Work, employment and employment relations in an uneven patchwork world

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(eds) A. Rainnie and P. Todd

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<table>
<thead>
<tr>
<th>Authors/Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Susanne Bahn</td>
<td>2</td>
</tr>
<tr>
<td>Mining workers ability to identify hazards using a picture survey</td>
<td></td>
</tr>
<tr>
<td>Susanne Bahn and Llandis Barratt-Pugh</td>
<td>11</td>
</tr>
<tr>
<td>Improving Safety Culture: the Impact of the Construction Induction Training</td>
<td></td>
</tr>
<tr>
<td>on the construction industry in Western Australia</td>
<td></td>
</tr>
<tr>
<td>Susanne Bahn, Llandis Barratt-Pugh and Ghial Yap</td>
<td>26</td>
</tr>
<tr>
<td>Workers on temporary 457 visas: Challenges they face when working in the</td>
<td></td>
</tr>
<tr>
<td>Western Australian resources sector</td>
<td></td>
</tr>
<tr>
<td>Marian Baird and John Murray</td>
<td>36</td>
</tr>
<tr>
<td>The Context Effect: Collective Bargaining for Paid Parental Leave</td>
<td></td>
</tr>
<tr>
<td>Timothy Bartram, Brendan Boyle, Anthony McDonnell, Pauline Stanton and John</td>
<td>37</td>
</tr>
<tr>
<td>Burgess</td>
<td></td>
</tr>
<tr>
<td>Union Recognition, Bargaining Arrangements and Voice mechanisms of US and</td>
<td></td>
</tr>
<tr>
<td>Australian MNEs in Australia</td>
<td></td>
</tr>
<tr>
<td>Mark Bray and Patricia Todd</td>
<td>49</td>
</tr>
<tr>
<td>Collective Agreements without Unions or Bargaining? The Case of the</td>
<td></td>
</tr>
<tr>
<td>Australian Hospitality Industry</td>
<td></td>
</tr>
<tr>
<td>Renata Casado and Donella Caspersz</td>
<td>61</td>
</tr>
<tr>
<td>What Is the Deal? Exploring the Perceptions of Skilled Immigrants'</td>
<td></td>
</tr>
<tr>
<td>Employment Relationships</td>
<td></td>
</tr>
<tr>
<td>Donella Caspersz, Michael Gillan and Leigh Smith</td>
<td>62</td>
</tr>
<tr>
<td>Mapping Interpretations of Voice</td>
<td></td>
</tr>
<tr>
<td>Janine Chapman and Kristin van Barneveld</td>
<td>79</td>
</tr>
<tr>
<td>Exploring the link between women's work arrangements and pro-environmental</td>
<td></td>
</tr>
<tr>
<td>actions at work and at home</td>
<td></td>
</tr>
<tr>
<td>Jane Coffey</td>
<td>92</td>
</tr>
<tr>
<td>Career Aspirations of Young Dancers: A Passionate Life</td>
<td></td>
</tr>
<tr>
<td>Claire Evans, Joanne Blake, Peter Fairbrother and Dean Stroud</td>
<td>101</td>
</tr>
<tr>
<td>Jobs and skills: ‘Green’ jobs and decent jobs</td>
<td></td>
</tr>
<tr>
<td>Ray Fells and Peter Prowse</td>
<td>112</td>
</tr>
<tr>
<td>The asymmetric nature of management-union negotiation and the</td>
<td></td>
</tr>
<tr>
<td>notion of pragmatic gain</td>
<td></td>
</tr>
<tr>
<td>Michael Hess and Ewan Maidment</td>
<td>113</td>
</tr>
<tr>
<td>Understanding unionism and industrial conflict in rapid economic development</td>
<td></td>
</tr>
<tr>
<td>the Bougainville Mining Workers Union</td>
<td></td>
</tr>
<tr>
<td>Angela Knox</td>
<td>123</td>
</tr>
<tr>
<td>Tempering at the Top: ‘High End’ Temporary Work Agency Employment</td>
<td></td>
</tr>
<tr>
<td>Kathleen Love, Beth Gaze and Anna Chapman</td>
<td>137</td>
</tr>
<tr>
<td>‘But Why?’ ‘Just Because!’ The Causal Link between Adverse Action and</td>
<td></td>
</tr>
<tr>
<td>Prescribed Grounds under the Fair Work Act</td>
<td></td>
</tr>
<tr>
<td>Johanna Macneil</td>
<td>147</td>
</tr>
<tr>
<td>First Strike Capability: Exploring the 2011 Botswana Public Sector Strike</td>
<td></td>
</tr>
<tr>
<td>through Newspaper Coverage</td>
<td></td>
</tr>
<tr>
<td>Jackbeth K Mapulanga-Hulston</td>
<td>158</td>
</tr>
<tr>
<td>Examining the Impact of Neo-Liberal Philosophy on the Labour Market – A</td>
<td></td>
</tr>
<tr>
<td>Closer look at Deregulation</td>
<td></td>
</tr>
<tr>
<td>Author(s)</td>
<td>Title</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Magalie Marais and Suzanne Young</td>
<td>A Model of CSR and Governance</td>
</tr>
<tr>
<td>Maggie May</td>
<td>Ideal Typical Greenfield sites in Australia</td>
</tr>
<tr>
<td>Susan McGrath-Champ, Anthony Fee and Helena Liu</td>
<td>Emergency expatriate evacuation: Literature and research</td>
</tr>
<tr>
<td>Bobbie Oliver</td>
<td>“A Total Anathema to Labor?” – the privatisation debate in Western Australia in the 1980s</td>
</tr>
<tr>
<td>Barbara Pocock, Claire Hutchinson, Natalie Skinner</td>
<td>Work-family-community in Australia: changing gendered outcomes and the impact of work intensification and working from home</td>
</tr>
<tr>
<td>Suzanne Ryan, Egbert Groen, Julia Connell and John Burgess</td>
<td>Reliance on Friendly Benefactors: HR Practices for Sessional Academic Staff</td>
</tr>
<tr>
<td>Natalie Skinner, Claire Hutchinson and Barbara Pocock</td>
<td>Flexibility request-making in the post-Right to Request (RTR) environment</td>
</tr>
<tr>
<td>Pattanee Susomrith and Alan Coetzee</td>
<td>Access to Training and Development in Small and Medium-Sized Enterprises: Employees’ Perspectives</td>
</tr>
<tr>
<td>Keith Townsend</td>
<td>What role do line managers play in industrial relations and what should organisations do about it?</td>
</tr>
<tr>
<td>Alex Veen</td>
<td>The Expiration of Statutory Individual Agreements in Western Australia: An Industry Level Perspective on the Actors’ Responses</td>
</tr>
<tr>
<td>Mark Westcott</td>
<td>Creative Destruction and Transmission of Business: A Preliminary Analysis</td>
</tr>
<tr>
<td>Suzanne Young and Colin Long</td>
<td>A case study of climate change adaptation through capacity building in the union movement</td>
</tr>
<tr>
<td>Suzanne Young and Manuela S. Macinati</td>
<td>Backsourcing in Health</td>
</tr>
</tbody>
</table>

**Non-Refereed Papers**

<table>
<thead>
<tr>
<th>Author(s)</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peter Auer</td>
<td>From security ‘beyond employment’ to security ‘in employment’</td>
<td>261</td>
</tr>
<tr>
<td>Iain Campbell and Joo-Cheong Tham</td>
<td>An historical perspective on precarious work</td>
<td>273</td>
</tr>
<tr>
<td>Sasha Holley</td>
<td>The Monitoring and Enforcement of Labour Standards when Services are Contracted-out</td>
<td>283</td>
</tr>
<tr>
<td>Stéphane Le Queux</td>
<td>Industrial Relations and the Politics of Colonial Subordination in French Pacific Territories: A Research Agenda</td>
<td>284</td>
</tr>
<tr>
<td>Author(s)</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Erling Rasmussen &amp; Brian Hannam</td>
<td>Before and beyond the Great Financial Crisis: Men and education, labour market and well-being trends and issues in New Zealand.</td>
<td>288</td>
</tr>
<tr>
<td>Richard Sappey, Jennifer Sappey and John Burgess</td>
<td>Industrial Relations: Moving the Fences?</td>
<td>298</td>
</tr>
<tr>
<td>Keith Townsend</td>
<td>Line Managers and Employee Voice: Extending the research agenda</td>
<td>307</td>
</tr>
<tr>
<td>Shalene Werth</td>
<td>Working with chronic illness: a new perspective</td>
<td>308</td>
</tr>
</tbody>
</table>
Mining workers ability to identify hazards using a picture survey

Susanne Bahn
Edith Cowan University

This paper presents the first phase on a study investigating the skills of workers in the resource sector at their safety induction to identify workplace hazards. This study questioned the ability of managers and employees to identify workplace hazards correctly (phase 1) and to determine the processes that can be used to increase hazard identification skills (phase 2). Fifty-four completed surveys that contained 6 pictures displaying complex and hazardous work environments in an underground mine in WA are analysed. The analysis sought to determine the average number of hazards that each participant could identify out of a possible 10 in each picture. The findings include that new entrants, and those with limited experience identified few hazards in the pictures. Exploration workers had the best hazard identification skills over their counterparts, and those in Supervisory roles performed lesser than expected. The study recommends specific training in hazard identification prior to beginning work in the mining industry.

INTRODUCTION

The ethical conduct and profitability of organisations relies in part on occupational hazards being identified and managed within competent risk assessment processes. These occupational hazards can be physical, chemical or physiological and can cause workplace accidents and impact on firms’ productivity and profitability (Hollmann et al, 2001; Lees, 1996; Ramsay et al, 2006). But not all hazards are known and risk management is also about dealing with the unknown. Indeed, the revised Risk Management Principles and Guidelines for Australia and New Zealand ISO 31000:2009 defines risk in terms of “the effect of uncertainty on objectives” (Standards Australia, 2009:ii). Risk assessment processes and practices are used to identify hazards and manage risks. Harms-Ringdahl (2003:1) argues risk assessment is “a systematic procedure for analysing systems to identify and evaluate hazards and safety characteristics”. Risk management within organisations is underpinned by managers and employees being proficient in identifying hazards in their workplaces. But are they? Hazard identification requires the individual to recognise obvious hazards, but also emerging hazards. In short, if managers and employees are not skilled at hazard identification, then the risk assessment process will be incomplete and workplace safety cannot be guaranteed. Documenting the knowledge of, and process to identify, workplace hazards is important research that will underpin future safety training needs. This study questioned the ability of managers and employees to identify workplace hazards correctly and to determine the processes that can be used to increase managers and employees hazard identification skills.

