Managing Diverse Commodities? From Factory Fodder to Business Asset

Lucy Taksa *
Dimitria Groutsis **

Abstract

From its foundation in 1919, the International Labour Organisation's (ILO) guiding principle has been that labour is not a commodity. Following an examination of the origins and impact of this principle on ILO and United Nations (UN) conventions relating to migrant workers, the paper examines how Australia has responded to such conventions. In this regard, the paper highlights the counterveiling influence of the neoclassical economic perspective on the way migrant workers in Australia have been treated and represented from the post-war period until recent times as either 'factory fodder' and/or 'business assets'. Both representations, we argue, treat migrants as commodities. To challenge this approach the paper identifies how migrant workers have distinguished themselves from commodities through resistance to poor working conditions and also management strategies that treat them as if they were commodities.

Introduction

The debate about whether labour is a commodity can be traced back to the writings of Adam Smith (1776). It has been an enduring one. Those who subscribe to a neoclassical perspective on economics argue in the affirmative (Dicken 2004: 140). Those who reject the view that labour can be reduced to something that can be bought and sold (Nelson 1995) interpret the former view as dubious if not 'malicious' (New York Times 1916: 10). It is not our intention to engage with this debate directly. Rather, we start from the premise that labour does fundamentally differ 'from real commodities because it is embodied in living, conscious human beings and because human activity (work) is an irreducible, ubiquitous feature of human existence and social life' (Storper and Walker 1989: 155). This view has been extremely influential on bodies such as the International Labour Organisation (ILO) and the United Nations (UN) whose Conventions have affected the laws and policies of many nations. Yet, despite this, the neoclassical perspective has survived in a range of scholarly and business contexts (Sjaastad 1962; Todaro 1968; Borjas 1990). This article traces how both perspectives have

*   Faculty of Business and Economics, Macquarie University
** Faculty of Economics and Business, University of Sydney

been deployed in order to demonstrate their influence over the way migrant workers[1] have been, and continue to be, viewed and treated in Australia. This approach will throw light on the way that representations of migrant workers commodify their labour power, cultural knowledge and linguistic skills.

The article begins by providing an historical overview of ILO and UN principles and conventions, which have promoted the notion that labour cannot and should not be reduced to a commodity and it considers Australia's responses to them. We then turn our attention to how migrants to this country have been viewed and treated through an exploration of two different representations of their labour, one historic and one from more recent times. In this regard we refer to the rhetoric used to describe migrants who came to Australia in the decades after World War Two as 'factory fodder' and the more recent rhetoric associated with Diversity Management (DM), which construes those migrant employees who possess cultural knowledge and multilingual skills as 'business assets'. Both representations, we argue, treat migrants as commodities. By foregrounding their labour power or knowledge or skills, both render invisible the bearers of these attributes and in doing so also deny their agency.

In keeping with our foundational premise, we challenge such disembodiment. By drawing on a number of historical examples we demonstrate that migrant workers differ from commodities not only because they are living beings who engage in work but also by virtue of their resistance to working conditions and management strategies that treat them as if they were commodities. Further, by examining migrant workers in one specific organisation and that organisation's approach to its migrant employees from the 1950s to the present, we show that the management of cultural differences does not succeed in the long-term without reference to migrant workers as agents. As a corollary, we implicitly dispute the assumption that migrant workers' cultural knowledge and multi-lingual skills can be reduced to resources and assets solely for the benefit of business in the era of post-colonial globalisation.

'Labour is Not a Commodity': Origins and Impacts

The proposition that labour is not a commodity was central to an Address presented by Irish economist, John Kells Ingram before the British Trade Union Congress in 1880. Subsequently it informed the views of trade union leaders and progressive intellectuals in the United Kingdom, the USA and Australia, including such notables as Edward J. Phelan, Samuel Gompers, William Edward Hearn and H. B. Higgins (O'Higgins 1997). Its impact was, however, far more widespread and enduring predominantly because of its incorporation in Article 427 of the Treaty of Versailles and also as the first principle of the ILO, which was created under Article 387 in 1919 in order to promote its objectives. The Peace Conference set up a Labour Commission, chaired by the head of the American Federation of Labor (AFL), Samuel Gompers, which drew up the ILO Constitution during the early months of 1919, and which became Part XIII of the Treaty. The ILO came into being in 1920 as a tripartite organisation linking governments, employers and workers. In 1946 it was integrated into the UN as a specialised agency (ILO 2000; ILO 1996–2010).

In the interim, the ILO's guiding principle 'that labour should not be regarded merely as a commodity or article of commerce', remained at the forefront. On 10 May 1944, at the urging of its Director General, Edward J. Phelan, the ILO's Twenty-Sixth General Conference adopted the Declaration of Philadelphia 'as an integral part' of its constitution (O'Higgins 1997: 230). The Declaration set out the organisation's aims and purposes and 'the principles which should inspire the policy of its Members'. Importantly, Section 1 reaffirmed that: '(a) labour is not a commodity'. Further, in keeping with the belief underpinning the ILO's Constitution 'that lasting peace can be established only if it is based on social justice', Section 2 affirmed that: '(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity' (ILO 1944).

