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WorkChoices, ImageChoices and the marketing of new industrial relations legislation

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**ABSTRACT**

This article takes a critical discourse approach to one aspect of the Australian WorkChoices industrial relations legislation: the government's major advertisement published in national newspapers in late 2005 and released simultaneously as a 16-page booklet. This strategic move was the initial stage of one of the largest 'information' campaigns ever mounted by an Australian government, costing more than \$AUD137 million. This article analyses the semiotic (visual and graphic) elements of the advertisement to uncover what these elements contribute to the message, particularly through their construction of both an image of the legislation and a portrayal of the Australian worker. We argue for the need to fuse approaches from critical discourse studies and social semiotics to deepen understanding of industrial relations phenomena such as the 'hard sell' to win the hearts and minds of citizens regarding unpopular new legislation.

**KEY WORDS**

industrial relations legislation / industrial relations / industrial relations advertising / visual semiotics / visual sociology / WorkChoices

## Introduction

News media are an important forum in which institutions, groups and individuals struggle over the definition and construction of social reality. News stories, opinion pieces and advertisements present issues in certain ways. Examining the construction of everyday issues and events in the media can therefore provide an important source of data on how those events and issues come to be defined as 'social problems'. This article analyses an advertisement by an Australian federal government for its new 'WorkChoices' legislation to illustrate how the government attempted to shape the likely impact of the legislation through an information/advertising campaign using public media. Simply decrying such advertising as 'spin' misses the point that it can be a powerful tool for government to shape public opinion to serve pre-determined interests; hence, a deeper analysis is needed.

WorkChoices was part of a neoliberal project of the Coalition (conservative, non-labour parties) government in Australia from 1996 to 2007. Elected on a platform that included promise of more industrial relations reform emphasizing 'freedom of association' and 'freedom of contract' (Reith, 1996), the new government moved quickly to enact the Workplace Relations Act 1996 (WRA), which was designed to increase the bargaining power of employers and reduce the power and role of industrial tribunals, unions and awards. A second wave of legislative changes in 2005, the 'WorkChoices'<sup>1</sup> reforms, were characterized by then Prime Minister John Howard as 'a historic modernization of Australia's workplace relations system' (Howard, 2005). Opposition to WorkChoices was strong from the outset. In response, the government mounted a highly controversial advertising campaign, cast officially as an information campaign, reportedly costing Australian taxpayers \$AUD137 million (Sinclair and Megalogenis, 2007). Despite this campaign, the Coalition government was comprehensively defeated at the 2007 election; the Prime Minister lost his seat, only the second time for such an outcome in 105 years of nationhood. Most commentators, including government ministers, suggest in post-mortem analyses that WorkChoices was one of the most significant factors in this electoral defeat (ABC, 2008).

One aspect of the WorkChoices project that has received little academic attention is the nature of the government's 'information campaign' to sell the legislation, and the 'counter campaign' by the Australian Council of Trade Unions (ACTU) and others. In general, industrial relations scholars focus almost exclusively on the content and meaning of legislative reforms, with very little attention to how the parties involved construct meanings for the public through advertising and other media representations. However, the representation and construction of meaning is surely significant as politics are conducted as a marketplace for influence on public-policy decision making. The trend toward mediatization of politics is strengthening internationally (Bennett and Entmann, 2001) alongside the growth of new forms of political marketing (Corner and Pels, 2003). One early example is the British election campaign of 1979 when advertising agency Saatchi and Saatchi and New Right think-tanks played a key role in working with the Conservative Party to design their marketing strategy (Lees-Marshment, 2001). As others have focused on the linguistic elements of the WorkChoices campaign (Ainsworth et al., 2006; White and Roan, 2006), we analyse the non-linguistic elements – the semiotic or graphic messages. We examine what they are and what they were to purposefully add to the linguistic

message that constructed the WorkChoices legislation and portrayed the Australian worker and employer in a palatable way for constituents nationwide to consume. Our analysis is in part a response to an argument that the visual is a 'blind spot' in industrial relations analysis (Bailey and McAtee, 2003a, 2003b; Strangleman, 2004) and an affirmation that visually oriented research can enrich our understanding of work-related phenomena.

The first section discusses the nature of critical discourse analysis, including the particular role of images and other graphic elements. The second section we contextualizes WorkChoices as a neoliberal project, examining how the government attempted to create new identities for worker and employer, explaining the political context, and examining the controversy created by the laws. The third section we analyse the government's print advertisement for WorkChoices, using tools from a visually oriented, critical discourse analysis (CDA).

### **Discourse analysis in text and picture**

Contemporary critical discourse analysis (CDA) is a form of discourse analysis that can contribute to 'exposing power abuse, and mobilizing people to remedy social wrongs' (Blommaert and Bulcaen, 2000: 449). CDA seeks to understand the persuasive power of messages within a particular context; it is therefore about not just 'language' or words, but also the context in which language is used, beliefs, meanings and ideas, and above all the power relations within society. A key assumption of critical approaches to discourse is that:

... meaning is socially constructed across a number of institutional sites and practices ... an important concern of discourse theory is to analyse the institutional bases of discourse, the viewpoints and positions from which people speak, and the power relations these allow and presuppose. (Best and Kellner, 1991: 26)

Indeed, discourse is about much more than language per se, although language is an important aspect: discourse is a particular form of social practice (Fairclough, 2002). CDA holds that there is a dialectic approach between structure and practice: while discourse (a 'practice') may be determined by social structures, it also affects them and 'contributes to the achievement of social continuity or social change' (Blommaert and Bulcaen, 2000: 448). CDA therefore works at the intersection of language and social structure, examining how discourse is produced and consumed in our societies.