OHS managers in the mining industry are at the forefront of safety practice as workers are exposed to hazardous working conditions requiring extensive hazard identification skills. The mining sector is significantly hazardous (Devine et al, 2008): 6 work related deaths, 386
injuries requiring 60 days or more off work, and 877 injuries requiring 5 days off work were provisionally recorded in 2008-09 (WorkSafe WA, 2011).

BACKGROUND

Australia strives to be a world leader in OHS practice (ILO, 2005). But this relies on proactive management of risk. The identification and management of risks is critical for safety (Bohle & Quinlan, 2000). It is the skills in identifying workplace hazards that contribute to risk to the manager and employee that forms the topic of this innovative research study and fundamental to good OHS practice (Biggs et al, 2006). There has been limited research nationally and internationally that has documented the hazard identification skills of managers and employees to improve practice, rather research has traditionally focussed on reporting of hazards and risk management (Biggs et al, 2006).

Australia is in the process of harmonising OHS regulation across the nation. The Work Health and Safety Act (WHS Act), Regulations and Codes of Practice and supporting Guidelines have been developed (SafeWork Aust, 2010). Underpinned by the ‘duty of care’ concept, the WHS Act requires employers to identify and implement appropriate measures to ensure a safe system of work and requires employees to follow that system. The Act permits workers to stop work if they consider themselves exposed to a serious risk, while OHS representatives are able to direct workers to stop work if exposed to a potential risk. Employers are required to exhibit due diligence in all activities including: identify the risks and hazards in the nature of their operations; examine their resources and processes to ensure a safe system of work is in place; have a knowledge of OHS matters; have practices that facilitate a timely response to incidents and a process that enables full legal compliance (SafeWork Aust, 2010). However the WHS Act assumes that managers and employees have the appropriate knowledge to effectively identify hazards. A hazard is “the potential for harm” and they exist in “all aspects of technology and activity that produces risk” (Manuele, 2010:33). Hazards contribute to workplace risk and include the actions of people and the characteristics of equipment, dust, and chemicals, for example. However, how risks are perceived affects how they are managed and the effect on the organisation (Fung et al, 2010).

Herein lies the problem, different people see the same risk situation in quite different ways (Kahneman et al, 1982; March & Shapira, 1987; Tolbert 2005). This means there is generally “a lack of awareness of the nature of risk” (Manuele, 2010:30). For example, Carter and Smith (2006) conducted a hazard identification study on three UK construction projects and found workers were able to identify 89.9% of all possible hazards for a construction project within the nuclear industry, 72.8% for a railway project, and 66.5% for a project that encompassed both construction and the railway. They concluded that “hazard identification levels are considerably lower than ‘ideal’ for three construction projects within separate industry sectors” (Carter & Smith, 2006:205). They proposed that there are two types of barriers to improving hazard identification: knowledge and process. Similarly a project conducted in the construction industry in NSW revealed significant weakness in the formal process of hazard identification by contractors (Trethewy, 2000). Harms- Ringdahl (2001)
developed an organisational Safety Function Analysis with six stages. The analysis requires users to select a set of hazards and identify the existing safety functions for these hazards. This is an example of a hazard identification process that firms could use to improve hazard identification knowledge in managers and employees. Another example of process is the work of Tsutsumi et al (2009) who used participatory research techniques to improve the mental health of Japanese manufacturing workers and asked them to identify hazards based on the surveillance of stress using self administered questionnaires. Further examples of process include the work of Cromie et al (2001) and Mattila (1985) in the health sector who suggests the use of checklists, workplace inspections, injury records and consultation with workers will assist with hazard identification.

These research studies assume that the participants have the skills and knowledge to successfully identify hazards. However, Rouhiainen (1992) asked how well the analysis has identified hazards as one of four questions in relation to the quality of a safety analysis. Ramsay et al (2006) investigated hazard analysis in the US nursing profession and found that although nurses are exposed to a number of hazards on a daily basis the core competencies within their accreditation and training failed to mention a requirement to demonstrate competence in hazard identification or control. Industries and professions such as nursing, dental health, mail deliveries, nano-technology, manufacturing, construction and mining are identified in the literature raising the importance of good hazard identification in the workplace as a preventative injury mechanism (Bentley & Haslam, 2001; Biggs et al, 2006; Ramsay et al, 2006; Reinhold & Tint, 2009; Schulte & Salamanca-Buentello, 2007). However, training in Australia hazard identification is limited and predominantly the work of consultants. Work in the mining sector is often hazardous and this industry has a large number of workplace injuries and deaths (Devine et al, 2008).

METHODOLOGY

2.1 Research plan

Individuals’ perceptions of risk and ability to identify workplace hazards, was the focus of this study. An interpretive, critical realist perspective (Sayer, 1992) informed the approach. Sayer (1992) defines the organisational structures as sets of internally related objects and mechanisms as ways of acting. Objects are internally linked to the structure and their identity depends on their relationship with the other components of the structure. Risk management policies are structures (process) within organisations; hazard identification is the mechanism and action (knowledge) of managers and employees.

This qualitative study had two data collection phases. At Phase 1, presented in this paper, the focus was on knowledge of hazards. Data was collected from 54 newly hired managers and employees at a specialist underground mining contractor, who agreed to participate in the project and provide access to new recruits. With the growth in mining sector jobs and the current skills shortage in Australia, new recruits may not have worked in the industry prior to starting work. Using a technique that Bahn has successfully employed in a 2005 study with carpentry apprentices (Bahn & Barratt-Pugh, 2011); a series of 6 pictures of underground scenarios was supplied by the mining contractor. These pictures displayed
examples of their underground worksites and were issued to the participants at the end of their one day safety induction training. Participation was voluntary for the study. Demographic information such as job position and tenure in the industry was also collected. Their responses were analysed against a master list of all the hazards within the pictures to determine their level of competence in identifying hazards.

At Phase 2, presented in a future paper, the focus was on the processes employed to identify hazards. In-depth, semi-structured interviews with 20 purposively selected OHS managers in the mining industry were conducted to determine successful strategies to identify hazards based on the findings in Phase 1.

The key research questions for this study were:

1. Do managers and employees have the knowledge to identify workplace hazards correctly?
2. What processes can be used to increase managers and employees hazard identification skills?

2.2 Sample

New employees in the mining sector made up the sample for phase one of this study to determine knowledge about and the process of identifying workplace hazards. Pictures of workplace scenarios were shown to 54 participants and the hazards they identified were measured against the 10 known hazards in each picture. Table 1 shows examples of the types of hazards the study participants identified in the six pictures. This assessment was used to determine their knowledge of hazards and is used to inform the processes to develop more efficient hazard identification strategies. All participants who completed the picture survey had received a full day safety induction prior to beginning work in an underground mine in WA the next day. The survey contained 6 pictures of underground work areas supplied by the mining contractor that were examples of their current worksites. For each of the six pictures it was determined there was a possible 10 hazards within. Hazards were explained to be those that were obvious or hidden. The limitation of 10 possible hazards was set as it was deemed by the mining contractor that if the participants could identify this number in each picture that they had a comprehensive knowledge of their work areas and would be deemed competent in their hazard identification skills. It could be argued that the pictures may have contained more than 10 hazards, however in order to provide some boundaries, this was the agreed number of hazards in each picture that were we seeking for the analysis.

**Table 1: Examples of hazards identified in the pictures by study participants**

<table>
<thead>
<tr>
<th>Picture 1</th>
<th>“Items left on ground present a trip hazard”, “No mandatory pre-signage”, and “drums of hydrocarbon materials not bunded”.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Picture 2</td>
<td>“Insufficient bolts holding mesh”, “Uneven surface – trip hazard” and “Back wall not meshed”.</td>
</tr>
<tr>
<td>Picture 3</td>
<td>“Ladder not secure”, “Ladder too far from wall”, and “Unsupported ground”</td>
</tr>
</tbody>
</table>
Of the 54 participants who completed the survey 6 were female and 48 male. This is a typical gender distribution for the mining sector in that overall only 10% of employees are female. Because of the low representation of females in the sample, gender has not been included as a variable in the analysis. The participants were from four working sectors: Administration, Production, Maintenance and Exploration. Table 2 shows the job roles for each of these four sectors and the numbers of each specific role in brackets besides the job titles. The sample contained 29 Production, 9 Maintenance, 14 Exploration and 2 Administration workers. Three of the sample held supervisory roles, 2 in production and 1 in Exploration. The Exploration workers are typically not viewed as ‘real miners’ by the remainder of the underground workforce as they drill small core holes in the tunnels underground to determine the extent of the ore content prior to the large scale removal by the production workers. However, the Exploration workers have their own specific site safety induction that they train other workers in prior to entering their work areas. It could be argued that experienced Exploration workers should be better able to identify workplace hazards. However, for this study all participants had completed the safety induction training immediately before completing the picture survey and so particularly for those entering the industry for the first time job role should have no bearing on the results.

<table>
<thead>
<tr>
<th>Production (29)</th>
<th>Maintenance (9)</th>
<th>Exploration (14)</th>
<th>Administration (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Truck Operator (4)</td>
<td>Fitter (3)</td>
<td>Diamond Driller (4)</td>
<td>Site Administration (2)</td>
</tr>
<tr>
<td>Serviceman (1)</td>
<td>Electrician (3)</td>
<td>Drill Supervisor (1)</td>
<td></td>
</tr>
<tr>
<td>Nipper Service Crew (12)</td>
<td>Auto Electrician (2)</td>
<td>Drillers Offsider (9)</td>
<td></td>
</tr>
<tr>
<td>Paste Crew (1)</td>
<td>Maintenance (1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offsider (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bogger Operator (6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor (2)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charge Up (1)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Long Hole Driller (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 2: Job roles within the working sectors**

**FINDINGS**
The numbers of hazards in each picture identified by the sample ranged from a total of 4 out of a possible 60 to 60 out of a possible 60. In both these extreme cases the participants were new entrants to the industry having not worked in mining before. The average number of hazards identified by the participants over all pictures was 26 out of a possible 60 (43%). However, five of the participants were unable to identify any hazards in at least one of the pictures.

### 2.3.1 Number of hazards by job role

Table 3 shows the number of hazards for each of the six pictures that were identified by the participants according to the role that they were employed for. For the 29 workers in Production roles the average number of hazards they could identify over all 6 pictures was 4.28 (SD1.68) out of a possible 10. The Maintenance staff had an average of 3.96 (SD2.17). However, for Exploration staff this number increased to 5.21 (SD2.21). The Administration staff were only able to identify 1.67 (SD1.41) hazards out of a possible 10 hazards. Given that the Administration staff were two female employees who performed office duties, their inability to identify hazards underground is not unexpected.

