

RERUM NOVARUM LECTURE
Catholic Commission for Justice, Development and Peace
By Peter Norden, S.J. – 2nd June 1998

Workers, Unions and the Unemployed

Developments in the industrial relations area in Australia during the last twelve months demand that we look again at the dignity and inherent value of human labour and the legitimate role of unions in defending the interests of workers in Australian society.

It is an opportune time to do this on the occasion of the 1998 “*Rerum Novarum*” lecture, which looks back to the dramatic intervention of Pope Leo XIII in defending the interests of workers in 1891. In this now famous and landmark statement, Leo maintained the legitimate role of industrial unions in defending the rights of those who were the vulnerable victims of “hard hearted employers” and “the greed of unchecked competition”.

As the resource of human labour is once again seen by some as just a commodity, the raw material that can be manipulated in the interests of economic growth and development, it is significant that the benefits of such economic growth are now being shared less and less equitably in our Australian community.

It is therefore also opportune on this occasion to consider the consequences of our nation’s unprecedented tolerance of high levels of unemployment, particularly among the youth of Australia, something never before experienced, not even in the economic depressions of the 1890’s and the 1930’s. Long-term unemployment is one of the scandals of Australian society, with 250,000 Australian citizens now unemployed for more than twelve months, and about half that number without a job for more than two years.

It is timely for us to consider this evening the central place that human labour must retain, in whatever model of economic growth and development we undertake in this country, and what role economic considerations have in relation to the creation of a just society. The way we organise labour relations is therefore central to this question.

We need to be reminded of the legitimate role of industrial unions in defending the interests of those who are the most vulnerable in this equation. And we must look again at the social consequences of maintaining such high levels of unemployment.

Nature of Human Labour

There is something which is intrinsically important about the nature of human labour. It is intrinsically important because it relates to the very nature of the human person, the very identity or being of each man or woman. Without our engagement in some form of human labour which is productive and which serves the interests of our families and others in the wider community, we risk seeing ourselves, or being seen by others, as something less of a person.

Those of us who are actively involved in either paid or unpaid work take these benefits for granted. We fail to recognise the life enhancing aspects of human labour. We tend to focus on the pay packet at the end of the week, or simply the product that is being produced. Within structured work environments, our individual contribution may be simply part of a long assembly line, or a small department in a very extensive organisation. We consequently may simply focus on the material benefits resulting from our employment. We are now less conscious of the creative influences and personal stimulation that is obtained through simply being involved in this process.

Increasingly, in many families, both parents are compelled to work in order to maintain desired standards of living. This is particularly so as the public services sector becomes run down. Many people are forced to choose private provision of such services as health and education to maintain reasonable standards.

This partly explains the greatest change in the work force over the last twenty years, the increased feminisation of the work force itself. Male, full-time working is declining, while female, part-time and casual work is growing. Within Australia, more than many other countries, the confidence of being able to maintain full-time employment is less and less common. The value of the “domestic economy” of work performed within the home is only gradually becoming part of our consciousness.

Participation in this work environment is critical for all members of the community, and the produce of the work place in some way needs to be shared by all. This is the concept of “the common good”, where there remains a belief and a commitment to ensure that the basic needs of all are being attended to. Every person has a contribution to make, and each benefits, not necessarily equally, but in a way which respects the very nature and dignity of the human person.

Pope John Paul II in 1981, on the 100th anniversary of the publication of Leo XIII’s document on “The Condition of Labour”, wrote a similar letter to the church “On Human Labour”, explaining how work itself was a vital activity for each person:

“It is not only good in the sense that it is useful or something to enjoy; it is also good as being something worthy, that is to say, something that corresponds to man’s dignity, that expresses this dignity and increases it. If one wishes to define more clearly the ethical meaning of work, it is this truth that one must particularly keep in mind. Work is a good thing for man - a good thing for his humanity - because through work man not only transforms nature, adapting it to his own needs, but he also achieves fulfilment as a human being and indeed, in a sense, becomes more a human being”.

Critics may dismiss this as unrealistic in today’s society. But it is at the very heart of the model of a community that hopes to give expression to fundamental Christian values. Too often, in modern industrial societies, people of notional Christian faith are prepared to deny such mutual relationships and obligations towards others, for the sake of personal gain and excessive individual profit. The consequences of such actions are seen today in the suffering and the dislocation of the more vulnerable members of our society.

