Oscar. Thanks. That's great to have you Amanda, and over to you.

Amanda Rishworth (00:30:04):

Well thank you very much for that introduction. I've come straight from the airport from Canberra to here, so I apologize for being late. I would like to start by acknowledging the traditional owners of the land in which we meet and pay my respect to elders past and present and extend that acknowledgement to other First Nations people joining us today. It is a privilege to speak to you tonight at the 15th, Ron McCullum debate. And I just wanted to acknowledge the Emirate professor Ron McCullum, who has been a giant of labor law in this country and I pay real tribute to his contributions made in many fields over his long and distinguished English career, but particularly acknowledge him as a member of the panel that conducted the very first review of the Fair Work Act in 2012. Now of course there's a lot of very important people in the room, so I am going to just acknowledge a couple of people.

(00:31:10):

Justice Adam Hatcher and Justice Morty Bromberg, thank you for your address. It's wonderful to join you and everyone at the Australian Institute of Employment Rights and thank you for having me here tonight. It is wonderful to be a mom, a group of passionate people who are committed to improving our workplace relations system and making sure it worked. Now, I think I'm probably outnumbered here. I am not a labor lawyer, in fact, I'm not a lawyer at all, as you heard from my background. But I was a worker and am a worker, but was a worker. My first interaction with the workplace relations system was when I was pretty young and I started working at 14 at a very big retail company. And at that time Canberra was a very, very long way from Adelaide and I went to work and I didn't really think about anything about just getting a pay packet and going home and studying and balancing work and life.

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(00:32:20):

It was not until my workplace offered me the newly introduced concept in 1998 of the Howard government, an individual workplace agreement, a contract which explicitly reduced my tea breaks and other things at work. Now I was 19 at the time. I'd been working there for a little while and I thought I could negotiate that and I tried to. I sat down with my union official and tried to say, well, this isn't quite fair. I'd like some extra tea breaks or a shorter period of time. I found out pretty quickly that that's not how it actually worked in practice. And indeed pretty soon after that I no longer had my casual job. After being there for five years, I also quickly realized that I had options and with the support of my union, I did go to the Industrial Relations Commission where I think it was particularly important.

(00:33:18):

It was the old Industrial Relations Commission because it was a little while ago where I had the opportunity to turn up on an equal playing field with my employer and actually have a discussion about what the problems were, why I no longer were getting hours and very soon actually got my job back. So having the laws and the impact of those laws were therefore not lost on me and also having a place where I could go to enforce these laws really was critical. So it's not lost on me now, the responsibility I have a few decades later as the Minister for Workplace Relations to really ensure that our laws are fit for purpose and that they do have the opportunity for to be working properly. But I'm also equally aware that everyone in this room is a really important part of the ecosystem. Whether that is through advocating for legal change, whether that's interpreting or enforcing the law or actually just using our legal frameworks is really important that we all do work together to make sure that we have the best workplace relations system in the country.

(00:34:38):

Now I feel tonight's topic is a particularly relevant one because making our workplace relations system both fairer and more productive has really been at the heart of the government's agenda since we're elected because I fundamentally believe that the relationship between fairness and productivity is not mutually exclusive. When our government came to office three years ago, we did understand the urgency to act when it came to workplace relations reform because it was clear that there were gaps in our laws in which people were falling through. Our reforms were designed to get wages moving to improve gender equality and improve the security and safety at work, and to remove loopholes in the system that did undermine fairness. But we're also impeding productivity because it is important that our workplace relations system does ensure that workers do get a fair go, but also encourages productive and cooperative workplaces.



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(00:35:41):

And I really do think that one of the best ways to achieve this is through enterprise bargaining. And that's why many of the reforms that we passed in our last term of government were to reinvigorate enterprise bargaining. And a number of reforms we made was to make the enterprise bargaining process easier. We did cut red tape for single enterprise bargaining. We provided more options for businesses and employees to make multi enterprise agreements, particularly in low paid industries. We made the better off overall tests, simpler and fairer and more flexible, and we strengthened the ability of the Fair Work Commission to resolve intractable bargaining disputes because really ultimately to drive more people to support more people and drive better outcomes for workers, we needed to have both sides at the bargaining table. Now I'm really pleased to see that we put out a quarterly report of bargaining.

(00:36:43):

The latest available figures show that 2.8 million Australians are now covered by enterprise agreements. This is the highest number ever recorded since enterprise bargaining commenced back in 1991 and just in one quarter has increased from 2.67 million Australians. And what we are seeing is that delivering for workers, the average wage increase for agreements signed in the June quarter is 4.2%, which is well above the economy wide average of 3.4%. Now importantly, the enterprise bargaining is not just delivering the better pay and better conditions for workers, but it is of course allowing flexibility at an enterprise level, allowing for enhanced productivity for employers. But beyond the benefits to wages and conditions and indeed the productivity benefits, I really believe the bargaining process itself improves the understanding between the parties and provides agency to both sites. And of course, this leads to long-term productivity benefits at the workplace level.

(00:37:57):

Now of course, to ensure fairness and dignity at work, our country needs a strong safety net that underpins this bargaining a safety net, which does protect core rights and entitlements of workers such as the employment standards and of course our modern award system. But it is also good for business. When we look at something like our same job, same pay provisions, it stops a race to the bottom and it stops actually in many cases, companies unable to compete when they're being outbid for contracts. So the same job, same pay provisions that we introduced were not just important for workers who are receiving pay increases as a result, but does provide a more level playing field for businesses around the country. Now, while in many cases employers and employees are able to work out issues at a workplace level and discuss these things, there are times where the law being explicit is very important.

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(00:39:04):

And that's why a few months ago we did pass legislation that would protect penalty rates and overtime rates for workers covered by modern awards. This does not exclude the ability to negotiate in an enterprise agreement, but it was a very important part to making sure the safety net stayed strong. And it's also why we introduced Baby Priya's bill, which passed through the parliament just this week. This was a gray area that was making human resource people very confused about what their obligations were in the event of a stillbirth or early death of a child. Were they meant to pay parental leave? Were these people parents or were they not? And that created a lot of angst and a lot of distress in workplaces around the country. Through Baby Priya's Bill, we were able to explicitly make clear if there were not provisions already in place at the workplace, then you could not cancel employer funded, paid parental leave. In these events, what I've heard across the board that this has cleared up a gray area at a time where certainty and clarity is critical.

(00:40:24):

Now, a key point I make tonight and everywhere I go is, of course our reforms are good for workers. We are a labor government, but they have also been good for business because when we talk about productivity, we can never talk about cutting pay as a road to productivity gains because it's fairly obvious that when workers can see their wages growing in real terms and that their job is secure, they feel part of their, they have a stake in their employment than they are more engaged, more motivated and committed. And I think this has been really born out as a good example where it's been win win for workers and employers through the explicit right to disconnect because the right to disconnect was about providing enhanced protections for workers, but it is also benefiting employers as well. A recent study from the Australian HR Institute indicated that more than half of employers say that the right to disconnect has improved engagement and productivity within their workforce.

(00:41:36):

Now, I have said that we do achieve better productivity when we bring people together and different perspectives are brought to the table and discussed. And I think this is particularly true at an enterprise level, but I also think it is true at a national scale as well when workers unions and government come together in that tripartite fashion, I think it really does make a difference. And I think one institution that really has been truly tripartite and stood the test of time is Safe Work Australia, where employers, two levels of government and workers and their unions collaborate to develop the laws, policies and explanatory material to make sure our workplaces are safe. And I am as minister, very keen to look at more opportunities where we can have true structural tripartite to bring everyone together. One of the ways we are looking at, we are starting to do this is through industry specific tripartite forums.

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(00:42:43):

And one example of this is the National Construction Industry Forum through the National Construction Industry Forum. Believe it or not, I have unions sitting down next to the Master Builders Association and they're actually getting on very well. They're engaging in a collaborative way rather than being adversaries and in fact finding out they have some more things in common than perhaps they first thought. But the governments, unions and employers have worked together to develop a blueprint of the future for this industry. The blueprint identifies priority challenges and sets out a way forward to address them. Now, I'm not pretending that any forums like this are a magic wand, but as I said and the example I set out with enterprise bargaining, the process itself by bringing the perspectives to the table is driving areas where we can agree and areas where there is a clear divergence, but we understand each other.