Talk (which is heard) and text (which is read) are the main foci of discourse analysis. However, while CDA 'is still burdened by a very "linguistic" outlook' (Blommaert and Bulcaen, 2000: 461), it is beginning to draw inspiration from fields such as social semiotics, which examines how signs play a role in constructing the social world (Kress and Van Leeuwen, 1996: 6) and how symbolic processes are 'integral parts of a shifting social framework, influenced by governments and political fiat, changes in the economy and the dynamics of the market' (Symes, 1998: 135). The marketing literature is also a source of methods and theory on how imagery shapes consumer response (Callow and Schiffman, 2004; Foss, 1994; Mullen and Fisher, 2004; Scott, 1994). Here it is important to note that with respect to visual images there is wide

agreement among visual researchers that 'the meaning of a photograph is constructed by the maker and the viewer, both of whom carry their social positions and interests to the photographic act' (Harper, 1998: 32). A single photograph – or other visual element such as a diagram or cartoon – carries multiple meanings and can be interpreted in multiple ways (Ball, 1998: 137).

CDA has inherent appeal for industrial relations (IR) scholars. It aims to 'uncover, demystify or otherwise challenge dominance' and is 'more issue-oriented than theory-oriented' (Van Dijk, 1997: 22). CDA is thus 'engaged and committed', representing 'a form of intervention in social practice and social relationships' (Fairclough and Wodak, 1997: 258). A CDA approach is therefore consistent with industrial relations as a field of study, concerned as the field is with 'the problem of labour' from a social justice perspective, and committed to pursuing inter- and multi-disciplinary research to further understandings of work phenomena that are 'sensitive to the differing ideological perspectives from which the employment relationship can be analysed' (Bray et al., 2005: 10).

However, limited CDA research and almost no visually oriented CDA analysis have been conducted in industrial relations scholarship. Hamilton argues cogently that employment relations researchers must engage with the rhetorical tradition since 'persuasion and instrumental discourse is central to the management, regulation and control of employment relationships' (2001: 443) and he points to the developing study of organizational discourse as a model (e.g. Grant et al., 1998). There are some empirical studies: Brimeyer et al. (2004) examined labour-organizing from a rhetorical perspective; Selsky et al. (2003) explored how discourses were mobilized and used by participants during the 1997–98 Melbourne Port industrial dispute; and Ainsworth et al. (2006) and White and Roan (2006) explored the text of the federal government's advertisements whose semiotic and visual dimensions we examine in this article. Using a visual approach in their analyses, Bailey and McAtee (2003a) surveyed various approaches to the 'visualized' study of work and industrial relations. They have also illustrated the use of visual methods through their ethnographic participant–observer study of a union campaign (Bailey and McAtee, 2003b), drawing on insights and interpretive methodologies from art history, photography theory and other fields of scholarship. The present article, with its analytical lens on the semiotic elements of a government industrial relations advertisement, thus contributes to the very few but valuable CDA analyses of industrial relations subject matter. Our analysis reveals how the load of graphic and visual elements within the advertisement were part of the government's carefully orchestrated campaign to remake the industrial relations landscape with a new set of visual images to reinforce a new appreciation of employee–employer relations that it sought to embed across Australian society.

## **The legislation and the government's campaign**

### Locating WorkChoices within the Australian neoliberal project

According to the 'varieties of capitalism' thesis (Hall and Soskice, 2001), Australia's political economy is a 'liberal market economy'. WorkChoices was part of a neoliberal project of the conservative Coalition that governed Australia from 1996 to 2007.<sup>2</sup> The Workplace Relations Act 1996 was designed to increase the bargaining

power of employers vis-à-vis employees, particularly by reducing the power and role of the traditional intermediary institutions: industrial tribunals, unions and awards. However, various factors stymied further amendments to the Act over the next few years. Between the 1996 and the 2004 federal elections, the Senate rejected 14 bills and 22 lapsed, with only 17 bills made into Acts (O'Neill et al., 2006). Bills that were passed contained less significant aspects of the government's industrial relations agenda, and were watered down considerably by negotiations with minor parties in the Senate. These circumstances meant that the government was failing dramatically to implement its industrial relations reform agenda. In July 2005, however, the Coalition unexpectedly gained a majority in the Senate, giving it control over both houses of Parliament – a watershed that enabled the WorkChoices transformation. Legislative change included the removal of unfair dismissal provisions to exempt companies employing 100 or fewer employees; sweeping amendments to the role of the Australian Industrial Relations Commission (AIRC), particularly its key roles in setting a 'safety net' for wages and in arbitrating disputes; and a large range of provisions that reduced the operation of the award and bargaining systems, and whittled away the rights of unions (Stewart and Williams, 2007: 26–42). Of particular concern was the removal of the safety net for statute-based individual agreements (Australian Workplace Agreements – AWAs), which allowed employers to eliminate shift payments, overtime penalty rates and a range of other conditions beneficial to employees. Low paid, non-standard and/or non-unionized workers were particularly vulnerable to these changes (Elton et al., 2007). Unlike other neoliberal roll-outs, such as those of the Thatcher years in Britain and the 1980s in New Zealand, the Australian variation has involved a re-regulation of industrial relations by shifting the locus of power toward the national (Federal) government, in the process advantaging capital at the workplace (Weller, 2007: 897).

