



International Employment Law

Veronica Cinti



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Experienced researcher and content creator, Veronica Cinti has covered different roles in academia and the private sector. Among other things, she served as researcher and teaching associate at University, and as managing editor and journalist in the media industry.

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Preface

The dynamics of the relationships between workers, employers, trade unions and the government, as well as the implementation of labor standards and the concept of decent work, have been at the center of international institutions attention. ILO and WTO are the leading figures in a movement regarding employment conditions and dynamics around the world, aimed at creating fair and sustainable working environments for the private and public sector, respecting the dignity of human beings and their rights.

Even though most aspects of employment law remain of pertinence of local governments, global guidelines have been drawn and applied worldwide. The harmonization of legal practices pertaining to labor, though, is still a work in progress. In spite of the progressions made, many issues remain not properly addressed, such as those related to discrimination. This book aims at providing the reader with an overview of topical issues regarding employment law. It starts with the presentation of the motives and movement behind the development of an ethical work consciousness and moves towards the analysis of some specific legal responses given to issues characterizing the relationships addressed by this branch of law, and the applicability of few concepts of the regulations in different contexts. In its final part, the book discusses the shaping of a few critical aspects of those relationships, such as discrimination and the normative concept of labor citizenship. Through this combination, the book aims to create the opportunity for the readers of understanding the applicability of legal solutions in diversified settings. The contextualization offered at the end of the book should serve to internalize the dynamics affecting some of the prominent issues of the current society, which have not been address in a comprehensive manner by law, yet. This should enable the readers to critically analyze arising matters in those settings, and formulate proper responses when faced with the chance of giving their contribution to the development of this branch of law.

Editor
Veronica Cinti

INTRODUCTION

International law is a body of legal rules, regulations and accepted practices by which countries, organizations and people throughout the world interact with each other and with citizens of different countries. There are two basic categories of this type of law: public and private. Public international law deals with relationships between nations or between a nation and organizations or people from other countries. Private international law deals with disputes between citizens of different countries or businesses from different countries, especially when there is a question of which country's laws apply or where the dispute should be resolved. There are certain courts and bodies, such as the United Nations Security Council, that have the power to decide cases of international law.



Sources of International Laws

Countries are bound by international laws only when they agree to be bound by them. They might join international organizations, such as the United Nations or European Union, and agree to follow all of the rules, laws and guidelines set forth by the organization. They also might agree to treaties, pacts, charters or other agreements that include specific laws or rules. Sometimes, however, countries that are not party to these agreements might be held accountable by other countries for violating certain laws or rules. This is especially true for matters such as human rights, wartime laws and territorial rights.

Public International Law

The public variety of this type of law applies when two or more countries or sovereign entities are involved. These laws might cover topics such as human rights, wartime laws and the laws at sea. Violations of these laws might result in ramifications such as sanctions by other countries, the ending of certain agreements between the countries that are involved or, in the most severe cases, declarations of war.

Private International Law

When legal matters involve people, businesses or private organizations from separate countries, rather than government bodies, it is considered private international law. This type of law often involves settling matters such as which country's laws apply or where the case will be decided. It often is necessary for governments to step in to help their citizens settle these matters or to help them achieve a fair result.

Subjects

In addition to matters such as human rights, maritime laws and war crimes, subjects that typically are covered by international laws include drug control, aviation laws, telecommunications, space law and other topics that often stretch beyond a country's borders. Other international laws concern the way countries interact with each other, such as in trade relations and matters of military disarmament. One of the growing areas that these laws cover is that of intellectual property rights, because technology advances have made copyright infringement and digital piracy easier.

International Courts

The most well-known court that decides international legal matters is the International Court of Justice, also known as the World Court, which was established by the United Nations in 1945. Serious matters of public international law are often decided by the United Nations Security Council, which is most concerned with maintaining peace. A well-known international court that decides less serious matters is the Court of Arbitration for Sport, which was established in 1984 and handles cases that involve international athletics.