Right to Form Unions and their Role in the Defence of Individual Workers:

For more than one hundred years, the right to form industrial unions and the right of those unions to defend the interests of individual workers against the power and resources of the employer has been part of the Church's social teaching.

This "social teaching" is what has been coined by a fellow Jesuit from the United States, now working in Zambia, Pete Henriot, as "the church's best kept secret"!

Some of course, over the last one hundred years, have denounced the fact that the church has expressed its views on matters related to social and economic concerns, suggesting that the church moves beyond its field of real competence and responsibility when it moves in such areas. Such complaints have, of course, been raised more recently in Australia, by political leaders whose knowledge and understanding of the church's role is clearly seriously flawed.

When the church deals with the questions of "the economy" and with the range of different social relations to which economic life gives rise, it does so according to the way in which this society and such relationships have moral aspects, or according to the way in which human nature reveals itself in this field. So it is in this respect that the Church has something essential to say on economic life, for the church possesses independent knowledge on the true nature of the human person.

Leo XIII did not hesitate to speak out in a world where governments had expelled the church and its teaching from public life on the social questions of the day. The papal letter was a response to the exploitation of the working class resulting from the industrial revolution and to the Marxist solution as outlined in "Das Kapital" of 1867. While he directly rejected the extreme socialist doctrines of the time, he also strongly criticised economic liberalism and its consequent capitalism. In a rapidly changing world of his time, he maintained strongly that even economics was subject to a moral code and that moral code was founded on the dignity of the human person.

After the French Revolution the workers had been deprived of both the traditional guidance offered by the church and the protection provided by the medieval guilds, and as a result, they had become the victims of "hardhearted employers" and "the greed of unchecked competition". They had been treated, he said, as "commodities" mere "things", only useful for profit and production.

He noted that in industrial capitalism "the hiring of labour and the conduct of trade are concentrated in the hands of the comparatively few" and "a small number of very rich men have been able to lay upon the teeming masses of the laboring poor a yoke little better than that of slavery itself".

His central constructive message was that the true answer to the miseries of the working class lay in the mutual recognition of the duties of capital and labor. He argued that employers are bound first of all "not to look upon their work people as their bondsmen, but to respect in every man his dignity as a person ennobled by Christian character". Earning an honest living through business is honourable, but misusing human beings as mere "things", valued only for their physical powers, is "truly shameful and inhuman".

It was in this context that Leo upheld the right of workers to form industrial unions in order to redress the balance of power between the “hard hearted employers” and the “working men who have been given over, isolated and defenceless, to the callousness of employers and the greed of unrestrained competition”.

Workers and employees were encouraged to help themselves through participation in labour unions and other associations. As social beings, workers have a natural desire to associate with one another and have a natural right to enter into “private societies” in order to promote their own particular good within the context of an affirmation of the common good of the larger society. Though its exercise requires prudence and at times should be restrained for the common good, in general this right deserves the legal protection of the government”.

Leo explained it in this way: “The experience of his own weakness urges man to call in help from without. We read in the pages of Holy Writ: “It is better that two should be together than one; for they have the advantage of their society. If one falls he shall be supported by the other. A brother that is helped by his brother is like a strong city”. It is this natural impulse which unites men in civil society; and it is this also which makes them band themselves together in associations of citizen with citizen”.

In relation to the role of government with such industrial unions, he explained: “Particular societies, although they exist with the State, and are each a part of the State, nevertheless cannot be prohibited by the State absolutely and as such. For to enter into a society of this kind is the natural right of man; and the State must protect natural rights, not destroy them; and if it forbids its citizens to form associations, it contradicts the very principle of its own existence”.

The Recent Industrial Dispute on the Australian Waterfront:

The original establishment of the right to form industrial unions by the Catholic Church in 1891, a right which has been reinforced more recently by the social teaching of the church under the current leadership, is of course central to a consideration of the recent industrial dispute on the Australian waterfront.

In this dispute Patrick Stevedores, a major employer of waterfront labour has, through a number of legal steps, stripped the assets from the company which employed waterside workers and in so doing attempted to avoid unfair dismissal laws in sacking its work force of 1,400 trade unionists.