The Prime Minister, John Howard, publicly justified WorkChoices with a variant of a 'Third Way' argument, claiming that the new laws 'are grounded not in ideology but in economic reality' (2004, cited in Dyrenfurth, 2007: 223), and later declaring:

I do not seek to Americanize the Australian economy, I seek to modernize the industrial relations system of the Australian economy to the benefit of the men and women of Australia ... What we are fashioning here in Australia is a unique set of labour laws for the future of the Australian nation. They are not in ideological slavery to either an American or a European model (Howard, 2005).

Along similar lines, the Minister for Workplace Relations, Kevin Andrews, averred that WorkChoices 'manag[es] to combine the vigour of American capitalism with the humanity of European welfare – suffering the drawbacks of neither' (Andrews, 2006). Here the changes are framed in terms of 'modernizing' and 'avoiding ideology' (with 'ideology' used in the pejorative sense of 'outmoded' thinking), thus implying that the extant industrial relations system was in thrall to an ideologically bound past and to sectional interests such as unions.

In a related vein, Howard reconstructed the discourse around class in Australia, 'pit[ting] so-called "elites" against so-called "battlers"' (Greenfield and Williams, 2001: 32), in part by appropriating 'the widely shared symbols of Australian popular nationalism, the symbols of mateship, easy-going informality, practical improvisation

and the fair go' (Brett, 2006). The term 'Howard's battlers' was injected into the popular idiom, with the battlers 'sandwiched between powerful elites and self-interested unionists and welfare dependants' (Scalmer, 1999: 6). A chief aspect of Howard's electoral strategy was that 'mainstream' Australia had been repressed under the former ALP government by an iron regime of political correctness, and he ridiculed cosmopolitan new class elites that neglected the views of ordinary Australians (Johnson, 2000: 7). By implication, these 'elites' were not the wealthy or privileged, but groups in civil society such as feminists, welfare reform advocates and other activists (Sawer, 2005). In a 'linguistic takeover' (Dyrenfurth, 2007: 216), the Howard regime appropriated and indeed even reinvigorated the language of mateship and national egalitarianism, the traditional province of the Left.

This context is significant for understanding the WorkChoices reforms and the government campaign that accompanied them. Howard had been attempting for some time to create, discursively, new identities for workers and their unions. As part of a market populist discourse, the government constructed an identity for the worker as an entrepreneur of the self within an 'enterprise culture', a Thatcherite phrase (Howard, 2004, cited in Johnson, 2007: 202–3). This strategy sought to break the nexus between work, justice and collective identities, and is vital to understanding the impetus behind WorkChoices. Howard's own references to unions in speeches and press releases are sparse but, where they occur, they downplay or disparage the unions' role. For instance, in a 2005 speech, Howard 'mark[ed] with approval the fact that in Australia today almost twice as many people own shares directly as hold a membership in a trade union' (Howard, 2005: 3). In a 2006 speech to an employer association, the then Workplace Relations Minister, Kevin Andrews, described Australia's industrial relations system as 'antiquated and inflexible' and 'driven by and for unions', averring that union bosses would 'los[e] their privileged status' (Andrews, 2006).

Thus, paralleling the process in other countries, the Howard government endeavoured to remove itself from the rhetoric of 'left and right' politics, and to proclaim an "end of ideology" ideology' (cf. Weltman and Billing, 2001). Class- and union-based ideologies were cast, borrowing Geoghegan's words, as 'antiquated modes of belief, products of an earlier, surpassed reality' (2004: 124). The comprehensive way in which the Howard government attempted to redefine workplace norms and the identity of worker and employer is the Australian variant of Bourdieu's 'new planetary vulgate', a vocabulary from which terms such as 'capitalism', 'class' and 'inequality' have been 'peremptorily dismissed' (Bourdieu and Wacquant, 2001: 1). The new worker, the new boss and the new industrial relations system were given life in political discourse leading up to the introduction of WorkChoices. The government's campaign to 'sell' WorkChoices needed to deploy this discourse in print form for popular consumption.

#### WorkChoices: campaigns for and against

The widespread changes to employment relations that the Howard government wrought through WorkChoices created much opposition, which was widely reported in the mainstream media. Notably, it was also reported in the advertising campaign of the ACTU, which aimed to inform the public of the negative implications embedded in

the legislation. ACTU advertisements featuring scenarios of hypothetical workers hurt by the laws appeared to strike a chord within the community, and ACTU and other analysis of the underlying rationale of the legislation and its contradictions was widely reported. This critique featured two main strands: that because prosperity and job creation were at high levels, drastic industrial relations reform was totally unneeded; and that claiming to give workers 'more choice' while clearly reducing or removing their choices was nothing but Orwellian (Towart, 2005).