Employment Law Specialist

One way you can become an employment law specialist is to obtain a certificate in employment law. An advanced degree in employment law from an accredited university could help you become an employment law specialist. Pursing a law degree with a specialization in employment law rather than a certificate or advanced degree is another option to consider. Some law schools offer an employment specialization certificate as part of the legal degree. There are several educational approaches to becoming an employment law specialist. The type of approach you select may depend on your previous work experience and education. Other things to consider are the structure of the educational program and how it fits your career goals. Typically, an employment law certificate program is suitable for someone with an undergraduate degree. While nearly all advanced degrees and law degrees require an undergraduate degree, some certificate programs do not have educational prerequisites. Additionally, most certificate programs will grant admission even if your undergraduate degree is unrelated to employment issues. Courses in the certificate program may increase your knowledge of various issues regarding the employee-employer relationship. Usually, courses are related to labor laws in your area and prepare you to become an employment law specialist. For instance, you may take courses on topics such as workplace discrimination and contract disputes.



Most people select this educational approach because it is faster than completing a degree program. Generally, an employment law certificate program may last up to one year — or shorter — depending on the school. An advanced degree in employment law could take up to two years to complete, while completing a law degree might take three years or longer. Even though an advanced degree takes longer, it might be an appropriate path if you already have a background in human resources. With an advanced degree, you could achieve academic validation that enhances your work experience. As a supplement to your work, an advanced degree in employment law may increase your career and promotion opportunities. The types of programs associated with an advanced degree in employment law may also vary. Some advanced degree programs train you in the areas of law associated with hiring and termination practices. Others may offer a comprehensive curriculum in international employment law.

Based on your career goals, a law degree could also be an appropriate path to become an employment law specialist. Typically, most employment issues require the appropriate application of the law. This may require specialized training in certain areas of employment law that are best understood in law school. For example, you could pursue a law degree and concentrate on collective bargaining. You may study the local and regional laws that apply to collective bargaining rules in the workplace, which study might also include learning about contract negotiation skills.

International Employment Law

Labor and employment law issues have become as globalized as the world of business and commerce. With the pervasiveness of the Internet and social media, when a business employment practice is singled out and challenged in one location the repercussions can be felt around the globe. Through an integrated worldwide strategy, Littler brings together practitioners experienced in local and cross-border labor and employment matters to provide seamless client service across national boundaries.

Littler’s international employment and labor law practice can help multinational clients maneuver through the best of economic times, as well as during unstable periods. We help global clients adapt to the maze of employment laws, taking into account the varied economic circumstances and customs throughout the world.



We advise Fortune Global 500 companies on the full array of labor and employment issues, including managing independent contractors, litigating and arbitrating cross-border employment claims, drafting executive contracts, assisting with workforce reductions, and assessing and drafting global ethics and data privacy policies. We also advise medium- and smaller-sized companies making their first international ventures, as well as those that are expanding their overseas operations. We assist clients in developing the framework to operate internationally with employees in various countries, whether they are on temporary assignment or have longer-term expatriate arrangements.

Littler’s attorneys provide clients with extensive support in:

- Assessing risks and benefits of global operational decisions
- Managing global labor relations
- Protecting corporate reputation and brand
- Managing global human resources
- Addressing international data protection issues
- Reviewing expatriate employee programs
- Developing multilingual management training

Employment and labor law legal advice

Ever sheds has the widest range of experience in the world. This means we offer clients whatever they need in terms of human resources advice: legal expertise, creative thinking and the resources to handle any job of any size. We have genuine specialists in even the most unusual aspects of employment law and have clients in nearly all sectors. We have extensive experience of working for international businesses throughout the world and are used to coordinating services across jurisdictions and time zones. Our labor and employment lawyers are trained to focus on solutions and to use straightforward effective language. We understand the importance of ready access to legal advice and the speed of delivery so we are committed to providing this.



International and cross border employment law issues

We are the largest and most respected human resources team, with the Chambers & Partners legal directory recognizing us as an employment team “synonymous with quality and value for money”.