**Table 3: Number of hazards by Role**

<table>
<thead>
<tr>
<th></th>
<th>Administration</th>
<th>Production</th>
<th>Maintenance</th>
<th>Exploration</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>Mean</td>
<td>Sd</td>
<td>N</td>
<td>Mean</td>
</tr>
<tr>
<td>Picture1</td>
<td>2</td>
<td>4.00</td>
<td>2.83</td>
<td>29</td>
</tr>
<tr>
<td>Picture2</td>
<td>2</td>
<td>.50</td>
<td>.71</td>
<td>29</td>
</tr>
<tr>
<td>Picture3</td>
<td>2</td>
<td>1.50</td>
<td>2.12</td>
<td>29</td>
</tr>
<tr>
<td>Picture4</td>
<td>2</td>
<td>2.50</td>
<td>2.12</td>
<td>29</td>
</tr>
<tr>
<td>Picture5</td>
<td>2</td>
<td>1.00</td>
<td>.00</td>
<td>29</td>
</tr>
<tr>
<td>Picture6</td>
<td>2</td>
<td>.50</td>
<td>.71</td>
<td>29</td>
</tr>
<tr>
<td>Total Mean</td>
<td>2</td>
<td>1.67</td>
<td>1.41</td>
<td>29</td>
</tr>
</tbody>
</table>

### 2.3.2 Number of hazards by years worked

Table 4 analyses the previous data to determine the ability of the participants to identify hazards according to the number of year’s experience they had working in the mining industry prior to participating in the study. The number of new entrants to the industry was 18 (33% of the sample), with a further 11 (20%) of participants who had worked in the industry for less than two years. Therefore the sample contained 53% of participants with less than two years experience working in an underground mine. The table shows that the ability to identify hazards from the pictures increased according to length of experience with ability, with those with 6-10 years experience identifying 5.61 (SD2.01) hazards out of the possible 10. However, once a participant had over 11 years experience their ability to identify the hazards within the pictures dropped back to equal those with 3-5 years experience, 4.65 (SD1.15) hazards. The new entrants identified 3.57 (SD2.26) hazards and those with 1-2 years experience were able to identify 4.27 (SD2.10) hazards.
Table 4: Number of hazards by years worked

<table>
<thead>
<tr>
<th></th>
<th>Years worked in mining</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>New entrant</td>
</tr>
<tr>
<td></td>
<td>N</td>
</tr>
<tr>
<td>Picture1</td>
<td>18</td>
</tr>
<tr>
<td>Picture2</td>
<td>18</td>
</tr>
<tr>
<td>Picture3</td>
<td>18</td>
</tr>
<tr>
<td>Picture4</td>
<td>18</td>
</tr>
<tr>
<td>Picture5</td>
<td>18</td>
</tr>
<tr>
<td>Picture6</td>
<td>18</td>
</tr>
<tr>
<td>Total Mean</td>
<td>18</td>
</tr>
</tbody>
</table>

2.3.4 Number of hazards by age

Table 5 shows the number of hazards that were identified according to the participants’ age. Those aged between 35 and 44 years were able to identify 5.55 (SD2.44) hazards compared to 55-64 year olds who identified 2.33 (SD1.89) hazards and 18-24 year olds who identified 3.52 (SD1.45) hazards out of a possible 10 in each picture. In order to understand what is occurring for workers according to age and length of experience tables 6-9 following analyse the data further.

Table 5: Number of hazards by age

<table>
<thead>
<tr>
<th></th>
<th>18-24</th>
<th>25-34</th>
<th>35-44</th>
<th>45-54</th>
<th>55-64</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>Mean</td>
<td>Sd</td>
<td>N</td>
<td>Mean</td>
</tr>
<tr>
<td>Picture1</td>
<td>14</td>
<td>5.00</td>
<td>2.48</td>
<td>25</td>
<td>5.88</td>
</tr>
<tr>
<td>Picture2</td>
<td>14</td>
<td>3.50</td>
<td>1.83</td>
<td>25</td>
<td>4.56</td>
</tr>
<tr>
<td>Picture3</td>
<td>14</td>
<td>2.64</td>
<td>1.55</td>
<td>25</td>
<td>3.72</td>
</tr>
<tr>
<td>Picture4</td>
<td>14</td>
<td>3.50</td>
<td>1.40</td>
<td>25</td>
<td>4.32</td>
</tr>
<tr>
<td>Picture5</td>
<td>14</td>
<td>3.29</td>
<td>1.64</td>
<td>25</td>
<td>4.40</td>
</tr>
<tr>
<td>Picture6</td>
<td>14</td>
<td>3.21</td>
<td>1.93</td>
<td>25</td>
<td>4.20</td>
</tr>
<tr>
<td>Total Mean</td>
<td>14</td>
<td>3.52</td>
<td>1.45</td>
<td>25</td>
<td>4.51</td>
</tr>
</tbody>
</table>

CONCLUSION

All of the participants prior to completing the picture survey had spent the day in safety induction training. This study set out to answer two research questions to determine the ability of workers in the mining sector to successfully identify hazards and to seek some
strategies for improvement in this activity from OHS managers. In terms of the first research question: Do managers and employees have the knowledge to identify workplace hazards correctly? For new entrants to the industry phase one of the study showed that safety induction training had little influence on the participant’s ability to identify hazards in pictures of their workplace. It could be argued that the purpose of a safety induction is not to train in identifying workplace hazards. However, given these new staff were being prepared to work underground the following day and 50% of them had little or no experience in this work environment it would be fair to suggest that better preparation is needed. In fact, the study indicates that for new entrants, younger and older workers and even those entering Supervisory roles specific training in workplace hazard identification is required. This is supported by the greater ability to identify the hazards in the pictures by those with more experience and aged between 34 and 45 years. It is likely that these workers have picked up these skills as they learned on the job by observing others, but how many have learned through experiencing a near-miss? An additional concern is the poor performance of the three participants going into a Supervisory role. Their role is to manage the remaining cohort including the new entrants. Managers, supervisors and experienced workers have considerable influence over the new entrant and the practices in which they engage. Safe work practice needs the support of senior managers through their endorsement and engagement that flows down the hierarchy. The role of the supervisor as the front line manager to the workers is crucial; however supervisors are predominantly production driven. Why did they perform so badly on the hazard identification survey? Are they simply blasé about their working environment considering everything they do is highly hazardous? More research is required to tease out the reasons why their performance was so low and these findings could be duplicated across other sectors using a similar methodology. But most importantly, this study indicates that, in order to reduce work-related injury and disease in the mining industry more needs to be done to train in, and emphasise the importance of, identifying hazards in the workplace.

REFERENCES

Bahn, S. & Barratt-Pugh, LGB. (forthcoming). Getting reticent young male participants to talk: using artefact-mediated interviews to promote discursive interaction. Qualitative Social Work, published online 29th December 2011.


Improving Safety Culture: the Impact of the Construction Induction Training on the construction industry in Western Australia

Susanne Bahn and Llandis Barratt-Pugh
Edith Cowan University

Australia strives to be a world leader in safety practice however improving safety cultures to reduce work-related injuries in the hazardous environment of the construction industry is a continual challenge. It is particularly difficult in Western Australia (WA) where the industry is engaging with the second development boom this century, often in isolated locations, and simultaneously adapting to the national harmonisation of OHS regulations. In 2006, Worksafe WA introduced mandatory certification in safety awareness training for all employees, before they could begin work on a construction site. This paper reviews the impact of this training on the construction industry, presenting both the perceptions of the stakeholders from their survey returns and through the analysis of lost time injury/disease statistics. The findings of the study indicate that the training has played a role in decreased work-related injuries and changing attitudes to safety training.

Introduction

Injury figures

The Construction industry has the fourth highest fatality rate per 1000 employees in Australian, with 19 workers alone dying in 2006/07, trending towards similar figures in 2011 (exact numbers not yet available) (Worksafe WA, 2011a). In addition in 2009-10, around one work related lost time injury/disease LTI/D was recorded per 42 employees in the Construction division; this dropped to around one LTI/D for every 35 employees during 2010-11, placing construction as the third highest industry for injured workers (Worksafe WA, 2011b). The number of workers compensation claims has also been steadily on the rise in the construction industry since 2003 with the peak in 2004/05. In addition, in 2006/07 the number of workers’ compensation claims was only 355 less than the peak in 2004/05 and had risen from the previous year. However, during this period there has been a steady rise in employment within the industry with ebbs and flows that mirror the changes in compensation figures. Focusing on the WA statistics in more detail, Figure 1 displays the incidence rate and number of workers compensation claims 2000/01 – 2006/07 (Safe Work Australia, 2010).
Worksafe WA as the regulatory state government authority for WA has identified Lost Time Injury and Diseases (LTI/Ds) workers compensation claims for the construction industry. Table 1 displays the LTI/Ds for the construction industry in WA per 1,000 workers from 2005-2010. The table shows that there has been a slight increase in injuries that require sixty or more days off work to recover; however, the number of work-related injuries requiring at least one day off work have decreased since 2006/07.

Table 1: LTI/Ds for the construction industry in WA 2005/06 – 2009/10

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>LTI/Ds 1+ days lost</th>
<th>LTI/Ds 60+ days lost</th>
<th>Total Days Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency rate</td>
<td>Incidence rate</td>
<td>Frequency rate</td>
</tr>
<tr>
<td>2005-06</td>
<td>14.7</td>
<td>3.1</td>
<td>3.2</td>
</tr>
<tr>
<td>2006-07</td>
<td>15.8</td>
<td>3.3</td>
<td>3.0</td>
</tr>
<tr>
<td>2007-08</td>
<td>15.2</td>
<td>3.2</td>
<td>3.2</td>
</tr>
<tr>
<td>2008-09</td>
<td>14.4</td>
<td>3.1</td>
<td>3.6</td>
</tr>
<tr>
<td>2009-10</td>
<td>11.6</td>
<td>2.4</td>
<td>3.0</td>
</tr>
<tr>
<td>5yr Average</td>
<td><strong>15.3</strong></td>
<td><strong>3.2</strong></td>
<td><strong>3.2</strong></td>
</tr>
</tbody>
</table>

*Source: Worksafe WA, December 2011*
Table 2 dissects the Western Australia construction LTI/D’s into four categories: commercial construction (construction 3 storeys and above), house construction, residential building construction (below 3 storeys) and road and bridge construction (civil construction). The overall total for one or more days LTI/Ds have decreased since a peak in 2008-09. Housing construction has shown a steady reduction; however, residential building construction (which includes construction of multiple storey residences up to 3 storeys), commercial construction and road and bridge construction (civil construction) have had an increase in 2008-09 and decreasing again in 2009/10 (Work Safe, 2011).