This linkage between the guiding principle and human rights and equal opportunities regardless of national and/or cultural origins did not emerge out of thin air. Its antecedents were contained in both the Treaty of Versailles and the Preamble to the ILO Constitution. Although both were designed to encompass all working people, both also acknowledged that the situation of workers employed outside of their home country raised particular issues that required special attention and protective instruments. Hence, the First Session of the International Labour Conference in 1919 'sketched out the two aims of the ILO in' relation to migrant workers as being 'equality of treatment between nationals and migrant workers and coordination on migration policies between States and between governments and employers' and workers' organisations'. Subsequent Conferences endeavoured to find additional 'comprehensive solutions to the problems facing migrant workers' and a number of instruments were adopted to this end in 1926, 1939, 1949, 1955, 1958 and 1975 (ILO 1999).

Of particular relevance for us is the fact that from 1939, General Conferences considered and adopted proposals that involved 'co-operation between States relating to the recruiting, placing and conditions of labour of migrants for employment' (ILO 1939a, 1939b). A decade later, following 'the upheavals that occurred in Europe in the aftermath of the Second World War and prompted by a concern to facilitate the movement of surplus labour from' Europe 'to other parts of the world' (ILO 1999), the ILO adopted Convention No. 97 concerning Migration for Employment and subsequent conventions dealt

> … with such matters as the regulation of the recruitment, introduction and placing of migrant workers, the provision of accurate information relating to migration, the minimum conditions to be enjoyed by migrants in transit and on arrival, the adoption of an active employment policy and international collaboration in these matters. (ILO 1949)

By the Forty-Second Session, held on 4 June 1958, the General Conference included the subject of discrimination in the field of employment and occupation as the fourth item on its agenda and it adopted International Convention No. 111, which affirmed the Declaration of Philadelphia (ILO 1958). This was then reconfirmed in Convention No. 143 Migrant Workers (Supplementary

Provisions), which was endorsed at the Sixtieth Session on 4 June 1975 (ILO 1975). Australia, as a member of the ILO since 1919, ratified Convention No. 111 on 16 June 1973 (ILO 2010).

Given that the ILO has been a special agency of the UN since 1946 (ILO 2008) it is worthwhile acknowledging that the UN also introduced two Conventions pertinent to migrant workers[2]: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which was opened for signature on 7 March 1966 and entered into force on 4 January 1969 (Volodin 2008) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), which was adopted by the UN General Assembly in December 1990 (UN 1990) and which came into force in July 2003 (UNESCO 2009).

The ICERD binds States 'to outlaw discrimination on the grounds of race, colour, descent, or national or ethnic origin against all individuals within the jurisdiction of the State and to enact sanctions for activities based upon such discrimination'. Unfortunately, however, it 'does not apply to "distinctions, exclusions, restrictions or preferences made by a State party […] between citizens and non-citizens"'. In other words, 'discrimination on the grounds of nationality, a type of discrimination to which migrants by definition are extremely vulnerable, is not outlawed by the Convention' (ILO 1999).

Australia became a signatory to this Convention on 13 October 1966, although ratification did not occur until 30 September 1975 when the Convention became part of the *Commonwealth Racial Discrimination Act*, 1975 (Hulme 1997). By December 1998, ICERD had received 151 ratifications, which qualified it, according to an ILO Report (1999), as 'the most widely ratified of the United Nations human rights conventions'. Such support has continued to grow; between 2001 and 2008 the number of States Parties increased from 158 to 173 (UN 2009).

The fate of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), which recognised and extended 'the provisions contained in existing ILO Conventions' (UN 1990), has been vastly different. Besides reiterating the basic rights 'enshrined in the Universal Declaration of Human Rights' adopted by the UN on 10 December 1948, it prohibits 'inhumane living and working conditions and physical (and sexual) abuse, cruel, inhuman or degrading treatment of punishment, slavery or servitude and forced or compulsory labour'. It also emphasises that migrants are entitled to freedom of thought, conscience and religion, as well as equality with nationals in terms of access to educational, vocational and social services, protection against dismissal, unemployment benefits, and access to alternative employment (UNESCO 2009).

In stark contrast to ICERD, the reception given to this Convention has been lukewarm. Only nine States had ratified or acceded to it by 11 December 1998. Australia was not among them, just as it had not been among those nations that ratified ILO Convention No. 143 Migrant Workers (Supplementary Provisions), 1975 (ILO 1999, 2010). Australia was not alone in its reticence towards both the UN and the ILO Migrant Workers Conventions. For this reason the ILO

initiated further activities and programs to improve 'the situation of millions of migrant workers across the globe'. Moreover in the late 1990s its Governing Body adopted 'two sets of guidelines for member States aimed at preventing the abuse of particularly vulnerable migrant workers' and in 1998 a Global Campaign for Ratification of the Convention on Rights of Migrants was launched in Geneva.