The government's response to media activity and the ACTU campaign was to engage in its own advertising campaign. This campaign was conducted in several waves from late 2005 until the November 2007 election, with a particularly significant wave in October and November 2005, just before the legislation was introduced into Parliament. Controversy over the cost and timing of the legislation raged in the press for weeks; even commentary by a newspaper otherwise supportive of the Howard government and its WorkChoices legislation held that the campaign was 'an advertising rort ... a partisan ploy to prop up an unpopular policy' (The Australian, 2005: 31). In this climate, the ACTU Secretary sued the government, alleging that the 2005 federal budget did not cover expenditure on the campaign. While a majority of the High Court bench (5:2) agreed with the government, the case kept alive over several months the issue of the problematical nature and legitimacy of the campaign (see Orr [2006] for an analysis).

The government's expensive advertising campaign had two aims: to have the electorate accept the legislation, and to restore the government's own, rapidly tarnishing image. The campaign was designed to convince the public 'to accept, if not embrace' unpopular policy (Van Onselen and Errington, 2006: 9). It also sought to counter media and ACTU portrayals, a strategy that can be understood in terms of image restoration theory. This theory has two key assumptions: 'communication is best conceptualized as a goal-directed activity; and maintaining a positive reputation is one of the central goals of communication' (Benoit, 1995: 65). However, governments deal with highly media-literate audiences (Dean and Croft, 2001), which view political advertising as intrinsically untrustworthy (Luck and Chapman, 2003). These audiences are concerned by a growing trend to spend large amounts of tax-payers' money in promoting government agendas to 'tell us what to think' as opposed to imparting information for audiences to assess themselves (Orr, 2006).





Australian Government

# WorkChoices. One simpler, national Workplace Relations System for Australia.



## Australia continues to change.

Over the last ten years, something important has been happening in Australian workplaces. Australian workers and Australian businesses have started to change the way they work.

As a group and individually, more employees and employers have been sitting down together, talking and working out their own workplace arrangements.

As a result, both employees and employers have benefited. There have also been more job opportunities created for women and school leavers.

## A stronger economy.

This co-operative approach has been helping Australia build one of the strongest economies in the western world. We are exporting more. We've created over 920,000 new, permanent, full time jobs. Australia's unemployment rate has been markedly reduced, reaching a 30 year low and interest rates are at historically low levels.

## Securing the future.

Australia has come a long way, but we can't stand still. More needs to be done. If we are to grow and prosper, we need to continue working together to implement fair, practical and sensible changes to our workplaces.

These changes need to provide more choice and flexibility for both employees and employers in their workplaces, so we can find better ways to reward effort, increase wages, and balance work and family life.

## A fairer system.

We also need to make our workplace relations system fairer and provide a better balance in the workplace for employees and employers.

These changes must ensure that award wages and specified existing conditions, along with the right to be represented by a union, are protected by law. These changes should also provide extra help for employees to know their rights.

And these changes must provide additional support for employees in cases of unlawful termination.

## A simpler system.

We also need to make our workplace relations system simpler. Australia has over 130 different pieces of industrial relations

legislation, over 4,000 different awards and six different workplace systems operating across the country.

There are too many rules and regulations making it hard for many employees and employers to get together and reach agreement in their workplaces.

We also have too much red tape, too much complexity and too much confusion in some parts of the current system. It's bad for business, it costs jobs and it's holding Australia back.

For all these reasons, the Australian Government is moving towards one, simpler national workplace relations system.

It's called **WorkChoices**.

Importantly, it will make it much simpler for employees and employers to get together, talk and work out the workplace arrangements that best suit them.

## Improving our living standards.

By encouraging people to work together and by continuing the improvement in our workplaces, **WorkChoices** will also help continue the improvement in our living standards and quality of life. And that's something worth working for.



## WHAT'S CHANGING.

### THE NEW WORKPLACE RELATIONS SYSTEM

- WILL** move towards one, simpler national system.
- WILL** simplify the workplace agreement-making process.
- WILL** establish the Australian Fair Pay Commission to protect minimum and award classification wages.
- WILL** introduce the Australian Fair Pay and Conditions Standard to protect workers' wages and conditions in the agreement-making process.
- WILL** enshrine a set of minimum conditions in Federal legislation for the first time.
- WILL** provide modern award protection for those not covered by agreements.
- WILL** ensure an ongoing role for the Australian Industrial Relations Commission (AIRC).
- WILL** protect against unlawful termination.
- WILL** better balance the unfair dismissal laws.

## WHAT ISN'T CHANGING.

### THE NEW WORKPLACE RELATIONS SYSTEM

- WON'T** cut minimum and award classification wages.
- WON'T** remove protection against unlawful termination.
- WON'T** abolish awards.
- WON'T** remove the right to join a union.
- WON'T** take away the right to lawful industrial action when negotiating an agreement.
- WON'T** outlaw union agreements.
- WON'T** abolish the Australian Industrial Relations Commission.

Authorised by the Australian Government, Capital Hill, Canberra, ACT

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thesundaymail.com.au

THE SUNDAY MAIL October 16, 2005 Page 15

Figure 1 Sunday Mail 16 October 2005 page 15

## A simpler, fairer system.

**WorkChoices** will make the Workplace Relations System in Australia simpler and fairer for both employees and employers.

### A SIMPLER AGREEMENT-MAKING PROCESS.

To reduce delays and uncertainty in agreement-making, a streamlined process will be introduced.