(00:43:50):

Now fundamentally, our workplace relations system is about at its heart in my belief, providing dignity at work. And this audience knows better than anyone that work is more than just a job. It's about economic independence, it's about social connection and psychological wellbeing. But ensuring there is opportunity for a dignified, secure, well-paid job is also equally important. And as a government, we are absolutely committed to extending the opportunity to work as far as possible, ensuring those who are facing barriers to work particularly secure, well paid, or are currently excluded from the labor market are included. And I would like to acknowledge the advocacy by Professor McCallum in this space both here in Australia and of course on the global stage like in everyday life, inclusive workplace is that actively remove barriers to include those that have been traditionally excluded from the benefits, get a broader perspective at their workplace, and there is more innovation.

(00:45:03):

Just one example, I was at a birthday, children's birthday party not long ago where I was speaking to an architect and he talked about going out on his own with two people and they were desperate for a drafts person and they couldn't find one. Anyway, they went through Facebook and they found a deaf draft person and his immediate thought was, oh look, I'm going to take a hit. My business is going to take a hit, but we really need someone and I'm doing the right thing. Well, he had an absolute change of heart when that person started working for him, there was no hit to the business, there was no economic hit that he took. In fact, it only enhanced his business. And that drafts person has not only brought their talents to the workplace, but has changed the way and the design and the added benefit that that business brings to their clients.

(00:46:06):

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So look, obviously extending the opportunity of work benefits the individual, but of course business benefits as well. And a great example of where everyone benefits, of course we know that businesses, for example, whose workforce includes people with disability grow their profits more than four times faster than their peers. And an inclusive approach to hiring produces better functioning, better performing workplaces. And at a time when so many businesses are looking for workers, there's never been a better time to be breaking down those systemic barriers that have either kept people in lower paid jobs or indeed kept them out of the labor market altogether because people who bring their valuable lived experience and wealth of knowledge not only benefit the individual businesses, but of course benefit the broader economy, the economic dividend for a more inclusive Australia is estimated to be worth \$12.7 billion every year. Now of course, we know that there is more to do to make our workplaces more cooperative and to better represent the Australian population.

(00:47:19):

And this is not a challenge government can tackle on its own. We all do need to work together to change cultural attitudes and break down barriers to ensure that we get the most harmonious, best functioning workplaces. But look, in conclusion, I'd just like to reiterate like all of you, our government is committed to having the best workplace relations system we possibly can. Our reforms we believe have improved fairness and provide a foundation for unions, workers and their employers to work together to build a more productive economy that benefits all Australians. So thank you for the opportunity to speak with you tonight and I hope you have a great evening. Thank you.

James Fleming (00:48:13):

Now hand over to Justice Hatchett from the Fair Work Commission to moderate the debate.

Justice Hatcher (00:48:17):

I thank you James. I was very interested to watch that video of past debates. Firstly, I didn't realize I was competing with the lights of a yarn event, so obviously the debate's gone a bit down market since then. And secondly, most the ones I've attended so far have been very civilized. So I was interested to see that there was a bit of heat in some of the debates. So hopefully I can get that going this evening. So we're here tonight to discuss the relationship between fairness and productivity in the workplace. Do they go arm in arm? Can we enhance both simultaneously or does one come at the price of the other? Fairness is well ingrained in the Australian consciousness as a fundamental national value, but it's a rather an elusive concept. At the birth of our industrial relations system, at the beginning of the last century, fairness meant higher wages and job security for white male workers.

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(00:49:12):

It's now commonly regarded as embracing a much wider range of concepts including workforce participation from female workers, indigenous and disabled workers, freedom from bullying, sexual harassment and discrimination, elimination of gender-based undervaluation of work and work and family life balance. But there's no commonly accepted metric for measuring fairness. And there's disagreement about whether we even have a problem, let alone what the solution might be. Productivity is on its face, a more finite and identifiable issue. There's a well accepted economic definition of productivity output that is output measured by gross value added divided by paid hours work. So it's a mathematical calculation. And using this measure, Australia, like much of the Western world, has had a problem with weakening productivity growth over the last decade. A decade ago, the 20 year average productivity growth rate was 1.7%. It's now N 0.8%. And the post COVID years has seen actual reductions in productivity as we've faced the paradox of very strong employment growth, but also weak economic growth suppressed by high interest rates.

(00:50:27):

So this gives rise to a series of questions. What is the cause of this? Has technological change stalled? Is there a lack of competition and competent management? Or is it overregulation, stifling business innovation and investment? Can we afford fair workplaces without at the same time improving productivity growth? Why are we even measuring productivity correctly and should we take into account improvements in the quality and standard of health and other social services and what reforms are necessary to improve both productivity and fairness in the workplace? So to hopefully give us the answers to all these difficult questions, James and his team have assembled a wonderful panel tonight and I'll give each of them a very brief introduction. So Emma Dawson is the executive director of the Chifley Research Center. And earlier from 2016 to 2025, Emma was the executive director of the policy Think tank per capita of which she's a co-founder and she's published reports and articles on a wide range of public policy issues and has particular interests in economic inequality and social justice, gender equality, public interest, media and labor rights.

(00:51:44):

Steve Knott is the chief executive of the Australian Resources and Energy Employer Association, the leading employer organization in the mining oil and gas and related services sector, and has held that role since 1997. Steve's a fixed you in the industrial relations landscape and his voice, sometimes a very loud voice on behalf of resources employees has been heard in almost every major industrial relations debate for as long as most of us can remember. Dr. Weza Chau is the current executive director of per capita a think tank, focusing on addressing inequality. She's a respected leader with over two decades of experience across not-for-profit and government sectors dedicating to advancing fairness, shared prosperity and social justice. Liam O'Brien is the assistant secretary of the A CTU. He's held that

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position since 2018 and before that he was a senior official with the Australian Workers Union. Liam in his role is responsible for leading the A CTS policy, industrial and campaign work on work health and safety and workers' compensation matters.

(00:52:53):

And he's a repeat performer at the Ron McCallum debate. So Sotu is Anna Bacher, associate Professor at the University of Sydney. She's the chair of the discipline of Government and International Relations in the School of Social and Political Sciences and is a global policy expert on migration and labor markets. Her research covers immigration, gender and racial diversity inequality in labor market and regulatory change, as well as the skill selection of migrants. And finally on the far left is Ian Coyle. He's the adjunct professor, school of Psychology and Public Health and School of Law at Latrobe University and also the Australian Catholic University Law School. Professor Coyle has had an extensive career as a forensic psychologist and has given expert evidence in and prepared expert reports for a wide range of criminal and civil matters in various areas including personal injury and psychosocial safety. So we'll kick off the debate. So starting off with the topic of fairness. So I might start this off with two participants, Weza Chau and Anna Boucher. How do we measure fairness in the workplace? What are the criteria and what does a fair workplace actually look like? So do you like to have a go at that question?

Weza Chau (00:54:16):

Oh, it's always hard with the first question, but I think fairness is really about how imbalances. So when we think about what is fair and if we think about how we actually create a fair workplace, we need to think about how we actually practicing it, how we actually making sure that our values are actually turned into policies so that people actually feel like it's fair. And so in terms of measurement, I think, I mean there's a whole range of ways to measuring fairness, but I think one of the key ways is really to look at people who are in a more vulnerable position and whether or not we see them in more senior roles. Because what that means is that we think about career progression and that people who have less power, you also see them in senior roles as well, and that they are actually getting the promotion that they deserve.

Justice Hatcher (00:55:25):

Alright, Anna?