The importance of these Conventions, guidelines, programs and campaigns is undeniable. Their impact has, however, been limited; Australia was not among the twenty nations whose ratification of the UN Convention on Migrant Workers Rights enabled it to come into force in July 2003 (UNESCO 2009; ILO 2010), nor is Australia among the forty-two nations that are current States parties to it or the additional sixteen States that have signed but not yet ratified it (UN 2010). The key point here is that while Australia had no problem endorsing the ICERD, it has consistently avoided ratifying Conventions focused specifically on migrant workers' rights, such as the ILO's Migration for Employment Convention No. 97 in 1949 and the 1990 UN Convention.[3] This not only marks an important difference but also a contradiction at the global macro level of policy and law, a contradiction that we believe is underpinned by the survival of the neoclassical perspective which reduces labour to the status of a commodity and which can be identified in the ways migrant employees have been viewed, represented and treated as either 'factory fodder' or as 'business assets'.

From Factory Fodder to Business Asset: Identifying Continuities

Addressing the question of labour commodification, Pocock, Prosser and Bridge (2005: 459) suggested that despite the impact of the living wage principle elaborated by Justice H. B. Higgins in 1907 and the ILO's rejection of the notion that labour is a commodity since 1919, 'recent analysis of changes in the labour market internationally, and growth in precarious forms of employment specifically have revived the notion that labour is returning to the status of a commodity'. The problem with this proposition is not solely based on its limited focus on macro-level developments and their impact on remuneration and work arrangements. Of far greater concern is the notion of 'revival' contained in the argument that 'the growth in casual employment' in Australia and Canada represents 'a shift back towards treating labour as a pure commodity'. As we see it, this mistakenly obscures some important continuities vis-a-vis the representation and treatment of migrant labour from the post-war era to more recent times.

The term 'factory fodder' has consistently been used to refer to those who came to Australia as a result of the new population policy inaugurated by the Federal Government in the late 1940s, which initially drew on refugees and from the early 1950s on settlers from Eastern, Central and Southern Europe, as well as from the Middle East, South America and Asia from the 1960s onwards (Richards 2008: 251–255). According to Price (1981: 101), this policy gave rise to criticisms that the government was intent on locating 'healthy and industrious "factory fodder" for its population and development programs'. Reliance on a two year indentured period on major infrastructure and public works projects formed a critical feature of such programs (Roach 1952: 104). As Collins

(1988: 87) points out, the newcomers' 'problems with language and their lack of familiarity with Australian institutions and customs made them exploitable and often docile "factory fodder"'. What are we to make of the repeated use of this expression (Melzer 1974; Collins 1975), particularly given that no one has bothered to formally define it?

For the most part the term is used as a metaphor for 'cheap' factory labour. As Price and Collins indicate, in Australia, it has also been inextricably linked to migrant labour, which provided the most profitable and 'passive' form of labour available for manufacturing work in the post-war era at a time when local, non-migrant workers were either unwilling to take on low skilled jobs or were deemed to be more industrially militant (Nicolaou 1991). Such traditional use of this term, we argue, implies that labour is a commodity, a resource that can be exchanged and easily substituted, much like any other commodity. It is a representation that denies agency and de-humanises workers and while the term 'factory fodder' has fallen out of favour in recent times, its assumptions can, we argue further, be discerned in the way 'difference' and 'diversity' have been represented by the advocates of Diversity Management (DM) since the early 1990s.

Characterised as a new discourse supplanting 'equal opportunity and affirmative action in Western democracies' (Bacchi 2000: 68), the managerial rhetoric of DM has been institutionalised (Edelman et al 2001; Noon 2007; Syed 2008: 36) as the 'best practice approach' for addressing discrimination and disadvantage (Bacchi 2000; Strachan and French 2007; Stanley et.al 2008). One clear source of its legitimacy has been what is known as 'the business case'. Particularly 'favoured by neo-liberals' (Noon 2007: 776), this approach represents difference as an 'asset' and diversity as 'a resource' that can enhance organisational productivity and performance and help organisations adapt to the increased competition that has accompanied globalisation (Robbins et al 1998: 59; Henry and Evans 2007). By disembodying migrant employees' human and/or cultural capital, the representation of diversity contained in this rhetoric implicitly dehumanises and therefore commodifies those individuals who are the bearers of 'diverse' identities and attributes, be they associated with gender, culture, geographical/national origins, religion, age, dis/ability or sexuality. It is in this sense that a continuity can be discerned between the rhetoric of 'factory fodder' and 'business asset'. This suggestion of continuity is, however, at odds with the accepted view that there has been a profound shift in the way differences are viewed and treated. For this reason it is necessary to locate, both temporally and geographically, the acceptance of the business asset rhetoric. In this regard, attention to developments in the USA is essential because it highlights the role played by cultural differences in the rise of Diversity Management (DM).