All agreements will now take effect from the date they are lodged with the Office of the Employment Advocate.

So once an agreement has been lodged it will start to operate and people can start working under the new arrangements.

The current complex certification process for collective agreements and the approval process for AWAs will no longer apply.

Varying or terminating of agreements has also been simplified. New agreements can now be varied or extended up to a maximum of five years or terminated by agreement between employees and employers.



### A FAIRER SYSTEM.

Whether you're an employee or an employer, your rights will be protected under the new system by the Office of Workplace Services. Penalties will apply for breaches of awards and agreements. Of course, both employees and employers will be expected to meet their obligations.

The Fair Pay and Conditions Standard, Federal awards and agreements, and any State awards and agreements brought into the Federal system will all fall under a new compliance regime that will be enforced by the Office of Workplace Services (OWS).

The OWS will be given extra resources to ensure employees and employers know their rights and obligations and that these are fairly enforced.

### ONGOING ROLE OF THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION.

Because the new workplace relations system is based on co-operation, employees and employers will be encouraged to resolve disputes between themselves.

To support this aim, the legislation will include a model Dispute Settling Procedure that will be included in all awards and which employees and employers can choose to use when resolving their workplace disputes over an agreement.

The legislation will also establish a register of private Alternative Dispute Resolution providers that will support genuine choice between the AIRC's dispute settling expertise and other dispute resolution specialists.

Disputes can also be referred to the AIRC. The role of the AIRC will be to mediate between the parties and assist them in reaching their own dispute settlement.

The AIRC will also have responsibility for simplifying awards, regulating industrial action, regulating registered organisations and unfair dismissal matters.

## How will the changes affect you?

**WorkChoices** will directly cover up to 85% of Australian workers. That includes everyone working for incorporated companies as well as employees of Australian Government bodies (such as the Australian Tax Office) and employees working under State awards or agreements who are employed by a Constitutional corporation. **WorkChoices** will not affect employees of unincorporated businesses and those State government bodies not currently in the Federal system. Unincorporated businesses already in the Federal system will be able to remain in the system for up to 5 years.

### PEOPLE ON FEDERAL AWARDS.

If you currently work under a Federal award, your minimum wages and basic entitlements (such as annual leave, personal/carer's leave, parental leave and a maximum 38 hour ordinary working week) will be guaranteed by law under the new Fair Pay and Conditions Standard. If your award differs from the Fair Pay and Conditions Standard, the more generous of the two will apply. There will be protected award conditions such as public holidays, rest breaks, incentive-based payments & bonuses, annual leave loadings, allowances and overtime loadings. These protected award conditions can be the subject of workplace bargaining, though they can only be modified or removed by specific provisions in an agreement. If these entitlements aren't mentioned in the agreement the award provisions will continue to operate.

### PEOPLE ON FEDERAL COLLECTIVE AGREEMENTS.

If you currently work under a Federal Collective Agreement, all the working conditions and entitlements negotiated in that agreement will remain except for clauses which inhibit the ability of the parties to bargain or are currently prohibited such as compulsory union bargaining fees for non-union members. Otherwise, no changes can be made without the approval of the employees to the agreement. In relation to Collective Agreements made under the new system, the Fair Pay and Conditions Standard will apply throughout the life of these agreements, which can be up to 5 years. Because the Fair Pay and Conditions Standard represents the minimum which all employees are entitled to, wages and conditions in agreements will always need to be equal to or higher than the Standard, which may change from time to time.

### PEOPLE ON AWAs.

If you currently work under an AWA, the conditions and entitlements you negotiated in that agreement will remain intact. No changes can be made to your AWA without your specific approval.

In relation to AWAs made under the new system, the Fair Pay and Conditions Standard will apply throughout the life of these agreements, which can be up to 5 years. Because the Fair Pay and Conditions Standard represents the minimum which all employees are entitled to, wages and conditions in agreements will always need to be equal to or higher than the Standard, which may change from time to time.

### PEOPLE MOVING INTO THE NEW SYSTEM.

If you currently work under a State award or agreement and are moving to the national system, your State award or agreement will become a transitional agreement that applies to your workplace and protects your current working conditions until replaced by a new agreement. Some content in former State awards and agreements such as union preference clauses or those which are currently prohibited in the Federal system will be unenforceable, like compulsory union bargaining fees for non-union members.

### PEOPLE IN VICTORIA.

Because Victoria led the way in referring its workplace relations powers to the Commonwealth, you will continue to be covered by the Federal system regardless of whether you are employed by an incorporated company or not. All employees in Victoria will benefit from the Fair Pay and Conditions Standard, ensuring that minimum wages and conditions are guaranteed by law.

For more information call the **WorkChoices** hotline on **1800 025 239** or visit the **WorkChoices** website [www.workchoices.gov.au](http://www.workchoices.gov.au)



**Australian Government**

## **'Protected by law': the government's WorkChoices advertising**

As part of its response to negative publicity and the ACTU's campaign, the government prepared three key pieces of informational material in October 2005: a 16-page information booklet, prepared by the Department of Employment and Workplace Relations, and two advertisements in the national press. One was a four-page advertisement and the other, published a fortnight later, was two pages (see, for example, the Queensland newspaper *The Sunday Mail*, 16 October 2005: 15–18 and 30 October 2005: 30–31). The first and last pages of the four-page advertisement are reproduced here in Figure 1 and Figure 2 respectively.