The Maritime Workers Union of Australia brought proceedings to the Federal Court alleging that Patricks acted unlawfully by taking these steps so they could replace their previous employees with non-Union workers.

Central aspects of this dispute were the right of workers to form industrial unions and the illegality of actions which resulted in the sacking of workers because they were members of a union.

It was during Easter week that the Maritime Union brought action in the Federal Court, based on their belief that Patricks were about to dismiss their entire workforce.

On Monday 6 April, the union applied to the Court for a temporary order to keep the employees in work. The court listed the matter for consideration on Wednesday 8 April.

On the evening of Tuesday 7 April, the day before the Court hearing, the Patrick companies which employed the wharf labourers appointed administrators to their companies on the ground that they were insolvent, but on the same evening they engaged contractors to provide a new workforce.

While this matter was still being considered by the Federal Court, the President of the Australian Council of Trade Unions, Jennie George, wrote to Bishop William Murray, the Chairperson the Australian Catholic Bishops Social Justice Council. I read the text of this letter of 17 April. It has since been widely distributed:

Dear Bishop Murray

As you know some 2,000 workers were sacked by Patrick Stevedoring on April 7th. They were all sacked in the dead of night and those at work were removed from their workplaces by security guards and dogs.

The actions of the company, both in avoiding their legal obligations to these workers and the use of guards and dogs raises, some very serious moral questions. Australia now finds itself facing yet more conflict and division.

Our understanding of the century long tradition of Catholic social teaching is that all the encyclicals have been clear on the Catholic's Church's uncompromising commitment to the role of free and independent trade unions as defenders of social and economic justice and political democracy in a free enterprise system. As recently as the 1980's, Pope John Paul II clarified the moral and ethical role of trade unions in building a culture of collective responsibility that contrasted with the highly individualistic culture of unregulated industrial and economic development.

Confronted first with Wik and now with increasingly serious division in the workforce, it is important for the Catholic Church not to be seen to be silent.

I would hope that you will encourage members of your church to be informed about the issues in the dispute, to visit, where possible, the peaceful protests to talk with workers and their families, and to support the public appeal for financial support for workers and their families.

Further I would hope that you would be able to make a public statement on the issues related to the dispute and the church's social teaching.

Yours sincerely

Jennie George.

The content of this letter is important because it communicates a sense of the importance of Catholic social teaching and the critical role of church leadership in

helping to shape public policy on issues which have serious ethical and moral dimensions.

Several church leaders were co-signatories to a letter concerning this industrial dispute which was sent two days later to the Prime Minister, Mr Howard.

Dear Prime Minister,

We, the undersigned, are concerned that on 7 April, 2000 waterfront workers were sacked by Patrick Stevedores for being union members.

To see Australian workers sacked in the dead of night and removed from their workplaces by security guards with savage dogs, was a shock to all Australians. The subsequent media coverage has only reinforced a picture of an increasingly divided Australia.

It is disturbing that Patrick's actions, including the sackings, appear to have the full support of your Government. The role of Government should be to minimise conflict and to encourage resolution of differences through negotiation or mediation. Without a framework for the resolution of industrial disputes, conflict between employers and employees can only deepen and develop into serious social division.

When a Government chooses to support the employer rather than to encourage resolution, the confidence of Australians in a "fair go" is badly shaken. The creation of irreparable divisions in our community, with the potential to split families and communities and to exacerbate economic and social differences, is not in the national interest.

Economic or social reform is always a legitimate goal but there must be some agreed foundations for how change is to be achieved. Experience demonstrates that sustainable change is best developed through partnership. We do not believe that the current context provides an acceptable model for a democratic society.

Australians are proud that we have built a society which has avoided the bitter conflicts which shadow the lives of people in many countries around the world. We urge you to intervene, to protect our democratic traditions, and to govern for all of us.

The letter was signed by numerous church and community leaders, including several bishops, academics, business leaders and prominent Australian figures.

It is significant that it addresses the proper role of government in seeking peaceful resolution to such disputes, based on conciliation and negotiation, rather than conflict.

Justice North of the Federal Court found on 21 April that there was a case to answer that Patrick Stevedores had engaged in "an unlawful conspiracy" and that there had been a breach of the employees' contracts of employment, in that employees had effectively been dismissed because they were members of a union.