According to Thomas and Ely (2001: 44), 'the competitive climate of the 1980s and 1990s' encouraged the emergence of 'a new rhetoric and rationale for managing diversity'. Equally significant was the *Workforce 2000: Work and Workers for the 21st Century* Report, published in the USA in 1987, which sparked growing concerns about the heterogeneity of the American workforce (Nkomo and Cox Jr. 1999: 88; Edelman et al 2001: 1612), while also raising awareness of the growing consumer power of the 'new ethnic groups' '(Thomas and Ely

2001: 35, 44). Such concerns subsequently spread to Australia, along with the American emphasis on DM and 'productive diversity'. As then Prime Minister Paul Keating informed a Productive Diversity Conference in 1992, Australia was 'entering a third phase in' its 'post-war response to its migrants, in which "all Australian firms could now draw upon the wealth of language and cultural skills that reside in their own workforce"'. Here, too, 'he urged business leaders to "take advantage of the potentially huge national asset which multiculturalism represents"'(Keating 1992, cited in Alcorso 1995). This position built on the idea that such assets would benefit 'export-oriented growth, where the language skills and cultural knowledge of NESB [Non English Speaking Background] Australians' represented, what a 1989 Office of Multicultural Affairs (OMA), National Agenda paper referred to as a 'natural reservoir of talent that could be deployed to advance the interests of Australian tourism, trade, foreign investment and diplomacy' (Office of Multicultural Affairs 1989: 27). On this basis, the OMA began to emphasise the need to make better use of the skills of the 'high quality Asian immigrants' who were then being targeted by Australian immigration policies (OMA 1992).

This focus on 'productive diversity' featured prominently in the 1994 White Paper on Employment and Growth entitled *Working Nation* and in the 1995 Karpin Report (Niland and Champion 1990). In this context, Australian federal governments of different political persuasions began to promote 'productive diversity practices in business and industry' through 'simplistic platitudes about presumed economic returns' that could be obtained from 'workers' multilingualism and cultural knowledge' (Bertone 2002: 1). Government agencies followed this lead. The Human Rights and Equal Opportunity Commission (HREOC) introduced the concept of *managing diversity* as a follow up to its Race Relations in the Workplace project (HREOC 1992) and, in consultation with both trade union and employer representatives, its Education and Promotion Unit 'developed a training package' for employers 'called "Diversity Makes Good Business"' (Keating 1994: 27). What was the rationale and motivation for this approach? Consideration of local and international economic contexts from an historical perspective provides some insight and a necessary corrective to what Alcorso (1995) identified as the problematic 'neglect of history' in relation to the discourse on 'productive diversity'.

As the assimilation and integration policies that dominated Australian approaches to migrants prior to the 1970s showed (Jayasuriya et al 1988: 171; Withers 1991; Richards 2008: 253–254), diversity was not highly valued locally. Even though NESB migrants' skills were critically important for Australia's economic activity, their cultural knowledge and capacity to speak languages other than English were not deemed to be relevant or necessary for the low skilled or semi-skilled jobs that they predominantly filled (Keating 1994; Castles and Miller 2003; Bertone 2004). In effect, their lack of 'cultural capital' in the form of Australian educational credentials and English language skills, together with their associated capacity for hard work in dirty, dangerous, physically demanding and monotonous jobs, reduced them to 'bodies for hire' (Collins 1988: 2).

According to Jupp (1996: 6), the multicultural policy introduced by the Whitlam Government in 1973, 'ended the belief that all other cultures were inferior to and incompatible with the "mainstream" culture of white British Australia'. The ratification of ICERD and the advent of the *Commonwealth Racial Discrimination Act 1975* seemed to herald a bright future, even though the demand for proficiency in English remained dominant during the 1980s. Gradual change did, however, occur in response to microeconomic and industry reform, award restructuring and enterprise bargaining, which sought to increase Australia's international competitiveness in response to world market imperatives (Keating 1994: 9–10). Against the backdrop of a shift from manufacturing to service dominated economic activities, the migrant workforce decreased by around thirteen per cent between 1972 and 1984 as the low skilled and semiskilled manufacturing jobs traditionally filled by migrant workers (Webber, Campbell and Fincher 1992: 3) were increasingly replaced by jobs that required what Syed refers to as 'higher communicative and social abilities' (Keating 1994: 8; Syed 2008: 36). As Castles and Miller (2003: 289) point out, in the context of globalised international trade and investment, migrant 'multilingual capabilities and intercultural understanding' were increasingly 'seen as important economic assets'.

Such appreciation ostensibly marked a stark contrast to the lack of value given by manufacturing employers to the linguistic skills, knowledge and credentials brought by migrants who came to Australia in the aftermath of World War Two (Keating 1994: 11). Yet, beneath the surface rhetoric, both representations of migrant employees, as 'factory fodder' and as diverse 'business assets' objectify migrant workers by focusing on the economic value of their labour power or knowledge or skill rather than on the workers themselves. This convergence is, we argue further, underpinned by the assumption that employees are 'objects of management activity' rather than subjects in the employment relationship with scope for collective employee voice (Kirton and Greene 2006: 442). It is therefore no surprise to find that the Macquarie Thesaurus lists commodity, asset and resource as synonyms (Bernard 1992: 713.2, 773.3).