### A new industrial relations brand: the title of the legislation

The dominant discourse in this and previous attempts in Australia to deregulate industrial relations has been the notion of 'choice'. The 'WorkChoices' title deliberately blurs the distinction between consumption and production; by combining languages from production (work) and consumption (choices), it implies that workers 'consume' their jobs in the same way as they consume any other commodity (Ainsworth et al., 2006: 9, citing du Gay, 1996). It thus creates a new identity for the worker, which assumes equality of power between the employer who 'offers' the choice, and the worker who 'makes' (or 'takes') it (Bailey, 2000: 41). Use of a closed-up (unhyphenated) compound word indicates an intention that the two concepts 'work' and 'choices' should be seen as 'belonging together', that they are a single concept. By using a capital letter in the middle of a word, both parts of the compound have equal importance and emphasis, which further emphasizes the aspect of 'choice'. The term WorkChoices was thus created as an easily remembered brand name for the legislation.

### The organization of text in the advertisement

A key feature of the first advertisement's text is the amount of space devoted to emphasizing the 'positive' aspects of the legislation. As Orr has explained, the government had a duty to present the information honestly by emphasizing that the legislation would increase managerial power and thus reduce at least some employees' power (2006: 16). However, the text does not clearly explain the key changes WorkChoices would invoke and enforce, and downplays employees' losses. For example, employees have 'Protection against unlawful termination' according to a bolded, large font heading on page 3 of the advertisement but buried in the text below, in much smaller font, is the qualifier – or more accurately, the disqualifier – that 'Businesses with up to and including 100 staff will be exempt from unfair dismissal laws because previous laws prevented many businesses from hiring more staff'. Tellingly, the text does not present the straightforward message that this protection is a right that all workers already had, but which the government, through WorkChoices, would remove from many workers. It is likely that many people are unaware of the distinction between 'unlawful' and 'unfair' termination of employment.<sup>3</sup> Thus the information provided by the advertisement, while factually correct, is disingenuous. The advertisement presents semiotically the key message

that the government wants readers to absorb, seeking to reassure workers they have not lost out (again, effectively, the government 'protects' workers) by positioning that information in large bold font, above the highly important but semiotically downplayed unfavourable information in small font that is less likely to attract careful reading. Another dimension to this semiotic exercise is the powerful semiotics of 'absenting' information. The advertisements' creators have deliberately not provided information to more fully inform readers' understanding. Similarly, the section on 'New Standard Conditions' in the middle of the four pages (pp. 2–3) 'disappears' information about the 'old' award conditions that an employer's offer of an AWA can remove. Manifestly, the advertisement devotes a much larger share of space to conveying what the government has chosen to present as positive aspects of the legislation. Very little of the content concerns negative messages, and where information with negative implications for workers is presented, the language is redacted through a pro-business lens to present positive consequences. In these instances the agency of both the government and its WorkChoices legislation is 'disappeared' through the passive voice; for example, 'businesses ... will be exempt from unfair dismissal laws' rather than 'WorkChoices removes employees' right to claim unfair dismissal'.

Useful insight can also be gained from examining the longer advertisement for its style vis-à-vis the rest of the newspaper. Newspapers differ significantly from each other in style. Some are 'tabloid', emphasizing pictures, colour, shorter stories with larger typeface, more white space and the like (England's The Sun, for example, and some Australian dailies). Others give more prominence to printed language, with much less emphasis on pictures (the German Frankfurter Allgemeine, and most 19th and early 20th century newspapers) (Kress, 2002a). In CDA terms, newspapers differ from each other in their semiotic organization. Most newspapers are on the continuum between these two extremes, although today there is a move to tabloid format and with it, emphasis on shorter stories, more visual material and so forth. The WorkChoices advertisement has a high proportion of text relative to visual and graphic elements, a feature more pronounced by the spread over four pages. It contains an average of almost 900 words per page, which comprise 50 per cent of the space. The remaining 50 percent is taken up by photographs (20 per cent), large font headings (25 percent) and blank white space (5 percent). The WorkChoices advertisement thus contrasts with the semiotic organization of the other content of the newspapers in which the government placed it. Text even denser than in the news pages makes this advertisement look more like an 'advertorial' in its layout. Overall the semiotic features of the WorkChoices advertisement do not invite detailed perusal. Given the usual purpose of an advertisement – precisely to invite the viewer's eyes – the paradox of this (very expensive) advertisement's appearance begs the obvious question: 'Will the text be read?', followed by a less obvious question: 'Did the government intend the text to be read?' Since the newspapers where the government placed the advertisement are those that create a particular form of 'habitus' and subjectivity in their readers (Kress, 2002b), most likely the text would not be read in full (and one would infer that this outcome was indeed the government's intention). Rather than text, the images, iconography and large typeface headlines would carry the message as the chief semiotic elements, even though occupying only a small proportion of the advertisement's space.

Graphic elements

Four aspects of the advertisement's design draw the reader's attention. First is the eye-catching headline on the first page, WorkChoices: One simpler, national Workplace Relations System for Australia. Second are photographs of happy workers. Third is the official-looking 'PROTECTED BY LAW' seal 'stamped on' obliquely in a number of places, and finally are the section headings, in larger typeface than the rest of the text.