Table 2: Commercial, House, Residential Building, and Civil Construction: LTI/Ds 1+ days lost

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>House Construction</td>
<td>166</td>
<td>220</td>
<td>208</td>
<td>189</td>
<td>150</td>
<td>955</td>
</tr>
<tr>
<td>Non-Building Construction</td>
<td>228</td>
<td>222</td>
<td>282</td>
<td>335</td>
<td>286</td>
<td>1332</td>
</tr>
<tr>
<td>Non-Residential Building Construction</td>
<td>137</td>
<td>163</td>
<td>180</td>
<td>210</td>
<td>160</td>
<td>830</td>
</tr>
<tr>
<td>Residential Building Construction</td>
<td>34</td>
<td>64</td>
<td>51</td>
<td>58</td>
<td>47</td>
<td>238</td>
</tr>
<tr>
<td>Road and Bridge Construction</td>
<td>152</td>
<td>177</td>
<td>154</td>
<td>157</td>
<td>164</td>
<td>755</td>
</tr>
<tr>
<td>Total</td>
<td>717</td>
<td>846</td>
<td>875</td>
<td>949</td>
<td>807</td>
<td>4110</td>
</tr>
<tr>
<td>5yr Avg</td>
<td>143.4</td>
<td>169.2</td>
<td>175</td>
<td>189.8</td>
<td>161.4</td>
<td>838.8</td>
</tr>
</tbody>
</table>

Source: Worksafe WA, June 2011

Housing construction completions have reduced in Australia as a consequence of the Global Financial Crisis (GFC) in 2008/09 and this may be indicative in these figures. However, WA experienced the first wave of increased commercial construction projects in 2006 with the GFC having only a minor impact on work projects. 2010 saw the beginning of a second wave of significant construction infrastructure development. The LTI/Ds must be interpreted in relation to the employment patterns of the industry. Indeed, Table 3 shows that there has been an increase of 15,000 workers in the construction industry since 2006/07 with a small increasing trend in the number of LTI/Ds. This is a significant relationship as the expectation would be that an increase in employee numbers within the construction industry would produce a much higher increase in days lost due to work-related injury. It is particularly interesting given that this recent rapid expansion of the industry has been made by attracting migrant workers and the fast tracking of newly qualified workers into the industry, potentially more vulnerable employee groups.

Table 3: Construction LTI/Ds 1+ days lost and employee growth in WA
<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Construction LTI/Ds</th>
<th>Employee Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004-05</td>
<td>723</td>
<td>88,000</td>
</tr>
<tr>
<td>2005-06</td>
<td>717</td>
<td>102,000</td>
</tr>
<tr>
<td>2006-07</td>
<td>846</td>
<td>110,000</td>
</tr>
<tr>
<td>2007-08</td>
<td>875</td>
<td>115,000</td>
</tr>
<tr>
<td>2008-09</td>
<td>949</td>
<td>125,000</td>
</tr>
</tbody>
</table>

*Source: Worksafe WA, May 2011*

**Safety culture**

Reducing accidents and incidents in the workplace is dependent upon changing workplace behaviour both individually and collectively; that is what individuals do, and what is accepted practice in the workplace. Those actions are influenced by the safety culture that surrounds them which in turn is specifically mediated by the acts of management. Martin (1992) recommends that in order to promote a safety culture organisations need to introduce organisational behaviour change models and initiatives. The CIT is an example of a change initiative. It is training that seeks to improve the safety culture within organisations by ensuring all workers in the construction industry have basic safety knowledge and is designed to effect positive industry change. Considerable work has been done on safety culture and its influence on work-related injury in organisations (Reason, Parker & Lawton, 1998; Gherardi & Nicolini 2000; Reiman & Oedewald, 2002). Safety culture is determined by, not only commitment, but by ability, leadership and the communication styles of management that is supported by the participation, competency, training, behaviour and attitudes of the individual employee (Farrington-Darby, Pickup, & Wilson, 2005; Glendon & Stanton, 2000; Guldenmund, 2000; Fung, Tam, Lo & Lu, 2010). A study conducted in 2005-08 by Bahn (Bahn & Barratt-Pugh, 2009) in the civil construction industry found that the value managers placed on safety led to the level of safety culture in the workplace. Those that placed a value on safety often placed a higher priority on training. The literature indicates that to make an impact on organisational safety cultures initiatives need to be introduced that have universal coverage and industry support creating a ‘convergence’ of attitudes and subsequent practice.

There is considerable evidence that safety training interventions have led to an improvement of safety behaviours and a reduction of hazards in the workplace (Kinn, Khuder, Bisesi & Whoolley, 2000; Dong, Entzel, Men, Chowdhury & Schneider, 2004; Gillen, Baltz, Gassel, Kirsch & Vaccaro, 2002; Varonen & Mattila, 2000). However the complexity of instigating such action is highlighted by Biggs, Sheahan & Dingsdag (2006, p.2) in their statement that ‘under current legal frameworks, construction companies are required to ensure that people in charge of works are competent to manage OHS obligations; however there is no nationally based or accepted framework that specifically articulates who needs to do which tasks and what competencies they require’. This is perspective is supported by Zanko (2006, p.4) who found that there is currently no clear understanding of what
constitutes occupational health and safety management and without this definition in place there is ambiguity and uncertainty about ‘what to do and what not to do’. Burke, Salvador, Smith-Crowe, Chan-Serafin, Smith and Sonesh (2011) noted that safety-related problems in organisations are often training related or training relevant. In their study investigating how safety training and workplace hazards impact the development of safety knowledge and safety performance they found that the method of safety training delivery has an effect. They argue that when training becomes more ‘engaging’ it is also more effective, and results in “greater knowledge acquisition, a higher level of safety performance, and a greater reduction in accidents and injuries” (Burke et al, 2011:48). Goldstein and Ford (2002) argue that engagement in training is the first stage in a process that requires a positive transfer of training to the job in order to secure relevant changes in safer work performance.

In 1997, the United States Occupational Safety and Health Administration (OHSA) developed a Union-based ten-hour hazard-awareness training program (Smart Mark) for the construction sector. This program is the most widely used construction safety and health awareness training course in the US (Sokas, Nickels, Rankin, Gittleman & Trahan, 2007) and is frequently incorporated into apprenticeship training courses. Sokas, et al. (2007) evaluated Smart Mark to assess the strengths and weaknesses of the training materials, to determine the most commonly encountered hazards and the impact the training may have had. Their findings included: identifying electrical safety and fall protection as the two most useful modules; a little over half of the work sites improved safety practices by either changing their safety policies or work practices. In addition, Kinn, et al. (2000) conducted a study with plumbers and pipe fitters in Ohio and found that workers who had received a site specific safety induction had fewer injuries, although the impact of the safety awareness training could not be determined. Finally, in 2010, Shaikh completed a PhD study into the impacts of safety training on Newfoundland fishermen’s knowledge and attitudes toward safety and found that the group moved from a general aversion to support for continual training in safety following their immersion in safety training courses.

To summarise the preceding literature, safety culture is primarily mediated by managerial values and actions, which are the standards they set, police and demonstrate to produce a safe working environment. However, training plays an important role in creating a convergence of awareness and knowledge to improve safe practice within the organisational environment.

*Construction Induction Training (CIT)*

Worksafe WA took a step towards addressing safety culture issues by introducing a mandatory pre-site safety awareness induction, the ‘Blue Card’ in 2006/07, for all construction workers in Western Australia. The aim of the Blue Card was to ensure that all construction workers had minimum training in general site safety including working at heights, working in confined places, general lifting, and working with hazardous materials

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1 Inductions carried out at individual work places to address specific hazards such as safe handling of machinery.
before they work on any construction site. This training was not intended to replace company, site specific, or job role inductions, but was additional to these established practices. In 2009, the Blue Card was subsumed into a similar nationwide training program Construction Induction Training (CIT – ‘White Card’). The rationale for this move was that the previous Blue Card was only valid in WA and did not reflect the need for more universal and transferable national competencies of a mobile workforce. Therefore, Worksafe WA moved to embed the CIT, a national minimum safety standard for all construction workers, as part of the WA industry culture. There was however one significant difference as the state Blue Card required renewal and re-training every 3 years, however the national Construction Induction Training (CIT) provides workers with a unit of competency within a certified training package and thus does not require reassessment.

Materials and methods
The Construction Training Fund of WA commissioned this research to evaluate the impact of the Blue Card and CIT as a two phase study. The first phase concentrated on examining the effect of the CIT on the commercial construction sector and was completed in 2010, with the subsequent phase focusing on the housing and civil sectors during 2011. This study focused on collecting industry perceptions of the value and effectiveness of the training system, the associated relevance of the training activity and the subsequent workplace impact. The key participants in the study were the site managers and supervisors who could reflect on the changes in the workplace culture and the individual workers for which they were responsible.

The research design was based upon an evaluative field study utilising a mixed mode data collection as both social perceptions and recorded data are relevant to the phenomena under investigation. In each phase of the study, document and statistical scanning was followed by a broadly distributed questionnaire and then semi-structured interviews (results published elsewhere, see Bahn & Barratt-Pugh, forthcoming). The research was iteratively constructed as each engagement with the subjects informed the design of subsequent instruments and protocols. As a multiple embedded field study (Yin, 1996), access to industry participants was critical. The design of the study was from the outset collaborative with industry partners involved at each stage of the project to critique and inform each subsequent research stage. From this perspective the study incorporated an action learning approach of evaluating the effectiveness of the training program and feeding back the findings to the industry to facilitate future change. For the industry reference group collaborating on the research design this study formed an action learning experience as they reflected on the outcomes of the initiative they had introduced into their industry (Zuber-Skerritt, 2001). The CIT had already made an impact on the field of practice and this study now was instigating industry reflection about the implications of the training (Stringer, 1999).

The three key research questions that drove the study were: Having completed the Construction Induction Training within the past 3 years in WA:
1. How effective has the Construction Induction Training certification system been for the industry?

2. How effective have the Construction Induction Training practices been for the industry?

3. How has the Construction Induction Training system impacted upon organisations and safety in the industry?

Each research question investigated the issues, benefits and barriers associated with the training as well as gathering the perceptions from a range of managers and employees about the value they placed on the scheme (see table 4 for study sample). The research collected data and reviewed the findings collaboratively with a reference group established for this study. Members of the reference group were made up of representatives of Worksafe WA, the Construction Training Fund (CTF), the Master Builders Association of WA, the Housing Industry Association of WA, the Australian Workers Union (WA division), and the Construction Forestry Mining and Energy Union WA and Civil Contractors Federation WA. The reflections on the data collected both informed the subsequent data collection, and also developed recommendations to fine-tune the current practice of the Construction Induction Training system. The CTF provided access to the network of companies involved and Worksafe WA provided the study with legitimate State authority LT/DS statistics for the WA construction sector.