These representations deny the social and human characteristics that distinguish workers from commodities. We agree with Storper and Walker (1989: 155) that the critical difference between labour and real commodities is tied to labour's embodiment 'in living, conscious human beings' and that 'human activity (work) is an irreducible, ubiquitous feature of human existence and social life'. However, we believe that it is necessary to extend this point to include human agency. Only by acknowledging that migrant workers are active agents and by questioning the all too widely accepted presumption that employers and managers are the only 'active agents of change and innovation' (Thompson and Ackroyd 1995: 618), can we begin to challenge the view that migrant labour is a commodity. Only in this way can we provide a line of reasoning that supports the ILO's guiding principle and promotes the goals of the International Convention on Migrant Workers. For our purposes, attention to migrant resistance provides the most fruitful avenue for considering the nexus between human activity (work) and agency. Accordingly, we now turn to historical accounts of migrant resistance

in Australia in order to question the widely accepted representation of migrant workers as passive factory fodder.

Challenging Disembodiment: From Passive Fodder to Active Resistance

Although the post war mass migration scheme targeted non-British countries, the Federal Government continued its commitment to the White Australia policy, inaugurated in 1901 (Collins 1984, 1991), a position supported by the labour movement, which feared that migrant labour would undermine employment conditions and wages. These fears were allayed as immigrants and refugees filled jobs that required low levels of 'skill' and that were unattractive to Australian-born workers (Markus 1984). Employment of this nature institutionalised migrants as a readily available and easily substitutable source of labour (Mezler 1974; Collins 1975). In some of Australia's largest manufacturing, processing and transport plants, NESB migrants dominated the 'blue collar' workforce. In 1970, for example, they made up almost ninety per cent of the entire workforce at the Ford Motor company assembly plant at Broadmeadows in Victoria (Probert 1989: 109–124). The BHP steelworks at Port Kembla had a similar profile (Vasta 1993), as did the NSW State Rail Authority's Eveleigh Railway Workshops air-conditioning train cleaning depot (ACDEP) where ninety per cent of the workforce came from sixteen different countries (Jobson, Buckland and Shirlaw 1981).

The majority of these workers had poor English language ability and few labour market options (Collins 1988: 87; Nicolaou 1991: 8, 10). This, coupled with the assumption that new arrivals were more interested in '[h]ard work and thrift, rather than collective union action', resulted in what Tierney refers to as the 'notion of migrant *docility*', a notion that has been remarkably robust (Tierney 1996: 103). Even those who sought to promote migrant workers' rights unwittingly contributed to the maintenance of this notion. A cogent example was provided by an article that appeared in the *Sydney Morning Herald* in 1983 on Stella Nord's book, *Migrant Women Workers — These Are Your Rights*, under the masthead: 'Migrant women silent victims, author says'. Here attention focused on the Illawarra steel industry, a world where 'there was no room for compassion, only profits' and one in which 'the pregnant, the sick and the injured were discarded like worn out machinery'(Fishman 1983: 26).

Representations of migrant worker passivity, like this one, were based on the failure to acknowledge the impact of intersecting industrial and social problems on migrant workers' experiences and their responses to being treated like commodities. As Tierney (1996: 100) pointed out, 'NESB migrants' concentration in unskilled and semi-skilled jobs in manufacturing' not only exposed 'them to unsafe production processes' but also to further complications arising from 'language and cultural difficulties, social isolation, experiences of discriminatory employment practices and racial discrimination', as well as 'racial conflicts with other workers … and vulnerability to unemployment' (Tierney 1996: 102). Such circumstances were compounded by fear of dismissal (Fishman 1983; Tierney 1996: 100). These conditions did not necessarily reflect or result in passivity.

As numerous cases of migrant engagement with militant industrial action show, although they were often treated like commodities, migrant workers did not behave like material commodities nor were they necessarily docile (Nicolaou 1991; Tierney 1996). As Tierney (1996: 103) argues, immigrant workers constituted a 'dormant industrial volcano'. Rather than being simply 'passive victims of capital and the labour market', they were 'actors in their own right' (Tierney 1996: 94), even though their actions were not necessarily consistent with conventional forms of resistance that had traditionally been enacted by Australian-born workers or their representatives. While poor conditions could 'foster militancy' and even 'independent rank and file organisation', they could also foster solidarity among members of particular ethnic groups, although such cohesion could also prevent collective action *across* cultural groups (Tierney 1996: 105, 108). The actions taken by the migrant women train cleaners employed at the Eveleigh Workshops Air-Conditioning Depot (ACDEP) in the early 1980s certainly provide support for Tierney's argument.

Diversity and Resistance on the NSW Railways

The employment of migrant women and men on Australia's railways increased steadily from the late 1940s. Initial intakes relied on 'Displaced Persons' but from 1950 the mass migration scheme brought people from Italy, Greece, Yugoslavia, and Poland. During the 1960s and 1970s they were joined by migrants from the Middle East and South America (Hearn 1990: 39–40, 143, 146–147; Butler-Bowden 1991: 136–150). In 1950 alone, 3,000 migrants were employed on the NSW railways and in 1951 the number increased to 4,000, although this was only half of the 8,000 target set by the State Government in order to overcome staff shortages (Gunn 1989: 400, 403).