The most prominent graphic device is the words 'PROTECTED BY LAW', encased in a rectangular box set at an angle, as if 'stamped' on the advertisement seven times (13 times in the booklet). This is an 'icon' – a graphic device that represents some object or action, and is ascribed symbolic meaning(s) beyond the object represented. This icon acts as an official 'seal' to the legislation and its symbolic weight gives authority to the advertisement and its content. This endorsement is underlined by another 'officializing' icon, the Australian coat of arms at the top of the first page of the advertisement and at the bottom of the last page. Most viewers would only subliminally note the use of the coat of arms; it is ubiquitous, particularly because the Australian Government is such a large advertiser. But this icon's ubiquity and viewers' familiarity with it make it a key feature of the social semiotics of the advertisement. Use of the two icons in tandem is to reassure the viewer: the legislation is sanctioned by the federal government and it protects citizens (as one would expect legislation – and governments – to do). Reiteration of the 'PROTECTED BY LAW' symbol suggests to the casual gaze that there is no need to interrogate the words of the text (even if one was intending to), as the advertised 'product' has an inbuilt (and reiterated) 'guarantee' of protection.

The power of the 'PROTECTED BY LAW' icon is even more evident considering the organization of the rest of the advertisement. Its layout is unsophisticated and lacklustre. Not only does the advert present a crowded mix of small text and images – across four pages – as noted above, it also organizes the material in a linear grid. This conservative mode of presentation is at odds with the 'tilted grids' now favoured for many advertisements because diagonal lines create a sense of activity and stand out through their contrast with the dominant horizontal layout (Arens and Schaefer, 2007: 273–275). The 'PROTECTED BY LAW' icon is both the only tilted element, and the only element that disrupts the images and text in any way, pulling attention to it; in several cases, the icon is transposed across pictures, causing further disruption and directing attention to the pictures. Thus the text – advertorial, exhaustive and taking up most of the space – is further downplayed by the layout used (and therefore less likely to be read), promoting the icon's dominance.

### Photographs

The photographs in the advertisement (and the booklet) reinforce and elaborate upon the messages given by the semiotic and graphic elements of the text. The intended consumers of the advertisements were 'Howard's Battlers'. The photographs are mostly close-ups. Subjects usually gaze directly at the viewer, in short shots (i.e. not full length), which suggests an intimate relation between the subjects and the viewer and invites identification by the viewer. Colour photography (in the case of the booklet) further establishes 'realism' and 'factualness' (Kress et al., 1997: 284). Most subjects<sup>4</sup> look confidently from the page with a direct gaze and all smile broadly at

the advertisement's consumers. Most have their arms by their sides; the exceptions being one worker giving a 'thumbs up' sign and another worker lifting a hand to wave at the viewer. The expression, stance and dress of the photographs' subjects de-emphasize social hierarchies while accentuating the egalitarian nature of the 'new workplace'.<sup>5</sup> Emphasis is on the individual worker; three of the five photographs are of individuals. These workers specifically include a pregnant woman and a woman with a child to convey ancillary messages about protecting pregnancy and family responsibilities, two issues highlighted in ACTU campaigning. The photographs present no evidence of cultural diversity, indicating another aspect of Australia's richly diverse society that the government has 'disappeared' from this advertisement, to reinforce the imaginary Anglo-Celtic nature of the Australian citizen/worker noted by political scientists in other contexts (e.g. Dever, 2005; Johnson, 2007). The text, as Ainsworth et al. (2006: 4–5) have noted, 'hails' the reader as Australian, with slippage between 'we' and 'Australia' that emphasizes a unifying subject position and downplays the importance of workers as a distinct social and economic category.

The image in the first photograph, positioned just below the title banner, is of four workers standing side by side (see Figure 1). Here the remarkable feature is the 'unremarkableness' of these people. They appear to be in some form of manufacturing workplace, all wearing safety vests – and all 'happy'. They appear to represent the subjective 'honest, hardworking Australians' whom the government wanted to convince would benefit from WorkChoices. In contrast to the airbrushed images in many advertisements which suggest exceptional human qualities, it is the very ordinariness and the straightforward posture and facial expression of the human subjects that distinguish the photographs in the advertisement. These images do not seek to construct a 'hyper reality' or 'dream-world', as might be the case in another type of advertisement; they are explicitly to convey – indeed to help construct – a new 'everyday'. Precisely because of this purpose, the photographs represent 'constructed consumption communities' that do ideological work in conveying a message (Delin, 2000: 124). Indeed, these images reinforce some of the mechanisms by which the Howard government constructed the discourse of the 'enterprise worker'. Viewers do not see those pictured as part of a group or collective. Apart from the three noted above who are presented as individual workers, they are (with the exception of that first image) paired and standing side-by-side, suggesting either support from a fellow worker or alternatively the camaraderie of a boss and worker, or supervisor and subordinate. The interpretation here is ambiguous, all the more so since in most cases the workers wear similar or identical clothes (e.g. two workers in blue dustcoats, three workers in open-collared shirts and jumpers or cardigans, the four workers in tracksuit pants, T-shirts and reflective vests). There are no 'suits' to be seen. Again, the subject position of those depicted is downplayed, and the text reinforces this message (Ainsworth et al., 2006: 5).