Anna Boucher (00:55:26):

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I mean at a minimum it's procedural fairness for everyone in the workplace, but as has been alluded to in the minister's speech, sometimes we need reforms that, and Ron mentioned this as well go deeper into more substantive forms of fairness. An example that we can reflect on is the respected work reforms, obviously acknowledging as that was it, professor Katz in the video said that the laws were there, but we were still having sexual harassment. So respect to work reforms, obviously attempting to take a deeper approach to fairness to alleviate that happening in workplaces. And we'll see in the evaluation whether that's been successful or not. Or we might think recently in the news the last few days, racism in the workplace. Similarly, we have a race discrimination act, we have protections in the Fair Work Act, but there's still a concern that racism occurring. So on a deeper level, fairness would attempt to eradicate as much as possible those instances in the workplace.

Justice Hatcher (00:56:32):

Anna, just follow up. Do you have an idea of how we measure these things? That is how do we know whether we've made progress, whether we're going backwards and whether what is currently in place is working or not working?

Anna Boucher (00:56:44):

I'll give you an example from a recent report written by Settlement Services International Billion Dollar Benefit, and they look at all the reasons why recent migrants are working in jobs below their skill level and arguably earning less than they should be given their skill level. And they bring in a variety of controls in their analysis such as the visa, the workplace. And what they find is there is an unexplained element and they put that down. Deloitte who wrote the report with settlement services International puts that down to racism. Similarly, studies that the ILO has done on gender a wage gaps, they look at all the possible explanations for why there is a gendered wage gap and there's a gap. So you do it through standard statistical analysis and once you can hold certain variables, then the unexplained component can generally be attributed to discrimination.

Justice Hatcher (00:57:33):

Alright, well Liam O'Brien, so do we have fair workplaces? And if we don't, why not?

Liam O'Brien (00:57:43):

Well, it'd be odd for me to sit here and say that we do, because I'm hardly going to say the job's done, but to pick up on the points that were raised just then, when I think about fairness at work, I think about and take Justice

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Romberg's invitation, I think about the fundamental principles and rights at work. So I think about the ILO fundamental principles. So freedom from discrimination, protections against forced and child labor, the right to a healthy and safe working environment and new fundamental principle at work and collective bargaining. And fundamentally, it's all about workers having agencies and workplace parties coming together. I think we are on a track to start to restore fairness. I think many of the changes that the minister went through that were really about restoring collective bargaining are at its heart, about restoring fairness in the workplace and giving workers more agency something that I think for the better part of a generation was lost in this country. If we think about that and its relationship to productivity, which I'm sure we'll get to later, these two things are interdependent. You cannot achieve one without the other. And so I think have we achieved fairness? I would say we are well on our way to restoring fairness in the workplace, but we have a lot of work to do in terms of bringing to life those fundamental principles and rights of work.

Justice Hatcher (00:58:59):

Well, we've had a fair work act, a fair work commission, and a fair work ombudsman for 15 years. What hasn't been working? Why aren't we there yet?

Liam O'Brien (00:59:08):

Well, I think to the point it was great to see Minister Burke, I suppose his speech that he gave here two years ago is that labor markets are dynamic, they change constantly, loopholes emerge. And indeed, over the last few years, indeed the last decades, we saw loopholes really being exploited that struck at the heart of fairness. And so I think ensuring that parliaments are giving you and the fairwear, common and others the powers to address fairness in the workplace is really critical to ensuring that we continue to meet that task in the years ahead.

Justice Hatcher (00:59:43):

Does that mean that fairness is a target that we can say we've reached one day or is it simply an ongoing task where it's one thing after another in the face of an evolving labor market?

Liam O'Brien (00:59:54):

I think what's really interesting, and this is possibly going a little off script here, which is possibly how you end up having these more spicy debates, but I think Australia's system is very unique. We have a fair work commission that

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has an arbitral power, which somehow comes to conjuring up fairness. Whereas we look across the world, bargaining is at the heart of it. And so workers and employment parties determine fairness. And I think we have this hybrid system that does ensure that fairness evolves over time, that with respect to your work, you are not the arbiter necessarily of fairness except at the right now that potentially fairness changes over time. And so it should to the points we raised about gender discrimination, racism, these are evolving things in Australia and we need to be progressing towards resolving them. And I think fairness is not something that is static.

Justice Hatcher (01:00:43):

Alright, well perhaps we'll now start to generate some heat. So Steve, not, do we actually have a problem with fairness in Australian workplaces or are we selling ourselves short compared to international peers when we say that we haven't reached fair workplaces yet?

Steve Knott (01:00:59):

Well, I'll answer in two parts. I saw on the screen there before Joseph Benedict Hockey, and I'm conscious it's being recorded, so I won't tell you the whole story, but he was the IR minister when they got rid of work choices and Julia Gillard was the shadow minister at the time, and we had her in our board meeting with our board members and someone came and got me and said, oh, the minister wants to speak to you and Joe's on the phone. And he said, oh, we're getting rid of work choices, we're going to have a fairness test. And I said, well, what's that Joe? And he goes through it and I said, it sounds a lot like the no disadvantage test. Why don't you just go back to the old no disadvantage test? Well obviously somebody further up the line didn't like that. So we had a fairness test and since then we've had the Fair Work commission, fair work, ombudsman, you name it.

(01:01:51):

Everything's got to be fair. So look, from a fairness point of view, I don't think the IR legislation with it, it's not going to change much into the future. If you're in big companies, you'll find your way around it and you'll learn how to work with it. Small and medium businesses will do what they always did and still do. The small business will ignore a lot of the laws and survive and some of them will comply with the laws. But the real piece, and I was to Ron about this before, when I first met him in 1997 in Hobart, the guy who was one of my two career mentors, a guy late Terry Palmer, he ran Alco smelting and I was having a souk, I'd been the IR manager of the Hydro 6,000 employees, 20 awards, 20 unions in the commission every day. And the union, which today is now called the CFMU, was jacking up one of our sites and I said, oh, the union won't let us do something.

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(01:02:46):

So he pulled me aside and he drew two triangles and first triangle at the top was you can put shareholders in there if you like, board executive. And at the base of the triangle were employees. Then he went over to Liam's mod, which was the trade union, and he had up there, the state and federal secretary, the officials, the delegates, and down the base of the triangle, the bulk was members. He drew an arrow across from the employees to the members of the union. So if someone in my business, he tells me that the union won't let me do something, I've got a problem with my leadership. They've got the employees, whether it's 38, 35, or in our industry 42 hours a week, and the unions are in and out. So they've got a choice. They're going to follow the union leadership or they're going to find the company leadership.

(01:03:38):

I think if you've got the leadership piece right, all the transactional stuff in the IR system and employees having a fair treatment system and recourse. The other thing that they set up, which was different, which is away from the same job, same pay, I have no issue with the same job, same base pay stuff. But we introduced a report, Ron, we actually asked you to have a look at the say 1999, which was beyond the enterprise bargaining. Our industry was passed by then. So they wanted to do performance assessment and performance review with all their employees. So you know yourself, if you've got a carpenter at your place and doing a job, then someone else comes and does another extension. The quality of the work might be different, you might want to pay one more than the other. So our industry sort of stepped away from enterprise bargaining.

(01:04:29):

They're getting dragged back in now because where they had expired enterprise agreements, some were EFAs under the Keating era in 1993, they're now going back into the system because they are required to. And some of them think that some benefit for protection from industrial action. But as everyone around here tells you, the industrial action statistics in Australia are extremely low. And they have been since, when I first started in the IR space in 1980, the trend has been continuously down. So I think it's a leadership piece. Justice has to make sure that there's fairness in the workplace and the employees and indeed the trade unions, if that's not there, they'll gravitate to the trade unions and you'll know about it and it won't be good for your business.

Justice Hatcher (01:05:17):

Well, just a follow up question. So we've obviously had a bit of discussion about fairness to employees. Do you think the current system is fair to employers?