We offer an integrated and coordinated service delivery across all jurisdictions and a guarantee of quality and consistency wherever you work with us. You have the benefit of centralized control over your legal budget and direct access to our local specialists.

We offer advice in the following areas:

- Model employment contracts and service agreements for each jurisdiction
- All types of employment litigation including discrimination

- International secondments
- European Works Councils and other international labor relations issues
- Cross-border corporate re-organization
- Employment aspects of operational re-organizations such as redundancy
- Employment aspects of business critical incidents such as competition authority investigations and treatment of implicated employees

For U.S. and Global Corporations Operating Internationally

Our International Employment Issues Practice Group (working with Jackson Lewis attorneys in other practice groups and our international affiliate firms) devises solutions for our clients in the full range of global matters, including:

- Global restructurings, plant closings and collective redundancies;
- Drafting and global implementation of employee codes of conduct, policies and work rules;
- Global labor relations and works council (including European Works Council) matters;
- Implementation of data protection policies and practices;
- Expatriate and other global mobility issues, including corporate compliance immigration requirements;
- Obtaining employment-based temporary work visas and permanent resident status;
- Advising on cross-border or international executive separations;
- Cross-border litigation and arbitration;
- Global compensation and benefit matters;
- Advising on labor/employment issues associated with global M&A or other transactions, such as transfer of undertaking; and
- Conducting or managing internal compliance investigations.

For Multinational Companies with U.S. Interests

Multinational entities operating in the United States face a challenging array of laws and regulations governing the rights and responsibilities of employers and workers. Our attorneys are well-positioned to work with clients on these issues, among others:

- Ensuring U.S. operations comply with federal, state and local employment laws;
- Securing the visas and employment authorizations needed to transfer foreign nationals to the U.S.;
- Employing U.S. citizens abroad; and
- Due diligence on the employment implications of mergers, acquisitions, closings and other business transactions.

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YOUR RIGHTS
AT WORK

Sally McManus

I was a union branch secretary for the whole of the 'Your Rights at Work' campaign, from the dark days of 2004 and I still am now. I was involved in many of the debates that happened at the leadership level within the NSW union movement, and also as a union secretary implementing decisions with members and their communities. With any campaign it is important not to make generalisations and to say because this worked in the campaign, therefore it should be used as a template for other campaigns. That is a mistake the union movement sometimes makes and a mistake we all can make in our own struggles. The other danger is to look at campaigns in retrospect and to say it was a particular aspect that really won the day. Of course, afterwards, and especially when a campaign is successful, you have all sorts of people that might have an interest in arguing a certain aspect was the key reason it was successful. For instance media companies saying it was the television advertising that did it. Isolating one part in this way, and using it to explain the whole, is a mistake.

I want to try and give you a broad perspective about what actually went on in the campaign, the decisions that the union movement took, what that involved, and draw from that some lessons. In the end I want to say two key things: firstly that it was a tried and true campaigning model. It was not anything new, not anything shiny, not anything made up by some brilliant leaders, by this generation of trade union leaders or by union members in general. It wasn't some model that we got from another movement, it was a strategy that all successful movements have used and really it would be known to all of you. Secondly, and in this context it's important for us not to look for silver bullets.

NEW TACTICS

What was new though, and what was special, were some of the tactics used throughout the campaign. They were new for us, for the trade union movement, and they were special because they were unique in the circumstances. But in the end, they are really just tactics. In terms of the overall strategy, what we ended up implementing was the same model you have seen for a lot of successful campaigns.

So what was special in the YRAW campaign? The first thing was the level of unity amongst the trade union movement. We have the advantage of being one of only a few trade union movements in the world to have just one peak body. Many trade union movements are split between several peak bodies, split along religious or along political grounds, and that really hampers their ability to act as a united movement. And whilst there was unity, this did not happen through any Stalinist enforcement or the force of personality of any particular leader. There were vigorous internal debates at every key point during the campaign. In the early days, for instance, we debated whether to campaign at all. There were debates about the levy imposed on all unions, which was used for television advertising and various other things. There was a significant debate about whether we should have television advertising at all, and you can imagine many of us were saying why should we give our money to Kerry Packer? There were debates about whether mass mobilisation was the right way to go or not. And of course, all the way up until Election Day there was an internal dialectic within our movement about what was the right strategy or the right tactic at that particular time.