This position was effectively upheld by the Full Bench of the High Court of Australia when it directed Patrick to re-instate the sacked M.U.A. workers.

Recent Church Teaching on Unionism and the Right to Strike:

John Paul II in addressing the question of human labour in 1981 emphasised the importance of the State conducting a just labour policy and of its recognition of the proper and legitimate role of unions.

In drawing a distinction between modern unions and the medieval guilds of artisans, he explained that “the modern unions grew up from the struggle of the workers - workers in general but especially the industrial workers - to protect their just rights vis-a-vis the entrepreneurs and the owners of the means of production. Their task is to defend the existential interests of workers in all sectors in which their rights are concerned”.

John Paul explained: “The experience of history teaches that organisations of this type are an indispensable element of social life, especially in modern industrialised societies”. They are, he says, “a mouthpiece for the struggle for social justice, for the just rights of working people in accordance with their individual professions”.

With regard to the proper intermediary role for government in industrial disputes, and keeping in mind the contents of the letter sent to the Prime Minister quoted above, John Paul II continues:

“Even if in controversial questions the struggle (for justice) takes on a character of opposition towards others, this is because it aims at the good of social justice, not for the sake of “struggle” or in order to eliminate the opponent. It is characteristic of work that it first and foremost unites people. In this consists its social power: the power to build a community”.

“In the final analysis”, John Paul insisted, “both those who work and those who manage the means of production or who own them must in some way be united in this community”.

Catholic church teaching goes further to actually outlining the legitimate role of the industrial strike in order to pursue the just rights of union members. In speaking on the rights of workers, John Paul said:

“One method used by unions in pursuing the just rights of their members is the strike or work stoppage, as a kind of ultimatum to the competent bodies, especially the employers. This method is recognised by Catholic social teaching as legitimate in the proper conditions and within just limits. In this connection workers should be assured the right to strike, without being subjected to personal penal sanctions for taking part in a strike. While admitting that it is a legitimate means, we must at the same time emphasise that a strike remains, in a sense, an extreme means. It must not be abused; it must not be abused especially for “political” purposes”.

Recent Attempts to Silence the Church's Voice for Justice:

Both State and Federal political leaders have, in recent years within Australia, attempted to silence the church's voice in speaking out in defence of those who are the most vulnerable in our society, or, as in the case of the M.U.A., those who are targeted unfairly because of their strength, resulting in the increased vulnerability of all workers in the future. Their criticism was made on the basis that the church is moving into areas outside of its own area of expertise: "the purely spiritual"! Or, on the other hand, that the church's intervention in the public debate about taxation or aboriginal rights, for example, has clear and explicit political implications.

Such public criticism, of course, reveals more about the limitations of the speaker and his appreciation of the true role of the church in the modern world than the activities of the Christian community itself. It reflects a view of church which is neither incarnational, nor which is truly concerned with the kingdom of God. The church's specific expertise is founded on the spiritual nature of the human person, who engages with nature, and in doing so comes face to face with his true self. For example, while the economy might appear to be no more than the scene of material activities, it is the scene of an encounter with nature by a spiritual being.

More than thirty years ago, the Vatican Council expressed it more concretely in these words: "The joys and the hopes, the griefs and the anxieties of the men and women of this age, especially those who are poor or in any way afflicted, these are the joys and hopes, the griefs and anxieties of the followers of Christ".

Several years later, the 1971 International meeting of Catholic Bishops described the church's commitment to bringing about justice in the world. They declared that "action of behalf of justice and participation in the transformation of the world fully appear to us as an essential dimension of the preaching of the gospel". With solid foundations in the Scriptures, the traditions of the church and its social teaching, the church formulated an explicit commitment: "the preferential option for the poor".

There can be no separation in principle, nor in practice, between a commitment to Christian faith and a commitment to bringing about a more just society. In the last thirty years since these proclamations, more than forty of my Jesuit brothers throughout the world have been executed because of their commitment to this principle. These principles are more than religious rhetoric, or spiritual beliefs that only have implications for the next life. They are beliefs that people live and die for.

The Significance of Widespread and Long-Term Unemployment in Australia:

In the final section of this address, I would like to focus attention on a serious social problem, which should be a matter concerning all Australians: the significance of widespread and long-term unemployment.