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Steve Knott (01:05:27):

Be really quick. How many countries in the world have got an industrial award system? Zero. Right? Last time there was an industrial country with an industrial award system was in New Zealand in 1991 and they got rid of it with the Employment Contracts Act. How many awards are there? 120 Continuing to grow. How many words in them? 2 million. How many words in the pages in the Fair Work Act now? 2,200 and something. The first act in 1904 had 69 pages in. So can we get chat GPT to simplify the Fair Work Act? And if we got rid of the awards and the coalition had an opportunity to do this in 2004 and back in the seventies when they had control of the Senate, they mucked it up. They could have had a deeming provision. So everybody that was on awards, they wouldn't lose money. You could have a system over here where you could have the Fair Work Commission with Justice Hatcher, commissioner Hunt over there.

(01:06:22):

People could play around in that with awards and agreements and all the rest of it. Others could have individual employment arrangements, performance assessments and so forth. WA had that in 1993 and it was very successful. That opportunity came and went. Took the late Kevin Andrews took too long to introduce legislation in 2004 and took too much advice from blue chip law firms and they overcomplicated it and it was too late. So that's not going to happen in our lifetime. Not in my lifetime anyway. Some of you are a bit younger than me, it may happen, but the awards are here to stay. They're extremely complex. I just put down some of the companies here and I could go on A B, CBHP, Westpac, Woolworths, Coles, the minister's own department, they've all been in breach of the industrial award system that we currently have. So if the biggest private sector company, BHP, can't get it right, the A, B, C with over a billion, the minister's own department, what hope is a small to medium business got.

Justice Hatcher (01:07:25):

So it's not fair.

Steve Knott (01:07:31):

Well, it's there.

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Justice Hatcher (01:07:34):

Alright, now we're cooking, I think. So Emma Dawson, are there winners and losers in the fairness stakes? And who do you think is doing well in the current system and who is doing less well and why?

Emma Dawson (01:07:48):

Yes, there are winners and losers. I think to answer the question directly, workers are doing better now than they were in the previous decade. So a lot of the changes that the minister talked about, they have got wages moving again. For example, between the 10 years to 2022, I think the wage share of national productivity dropped by about 3.8% and the profit share rose by 6.4. That has since reversed in the last five years. So we are seeing, I think, a restoration of some fairness to the system. It's fundamental to how Australia not only operates, but how we think of ourselves. So several people have mentioned the fair go and that it's such an important ethos in Australia, and I think it is critical to remember that we led the world in workers' rights. If you want to go back to 1856, when I'm from Melbourne, Melbourne left the world, led the world in workers' rights, the stone masons in 1856 who were arguing for the eight hour day.

(01:08:54):

And they made that argument very explicitly in favor of having not just rest but leisure and the time to pursue intellectual pursuits and be an informed part of democracy. 1907 you saw the harvester judgment, which was again the sort of the first setting down in legal precedent of the concept of a minimum wage. And as you rightly said at the start, these laws at those times were focused on the white male worker. But Justice Higgins with the harvester judgment made clear that a wage should be provided to a worker to provide for himself and his family in frugal comfort regardless of the employer's ability to pay. So these concepts of fairness and the rights of workers actually underpin Australian egalitarianism, I would say much more so than in European countries. And in the us in a capitalist society, employment is the major means by which we distribute wealth.

(01:09:54):

And I would argue that those strong workplace rights underpinned what was known internationally as the working man's paradise for much of the 20th century. But as Liam said, labor forces change, the demands of the economy change. And I would say we saw this most recently with the judgment against Westpac in the work from home decision, that the concept of work as being something you do for pay is shifting as more women enter the workforce in particular. And as the need to recognize that we have for over a century ignored the contribution of unpaid and domestic work and how that affects people's wellbeing. So fairness is important because if we think about the

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purpose of productivity and the purpose of growth. It's meant to be lives to lift our living standards. And that doesn't just mean having more money to buy stuff. It means having time, having a sense of community, having a sense of purpose and belonging.

(01:11:01):

And I think traditionally Australia and Australians themselves still see workplace relations very much through that lens. So over the last 40 years, globally, 40 to 50 years, we've seen a retreat from that concept of work as being part of life and a much more explicit shift towards shifting the risk of making money away from employers and onto employees, reducing workers bargaining power, but also expecting people to work a lot more. And I think for a similar standard of living, one of the things that I think people don't take account of enough is that when we first started doing the Labor Force Series, it was about 1980 mark, something like that. Only around a third of women were in the workforce. By the year 2000, that was up to around about half and it's now at an all time high of 63.1%. And critically the increase in the number of women in the workforce just this century, so since 2000 of women of childbearing age women between say 25 and 45, that's up by 15%.

(01:12:17):

So the amount of work households are putting into the economy to have a similar standard of living over the last 25 years is arguably more than we recognize because we are not, for example, we say it costs 16 times household income today to buy a house in 2000, it was nine times, but we're not looking at the additional hours. So I'm waffling a bit, but the point I'm trying to make is that original concept that came from the stone masons that came from the harvester judgment that said work should contribute to a good life and that the realm outside of paid work is to be considered when we think about fairness in the workplace, that was almost a uniquely Australian position and it's more important now than ever because actually households are pretty much at their capacity for how many hours of paid and unpaid work they can take on. So I think there is further to go in how we think about time as well as income.

Justice Hatcher (01:13:15):

Well, just on gender as a follow-up, just on gender issues specifically, you pointed out that and we've reached a historic high in terms of the percentage of women participating in the workforce and also recent data suggests there's been significant progress in narrowing the gender pay gap. Are we on the right track or what else needs to be done in that space?

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Emma Dawson (01:13:39):

Statistics can mask things. So one of the reasons the gender pay gaps narrowing is that male earnings are falling a little bit more. Women are working full-time, although they still predominantly work part-time in Australia compared to other nations. But a lot of what this government's done in recognizing the undervaluing of female dominated industries are particularly the care economy. So those jobs that work that used to be in the domestic realm and was seen as is not valued at all, explicitly excluded from GDP for example, as it's moved into the paid realm, we continue to undervalue it. So the investment in increased wages for care workers has been really important. We are making steps in the right direction and it's not coincidental that it's under the first gender equal federal government we've ever had. So we are making steps in that right direction. Flexible work is important for women, but one thing I don't think we are thinking as boldly as we used to and perhaps because of the loss of organized, the power of organized labor, the very deliberate reduction of that over 40 years.

(01:14:52):

Why for example, did we stop fighting for shorter working hours in 1983? Kane said in 1930 that we'd all be working 15 hours a week by now because of the productivity gains. And he was right about the productivity gains. We have increased productivity by the amount he predicted, but we're actually working on average about 43 hours a week in this country. And that's not entirely choice. The productivity commission has suggested, my friend Andrew Lee said recently, well Australians chose to take that productivity gain in goods and services, but we are not making those choices in a vacuum. And when house prices are going up as they are and the costs of the basics are going up, a lot of people are working more hours than they'd like to. And there's actually evidence to show that people who can afford it. There was a headline in the Australian couple of months ago, is this the world's first part-time CEO people that are wealthy are choosing to pull their hours back.

(01:15:49):

Not everyone has that ability, particularly if you're working in the gig economy or in an underpaid atomized, casualized, feminized industry. So I do think there's further to go there and I personally believe that the time has come for the four day week. The time has come to reduce the standard working week with no loss of pay to recognize that those inputs to productivity such as having the bills paid and the floors cleaned and your meals prepared and your clothes washed are actually foundational to your ability to be productive in the first place. So things are better over the last five years, the forces of reaction are strong. Business is pushing very hard for people to get back into the office, back into the CBD. What it fails to recognize is that we don't have the labor force we had in the eighties or nineties. People do not have a wife at home and the demands of really asset price inflation mean that we need to think more holistically about how families, not women families manage the demands on their time, both paid and unpaid.

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Justice Hatcher (01:16:58):

Alright, Ian Coyle, so what barriers do you see in terms of workplace cultures, workplace behaviors, workplace safety systems to achieving fairer workplaces?