The strength of our movement was that once we made a decision, we all stuck to it. Whether we were on one side of the debate or the other, once the decision was made, we were much disciplined about it. I think this particular strength was built on our history and we had some test runs during the Howard years. The MUA dispute, for example, was a test-run of building unity within our movement. I remember before that dispute right wing and left wing unions and activists didn't

speak to each other. The dispute, because it was so dramatic, then threw all of us together and a lot of those old tribal hatreds or misconceptions were broken down. That set the scene, enabling the unity that we had during the campaign.

The second thing that is special about the YRAW campaign is that it was highly coordinated. It is a massive logistical exercise to run a campaign of its size over a three-year period. Just getting information out, for it to be simple, and for it to go right down to workplaces, was a big exercise in itself and of course we had central messaging throughout the campaign. That level of co-ordination was essential in the campaign's success. Thirdly, what was special was the resources that were mobilised throughout the campaign. Even though union membership has been falling, we are still easily the largest social movement in the country and there are a lot of resources that we can bring to bear when we are co-ordinated and unified. Within my union, for instance, we levied our members a dollar a week for the length of the campaign. The levy went to the Australian Council of Trade Unions (ACTU) and raised millions of dollars that was then spent on TV ads, campaigning material, setting up the infrastructure, setting up the information centres, hiring venues, all the things you need to run a campaign on the scale we needed to. Also, in terms of resources, we had something important that our opponents didn't have. And of course that was the people who we could mobilise.

The final thing that I thought was special about this campaign, although it may not be very special in terms of campaigns in general, was a mixture of both top-down and bottom-up campaigning. I think that we really needed both.

CAMPAIGN TECHNIQUES

So what was new or unique in the YRAW campaign? We had union meetings at key points throughout the campaign, and these were not just in the capital cities and were not only within unions. Many of you were probably at campaign meetings that used a Sky Channel satellite broadcast. This idea of a simultaneous public broadcast to meetings across the country really came out of the NSW Teachers' Federation, and the way they organised. These meetings were key in terms of getting a consistent message out, and building a sense of solidarity beyond the big cities, and beyond the union movement.

For us to spend a lot of money on mass media was a big decision, as I mentioned before. Those of us who were critical in the beginning had renounced our criticism probably by mid-2006. The media experts said that the very first advertisement, the one that we call the 'Tracy' ad, of the woman who's been sacked with the two kids, was very powerful. In a way it became the defining image for us, right through the two years, and it became very hard for the Federal Government, for business with all their money and all their resources, to be able to compete with us on that level. Also we had consistent branding throughout the campaign. To have a single slogan and recognisable campaign materials across the country, and consistently throughout the campaign timeline, was a new thing.

Another new aspect to the campaign was that we relied on focus groups and on a media company in terms of us shaping our message. We had a lot of arguments about this because of course union secretaries think they know exactly what people

think and what their members think. The idea that we should get someone else to go and tell us was an affront to many people. But many of us realised that we needed to be a bit more sophisticated. That's not to say that you just take whatever the media people say, but it's useful information that can then inform your decisions. At those early focus groups, before Work Choices came out, they'd asked people a questions that states 'if the government was going to bring in laws to abolish unfair dismissal, to destroy awards, what would you say about it?' And we, as paid trade union officials, were surprised that people were saying this is outrageous and that they were really angry. They said, 'well, yes, it's about rights, my rights have been taken off me and they're worth fighting for'. I don't think we would have got the bit about 'worth fighting for' back in 2005 as part of our slogan and part of our attitude towards the campaign if it hadn't been for the focus groups.