Nevertheless, railway management continued to prefer English-speaking migrants from Britain. In 1951 Commissioner Garside commented that the deficient English language skills of migrant employees made it 'difficult to obtain reasonable service from them and protect them from injury' (Gunn 1989: 404). This concern about English language skill and associated communication problems continued to plague NSW railway authorities for decades to come. For the migrant men who began at the Eveleigh railway workshops in the 1950s and 1960s, however, communication problems were far less significant than the way they were treated as workers. Vince Russo, who obtained work with the railways in 1961 after migrating from Italy, noted that new migrants got the worst jobs because 'if you were a migrant and there was a job that nobody else wanted and they put you on it'. For nearly seven years he worked at the 'bottom rung' of his Bay in the Loco shops alongside men from Yugoslavia, Hungary and Italy. It took him ten years to progress up to the tool room. Like fellow Italian migrant, Louis Cavaliere, Russo responded by becoming a union steward. In this regard, he recalled: 'Well, when I took over, because I was a migrant myself … people didn't like to talk to me but they had to talk to me … if they were in trouble they had to approach me because was nobody else … And I'd been always outspoken and everything. … I wasn't afraid of the management or anything' (Cavaliere 1997; Russo 1998).

One of the most culturally diverse units at Eveleigh was ACDEP, which began train cleaning operations with a predominantly female workforce in March 1968. These workers suffered appalling conditions without taking direct action until 9 June 1980 when those on day shift imposed bans on the lifting of and cleaning under the carriage seats of the Brisbane and Motorail Express Trains. This rank-and-file action was maintained until April 1981 by the women members of the Australian Railways Union (ARU) and it was supported by those who were members of the National Union of Railway workers (NUR). Indeed, when the NSW branch of the ARU organised a ballot in response to management's threat to obtain an order from the Australian Conciliation and Arbitration Commission (ACAC) to have the ban lifted, the women voted to maintain their position. As Roger Law, the ARU Organiser recalled, 'I always felt that it was nothing to do with the actual seats. It was their way of saying we've had enough' (Jobson, Buckland and Shirlaw 1981: 30; Law 2007).

The State Rail Authority (SRA) notified a dispute and the matter was heard on 2 April 1981 before the ACAC where it quickly became clear that the bans had been triggered by what Law referred to as 'work procedures in the depot'. Included among these were a new rostering system, as well as the conflict, violence and fear, which characterised ACDEP's workplace culture (ACAC 1981: 3; Law 2007). To investigate these and further allegations of racial discrimination, sexual harassment, physical and verbal abuse, bullying, intimidation, theft, graft and standover tactics, Commissioner Walker appointed a Special Industrial Board Inquiry, which sat from 15 April and conducted 150 interviews, mainly with the aid of interpreters (ACAC 1981: 7–13, 17, 32). On 5 August the Board handed down its Report. Its findings and recommendations were wide ranging. None of the allegations about sexual harassment or racial discrimination were substantiated mainly because none of the workers were willing to give formal evidence on either issue. The Inquiry did, however, find that 'real cultural differences' existed between Lebanese, Turkish, Yugoslav, Greek and Spanish employees, and that outright conflicts between the Greek and 'Arab' employees, as well as faction fighting among the Greek employees contributed to a climate of fear, fundamental problems of communication and cultural tensions (Marks, née Jobsen, 2004). Such problems were compounded by the fact that the workforce was composed of people who spoke fourteen different languages, while all but one of the managers were Australian-born and spoke only English. The Inquiry Report also identified inadequate supervision of workers, failure to communicate with them and to provide them with suitable protections from dangerous, dirty, physically and psychologically harmful conditions as evidence of management's failure to take responsibility for ensuring a decent workplace for migrants. Not surprisingly, such conditions affected worker behaviour; both before and after the Inquiry, most workers tended to self-segregate in their cultural groups in the meal room (Jobson, Buckland, Shirlaw 1981; Hitchen 2004; Law 2007).

After the Industrial Board's Report was conveyed to SRA Senior Management on 12 August, a committee was formed to identify the best means to implement the Board's recommendations. The SRA adopted an organisation-wide EEO policy and promoted it to staff in different languages. It also introduced a

new culturally-sensitive code of conduct and engaged John Atkinson from the Inter-Church Trade and Industry Mission as a consultant to interview staff. In December 1981 he conducted a Cultural Awareness Programme for managers and first line supervisors. The SRA's EEO Co-ordinator was co-opted onto the Implementation Committee and the SRA's Training and Development Section established a supervisor program in mid-1982 for Head and Leading Cleaners, which was presented in English, Greek, Polish and Italian. Three development officers were also appointed for three months from Greek, Yugoslav and Arab community organisations to help workers with a range of social problems. In 1982 English classes were also introduced during working hours (SRA 1982a; SRA 1982b: 23–24; Circular, Eveleigh Workshops, Locomotive Works, Manager's Memoranda 1949–1983, SRA Archives R103/11; Short 1984; Hitchen 2004).