Ian Coyle (01:17:12):

Well, it's interesting you asked that because I've been sitting here thinking you're missing the big ticket item to improve workplace relations and make them more productive requires objective assessment of job demands, which includes work pressure, physical demands, emotional demands, bullying, harassment and work and family conflict. Now all of those demands, issues need to be considered if you're going to manage effectively workplace health and safety issues. But interestingly, this is most effectively done in the context of objective assessment of job resources, health and work outcomes. And this has been the subjective extensive work base research since the 1980s with a pioneering work. Dr. Zohar said, oh HI first published in that area back in 1995 in a paper called Safety Climate. Originally there was a concept of management climate that is management of a company created a climate in which people worked inside a good management climate or a bad management climate.

(01:18:32):

People like working there or they didn't. At its two extremes, but that is always the case. It's much more complex than that. A subset of management climate, which incidentally was something that was readily sold by consultancy companies in the 1980s to senior management. We will assess your management climate and tell you how you can improve relations. We know how to do this because we've developed these questionnaires that have been used in countless organizations over the past two decades and they would come in and charge a lot of money to administer the same questionnaire. It didn't work. There's no surprise about that because companies are different. The people in them are different. The organizational structure is different. And to argue that you're can have one size fits all model approach to assessing management climate was just nonsense. It still now moved on to safety climate. We can have one size fits all model to measure safety climate and more recently in Australia, which has been brought into legislated, we have psychosocial safety climate. So we're getting more and more narrow as we go along on what a psychosocial safety climate means. Well it means the management structure, the way in which people are remunerated, the way in which people are dealt with the in which job descriptions if they exist, are written, who's responsible for supervising and operating in different parts of the business and so on.

(01:20:19):

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Now that all seems quite reasonable. You can come up with some standard questionnaires except that you can't because each organization has got its own particular management and organizational structure and it's got its own psychosocial structure. It's worthwhile and it's necessary to get some objective assessment of that if we're going to see how we can improve things. Back in 1990, myself and some colleagues looked at studies of the Anglican Nursing Society and the Anglican Home retirement villages. We conducted a number of what are called Delphi processes or interviews to determine what people at various levels in the organization thought were the most important things. And from those, we developed some questions and administered questionnaires to these two arms of the Anglican Church, Anglican Home Mission Society, dealing with retirees if you like, Anglican Home and Nursing Society, dealing with retirees who really need a lot of care.

(01:21:31):

And we got totally different results. Not surprising when you think about them, but back then no one had thought that that was possible. Now, that was in 1990. I've only recently the past five years gone back into this field. I've been doing other things and one of the things I did was look at how many articles have been published and this is literally mind numbing. Well, it was to me when I looked at it this morning, if we look at the number of research articles in 1990 when I published with my two colleagues, one of Whom's deceased, he probably put up with too much of my bad humor, I should say. There were 41,000 research articles in the world dealing with safety climate and performance performance at work. As of yesterday on Google Scholar, there were 4,320,000 articles published on in the same area, 4,320,000 articles. Now, no matter how good you are as a research scientist, no matter what filters you apply to that, that's a mind numbing task to consider that you're going to look at a representative sample of all of them. It's an evil concept. Fortunately, there is a way out of it that the legislature does not seem to have appreciated, certainly in New South Wales. I think that's a, I just give us

Justice Hatcher (01:23:20):

What the answer is.

Ian Coyle (01:23:21):

Well, waiting with bated birth

(01:23:24):

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Stop for me, fortunately there is a way out of it. And that's to narrow things down to particular industries and particular companies and say, we can't have a global safety climate assessment. Things don't work that way. Humans are different. The jobs they do work in are different. We can have some elements that are transferable from one industry to another, but we can't have a general one size fits all model. It doesn't work that way, but is it needed? Well, yes, and I'll leave you with one last thing. One might wonder what the United States, America's Pacific fleet is doing with respect to safety climate. Well, they just did a major survey of 27,000 sailors dealing with safety climate now for the US Pacific fleet to consider that to be of important in so far as it goes to the issue of helping defend America pretty well says it all. As far as I'm concerned, that's where we need to put some effort in because it brings together organizational psychology, law and employment relations into one issue that is fundamental. How do we do things better and make things safer?

Justice Hatcher (01:24:55):

Alright, well let's turn to productivity. So I touched upon some of the data about Australia's national productivity growth performance. Liam, we do have a problem, don't we? And just to follow up, how can we fix some of the fairness issues we've identified unless we get better at creating and growing national wealth?

Liam O'Brien (01:25:18):

Well, let's start with I think, I suppose the premise of this debate is, is there a trade off between productivity and fairness? And we would say absolutely there is not. The two are interdependent, they're related. You cannot have productivity without ensuring fairness. In fact, I think what happens too often in this country is productivity is used by some to really describe what is profitability. The idea that workers need to work harder for less, and that is how we have a road to greater national prosperity. And I think the point that Emma and others raised is really clear is that unless workers feel that they have some agency IE some reward in the return for effort, the productivity will never eventuate. If we look at the productivity debt that Australian workers are in it at the moment, Dr. Jim Stanford puts that at something like \$200,000.

(01:26:02):

Each worker is owed in terms of the productivity they have not shared in for the last two decades. That's a huge loss in income for many workers in this country. Largely off the back of to others' points, the fact that we have not addressed the way in which labor markets operated in a way that ensures that we retain fairness. Now, we firmly believe that fairness is critical to ensuring national prosperity. Absolutely productivity is also critical to ensuring long-term a lift in living standards. But if workers do not feel that they're going to get their share at the other end of this, then productivity will never eventuate. And I think what we've had over the last decade has actually been a missing

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of the real problems when it comes to productivity. We've seen a massive underinvestment in skills and training in this country and we have seen something close to 14% decline on 2007 figures in terms of business investment and training.

(01:26:57):

It's not surprising that one in three occupations are in shortage. That's a huge problem. We've basically seen a complete walking away from research and investment by business in this country, a huge driver of productivity. But more importantly, we've effectively seen a capital strike in this country. And if you had powers to essentially deal with that, there'd be a huge problem for business because businesses not invested in capital stock in this country. The three key things that would live productivity, skilling workers being at the leading edge of research and innovation, but also investing in technology in this country. Those are the things that drive productivity. And indeed those are the things that historically have driven productivity. If we think about the decades gone, if we return to the scary days that Steve says we are heading to now the sixties and the seventies, we had productivity between two and two and a half percent. We had a workforce that was 50% unionized. We sectorally had centralized wage fixation, but yet we had much higher productivity growth. Today we've deregulated labor markets, we've had a deliberate strategy of quashing unions and productivity is declining. So I think this idea that there's some sort of trade off between fairness and productivity completely obscures what's really driving productivity in this country.

Justice Hatcher (01:28:13):

Alright, so Steve Knott business is not investing, they're not investing in capital, they're not innovating and they're not training their workers. I've also heard from the A CTI think in some public announcement, they think part of our productivity problem is poor management skills. What's your response to that?

Steve Knott (01:28:34):

Look, the management leadership side of things, start with that first. That can always get better. So companies that invest in their people, they can be your frontline supervisors through to your CEOs board members. Absolutely a hundred percent agreement will Liam. In terms of productivity and fairness, you have to have both. Productivity without fairness, it doesn't build great workplaces. But if we don't have productivity then the pie gets smaller and we're seeing what we're getting now inflation's up and real wage growth, not keeping up with inflation. So there's a fair bit of that. In terms of the capital strike that's absolutely happening. We've put out a forecast in there. So our sector, for those that dunno, it's mining, oil and gas and there's a third of the business called service contractors. So companies like Compass and Sodexo, they employ about 500,000 people globally. You'll have somebody blowing something up, specialists or all the rest of it.

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(01:29:34):

So it's quite a diverse. So if we look at the capitol strike, there was a lady, and I'm conscious this is being recorded, she was my vice president not all that long ago, but she's the CEO of Woodside in my view. She's the best CEO in Australia. A lady called Mega O'Neal, now they're trying to get up the Northwest Shelf project, the expansion up there, it's been going on for seven years now. She's from the us She's proved a project in Louisiana and it got up in a fraction of the time. So you just got to follow the money. Even our sector though, in the next five years we'll continue to have another \$109 billion worth of investment, another a hundred thousand direct and indirect jobs. But we're already starting to see investment lead Queensland because of the coal royalty regime. It's not competitive. Some of that money's moving to New South Wales.