Online campaigning, the YRAW website, the online forums and email groups also worked very well for those who are at their computers every day and that was a new thing for us. We raised a lot of money through online fundraising, to get billboards up, to keep TV ads running, and just through direct online appeals. This is an approach we adopted from the Dean campaign in the United States and from Get Up!,

Issues at Stake

The issue, obviously being the Work Choices laws, was everything. We really saw it as do or die. Work Choices was aimed at destroying the trade union movement and at destroying for the rights of working families. For us, that was a huge motivating force and the issue in itself. Not every campaign has that, not every campaign has an issue that's felt so strongly and so widely, that it is able to unite people across the whole of the country and across a whole class. I don't know if we would've been able to build consensus, and mobilise all of those resources and effort, if it wasn't for the seriousness of the issue. It was the big motivating factor, and what I'm really saying about that is that you can't just make these campaigns happen. People have got to feel strongly enough around the issue in order to cross the political boundaries, to take the risks, and do a lot of the things we ended up doing in the YRAW campaign.

Defining the issue is obviously important in any campaign and for us, something that was also a bit new was the use of a rights-based campaign frame. We had to translate lots of technical changes that the government was making, 726 pages of legislation, into five clear messages. Meaning, that Work Choices was going to take away unfair dismissal, it was going to abolish awards, it was going to take away the independent umpire. We had to distil it into that, and ensure they were really clearly understood issues. We had to say them over and over again for three years. As I said before, understanding our audience was important and advice from outside was important in informing our decisions. The whole slogan about working families didn't come from Obama, and it didn't come from the Labor Party, it came from the trade union movement in Australia. We started talking in terms of working families back in 2005 because we knew from our research that that's who we had to pitch our message to. We were quite cut-throat in saying well, we basically have to win back all those people who voted for Howard in 1996. So we found out who they were, we knew

what their demographics were, and we asked them about how they identified themselves. What we found is they identified themselves as working families, so that's where that aspect of the campaign came from.

The other important thing about defining the issue and campaigning around the issue, was making it real. Work Choices, in terms of the actual legislation, didn't actually affect the majority of people for some time. Of course it did in the sense of the general environment it created for bosses, but there were relatively few people on AWAs and most Awards were only scheduled to be abolished half way through 2008. In lots of ways the worst aspects of Work Choices would only start kicking-in after the 2007 federal election. So, making it real in terms of showing the real-life examples of what we were talking about was critical, and that was to do with the rights framework. It was about government taking away your rights, rights you already had, and they were taking it off you. Now, it doesn't matter if you are a union member or not, no one likes to have their rights taken off them.

A Three-Year Campaign

By about June 2005 we had a really clear strategy. It was quite simple in some ways. First, during 2005 we had to concentrate on educating members. Then, in 2006, when Work Choices was being implemented, we had to defend people against it while continuing that education. In 2007 we had to win the election. In that period, at every union meeting I would go to I would explain to members about what the strategy was and discuss its elements. Then people could see where they fitted and why attending a day of action was important, or why building-up union density in their workplaces was important to defend against what your employer might try to do. And why we were spending money on TV ads, or why we were doing certain things was seen within the framework of a clear strategy that people could believe in.

In 2005 I went up to the Northern Rivers region of NSW to start talking to community workers about what was not even announced yet in terms of what the government was planning. We knew what was coming because Howard had given a speech to the Business Council of Australia where he announced they were going to take away unfair dismissal laws, and abolish awards. Talking to community workers about the effect that was going to have on them, and why we needed to campaign against it, was really hard. No one believed us and people thought it just couldn't be possible. It was like ploughing the ground in a drought, like a drought of 10 years, but over time it was getting traction. I look back now and think about those hundreds of meetings that union activists did, union organisers did, that delegates had done over those early stages, of educating people, and it was worth every single minute. Throughout the campaign, the more people knew about the changes the more they hated them (surprise, surprise) so that was crucially important.