As Atkinson (1981) wrote in a letter to Commissioner Harrison in late December, the situation at ACDEP typified 'many of the structural difficulties which confront immigrant workers in Australia'. A few months later, he reported that 'some of the basic problems of the depot remain unresolved'. As he put it, 'the general response from the migrant workers at ACDEP has been "unless you can do something to resolve the basic difficulties, no amount of personal concern will satisfy us"' (Atkinson in SRA 1982b, Appendix B). This comment helps to explain the widespread lack of engagement with the SRA's diversity-related initiatives. A good example was the workers' response to the on-the-job English classes which were provided on site by a teacher from the Adult Migrant Education Service. Out of a staff of around 300 (Jobson, Buckland, Shirlaw 1981: 10–11, 38–39) only fifty-four attended from the beginning. Within a year, numbers decreased to twenty-one and six months later numbers decreased further to eleven. According to the English teacher, those from the largest ethnic groups who chose to attend were harassed by members of their own cultural groups (Hitchen 2004).

This case demonstrates that migrant workers at Eveleigh generally and at ACDEP more specifically were not docile victims but actors in their own right. Certainly, industrial activism and solidarity across particular ethnic groups was short-lived. However, the decision by individuals and groups not to speak to the Inquiry about sexual harassment or racial discrimination should not be seen as a sign of passivity. Rather, such actions reflected resistance against exposure to potentially threatening situations. Arguably, this was a rational and very human response. The same can be said about the resistance to management's diversity-related initiatives. As Atkinson put it in his Preliminary Report on the Information Needs of Cleaners at ACDEP in early 1982, it was unfair to suggest that those who did not engage with the SRA's training programs in order to pursue promotion were 'either lazy or that the dehumanising work processes … robbed them of initiative'. On the contrary, he concluded that they had 'taken jobs with specific financial objectives' and worked 'hard in pursuit of precise ends' (Atkinson in SRA 1982a, Appendix F: 7). In doing so, they demonstrated a major distinction between themselves and commodities.

From Factory Fodder to Business Asset: The Impact of Productive Diversity

The EEO initiatives introduced to ACDEP formed part of a broader organisational EEO program adopted for the SRA in 1982, the main focus of which was to establish a statistical profile on the workforce and to collect data that would 'give management an understanding about discrimination in the Authority'. To enable the development of the SRA's EEO Management Plan (MP) a survey for a representative sample of the SRA's 4,000 employees was developed and four Advisory Committees were appointed jointly by management, unions and professional associations (SRA 1983: 23–24). The EEO MP was endorsed by the SRA Board in April (SRA 1984: 22) and the EEO program was formally launched in August (SRA 1984/5: 42–44). One aspect of this program was the continuation of 'industrial English teaching' and another was 'the development of a modular teaching approach to target specific industrial English needs' (SRA 1984/5: 44).

During the 1980s much of the Railway's EEO program focused on issues relating mainly to women workers and gradually also Indigenous workers. The growing emphasis that was being placed on cultural diversity within the NSW government during this period had no obvious impact (SRA 1983–1995). Although the SRA did begin to distribute multilingual information to staff before the practice was promoted as part of the Ethnic Affairs Priorities Statement (EAPS) program launched in 1983, it did not adopt the other practices advocated for NSW government agencies, such as 'the inclusion of people from culturally diverse backgrounds in consultation processes and structures' (Community Relations Commission 2001: 26).

By the mid-1990s, the SRA's approach to its NESB workers was much as it had been in 1982; it continued to rely on the delivery of 'awareness courses … in Equity/EEO, Cultural Diversity in the workplace and workplace behaviour' and equity modules in induction programs, and language assistance. The major difference that occurred during the 1990s was that language and Skillmax training programs aimed to provide tertiary qualified NESB employees with opportunities to enhance their career opportunities and also 'to maximise' their skills. As the 1996–97 Annual Report commented, the organisation wanted to ensure that 'the language and cultural skills of employees are utilised to improve customer service' (SRA 1996–97: 82; 1997–98: 72). In 1996–97, eighteen employees attended the Skillmax program and 163 attended Language Literacy and Numeracy courses; hardly a resounding level of engagement given that the total number of employees listed as being 'from racial, ethnic, Ethno-religious groups' that year was 809 and 791 employees were identified as NESB (SRA 1996–97: 82–83).

This reference to harnessing diversity to improve customer service illustrates the way the rhetoric of productive diversity and the DM business case entered into the lexicon and management of the railways. The following year, this emphasis was reinforced by the establishment of 'an ethnic liaison group … to identify the cultural diversity needs of our customers'. Generally, though, most

attention continued to be focused on 'anti-harassment, targeted development action, and merit selection' (SRA 1997–98: 72). It is therefore not surprising that in 1997 the CEO of the metropolitan passenger rail service unit engaged the leading EEO practitioner, Wendy McCarthy to help the organisation fulfil 'its stated ambition to achieve a 50 per cent intake of women in train-crew training courses'. During the course of her work, McCarthy (2004) found that few railway employees 'could imagine working alongside women and people from Non-English-Speaking Backgrounds as equals.' Such views were, she argued, supported by gender-biased recruitment tests and entry qualifications, coupled with 'close to unbearable' levels of verbal harassment, and frustrating obstacles to career progression for qualified migrants'. Clearly, for all the rhetoric, conditions for migrant railway employees changed little from the early 1980s.