Table 4 indicates the sample purposively selected for the two phase research project to explore the research questions. In phase 1, an online questionnaire consisting of 10 questions with a 5 point Likert scale and additional comments, was developed with the reference group. This first phase survey was distributed in March and again in April 2010 to 669 CEOs and supervisors in the commercial construction sector. Only 25 (4%) surveys were completed.

In phase 2, the online questionnaire was distributed in December 2010 to 820 CEOs and supervisors in the housing and civil construction sectors. However, only 6 surveys were completed online. Given the similar low response to the online survey in phase one and the extremely low response rate in this phase, the survey was posted in April 2011 to the same 820 recipients with 45 additional questionnaires completed. Combining all surveys in phases 1 and 2 we had almost 5% completion rate of 76 completions. We acknowledge the response rate is very low and agree that the findings in this paper cannot be considered a generalisation of the views of CIT effectiveness in the industry. However, within the survey responses some qualitative data was also gathered that provides insight into some of the issues and benefits of the training to the organisations that did complete the questionnaire.

The low response rate is an indication that online questionnaires and mailed surveys are not supported by a participant group that is particularly manual in their work practices, not regularly working with a computer and perhaps over-surveyed. We argue that the criteria
that should be used to determine the appropriate method of data gathering for diverse populations of subject is worthy of further exploration. In phase 1, 84% of the completed surveys were with managers from companies operating in the commercial sector, while 4% were from the civil sector and 12% in the housing sector. In phase 2, 36.5% of the completed surveys were with managers from companies operating in the commercial sector, with 25% in the civil sector, and 38.5% in the housing sector. Of all completed surveys from phases 1 and 2, 65% were with managers from companies operating in the Perth metropolitan area, with 32% also conducting work in regional WA, and 3% in remote areas in WA. Of those surveyed 14% had been employers for under five years, 23% employers 6-10 years, 36% employers 11-20 years and 27% employers for 20 years and over. Employees were not surveyed in this study due to difficulties with access and a requirement to investigate managerial perspectives by the organisation funding the research. The numbers of employees the surveyed companies employed ranged from 1-300 employees, with 53% employing under 20 employees (micro-sized companies); 28% employed between 20-49 employees (small sized companies); 13% employed 50-199 employees (medium sized companies); and 6% employed 200+ employees (large sized companies).

**Table 4: The sample**

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Incident Statistics</strong></td>
<td><strong>Incident Statistics</strong></td>
</tr>
<tr>
<td>Tabulation and segmentation of the Commercial Construction sectors records from Worksafe WA for the previous 6 years – Pre and during the Construction Induction Training scheme.</td>
<td>Tabulation and segmentation of the Housing and Civil Construction sectors records from Worksafe WA for the previous 6 years – Pre and during the Construction Induction Training scheme.</td>
</tr>
<tr>
<td><strong>Questionnaire</strong></td>
<td><strong>Questionnaire</strong></td>
</tr>
<tr>
<td>Online distribution to MBA Memberships of approximately 669 CEOs and supervisors (distributed twice) – 25 completed.</td>
<td>Online distribution to HIA and CCF Memberships of approximately 820 CEOs and supervisors – 6 completed.</td>
</tr>
<tr>
<td></td>
<td>Mailed survey to HIA and CCF Memberships of approximately 820 CEOs and supervisors - 45 completed.</td>
</tr>
</tbody>
</table>

**Results**

The results of the survey that was completed by the 76 participants provide an overview of attitudes towards the new safety initiative taken by this industry. The statistics that follow combine the data generated from both phases of the study and cover all three sectors of the industry.

Table 5 illustrates the responses to the statement that the CIT provided a good first step to developing safety awareness for their staff. 35% of respondents strongly agreed, 36%
agreed, and 22% were undecided. This shows that the majority of those sampled are in favour of the CIT which is a change from previous findings in research on safety culture and improvements conducted by Bahn in 2006 (Bahn & Barratt-Pugh, 2012).

Table 5: CIT is a good first step

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
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<tbody>
<tr>
<td>Valid</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SD</td>
<td>2</td>
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<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>D</td>
<td>3</td>
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<td>4.1</td>
<td>6.8</td>
</tr>
<tr>
<td>N</td>
<td>16</td>
<td>22.0</td>
<td>21.6</td>
<td>28.4</td>
</tr>
<tr>
<td>A</td>
<td>27</td>
<td>35.0</td>
<td>36.5</td>
<td>64.9</td>
</tr>
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<td>SA</td>
<td>26</td>
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<td>35.1</td>
<td>100.0</td>
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<tr>
<td>Total</td>
<td>74</td>
<td>97.0</td>
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<td></td>
</tr>
<tr>
<td>System</td>
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<td>3.0</td>
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<td></td>
</tr>
<tr>
<td>Total</td>
<td>76</td>
<td>100.0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

There were a number of additional comments made by the managers on the questionnaires that illustrate the rationale for their responses and these included:

- Good first stage training via White Card is necessary.
- Very important and basic knowledge for people preparing for site visits/working.
- Better than nothing.
- As we conduct company and site specific safety inductions I see no need for White Card.
- A waste of a day.

Although 71% of the respondents agreed that the CIT was a good first step in providing safety awareness training for their staff, some managers indicated that they provided a similar and more in-depth site induction training programme. However, those in support of the CIT maintain that especially for new entrants to the industry the CIT training is an important introduction to ‘work on a construction site’.

The managers were asked whether they believed that the CIT provided benefit to their staff. There were 62% of managers who agreed with this statement and 13% strongly agreed. Although 9% were undecided and 5% respondents disagreed, with 3% strongly disagreed (Table 6).
Table 6: Benefit to staff

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
<th>Valid Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid</td>
<td>SD</td>
<td>2</td>
<td>2.0</td>
<td>2.7</td>
</tr>
<tr>
<td></td>
<td>D</td>
<td>4</td>
<td>5.0</td>
<td>8.1</td>
</tr>
<tr>
<td></td>
<td>N</td>
<td>9</td>
<td>12.0</td>
<td>20.3</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>46</td>
<td>61.0</td>
<td>82.5</td>
</tr>
<tr>
<td></td>
<td>SA</td>
<td>13</td>
<td>17.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
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<td>97.0</td>
<td>100.0</td>
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<tr>
<td>Missing</td>
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<td>3.0</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>76</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Again the additional comments by the managers illustrate the rational for their responses:

- *Workers are more aware of safety issues now than 10 years ago.*
- *Aware of problem leading to accident.*
- *Makes staff aware that they have to keep their eyes open.*
Most of the managers (75%) who completed the survey agreed that training their staff in the CIT was of benefit because it raised the issue of workplace safety once again.

The managers were also asked if after their staff completed the CIT they perceived a measurable benefit to their business. There were 46% of managers who agreed with this statement, with a further 12% strongly agreeing and 24% undecided. However, 17% of those surveyed report no measurable benefit to their business by completion of the CIT by their employees (Table 7).

### Table 7: Measurable benefit to business

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
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<tr>
<td>Total</td>
<td>76</td>
<td>100.0</td>
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</table>

Those managers who were unsupportive of the CIT made these additional comments:

- **Very little relevance in course to my business.**
- **They were already aware.**
- **Being more specific to each field.**
- **It’s only a small part of what needs to be a wider strategy.**
- **Without supervision during safety regulations on site this training has little effect. This highlights the statutory requirement – but this is only the start of safety training.**

Although the managers surveyed generally supported the CIT as a good first step, especially for new entrants, they were particularly critical of the course content. Some managers argued for more specific content that related to their individual business. Many managers highlighted the need for extensive site specific induction follow ups.
The majority of respondents (62%) believe that the CIT assisted their business by reducing accident/incident rates, (table 8).

Table 8: CIT reduced accident/incident rate

<table>
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<tr>
<td>Total</td>
<td>76</td>
<td>100.0</td>
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</table>

Other statements to this question by the managers that indicated their rationale included:

- *Anything is better than nothing.*
- *Reduced the risk but we already had extremely low rate i.e. no major incidents.*
- *Training gave good first step, but specific safety at work place more important in reducing accidents.*
- *When we did Blue Card the instructor told us one of the most dangerous things on site is rat droppings. That’s when I thought the whole test is all s***. Work safely to me is common sense.*

Many of the managers surveyed (62%) agreed that the CIT had improved safety on their work sites and had led to a reduction in work-related injuries. However, almost 40% of managers believed the CIT was a ‘time waster’ and that they could provide better value in-house training themselves.

**Discussion**

The Blue Card was developed by representatives of the construction industry, Worksafe WA and the unions responding to a call from the industry to provide basic training for everyone working in construction and in particular to train new entrants. It was an initiative born form local needs and owned by the key stakeholders. Around Australia various states had similarly developed pre-site construction induction courses and so there was an expectation that a national training scheme (CIT) would unify these local initiatives. As most of the individual state training schemes had fed from each other and were similar in design, it was not too difficult to agree on a composite national safety awareness training course. Although some managers are critical that the current course content is not specific to their individual business, the training has been designed to be generic and as a basic safety awareness course, not to displace or replace specific site inductions for each construction business or worksite. The training somewhat transcends industrial issues in the construction industry such as sham contracting (employees recorded as contractors) (Sarina & Riley,
2007) and piece work (workers produce small parts of the project and are not employed by the parent organisation) (Guillén, 1994) that place pressure on the general structure of safety culture on sites in that every worker, contractor, supplier and visitor must complete the training before entering a worksite.

Our sample indicated that in general the training was valued by the industry as a first step in safety awareness for the industry. Over 75% of our sample was made up of small businesses employing less than 50 people. Small business in Australia makes up 99% of all businesses, of the 2.05 million economically active firms, 40% have employees but only 1% of these employ more than 200 people (ABS, 2010). Small business owners are often under resourced and structurally vulnerable (Nichols, 1997) and so the CIT goes some way to provide valuable inexpensive training as the first step in safety awareness. Delivery of this training by other means would be difficult for this section of the industry to organise, deliver and monitor. This notion is supported by the 75% of the managers sampled who believed the CIT provided a positive benefit to their staff.