Mass mobilisations were also very important in my view. They provided a real interim goal to organise around for union activists, a tangible thing that people could do in terms of showing opposition, and it gave activists a clear role in their workplaces or in their communities in terms of mobilising people. It built the sense of solidarity that we are in this together as a movement. That is something that you can't put a price on.

Also it builds hope, because through that solidarity and seeing that there are all these other people who are mobilised on the issue, it creates a feeling that we can really change things. And it also really developed the activists that became the local 'Your Rights at Work' groups.

2006 was a really hard year. It was very much a defensive year because Work Choices was in and we had to stop as many bosses as possible implementing it. We had that sense that if we could keep the bosses at bay they wouldn't be able to do enough damage to make it undoable. We all knew about the New Zealand experience and that almost overnight the tide had swept over the trade union movement, and that ground lost in terms of wages and conditions was hard to win back. So we had to create such a smell around Work Choices so that bosses would be afraid to implement the laws, and this meant we had to rally around any workers who had it imposed on them. We were looking for an iconic dispute, and we were expecting there would be something like Patricks with the MUA dispute, where a big employer would announce 'we're introducing AWAs and we're going to sack our workforce'. What did we get instead? We got relatively small employers like the Cowra Meatworks and Spotlight. By targeting these employers we educated our members, and scared other employers. They thought, 'Well, I've got to add up the risks now, of starting to implement this. It may attract a national campaign and it may attract action in our communities. Maybe we don't want to be the first to do this, let's let some other people do it first.' So that helped as well. Then of course what we did when the laws affected real workers, we publicised it in a big way on the TV and in every meeting and in every possible way that we could. Soon we had muddied the Work Choices brand, and employers were afraid to be seen to be embracing it.

2007 was our big year. We knew we were going to have a chance to get rid of the government, and start getting rid of Work Choices. We had to continue the same things we were doing the other two years. We still had to defend workers, but the closer it got to the election the less employers wanted to touch Work Choices. Of course you had some employers introducing AWAs, but you didn't have it in a wholesale way. So in a way the heavy lifting was already done, in my view, in the campaign in 2005, and the first half of 2006. Both those two years made 2007 possible.

Grassroots Mobilisation

I wanted to talk a little bit about the bottom-up aspects of the campaign, as sometimes they get lost. Most of the work in this campaign was done by grassroots activists in workplaces and in their communities talking to people and organising around the issue. Most of the hard work was done at the workplace level, building union membership in workplaces, demanding that employers not implement Work Choices. There would have been thousands of union members that were doing that in their own workplaces. And the decisions about how they were going to organise were made by the workers themselves.

The 'Your Rights at Work' groups are a good example of this bottom-up organising. The first 'Your Rights at Work' group, as far as I know, was set up in Lismore in 2005 at the first day-of-action. Really what happened was that a whole lot of people came together in the community, union delegates and union members from a whole range of workplaces. They

sat there, I think it was in the Lismore Worker's Club, and watched the Sky Channel campaign broadcast. At the end of the meeting a few of the more experienced activists said 'well let's get everyone's names'. All these people had lived and worked together in a small town, and were also union members, but didn't know they had that in common. They may have worked in the nursery down the road, or they might have been a teacher, or they might have been a community worker. Normally if they walked down the street, they wouldn't have much in common, but this brought them together. A group of activists taking some leadership said 'well, look, why don't we meet, every few weeks, and start looking at what we can do in our town around this'. So that's where it started and they called themselves the Northern Rivers Unionists Network, and that was long before they were being called 'Your Rights at Work' groups.

All-of-a-sudden there was a lot of activity in Lismore. For the next day-of-action they organised towards it, they leafleted the place, they went and spoke at various workplaces, they put in a lot of work, and on the 1st July 2005 thousands of people came. They had a very large turnout for a small place, and people started saying, 'what's going on in Lismore?' Well really what had gone on was organising at a grass roots level amongst union activists. Other unions started to think about this, and there were other towns where groups were set up. I think quite often it was Teachers' Federation activists taking it on, because they were the more experienced union activists in some of the smaller towns. These all had started organically, doing a similar thing in their regions.