This is not a social problem which affects all Australian families, since the burden of carrying a national unemployment rate of over eight per cent more often than not affects those families in rural areas, those in the more disadvantaged suburbs of our cities, recently arrived ethnic communities and last, but by no means least, younger

Australians. But there is not one family in Australia whose future will not be affected by the social consequences of a national youth unemployment rate of twenty-six per cent and disadvantaged regions of our major cities like Sydney and Melbourne being burdened with more than fifty per cent youth unemployment.

Australians remain blinded to the seriousness of this problem because those who are the decision makers, the policy makers and those who control public debate are often the very ones whose lives and whose families are least directly affected by unemployment. The matter becomes one of “unemployment figures”, just one of many factors that need to be “managed” in the development of the economy.

Long term unemployment, especially among younger Australians, is having disastrous effects on the fabric of our society. To complete secondary education, or even further tertiary education or training, and to remain unemployed, unwanted, for a period of more than two years, is an experience which very few young Australians ever recover from. The sense of alienation, of frustration, of devaluing of one’s own life and the further disengagement that this brings with it, has to be known to be believed.

It seems incredible that the Australian community fails to make a connection between such social problems as crime, drug misuse, family breakdown and youth suicide with the crushing effect of long-term unemployment. The Treasurer, Mr Costello, can present the Federal Budget, which incorporates the expectation of only a small decrease in the national rate of unemployment over the coming twelve months, and there is a deafening silence from the Australian community! The economic figures are expected to “look good”, but the social devastation that is being wrought in families, particularly in rural areas and in the disadvantaged suburbs of our urban centres, is an absolute disaster!

Shaping the Future of Australian Society:

When the extent of the problem of unemployment throughout Australia is considered, and the lack of a determination to redress the problem on the part of our political leaders is taken into account, I am convinced that there are serious differences existing within our community about the future of our Australian society and the priorities that different members of that society have with regard to the value of human lives.

These differences are particularly highlighted when we consider, as we have this evening, some of the basic foundations of Catholic Social Teaching. It is not unreasonable or alarmist to suggest that the future of Australian society is at the crossroads and that the protection of our most valuable resource, the lives of young Australians, will not be enhanced by economic pragmatists who fail to see human life as central.

While an effective solution will, of necessity, involve a partnership and a high level of cooperation between government, business, the community, people of good will, and hopefully some people motivated by Christian values, there is a challenge here also for the church, religious leaders and for the Christian community.

As a Christian church we ourselves need to make a cultural shift, paralleling a shift that was made in the body of Catholic social teaching some forty years ago now. Leo XIII examined the social reality of his day from a hierarchical, semi-feudal model of society which assumed that “unequal fortune is a necessary result of unequal condition”. The solution he proposed was based on a model of society in which each class lived in mutual interdependence and harmony with one another.

Since the Vatican Council, Catholic social teaching has been willing to challenge the adequacy of any social model or social structure which denies people that minimum level of well being or degree of participation required to maintain human dignity. There has been a growing awareness and appreciation within the church of the influence and domination of unjust social structures, which can effectively stand in the way of the conversion of hearts and the expression of charity.

One hundred and seven years after Leo XIII’s statement on “The Condition of Labor” and more than thirty-five years after the Second Vatican Council, the Catholic church, its leaders and its local communities of faith still have to make that cultural shift.

Within the Catholic Church of Melbourne, there are more than 3,000 staff actually employed in the work of the service of the poor and the disadvantaged, more than 10,000 volunteers are committed to regular service in this field, and many, many others assist in ways that are less identifiable, but are of the utmost importance. The church appears quite comfortable in the continuation of this important area of work.

In contrast, only one person is engaged full time by the Catholic Church in Melbourne to help promote social justice.

If it is true to say that our Australian society is at the cross roads, and if the communities of Christian faith, including the Catholic Church, are to have any significant influence in shaping the models and the priorities and the values of that future society, the church must have a clearer commitment and develop a greater capacity to address the unjust social structures, which in this age are blinding the world to the dignity and value of human life.

Young Australians will continue to remain unemployed, the church’s welfare agencies will extend their efforts through the provision of soup kitchens, emergency shelters, drug treatment programs and efforts to prevent youth suicide, but our limited efforts as church to tackle structural injustice will represent something lacking in our preaching of the Christian gospel.