Construction in WA is currently in a phase of high production, taking on more numerous and larger contracts than ever before. Managers are therefore focused on ensuring that this opportunity is used to stabilise and build their businesses and is not eroded by unnecessary additional costs. Small business is particularly vulnerable from this perspective (Nichols, 1997). It is therefore very reassuring that of the managers surveyed 58% believed that by having their staff complete the CIT there was a measurable benefit to their business. In addition, given that over three quarters of our sample were managers in small and micro-sized business it is interesting that over half of them attributed the CIT to improvements to their bottom line. Furthermore, 62% of the managers sampled stated that the training had assisted their business by reducing work-related injury rates. Work-related injury is costly to business, and especially small business, as an injured worker requires financial support, temporary replacement and reportable injury directly affects the cost of insurance premiums. When we examine the LT1/Ds statistics we can see that work-related injury in the construction industry is only slowly rising, and that this has occurred with a significant increase in new entrants to the industry. This reduction in lost time equates to an increase in business profitability. While there is no hard evidence that the CIT is responsible for these figures, either directly or in association with other mediating influences, the responses and statistics suggest that the mandatory CIT training has increased safety awareness across the industry and contributed towards a decrease in per capita lost time and injuries. The evidence indicates that the CIT has therefore had a positive impact on WA construction industry safety. We acknowledge that this reduction is not solely due to the CIT and that there have been other contributing factors. Additional safety training in the form of the uptake of formal occupational health and safety qualifications, more, comprehensive organisational safety inductions, heavier penalties for safety breaches, and possible reporting of incidents. However, the correlation between the introduction of the CIT, an expansion of the industry and only a small decrease in lost time and injuries supports such an optimistic analysis and perspective.

Conclusions
The findings of this study indicate that the CIT is valued by managers working in the construction industry in WA. There is evidence to suggest that the CIT has raised awareness of safety in the industry and had a positive effect on the safety culture of organisations within the industry. Managers reported that the training was of benefit to their employees, had a measurable benefit to their business and reduced work-related injury. Since the introduction of the training there has been a reported reduction of days lost from work due to work-related injury at a time of increased production and increased new entrants to the industry. While we argue that the CIT has had a positive effect on safety culture in the industry, the managers who responded to our survey have called for more robust and regulated training that is regularly repeated as work-related injury in the industry still remains at an unacceptable level. Further research is needed to evaluate the safety climate within the industry to determine the range of mechanisms, not just the CIT that have been responsible for the slowing of work-related injury in times of increased production and therefore increased employee numbers.

Impact on the Industry

The CIT has impacted the construction industry by providing basic safety awareness training that ensures all construction workers have a minimum knowledge of the dangers of working in that environment. The study has shown that there is evidence that the training has contributed to the decrease in work-related injury since its introduction in 2006.

Acknowledgements

We would like to thank all the members of the construction industry reference group who have made this project both possible and stimulating.

References


Workers on temporary 457 visas: Challenges they face when working in the Western Australian resources sector

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Edith Cowan University

Abstract

As a response to the shortage of specialised workers in the Western Australian (WA) resources sector, business has resorted to employing workers on temporary 457 visas. This paper provides an insight into some of the challenges workers on 457 visas reported while working in Australia in a study that collected data in 2012. While the study focussed on costs and benefits of employing workers on 457 visas to business, the migrant worker and the larger Australian community, part of the data included the social and financial costs to these workers. It is this data that is reported in this paper. Workers on 457 visas stated that financial costs that directly affected them were the requirement to cover their medical and child care costs as well as some paid up to $3000 to overseas Migration Agents to arrange their visas. The social costs included extreme loneliness, acceptance by Australian workers and difficulties with spouse and family who may be large distances apart that is further exacerbated by fly-in/fly-out working arrangements. Relocation Agents appear to provide the very valuable connection to community for newly arrived migrants in that they facilitate introductions for people to establish new friendships. The emotional and social welfare of these workers emerged as key components of successful assimilation in Australia. Failure to acknowledge these problems resulted in threats to emotional well being of the workers and their families and in some cases led to workers returning home early.

Introduction

Australia is currently positioned as the 13th largest economy according to Gross Domestic Product (GDP) in the world (IMF 2011) and has entered another resources ‘boom’, or as Premier Barnett said of Western Australia ‘a period of sustained economic growth’ (DIA 2009; Gruen 2011). In the past two decades alone the Australian economy has maintained an average growth of 3.3% (ABS 2012) requiring significant additional and differently skilled employees as it structurally readjusted to one that is increasingly knowledge-based and service-orientated. The development of new large mining projects and natural gas extraction and processing facilities in Western Australia are examples of the states rapid growth (BIS 2009). Such expansion requires adequate numbers of skilled workers, and presently Australia is experiencing a shortage, specifically mining and construction workers in professional roles for major resources projects, e.g. engineers and project managers (AWAP 2012). Overall workers in WA are scarce, because in July 2012 the state had an unemployment level of 3.6%, the lowest of all Australian states (DEEWR 2012). A further restriction to the supply of skilled workers is the ageing workforce in Australia, mirrored within many other developed countries (Khoo et al 2007), that is generating a labour market
with more leavers than entrants. In order to meet the resources sector labour needs and maintain economic growth, Australia must address the issue of skills shortages. Healy, Mavromaras & Sloane’s (2012) study showed that complex skill shortages tend to be persistent over time and can be associated with firm decline. Deegan (2007) provided specific cases of skill shortages in engineering, where firms across Australia were either delaying or declining projects because of a lack of workers. Further, demographer, Bernard Salt (2012) noted that 2011 began what he termed a ‘tilt point’ where Baby Boomers begin to become eligible for an age pension exiting the workforce at a faster rate than entering Generation Ys (Jockel 2009). Added to this, Australia has been in the grip of an extreme shortage of trades’ skills for several years (National Centre for Vocational Education Research 2008). Employer investment in training began to slow in the 1990s in Australia. For example, in 2001/02 only 24% of employers provided training that led to recognized qualifications and only 13% employed apprentices or trainees (Watson, Buchanan, Campbell & Briggs 2003). In short, there are not enough qualified skilled people in Australia to meet the current and predicted demands of the resources sector (Probyn 2009). One mechanism to address the shortage of skilled workers in Australia has been to increase the number of workers on temporary 457 visas. The study underpinning the discussion in this paper investigated the benefits and costs of using temporary migrant workers through industry and worker semi-structured interviews and econometric techniques. It examined the cost and benefits of employing predominantly professional workers in the resources sector on 457 visas, for business, the migrant families and the WA and Australian economy. However, for this paper we focus on the costs both financially and socially that directly affect the worker on the 457 visa and their family.

Attracting foreign labour

Within the literature there is evidence that the presence of economic and employment opportunities is a clear attractor of foreign professional and skilled labour. However, Slack, Bourne and Gertler (2003) stress that for workers within highly skilled occupations, work that attracts high salaries is not enough to encourage relocation. To attract labour, they argue that a broad range of economic, social and cultural advantages at particular places are crucial. These include the richness of cultural amenities, recreational opportunities, and the ‘buzz’ of the local arts and music scene, the attractiveness and condition of the natural environment and buildings, the quality of schools, and a safe environment (Slack et al 2003:7). The importance of quality of life is echoed by Yigitcanlar, Baum and Horton (2007) who note key influencers including: diverse amenities, education and community facilities, housing affordability, level of crime, access to transportation, urban diversity in terms of ethnicity, gender, nationality and sexual orientation, social equity in terms of reduced poverty and inequality and the quality of the area they live in (unique characteristics that define it and make it attractive and liveable). Finally, Hugo and Harris (2011) identified liveability and lifestyle dimensions, in addition to housing availability and affordability, determine migrants’ choice of living in Australian capital cities.

This study places a focus on the use and experiences of workers on temporary 457 visas. The Temporary Business Long Stay Visa subclass 457 was introduced as Australian policy in 1996 (Oke 2010). The Department of Immigration and Citizenship (2009) advise that the subclass
457 visa is designed to support the growing Australian economy by ‘providing a mechanism to source temporary skilled labour as a top up for the domestic workforce’.

In 2007-08, 58,050 sponsored employees entered Australia on the subclass 457 visa. This was a 24% increase upon the previous year (DIAC 2009). Over 9,000 visa holders on temporary 457 visas were in trade occupations with 56% of these located in Western Australia (WA) and Queensland (Qld). In 2012, WA had the second highest number of skilled workers on 457 visas in Australia and had achieved a rise of 75% with a total of 19,430 workers entering WA in 2010/11 (DIAC 2012).

Skilled migrant workers coming to Australia for temporary work have needs beyond that of basic employment survival. Pertinent social issues identified in the literature include: proficiency in English (Toner & Woolley 2008), exploitation of workers with wages that don’t have parity with the workers of the host country (Deegan 2007; Oke 2010), the skills transfer from migrants to Australian workers (Brooks, Murphy & William 1994, Toner & Woolley 2008), the reciprocal impact on training for Australians (Hugo 2006, Toner & Woolley 2008), the employment levels of Australian residents (Richards 2006) and the impact of skilled migration on the countries of origin in that they incur a knowledge drain (Khoo et al 2007, Wickramasekara 2003). There is also a vast international literature on the underutilisation of migrant skills by the host country, particularly when English is not the migrant worker’s first language (for example, Misztal 1999; Mattoo, Neagu & Ozden 2008; Huber, Landesmann, Robinson & Stehrer 2010). Finally, Piper (2009) argues that much literature on temporary migration concentrates on economic development opportunities for the host country and that the significant social implications also require consideration.

Workers employed under the temporary 457 visa require a range of social support when working and living in Australia. Although they are expected to have vocational English proficiency (DIAC 2009), a significant number of these workers’ families do not speak English. Toner and Woolley (2008) acknowledge migrants need time to become proficient in English, to familiarise themselves with work routines, requirements and safety standards; especially since the work environment in Australia may differ from that in their mother country.

Methodology

The exploratory study used mixed methods because the study looked at both economic and social paradigms. Creswell, Plano Clark, Gutman and Hanson (2003:210) support a mixed approach as a distinct research design which uses both qualitative and quantitative investigative methods. Creswell et al (2003:231) after Cherryholmes (1992) state that in using mixed methods ‘researchers should be concerned with applications, with what works and with solutions to problems’ as in the focus of this study concerned with the ‘impact’ of workers on 457 visas on business, migrant families and the community. This study builds on both the field research and the accumulated statistics of skilled migration. The sample for the study included: statistics collected by the Department of Immigration and Citizenship (DIAC) between 2007-2012 of the number migrant workers and their families entering Australia on 457 visas, what businesses they were employed in, and the work they did, the numbers that were employed by the WA resources sector and how they spent the money they earned; 30 semi-structured interviews with workers on temporary 457 visas employed in the resources sector in WA predominantly in professional roles; 17 semi-structured
interviews with employers from 15 firms employing workers on temporary 457 visas in the resources sector in WA and 7 semi-structured interviews with support agencies: Migration Agents, Relocation Agents and support groups (ex-pat groups). The 30 workers were aged between 23 and 57 years, 26 were male and 4 were female. They were predominantly in professional roles such as Project Managers, Drill Fitters etc. There was one chef in the sample.

Findings and discussion

Financial Costs

Workers on 457 visas, as part of their visa requirement, must have in place their own private health insurance as they are not covered by Medicare. However, some workers have their health insurance premiums paid for by their employer. In addition, workers on 457 visas are not eligible for the Child Care Rebate and hence need to cover the full cost if their spouse wishes to work while here in Australia.

