

Welcome to the Bottom: A North American Perspective on the Fair Work Act

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Introduction

Misery loves company and these days, in the sphere of industrial relations and collective bargaining, there is plenty of it. There is ample evidence of a common trajectory toward neo-liberalism in advanced capitalist countries that produces a decline in trade union density and collective agreement coverage, and a weakening of bargaining power, with corresponding increases in employer control and appropriation of socially produced wealth. This holds true both in so-called coordinated and liberal market economies, although the paths, mechanisms and pace of the descent differ.¹ This is not to say that the landscape has been so flattened that laws and institutions look alike across all countries. Institutions and laws continue to matter. They may buffer workers against the forces of global capitalism or become vehicles for increasing their impact. However, whereas in the past we might have focused on these legal and institutional variations because they significantly affected labour market outcomes, today it is the dynamics of global capitalism that set rather narrow limits within which institutions and laws operate and are reconstructed and repurposed, thereby lessening the salience of variation.²

The development of Australian and North American labour law and industrial relations over the past several decades provide ample evidence of this proposition. Although starting from very different places, both regimes are moving in the same downwards direction, especially after the Australian regime shifted from the conciliation

1 Baccaro & Howell 2011; Thelen 2014.

2 Streeck 2009.

This is a preview. Not all pages are shown.