(01:30:29):

A lot of it's moving overseas. The one that Kevin Rudd and the Harry Nose Womack guy, Ken Henry who was the head of treasury, they never got right with the mining Super profits tax, they more focused on the name of the tax, but they thought that capital, if not mobile in our sector it is, just look at the guys in the nickel mines and the ladies in the nickel mines in the west who lost their jobs. I spoke to the Tasmanian premier last Friday and Michael knows that I grew up down that way and I asked you about the future of the three smelters down there and the last paper mill we have in Australia, because when I was at the Hydro, we gave them their electricity for nothing. They came down and that was the thing. The transport costs were all offset by the electricity costs up here.

(01:31:21):

Some people call it Togo and others call it Margo. They're in the gun as well. So all those jobs and the next 10 years, particularly in a place like Tasmania, that'll be huge. They'll be lost. And where are they going? They're going to our competitors overseas. Why? Because they have cheap energy. Why? Because they use our coal, our uranium and our gas. It's absolutely nuts. But the approval times on these projects is just ridiculous. In New South Wales, there was a gold mine here that you had an activist environment minister knocked it off after the state government approved it. There's jobs and a billion dollars to pay for schools and hospitals that's gone wanting over a spurious blue banded B thing that you can find anywhere in New South Wales and up in the A CT. It's a nonsense. So the market knows that. So the capital for these big projects in our industry come from overseas.

(01:32:14):

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When the Northwest Shelf started, we got \$5 million from the four Australian banks and that was the nab. Westpac are out there virtue of singling all the time. I know they're in, got a bit of an issue with the work from home issue. And my personal view on that is the CEO of that company would be earning 10 times, 20 times more than what Liam's old mate, Tom Roberts, who's now deputy president of the Fair Work Commission. They should be able to make that decision. Now that issue may be subject to appeal, so I don't want to go into it too much, but if we are going to say that these things from business, their rights to run their business is being outsourced to public servants, apart from Justice Hatcher here, they're all administrative tribunal members, it's going to be outsourced to these people that have never run a business before, never had to raise capital, wouldn't know how high a haul pack tire was. What's it like to travel on a chopper and go into an offshore oil rig. It's absolutely barking mad. And so if those barriers start to be put up, then the money flows offshore.

Justice Hatcher (01:33:18):

Alright, and about what do you see as the drivers of productivity growth in the Australian workplace? Are we looking at capital investment, upskilling the workforce, greater managerial flexibility as Steve seems to be advocating for or something else?

Anna Boucher (01:33:34):

I don't think the evidence is conclusive that regulation has caused the issues in productivity. So I read the review of the Secure Jobs Better Pay Act appendix for, and there's an interesting diagram that suggests there's a slight reduction in productivity after the introduction of that legislation. But of course this is just a correlation. And we've also seen, for instance, when the Fair Work Act was introduced that productivity increased. So I don't think you can make the argument necessarily that increased regulation of the labor market in terms of fairness, aspirations, leads to a reduction in productivity. It seems probably more likely related to some of the factors that Liam has mentioned. There's also a question, which I think has been under analyzed, whether some aspects of low-skilled migration could be contributing to it. There was an interesting study done by E 61 that showed that there are companies that have low productivity and where potentially workers often of migrant background are being underpaid. And those companies, which really shouldn't be an operation because they're not abiding by labor laws, arguably could be contributing to the overall lower productivity. So I think there, there's a question about fairer provision of labor standards to migrants and also ensuring that these companies can't stay in operation if they're not abiding by those standards.

Justice Hatcher (01:35:01):

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Right? Why the chow? So the whole notion of productivity and the way we measure it is the standard economic measure of productivity, a reliable indicator of economic progress, or does it miss some things out like improvements in social services, improvements in worker wellbeing, should we move to some broader wellbeing index, which takes into account factors other than the simple mathematical equation I talked about?

Weza Chau (01:35:29):

Well, I think if we, like I mentioned before when we talk about fairness, is really about the power imbalance and just looking at some of the stats. So the Australian Human Rights Commission in 2018 did a research and look at the cost of sexual harassment and that costed our country \$3.8 billion and that's a huge amount of money. And if we have a look at racism, there was also another research done by Deacon universities to show that it means that we lose approximately 3% of our GDP. So again, that's a huge amount of money. If we can address some of these issues, we could be looking at increase in productivity, just having better managers, just having managers who are able to deal with these issues within the organizations so that people are not experiencing, or even if people are experiencing sexual harassment and racism, that it's actually addressed.

(01:36:38):

So anecdotally also that there's a lot of people who experience these events, but organizations don't deal with it. And I call it systemic gaslighting where when organizations actually put it on the victims themselves, and usually what happens is the victims themselves actually leave the organization rather than perpetrators and then they go on and do it to somebody else. And just looking at migrants being paid less. So we know that about 16% of recent migrants are actually paid less than the national minimum wage, and that's compared to about 9% for all workers. So again, just looking at recent migrants, looking at people from different cultural backgrounds, looking at women or people who are impacted negatively by even though we've got the employment laws, that they're not always protected by these laws. And at the same time, if we think about particularly women, there's a lot of unpaid work as well. And so this is not counted in the productivity. If we start counting productivity in those sense, we are probably going to look at a lot of money that we need to pay women who actually do a lot of domestic work. So when we start to look at the issue in a broader sense, we start to see that there's a lot of imbalances within our system and those needs to be addressed as well.

Justice Hatcher (01:38:26):

Alright, one of the issues that's been raised as a inhibitor of employee investment in productivity, and this is the point Liam raised, is a past failure for productivity benefits to flow through to the wages of worker. Emma Dawson,

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do you agree with that analysis and what might we do to fix that in future? You particularly referenced before a four day week as a way to deal with or pass on the benefit productive improvement. How do we go about doing that

Emma Dawson (01:39:01):

Again? So it's coming back to what is the purpose of productivity growth? And we've been told in no uncertain terms, we've focused on this because it's about living standards, productivity growth doesn't automatically flow to improved living standards. It only does. So if we share the benefits adequately with working people, and it's absolutely true. I think Jim Stanford's analysis and the analysis that we did ourselves recently just before I left per capita showed if wages had grown in line with productivity growth as they did in the 1980s and nineties, a young person in their thirties today would have the deposit for a home over the last 10 years. So that benefit has not been shared. And so people and particularly young people are now thinking, well, why? I've done everything right. I've got my degree, I'm working really hard, I'm not getting the benefits. And so they do start to pull back from wanting to work full time because they're not seeing a return on that.

(01:40:00):

So I think ensuring that we share it is critical, but it does go to the points that you were just talking about, Wazer and that key question about how we are measuring productivity growth. So a couple of years ago, the productivity commission came out and said there'd been no productivity growth in the early childhood education and care sector since the turn of the 21st century. But as I alluded to earlier in that time, women's workforce participation has gone up by 12%. So we are measuring productivity in the way that Adam Smith came up with it 250 years ago, which is what's the most efficient way to make a pin. You can have an artisan that does every step from mining the metal to refining the metal, to carving it, to polishing it, or you can have a production line and a production line's much more efficient.

(01:40:47):

That measure of productivity doesn't work in the fastest growing segment of our economy, which care and services. You could say, well, a nurse is now serving 15 patients where before she was serving 10, that's on paper. That's a productivity gain. But if six of them are suffering because she can't provide them with adequate or timely care, then that is not, again, in terms of an improved living standard. So the way that we measure productivity growth, particularly in care and services, is inadequate. There is some shift on this globally that you talked about wellbeing metrics, our own productivity commission under chair, Danielle Wood, who's a little bit more forward thinking on this than some of her predecessors is starting to look at quality adjusted measurements in health and education, for example. But a really great example of this is if you look at the early childhood question and say, okay, well we can

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either have a woman care for her children at home for five years, she may be a qualified engineer or an architect, and she would be much better at applying those skills in the economy.