*We have to provide our own private cover on our visa. I think I’m exempt from having to pay the Medicare levy* (Male Worker Managerial)

*The cost of childcare I’ve heard is quite expensive here, so it’s almost beneficial for the mother to stay at home* (Male Worker Operations)

Workers that were interviewed for the study explained their difficulties as non-Australian residents in obtaining finance to purchase cars, in accessing credit cards and acquiring an Australian drivers’ licence.

*We had to buy a car and when we had to buy a car we had to do it on our funds and get set up for financing. We are paying something like 15 or 16% interest for a loan to buy a car* (Male Worker Managerial)

*With credit cards, you’ve got your limits to the ones you can apply for because one of the criteria is that you’re an Australian resident* (Male Worker Managerial)

Navigating visa applications and skills qualifications recognition process in Australia can incur additional costs for the migrant worker wishing to enter Australia on a 457 visa. There were cases of workers paying up front sums to overseas Migration Agents according to their expected income in Australia and others who had their immediate costs met by their employer with a requirement to pay back in instalments once they commenced work.

*The agency [Migration] where I applied for they charged me like one month’s salary. My original contract was $48,000 a year before and they computed it on a monthly basis, so I payed them more than $3,000 just to come here* (Male Worker Services)

Finally, there were cases of Migration Agents located outside of Australia who were charging potential migrant workers to prepare their 457 visa and at the same time charging the business in Australia to supply the worker. There was evidence in some cases of double-dipping.
I found out as well that the employer paid the agency for me to get over here, so obviously the agency was charging on both sides, like the applicant and the employer (Male Worker Services)

**Acceptance by Australian workers**

There was some evidence that workers on 457 visas may not always be accepted in the workplace by Australians; however this was generally not the case. Cultural difference, English language capability and communication seemed to be the main areas that required additional attention to better assimilate migrant workers in WA.

*Sometimes communication can be a factor. Just with accents, there is the Australian slang that I won’t be able to understand especially when I just came here I didn’t know some of the words that they used here. Sometimes there is a bit of discrimination, especially if you are not from here* (Male Worker Managerial)

**Difficulties of working in Western Australia**

The decision to work in a country other than the worker’s home is difficult. Migrant workers have historically found the transition to working in another country not only rewarding but also challenging.

*Going to a new country and setting up from scratch is actually a bit of a challenge* (Female Worker Managerial)

One reason cited for the nervousness of skilled migrant workers from making the move to WA is the distance from extended family.

*I suppose the distance, if anything happened, when you’ve got your parents and family back home it’s hard, and if you’re going through other things, I suppose it’s the pain of not being with your kids* (Male Worker Managerial)

Other challenges of working in WA include a difference in cultural life and a lack of infrastructure both in the capital city of Perth and in regional WA.

*I found one of the most difficult things for me for transition between London and Perth has been perhaps the massive difference in cultural life* (Male Worker Managerial)

*The infrastructure I think is a big disadvantage for the place [Perth], it just doesn’t have much infrastructure* (Male Worker Managerial)

*When we were first out in Leonora it was a bit of a shock I suppose, I got used to it but she found it hard. I was working but she wasn’t working at the time, so she was on her own and we were out in the middle of the bush and I was away maybe for a day or two in the mine site* (Male Worker Managerial)

Workers on 457 visas noted the differences in work ethic in Australian business explaining that the hardships experienced in Ireland in recent years, for example, has produced a strong work ethic.
I have to say that I find the work ethic very different here. It’s not that we live to work but we certainly are very committed when we are in the office. They [Australian workers] seem to think that they have 10 extra days annual leave a year just because they have sick leave (Female Worker Managerial)

**Fly-in/fly-out working arrangements**

Fly-in/fly-out working arrangements associated with resources projects was cited by a number of workers on 457 visas and business representatives as a key reason for a failure to attract workers to the sector.

I’m away from my family for 4 weeks. I find it a bit hard and we only get that one week of R and R [rest and recuperation]. It’s really short and it’s a little bit hard, especially if you’ve got a young family (Male Worker Operational)

This has prompted a number of businesses to encourage workers to live and work in the regions. However, a lack of regional infrastructure limits the availability of housing in the regions for families.

**Housing shortages**

A lack of affordable rental accommodation in Perth and the regions was mentioned by almost all the participants interviewed for the study. Workers on 457 visas explained how difficult this is in regional WA in particular, where much of the resources work occurs. For those families who would be happy to live and work in the regions the high rental costs are prohibitive. Others discussed the difficulties of renting in Perth without a prior rental history. Salt (2012) noted that affordable housing in Perth and the regions was crucial to support continued economic growth and growth in the resources sector.

We were sharing a house and renting a room [in Karratha] but it’s ridiculously expensive. We were paying $250 a week just for a room, so that’s $1,000 a month and you share a house with somebody else (Male Worker Operational)

It’s difficult when you are on a 457 to come and get rental accommodation because you never rented a house before in Australia. So, it becomes very difficult for the agents to trust you to rent a house. You need some sort of track account as well so it becomes very difficult when you just arrive and you try to rent (Male Worker Managerial)

**The first month**

The first month after arrival in Australia for workers on 457 visas is the crucial period of time that determines whether they remain working or return home. Many workers on 457 visas cited little knowledge of life in Australia prior to their arrival, including transport issues, insurance and where to live.

When we arrived here we had a week and a bit to find rental accommodation, which as you can appreciate isn’t really long enough. So, we managed to eventually get some but it would have been nice to have more of an insight to the place before we came here (Male Worker Managerial)
In a new country sometimes you don’t quite understand how things work and part of it is a good understanding of how insurances work in this country (Male Worker Managerial)

Getting into work from the areas that you don’t really know, you don’t know how to get there, you’re not sure about the traffic and transportation system, you don’t know how long you’ll be away for. You multiply that by how many times you’ve got to do it it’s actually quite a big deal (Male Worker Managerial)

Loneliness and isolation
Workers on 457 visas interviewed for the study overwhelmingly expressed a feeling of loneliness upon arrival and in the first 12-18 months of living in Australia.

It’s difficult in that we really feel alone; we don’t really know anyone here. So, getting to know people is difficult in the beginning and we miss our family back home (Male Worker Managerial)

Friends! We needed some friends; that’s the most difficult part of living here. It’s a period of 18 to 24 months to settle in and find a network of friends. You may meet people but you don’t always connect with people so it takes a bit of time and that can be quite a tough period, especially when you have kids and my wife was pregnant at the time. So, it was quite tough for the first year and a half (Male Worker Managerial)

There was evidence that particular groups such as women with small children and empty nesters as well as those from countries such as the USA, UK and Ireland were most likely to experience loneliness and have trouble settling into Australia socially.

My wife really struggled. She found her friends from taking my daughter to certain activities and met other mothers that way who had things in common. There were a number of times where we did think it wasn’t really for us and that we should go home (Male Worker Managerial)

The main thing is that real loneliness and I see our major risk areas being your empty nesters, like the older ladies whose husbands are FIFO and they’ve got older kids that they’ve left back at home in the UK at university, for example. Then they get here, they’re extremely isolated and have no way of meeting friends. Even with high school kids, the high school kids don’t want you going to the school and chatting to their mums, it’s seriously embarrassing. They’re the wives that I feel tend to get a lot more lonely (Support Worker Relocation)

Although we share a common language with these countries, Australia’s culture is somewhat different and there is assumptions that because these workers and their families speak English they are able to fit in easily.

Even for single workers on 457 visas, loneliness and a lack of community and cultural involvement was an issue. However, there was evidence that these workers developed friendships and meetings with other people from their home country through internet sites and social pages.
I went out myself and looked up an expat blog and there was a girl on that who I decided to meet, an Irish girl. At the time, I was meeting Aussies and Brits and although I liked them I wasn’t having the same crack [meaning laugh] that I would have with my friends at home, the sense of humour was kind of missing (Female Worker Managerial)

I just googled Brits living in Perth and then it comes up with all these websites and I went onto this one called ‘Poms in Perth’ to meet people online and that’s how I’ve met most the people that hang around me (Female Worker Managerial)

The wellbeing of workers on 457 visas and their families is important. There is not only the personal impact but there is the possibility of a financial impact on the businesses that employ them as they may return home early with the costs of migrating to Australia unrecoverable and the investment wasted. There was evidence in the study data that workers on 457 visas have varying needs when settling in Australia. Some workers settle easily and quickly, others require individual attention and intensive resources.

Conclusion

Workers on 457 visas enable employers to deliver infrastructure projects on time that will contribute to significant future national economic prosperity and place the Australian resources industry as world leaders. The workers on 457 visas, and their families, gain desired employment and often a change of life, although sometimes at the expense of their home country. The community gains additional economic wealth and social growth, especially in rural and remote areas. In terms of costs, the investment in recruitment is born by employers who seek to recoup the investment through timely project completion. The workers on 457 visas inevitably find some cultural connections are displaced and experience the dilemmas of cultural dissonance in the short term. Communities have to adjust to greater diversity and invest in expanding the appropriate infrastructure. The implications of these findings for human resource managers are in terms of retention in that firms need to adequately support workers on 457 visas when they come to live and work in Australia. Key issues to emerge from this study for workers on 457 visas included loneliness and isolation, the process of settling into Australia and spousal and family issues that need to be overcome. The emotional and social welfare of these workers emerged as key components of successful assimilation of workers on 457 visas in Australia. Failure to acknowledge these problems resulted in threats to emotional well being of the workers and their families and in some cases led to workers returning home early. Having gone through the lengthy visa process that is costly in terms of time and financial cost it seems that retaining highly sought after labour is crucial to the firm’s profitability. It seems that with workers on 457 visas it is not a situation of just bring these people in and set them to work, there is the added role for the HR professional in terms of providing social support outside of the working environment. Firms who proceed down the track of employing workers on 457 visas would be well advised to consider these additional requirements and factor in social support and extra time working in an almost cultural liaison role. In fact if firms are bringing in or are planning to employ large numbers of workers of 457 visas in the future, a new role of social liaison may need to be considered?

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The Context Effect: Collective Bargaining for Paid Parental Leave

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There is considerable research examining the various means by which work-family policies are provided. One research stream focuses on legislative means, much of this with a European focus, where welfare state policies and European Union mandates have introduced a suite of work-family entitlements. A separate body of research relating to the delivery of work and family policies through organisational means in order to address employer and employee needs for flexibility also exists. A third but less researched stream, relates to trade union capacity to deliver work-family provisions in collectively bargained agreements. Each of these streams tends to be considered separately, generally with little recognition of the possible relationship between the streams. This paper takes an approach that examines the possible link between the legislative context and union bargaining. That is, the paper considers the following questions: Does the context influence bargaining outcomes? Are there more work-family entitlements in union agreements when the state does not provide them?