In 1998, when the NSW Government's Ethnic Affairs Commission introduced its Standards Framework to encourage agencies to promote 'best practice' in multicultural policy, the SRA produced its first Ethnic Affairs Priority Statement (EAPS) (SRA 1997–98: 74; CRC 2001: 24). Subsequently, State Rail implemented a Diversity Training program to enhance communication between management and NESB staff at local maintenance depots and the provision of interpreters for employees when needed. However, most initiatives were focused outwards on the customers of the rail service in the broader community (SRA 1999–2000: 86). From 2003, when the SRA began 'the process of transitioning its EEO responsibilities to RailCorp' (SRA 2002–03: 62), its EAPS reporting diminished (SRA 2002–03: 120; 2004–05: 40; 2005–06: 44).

The Annual Reports of State Rail's successor, Railcorp, followed a similar pattern until 2006. In effect both addressed cultural diversity within the framework established by the *Community Relations Commission and Principles of Multiculturalism Act 2000*, which not only 'recognises the cultural diversity of New South Wales' but also 'articulates the philosophy that this diversity is productive by its very nature and should be harnessed to maximise its benefits' (CRC 2001: 9). During the ensuing decade, Railcorp's EAPSs emphasised a customer focus by stressing its commitment to raising staff awareness of cultural diversity issues relating to the travelling public (Railcorp 2005–06: 119).

The rhetoric of the EAPS effectively renders the employees invisible, while the equation of migrant employees' cultural and linguistic skills with assets that can be harnessed for organisational ends reflects the disembodiment referred to earlier. This orientation diverts attention from the everyday experiences of inter-cultural relations in the workplace and denies the agency of the workers themselves. Although evidence of resistance is limited, the low numbers attending Skillmax training and continuous claims by railway employees of harassment, bullying and discrimination related to diversity generally and cultural diversity specifically suggests that migrant and second-generation employees are not passive assets (Kumaran v Rail Infrastructure Corporation & Anor [2005] NSWADT 30; Chand v State Rail Authority [2007] NSWADT 90; Hunt v Rail Corporation of New South Wales [2007] NSWADT 152; Besser 2008; Kidman 2008).

Conclusion

The limited support for International Conventions focused specifically on migrant workers suggests that despite the efforts made by the ILO and the UN to promote the principle that labour is not a commodity, the counter-veiling perspective has been remarkably resilient. This resilience has been considered in terms of the way that Australian migrant/NESB employees have been represented since the post-war era. By highlighting the basic assumptions underpinning the 'factory fodder' and 'business asset' metaphors, this article has shown that both similarly foreground the economic value of attributes such as labour power or cultural knowledge or linguistic skills (at the expense of their bearers) and construe them as objects of employer or management agency. The analysis presented here has questioned the widespread view that a major shift occurred following the acceptance of the 'productive diversity' agenda and DM from the late 1980s. Most importantly, attention to migrant/NESB worker resistance has demonstrated that migrant workers differ from commodities not only because they are living beings who engage in work but also by virtue of their individual and collective responses to working conditions and management strategies that treat them as if they were commodities. It is now necessary to also challenge the unquestioning acceptance of the rhetoric of productive diversity and the business case associated with DM by Australian State and Federal Governments and their agencies and to encourage the ratification of ILO and UN Conventions on Migrant Workers.

Notes

1. The definition of 'migrant worker' adopted here extends beyond that contained in Part 1, Article 2 of the United Nations (UN) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which uses the term to refer 'to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.' For our purposes the term also includes workers who are permanent residents or citizens. In certain cases we refer to such workers in terms of their non-English language speaking background or their cultural and linguistic diversity. See further: http://www.un.org/documents/ga/res/45/a45r158.htm .

2. Although the following Conventions are also pertinent to migrant workers, their specific focus on women renders them outside the scope of this discussion: ILO, Equal Remuneration Convention, 1951, No. 100 (ratified by Australia 10.12.1974); United Nations Convention on the Elimination of All Forms of Discrimination Against Women (18 December 1979, entry into force 3 September 1981 and entry into force in Australia 27 August 1983); ILO, Workers with Family Responsibilities Convention, 1981, No. 156 (ratified by Australia 30.03.1990). See further: Department of Foreign Affairs (2000) Australian Treaty Series, 1983 No. 9, Australian Government Publishing Service, Canberra, available: http://www.austlii.edu.au/au/other/dfat/treaties/1983/9.

html [accessed 15 January 2010]; ILO (2010) International Labour Standards — List of Ratifications of International Labour Conventions: Australia, available: http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byCtry.cfm?lang=EN&CTYCHOICE=0040 [accessed 15 January 2010].

3. In 1996, the Australian Government replied to a General Survey conducted by an ILO Working Party on the effect of Convention 97 by stating that ratification of one or both 'was envisaged or being studied, without however indicating a time frame' (IOM 1999).

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Authorial Details

» **Lucy Taksa** is Professor and Head of the Department of Business in the Faculty of Business and Commerce at Macquarie University, Australia. She can be contacted at lucy.taksa@efs.mq.edu.au .

» **Dimitria Groutsis** is a Lecturer within the Discipline of Work and Organisational Studies in the Faculty of Economics and Business at the University of Sydney, Australia. She can be contacted at dimitria.groutsis@sydney.edu.au .