(01:41:58):

She's actually not very good at reading bedtime stories and doing Play-Doh and she's not very good at educating and nurturing the minds of young people. Let's give that to a qualified person then if you started to say in that scenario, currently under measured productivity, we are seeing a decline. But if we measured that differently, the real productivity growth combines both the investment in that child, which we know returns at least \$2 for every dollar invested over the lifetime, but also the productivity benefits of the woman fulfilling her best abilities of meeting her full potential. And so measurement needs a big rethink. GDP was invented because we needed to know how we were going to pay for the second World War. Basically what resources do we have that can be put to that? And there was a decision that domestic work was not relevant to that we cannot continue to, these metrics are important, they're necessary, but they're no longer sufficient. So to ensure that the benefits of productivity are shared, people's lives do improve, then we need to think much more holistically about what are inputs to the economy. It's not just the number of paid hours you work, which is the formal measure of productivity, it's the input that you're making across your whole life and what you are getting in return.

Justice Hatcher (01:43:19):

So Steve, not just taking up that point again about sharing the gains of productivity improvements, how do you see that we can incentivize workers so that they can be more invested in collaborating with the employer to improve productivity? Can we have profit sharing arrangements? So you're attracted to the four day week as a reward for better productivity. Do you have any ideas about that?

Steve Knott (01:43:44):

I got to say it's actually nuts there. Some green senator today introduced something to say that you've got to be two days at home. You tell that to the poor old cow who needs to be milked or the guy who's out on the oil rig, you've got to sit there for a couple of days before you start again. So it is just nuts. It might work in some areas. Most businesses had the hybrid model in place before COVID, some have extended that. So there's a place for it and each business will work it out on the profit sharing stuff. Your Honor, our industry has been doing that in some segments since last century. So having share ownership schemes. So if you've, it's different if you've got a principal who's got a workforce that's stable and they want to do what they can to attract, retain, motivate their workforce, they have performance.

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(01:44:39):

These are blue collar workers, performance assessment, performance review, share ownership schemes. So they very much, they don't save up things to the next round of enterprise bargaining. They have a continuous improvement approach. So everybody's invested in the performance of the business and they get a share. So they've been doing that since last century in other areas where they're highly unionized and they're there for a short period, like big construction jobs, it's a different thing. You've got to set up milestone completion bonuses if you want something to be finished on time and that'll feed into a redundancy payment. So basically from a management point of view and a leadership point of view, you've got to think of ways. Some will be the benefits that have been talked about in terms of work from home and other benefits that are available where it's possible there'll be shorter working weeks and all those sort of things.

(01:45:32):

And others will be cash through milestone completion bonuses. So I think it's already happening, but it's not advertised a hell of a lot. Other sectors are trying to do it and they are meeting with some success, but if they've got skin in the game, that makes a difference. So you've got some organizations, I won't name them, but they have job delegates that they have as their own internal supervisors. So they work with the trade unions so that they know what's going on in the business, what the competitive pressures are, what the price of the metal is or whatever it is. And in commodities they go up and down. We know that. So they're really invested in all that. So when the officials come to site, they're educating the officials on what the company's actually doing. And that works quite well for some companies and their productivity rates have been higher than somewhere. They have no union involvement. So it's horses for courses, but at the end of the day, it's the leadership in the business that needs to think these things through and do what works for their enterprise and whatever business they're in.

Justice Hatcher (01:46:40):

So one follow up question. It might be the last chance to start an argument here. Justice Bromberg and Liam O'Brien talked about the benefits of partisanism collaboration with unions and workers' voices as a means of improving productivity. So what's your view about that? Is that the key to unlocking productivity or is it a roadblock to productivity?

Steve Knott (01:47:05):

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Have any of you been to the ILO down there? Some that were here before Morty would've been there? It's like the Super Bowl of the IR club. Okay. So yeah, dealing with the cfmeu, a walk in the path dealing with the French government, pretty challenging. But a lot of those things from that ILO perspective, they down and find their way to Australia. The minister was here earlier, and we've been in the press on page one and two, suggested that now is probably the time to go to a tripartite process to select future their work commission members. If you go back, the stacking of the tribunal started in 1993 when Bill Kelty had the super union approach and the two unions got together and there was a surplus union official, and they found their way into the system. And then John Winston Howard came in and I think he might've employed one from the union side when he was there.

(01:48:03):

And then of course, Julia, Eileen Gillard came in and it went back the other way. And since the current mob have been there, they've made the 21 or 22 appointments, 21 have been ex union or labor left law firms. So the red team are in the majority at the moment. They've got 29 and the blue team have got 25. I thought, well maybe they should go back to the days. And Ron will remember these guys like Bird Evans and Brian Noakes, and they'd sit around the table with the department and Bill K and Bob Hawke before that and they'd say, well, this one's going, oh, he was a union guide. We need to put another one. Yeah, we might. He was an, oh, maybe we need somebody that can come in here and educate the commission with their national wage about productivity. It might have an economist, we might have somebody dealing with gender equality issues and so forth.

(01:48:58):

And look at the competency set of the tribunal. Why is that so weird? So look, I think, I dunno whether the minister's up for it or not, but we had a good discussion about it and the social partners will talk about that. But if ever there's a time to go back to looking at the skills and competency of the tribunal, now's the time. And one other quick one, which some people in the tribunal think it was a cunning plan. I've recently suggested that the age of the Fair work commission members should go to 70. Why is it that at 65 in the Fair Work commission, you're deemed to be senile? Sorry Jennifer, you'll be senile at 65, but if you're on the court, you can go through to 70. Now I get the problem with the high court because that's in the constitution. Think Ron and who's going to have a referendum if you want to extend it beyond 70.

(01:49:51):

But the productivity commission in 2015 recommended the age of the tribunal members should go to 70, the same as the circuit court and federal court and high court. And I think that's a discussion that I'll ask our guys to put on the National Workplace Relations Consulting Committee and they kick that, whether they do it in a year or two years

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time. But I just think it's nuts that people are forced out at the age 65. And I think it was nuts, Ron, when you were made Senior Australian of the year when you were only 61 or 62, you should have been the Australian of the year.

Justice Hatcher (01:50:27):

Alright, well that was a bit off topic I must say, but we've got to wrap up soon. So I'm just going to go across the table and I want you, each of you quickly starting with you to identify one big policy reform that you can identify that would simultaneously advance productivity and fairness in the

Ian Coyle (01:50:46):

Workplace. One simple one would be this, look at safety management in its general terms as one of the best chances to increase productivity at virtually no cost. If it's done effectively, it's highly advantageous to productivity and reducing expenditure. If it's done poorly, the obverse obtains. And that requires some training in how to go about measuring these psychological concepts that actually impact upon productivity that needs to be done. There's a lot of research on it, but it needs to be brought out into the community.

Justice Hatcher (01:51:30):

Anna,

Anna Boucher (01:51:31):

It's not simple, but 20% of Australians every year are affected by racism in the workplace. It costs the economy 37 billion a year. It affects people's health, turnover, psychosocial injury, heart disease, absenteeism, litigation. It's bad for morale and compensation. So we know that the best workplaces in the world, nasa, Silicon Valley, they're also the most multicultural and they manage diversity the best. So we need to not only reduce racism, but we also need to think about cultural interaction in the workplace and the benefits of it.

Justice Hatcher (01:52:08):

Alright, Liam,

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Liam O'Brien (01:52:10):

Look, it's hard not to talk about health and safety. Half a million workers get injured every year at work. That is a huge loss in productivity, but it's also a national disgrace considering that it's such a huge proportion of the workforce. But I actually want to come back to the point I raised about skills because we think about the sort of future horizon skills is where it's at. That is the only way a country as developed as Australia is going to be succeed into the future, is a better skilled, better educated workforce. We need to do something about employer investment in training. It has collapsed in this country. In 1993, the Keating government introduced national training, levy, it massively increased training in this country. It's good for workers, it's good for business, it's a win-win. But also in a time when literally people are leaving school and going to be working into the 2070s and 2080s, we are going to need to equip people for lifelong learning. And we have not got a system to do it at the moment. And employers, as I said, have just completely walked away from this. And that's a key opportunity for both improving equity but also improving productivity. Za.