Few of the subjects in the booklet photographs are actually 'working'; one woman looks up from a desk, presumably pausing from her work, and in another, two men sit at a desk looking towards each other, perhaps at a meeting. Otherwise, these illustrations are presented as 'photographs taken at work-places' – during a break to accommodate the photographer, one assumes – rather than 'photographs of people at work'. This approach further reinforces the 'family snapshot' nature and hence the 'reality' of the images. It also ensures that the nature of the work (as well as of the

power relationships in the work- place) is decentred and invisible – as with other downplayed elements of the employment relationship, ‘disappeared’. Pre-eminent is the worker him- or her- self. The photographs’ subjects are, therefore, ‘honest toilers’ working hard with their employers, for the company, themselves and the country, and smiling because they understand they will be ‘winners’ after they have secured the ‘choices’ imposed by this new legislation.

## **Limitations of the Research**

We have limited this discussion to interpretive analysis of the early stage of the Howard government’s advertising campaign to cultivate public goodwill towards its WorkChoices legislation. Our semiotic text-interpretive analysis of the advertisement’s explicit and implicit messages is a common approach in CDA. A quite different question is whether the interpretation that we have presented here maps onto the responses of the intended audience (McQuarrie and Mick, 1999: 38). Polls showed that voter opposition to the legislation, already strong, increased during the period when the government was conducting its advertising campaign (Roy Morgan, 2005, 2006). The particular impact of the advertisements is unknown: reader-response or reception research (Scott, 1994) would be required, an exercise beyond the purpose of this article.

A fuller study of Howard’s WorkChoices disinformation campaign – necessarily book-length – would incorporate analysis of textual and visual examples of pro- and anti-WorkChoices rhetoric from a variety of sources. It would include news stories, advertising and press releases and other government sources, and reach more broadly to the advertising and press releases from other political parties, unions, large employers and employer associations, and across time to all stages of the campaign, not just one. It would seek to examine the interplay between advertising materials as the pro- and anti-WorkChoices campaigns were conducted, how the different camps constructed worker and employer identities, and it would variously frame and analyse the legislation. The process of producing the advertisements also warrants examination: negotiations between the Minister’s office, the government department commissioning the advertisement, and the marketing executives, technicians and artists who created the products. We also acknowledge the need for investigations of discourse that draw from other traditions and analytical frameworks and usefully combine approaches such as text-interpretation and reader-response to reveal new insights, understandings and conceptual frameworks. As one of the first steps in relatively new research territory, however, this article signposts new directions, offering depth of analysis rather than breadth of empirical research.

## **Conclusion**

Advertisements are not merely utilitarian, information-giving texts. Appealing to the gaze and the desire of their audiences, they praise good qualities and/or identify bad qualities in opponents to induce the public to buy (and in the case of WorkChoices, to welcome or at least compliantly accept). Thus they have aesthetic elements, and are the products of interaction between a variety of actors. As we have argued in this article, they reinforce and indeed may create or recreate identities, and

illuminate or anticipate social interactions. CDA, social semiotics and related analytical tools have great potential for industrial relations scholars. Industrial relations can be highly contested turf, whether overtly (as in Australia at a public policy level over the past few years) or more covertly (via the discourses of the contesting parties, for example at the work-place or within organizations). Mediatization of politics in its broadest sense and diversification of political marketing mean that to understand situations in which issues are politically contested, attention should be paid to the players' intentions and mechanisms of contestation, not just to whether the arguments are 'right' or 'wrong' and whether they are supported or not supported by evidence.

As Giroux indicates, there is particular need to 'analyze how neoliberal policies work at the level of everyday life' (2005: 14). Employment and other industrial relations issues ought not to be reduced to matters of discourse analysis. To the contrary, discourse analysis can expand understanding and perceptivity of industrial relations issues. As this study demonstrates, CDA can make a significant contribution to researching contested issues through revealing new insights, enabling researchers to address such concerns as: what is really being contested here and how is it being contested? Visual data and visually sensitive research methods can play an important part in this analysis.

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## **Notes**

1. The Act's full title is the Workplace Relations Amendment (Work Choices) Act 2005, which amended the Workplace Relations Act 1996.
2. The roots of WorkChoices are arguably in earlier legal changes, particularly ones made in the 1980s that were initiated by Labor governments. These, like the more recent changes in Britain, pursued a more 'social-democratic variant of neo-liberalism' (Hall [2003], cited in Smith and Morton, 2006: 402).
3. Until the introduction of WorkChoices, law protected all workers against both unfair and unlawful dismissal. Yet under WorkChoices, employees in workplaces with 100 or fewer employees would have legal protection only against 'unlawful' dismissal – on the grounds of discrimination, such as by race, gender and so forth. Here, as throughout the legal arrangements that WorkChoices set in place, 'fairness' was no longer a legally enforceable criterion in the employment relationship.
4. In 10 of 13 photographs in the booklet; and three of the five photographs in the advertisement.
5. In two cases there is a pair of workers, male and female, in one with the male gazing directly at the camera, but the female gazing at the male (p. 8 of the booklet) and in another case the male gazing at the camera but the female looking to the left. In one case, p.12 (a full page photograph also used in the advertisement) the pregnant woman gazes from left to right across the page). Head tilting and an indirect gaze are more typical of representations of women, and connote powerlessness.



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