So a decision was made to support these groups, and Unions NSW started building membership lists, but it was only later that central resources or any central organising was put in place for what came to be called 'Your Rights at Work' groups. From the beginning these groups were obviously cross-union, they were pretty much rank and file. It was only in 2007 that there was any full-time presence at all in terms of union officials in most of these places. They had limited formal structures and didn't have position holders, anything like that. So the decisions they made then about how they were going to campaign were completely controlled by those activists in those towns and suburbs. The fantastic thing was that this produced very effective campaigns, because the decisions they made were based on their local circumstances.

For example in the Blue Mountains there's this thing called the Winter Magic Festival, which is unique to the Mountains. The local 'Your Rights at Work' group decided that they were going to organise a contingent in it and they all dressed up, I don't know as magicians and similar, and that went down very well in that particular community. If you tried to do that in Penrith, or if you tried to do that in Newtown, everyone would think you were an idiot. If you had some centralised 'you must do it this way' model, it just would not have worked. The same in Lismore, they approached things much more around local markets and things that would already be happening around the place. Groups launched letter-writing campaigns to the local media, they signed-up people to campaign against the local member, and launched actions to defend local workers affected by Work Choices. In other places, like in Queanbeyan, the Empower group there approached things in a different way because they knew their area and they could campaign well within it. In Lindsay they approached things in a different

way again. This was a particularly beautiful thing about the campaign, the way that local union members controlled and innovated within the centralised messaging, using the top-down frames in a very, very effective way.

In 2007, as the year went on, we got more and more focussed on marginal seats. We were convinced that we knew which sixteen seats had to change in order to bring down the government. We knew that we had to put everything we possibly could into winning those particular seats. So we did something new: pretty much all unions phoned all of our members in marginal seats. We called them three times during 2007. We spent a lot of time building relationships with people we identified as undecided voters, visiting them in their houses, talking to them about the importance of their vote and the importance of changing the government. That was something very new for us and it was something that took a lot of resources. Empirically it probably didn't matter in the end, and although that part of the campaign did add to the swing, in my view I think we'd won it by mid-2006 and those people had already changed their minds. The heavy lifting we did in those two years had really already shifted it. But if I had the time over again I'd still do exactly the same things, because you can't leave anything to chance.

There were 'Your Rights at Work' full-time co-ordinators paid collectively by the union movement in those sixteen marginal seats across the county. They worked for a year, living and working in the electorate, resourcing the local 'Your Rights at Work' group. The groups became very successful in these areas because they had the fulltime resources. Then on Election Day, it was a big debate within the union movement, we decided to independently staff and resource all of the booths in seven marginal seats located in NSW. Every single one of those booths was staffed. The ALP couldn't staff all their booths, but they didn't want anything to do with us for the first four weeks of the six-week election campaign. I was saying to my organisers, 'don't worry, they'll come begging', and they did, about a week or two before the elections, when they realised they didn't have the resources to staff the booths.

So, for example, in places like Grafton where every single booth last election was won by the National Party, was packed with 'Your Rights at Work' people and completely covered with 'Your Rights at Work' material. National Party people turned up at six o'clock and said 'What's going on, that's our area, and that's the Labor Party's area. We've had an arrangement here for the last 50 years you know.' Well, that arrangement was gone, and we were able to dominate things. In the end it probably didn't matter because people had made up their mind by Election Day. It was more a demonstration of the depth of commitment and extent of the mobilisation. You had people that had never done a basic thing like hand-out on election day. If you look at the numbers of people that were involved, just ordinary working people who would never have done that it was enormous.

So, to go back to what I said in the beginning, old campaigning is new campaigning. The activists of a generation before us learnt the same lessons that we learnt. There were new things for us though. We did take-on a new form of political campaigning in the marginal seats. What used to happen at election time in the trade union movement is that a month before the election some of us would give money,