Weza Chau (01:53:15):

Well, what I would like to see is to see, in order to address cultural diversity and supporting people from different cultural backgrounds, is to have flexible public holidays. Now, some workplace already offer something like this, but I also hear, for example, that for some people who are wanting to access their flexible holiday, that they have to justify that the day is actually culturally significant to them. So I think if we can allow that people from different cultural backgrounds to be able to have holidays, that is significant to them, that supports cultural diversity, but also helping people feel belong in the workplace and be supported as well.

Justice Hatcher (01:54:16):

Right. Steve, I wasn't sure whether retirement age was your big guy.

Steve Knott (01:54:22):

I'm just older than you. Anyway. Congratulations on getting your PhD doctor. Well, I'm on a unity ticket with Liam there. On the training side of things you get, you won't believe I know this. Some of our guys who, and they were guys on an offshore platform doing a construction job. That'll be 10 years ago, they were getting about five or 600 grand a year, right? And they earned every cent. You're a long way from home, 12 hour shifts and all the rest of it. What happens in our industry, because the wage rates are so high, they pick people up out of other sectors and they

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drain them out of manufacturing and other sectors. Alco, when they were at Bell Bay, Michael, a lot of the manufacturing companies there went to the world well because they were paying more and taking all their talent. So I think the big employers in this country need to step up and do the training themselves and train people, not just for their own business, but for the Australian national prosperity point of view. Because the points that land make are absolutely right. I can recall many, many years ago with the apprenticeships and the group training and everybody was in and saw that it was in the national interest to do so. I think in recent years the ball's been dropped there and those have had the economic power to do so. I've just gone and picked them out of other sectors and that's made life really difficult for the other sectors. So yes, on a unity ticket with you, Liam,

Justice Hatcher (01:55:55):

Emma,

Emma Dawson (01:56:00):

It's reducing working hours. So the four day week is the slogan, whether that's four days or whether it's 32 hours over five or six or seven days. I do think there aren't many things that you can call a silver bullet, but this is one that would have a lot of benefits where a four day week has been trialed around the world. The productivity benefits are clear, massive reduction in sick leave, massive reduction in staff turnover. People are more productive when they're at work because they're focused on getting their work done in that shorter period of time. Useless things like long meetings and chatting in the kitchen are reduced because people are focused on getting that work done. It has to be a hundred percent of the productivity for a hundred percent of the wages for 80% of the time. Ron mentioned at the very beginning of this evening that one of the things we are dealing with in the workforce these days are burnout and mental health issues.

(01:56:59):

That's not just for workers, it's also for children. We're seeing huge rises in mental health concerns, particularly amongst teenagers. Families need more time. They are so stretched for time. And if that \$200,000 worth of productivity that we didn't get over the last 20 years could be returned to us with a gradual move to a 35 hour week and then to a 32 hour week, a lot of businesses already do this. There are businesses that offer 35 hour weeks. It's an incredible incentive for staff. It means that you can, and in white collar jobs, particularly knowledge economy jobs, you can manage those hours across the workforce. And the big cry that it's not possible for customers facing workers, for retail workers, for healthcare workers, for teachers. John BU candidate UNSW has done some great work on this. It's called rostering people. It can be done. It does mean that more of the returns on those productivity

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gains are going to workers and there will be a slightly higher cost for some employers in their wages bill. But the returns on productivity, on wellbeing make it clear it's the way to go for the future.

Justice Hatcher (01:58:09):

Alright, now just before we wrap up, Steve's got one more idea he wants to share with.

Steve Knott (01:58:13):

Yeah, and what Emma's outlined in terms of and where that works for the enterprise and the employees. Knock yourself out. But we need to have a reality check here that Peter wreath was IR minister in 1996. There was 120 Australian flagships. We have all the ships that go out to the oil rigs and all the rest. We had bigger engineers offices ratings in our sector. How many Australian flagships do we have today? We've got about 12, right? So the productivity side of things, the foreign flagships, was it the money? No, it's, they do things when the vessels at sea. They work five weeks on, five weeks off. There's a Norwegian roster. Sometimes they do five weeks off and have 10 weeks off. You can't with these big bits of equipment, say, well four days is up, we'll just fly out somewhere and take you home. You've just got to be realistic. It's all good to be idealistic, but sometimes you need to be realistic. So where Emma has outlined things where that can work, absolutely knock yourself out. But just realized that in reality world, different circumstances operate in different industries.

Justice Hatcher (01:59:25):

Alright, thanks everyone. So I'll hand over to you, Ron.

Ron McCallum (01:59:29):

Well, thank you very much, president Hatcher. It's been a very interesting debate where we've been looking at productivity and fairness. We began with Justice Bromberg explaining the origins of the Institute of Employment Rights and the Charter of Employment rights and tripartite. I've also been to the ILO and spent a lot of time in the United Nations. And I actually think that discussion interests tripartite really works. And the reasonable minds may differ on that. Steve, I have to let you remember how retirement ages in the high court worked. Under the original constitution. We followed the American system. They were life appointments. And in 1977 there was a constitutional amendment. I was under 30. I thought, good God, 70 seems too high. They're all fogies at that age. So of course I voted for it. Now that I'm closer to 80 than 70, I see how wrong I was.

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(02:00:32):

I'd go back to life appointments. I think we can split briefly notions of fairness and productivity separately, even though they work together. It's very clear from Steve, from Liam on my left that we really, if we want to increase productivity, we have to increase machinery, capital, equipment, even intellectual property equipment from artificial intelligence. We need to also work very hard on training. And I see the associate professor Anna, about, she was the only one really to mention the importance of migration. And rather than having silly attacks on different groups of migrants, we really need to look more carefully at skills and utilize those skills to increase productivity in relation to fairness. There were a broad spectrum of views. Liam O'Brien sees a collective bargaining as central and we've seen collective bargaining increase and that's great. But most employees in this country aren't covered by collective agreements.

(02:01:50):

So we've actually got to think of other ways. Professor Coyle spoke about measuring safety climates, looking at fairness in work. I disagree slightly. I think that there's a place for global surveys as well as for individual surveys. If we only had individual surveys, we wouldn't get a global sense. I'm sure he agrees with that. Anyway, we saw from Ms. Zina Chao and Emma Dawson that perhaps profits were not being shared equally in fairness would require more profit sharing. And the four day week, I think that working hours are becoming less fixed. As we move into a digital cyberspace where people are working from home. The notion of the workplace has long gone. We have to think about fairness more broadly. And I come back to talking of wellness indexes or indices. We really need people to listen to one another. We really need people to be more inclusive of migrants, of persons with disabilities. We can all, if we all participate together, we can increase productivity and fairness in this country. Fairness begins not in the Fair Work Commission where it has important role fairness begins in our lives, in our families, in our workplaces, in our nation. And that's what we should look at. I really enjoyed the debate. And can I thank President Hatcher for getting the sparks flying? It's been a great evening. Thank you so much.

Speaker 16 (02:03:54):

All right, look, we're slightly over time. So a quick wrap up. First of all, you've, as we say, every year, heard many differing views tonight, some of which you will have agreed, many of which you will disagreed, but all of which warrant your respect, respectful, they all serve to inform just as to what may be the optimal system of workplace relations for this country. In that context, could I thank our wonderful panel for all of their interesting views? Could I thank Justice Hatcher for his brilliant moderation, the Minister for flying in, and then scooting out after a very interesting address, justice Bromberg for enlightening us with his perspective. And finally, Ron, for your brilliant leadership and mentorship for all of us over the years, thank you for allowing us to name this debate for so many

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years In your honor, as you constantly point out, even though you are not quite dead yet, he allows us to make that joke every year. So thank you Ron. And finally, could I thank all of you for attending and giving us your time and all of those online? Could you just join me in giving a final thanks to all our panelists?

(02:05:09):

Thanks very much.

End

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