Work-family entitlements are generally understood to include time flexibility and special leaves, with one of these leaves being paid parental leave. Australia did not have a paid parental leave scheme until 2011. The new scheme, which provides 18 weeks paid parental (maternity) leave at the national minimum wage for eligible recipients, set a new public policy platform for work and family policy in Australia. Concerted campaigning to introduce a government-funded scheme came from various interest groups, including unions, in the preceding five years. This unique period, marked by the absence of a universal paid maternity leave scheme combined with significant public debate about the issue, allows us to examine the interaction of the legislative context with the outcomes in collective agreements.

In this paper we analyse the spread of collective bargaining for paid maternity leave against this backdrop. The period under examination, December 2005-December 2010, coincides with the Family Provisions test case, the Workchoices debate and the election of a new Labor government. This period allows us to observe bargaining outcomes for paid parental leave at a time in which the paid parental leave scheme was firmly in the public consciousness, but not enacted. The paper begins by outlining previous research in the area. This is followed by an explanation of the data and a summary and timeline of the social and political events occurring in the period under consideration. A discussion and evaluation of the major patterns in collective bargaining and paid maternity leave in this period follows. The paper concludes with comments about the interaction of the legislative context and collective bargaining outcomes.
Union Recognition, Bargaining Arrangements and Voice Mechanisms of US and Australian MNEs in Australia

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La Trobe University, University of Newcastle, University of South Australia, Victoria University and Curtin University

Using a large scale survey of multinational enterprises (MNEs) operating in Australia we compare and contrast the union recognition, bargaining arrangements and voice mechanisms of US based and Australian based MNEs. The evidence suggests that, in keeping with the literature, that US MNEs are union avoiders, rely on individual contracts and have extensive direct voice mechanisms. Australian MNEs engage more with unions, are more likely to use collective bargaining arrangements, but are also heavy users of direct voice mechanisms.

Introduction
Since European settlement Australia has been a major recipient of foreign direct investment. Initial imperial investment was overtaken by investment from the USA and Japan, and more recently we have seen increased investment activity from India and China. Australia has also become a large foreign investor abroad, and inward and outward flows of foreign investment are both at around one third of GDP (UNCTAD, 2008). The USA represents the single most important source of inward FDI, accounting for almost one quarter of all inflows into Australia, and almost 40 per cent of all MNEs located in Australia (McDonnell, Stanton, et al, 2011). On the other side, the US also serves as the most important location for Australian FDI accounting for almost 43 per cent of all outward investment (Foreign Investment Review Board 2008). The UK, Japan, New Zealand and other European Union countries (e.g. Germany, Netherlands, France) represent other critical sources of FDI.

MNEs are a critical component of the Australian economy. They are present across all sectors and foreign owned MNEs dominate a number of sectors including motor vehicles, whitegoods, and pharmaceuticals and computing hardware/software. From the survey of MNEs conducted in 2009-11 we estimate that MNEs account for around one quarter of all employment in Australia (McDonnell, Russell et al, 2011). The recent mining boom has seen very large investments being undertaken in Australia, especially in Western Australia and Queensland (Garnaut, 2010).

In this paper we draw on survey evidence to assess the extent to which MNEs accommodate and engage with trade unions. In particular we are interested in whether the country of origin of MNE ownership has any impact on voice recognition practices of Australian owned and US owned MNEs. Many of the studies of MNEs and their attitudes to unions and
collective bargaining arrangements have relied on case study evidence (Lambert et al, 2005). The advance in this paper is that we utilize a systematic survey that is focused on the HR practices of MNEs operating in Australia. There is an extensive literature that examines the transfer of HRM practices, included union recognition and voice, across subsidiaries (Ferner et al, 2004). There is also extensive literature that highlights the union avoidance and direct voice mechanisms of US owned MNEs (Collings, 2008). What has been less researched has been the practices of Australian owned MNEs with respect to union recognition and voice (McGrath Champ and Carter, 2001). Further, there have been no systematic comparisons of US and Australian MNE practices within Australia, prior research used data that compares US MNEs with all domestic firms (e.g. Walsh, 2001). This paper contributes to filling this information gap.

This paper also contributes to the literature and continuing debate surrounding the practices of MNE’s and more specifically whether their management of the employment relationship revolves around distinct features of their nationality. We also integrate this discussion within a broader variety of capitalism framework identifying potential points of commonality between the US and Australian institutional contexts which may facilitate some convergence of practice. The next section outlines how these relevant literatures inform our study.

**Literature: Varieties of Capital, Country of Origin and Convergence of ER Practices**

In the varieties of capitalism literature Australia and US gravitate towards the liberal market economy (LME) classification (Hall and Soskice, 2001; Hall and Gingerich, 2009). This in general terms, implies low levels of unionization direct voice and a unitarist approach to industrial relations (Hall and Soskice, 2001). By contrast in a coordinated market economy (CME) model collaboration with other ‘institutional actors’ such as organized labor, is expected to occur at national, industry and firm levels (Hall and Soskice, 2001, North, 1990, Williamson, 1985). The degree of collaborative interaction between institutional actors is identified as a significant distinction between LME and CME models (Hall and Soskice, 2001). In light of this, it might also be expected that it would also be a significant point of commonality amongst firms from LMEs, such as the US and Australia. If this is the case we would expect a similar low-level of engagement by firms with “institutional actors” such as trade unions. However, the variety of capitalism framework has its criticisms and claims of over simplification (Crouch, 2005).

Debate surrounding the practices of MNE’s in the international HR literature has also long provided a variety of other explanations of MNE behavior. This literature has debated the extent to which MNEs management of the employment relationship revolves around the distinct features of their nationality (country of origin), international norms or a by conformance to the IR system prevalent in the host country. Although scholars espousing the latter conclusion have seldom argued that host country effects alone would explain MNE behavior, rather they suggest that “the behavior of MNC’s in host countries may be a synthesis or hybrid in which host country norms mediate the home country blue print”
(Innes and Morris 30:1995). Others indicate the possibility of practice converging under the auspice of an international management approach, which transcends national boundaries (Ferner, 1997). In this scenario “the special case of the MNE” is neither bound by neither host nor home country institutional norms (Kostova et al 2008), either in relation to competitive behaviours or management behaviours within the MNE. Rather than being characterised by local isomorphism or dominated by country of origin effects, if the internationalisation theory is correct one could expect the emergence of global corporate isomorphism in which “major MNCs are subjected to isomorphic pressures from their key competitors in international markets” (Ferner & Quintanilla, 1998:713), irrespective of host country conditions. Of course, in the case of MNEs from the host nation this may only partly explain MNE behavior. For example, the varying degrees to which different Australian MNEs (as host nations MNEs in our study) have developed as international players will condition the likelihood of them experiencing any isomorphic pressures from international competitors. However, we would argue that it might be more reasonable to expect that the common LME conditions in US and Australia and subsequent MNE behavior within them, lends itself to some homogenisation of employee relations akin to what Ferner and Quintanilla (1998) term ‘Anglo-Saxonization’. But again, these authors do warn that despite evidence of convergence around some employment relations practices internationally, companies tend to become Anglo-Saxon in a manner that retains many elements of their country of origin national business systems”(Ferner and Quintanilla, 1998:724).

That the convergence around some employment relations practices tends to occur in a manner that retains many elements of their country of origin is particularly relevant for our comparison of Australian MNEs and US firms, as the effect of US country of origin has long been assessed as significant indicator of behavior in international HR research. For example, in what was arguably the critical test for the conformance to host country practice theory, Muller (1998) examined foreign MNE behaviors in Germany. Germany is used as the exemplar of the CME model in the varieties of capitalism literature (Hall and Soskice, 2001) and is renowned as an institutionally strong IR system, which legally imposes a uniform set of institutional arrangements on companies, and therefore would be most expected to reflect a dominance of host country practices. Muller (1998) tested the hypotheses that, MNEs under examination would comply with the requirements of key IR institutional arrangements around centralised bargaining and co-determination and/or that IR practices of MNE’s subsidiaries would be different from those of indigenous firms. Significantly, Muller (1998) revealed a concerted effort by US MNCs, in particular, to avoid co-determination. On the issue of collective bargaining the US MNCs were markedly different from indigenous firms and again there was resolute effort to go against the host country system. However, like many authors who reject the host country conformance theses Muller (1998) acknowledges some alterations made to practice in many cases to accommodate the restrictive German system, however this is likely more a reflection of the strength of the German system than a principled convergence by MNEs.

There have been few studies around the transfer of HR/ ER practices into the Australia. Purcell et al. (1999) surveyed 69 Japanese MNEs in Australia and found that Australian subsidiaries largely adopted practices stemming from the Japanese parent firm. The rationale behind this was to benefit from the parent company’s ownership advantages, as
well as it being a key control and coordination device. However, certain Japanese practices (e.g. incentive system) were not transferred due to significant differences between the cultural and institutional context of Australia and Japan. In terms of explanatory variables, they found the experience of the Australian subsidiary, sector and size were significant in explaining differences in the approach taken to the transfer of Japanese practices. Using the AWIRS data set Walsh (2001) noted the greater investment in HR and more sophisticated HR systems in foreign MNEs than Australian establishments. Furthermore, she found US and UK owned MNEs had the most sophisticated HR policies and practices leading her to suggest that the strongly regulated Australian industrial relations system had not deterred innovative HR practices. McGraw and Harley (2003) compared 1990 and 1995 AWIRS data and found that foreign MNEs were using a more sophisticated suite of HR policies and practices compared to domestic firms. Goodeham et al. (2008) using CRANET data found greater use of calculative HR practices (individual performance appraisal, individual rewards systems and monitoring of training) in the Australian subsidiaries of US owned MNEs than in the subsidiaries of US MNEs in the UK, Ireland, Denmark/Norway and Germany. This suggests that the institutional framework of Australia is more open to the transfer of home country HR practices.

In light of the above discussion, we believe that Australian is open to the transfer of practice by foreign MNEs and acknowledge that US country of origin could be significant in any comparison with Australian MNEs. But we also suggest that some institutions do vary across LME countries, such as laws and regulations that limit the application of a single model of ER (Geppert and Williams, 2006). That Australia is an LME the expectation would be that there would be little pressure on US MNE to adapt their unitarist ER practices in Australian (e.g. union avoidance and direct voice mechanisms (Collings, 2008), and this common LME context should facilitate a comparably unitarist approach by Australian MNEs. However, we are conscious the LME institutional environment in Australia may not be as unitarist as in other LMEs.

In terms of its institutional arrangements Australia had a long history of centralized industrial relations that legitimised trade unions and indirect voice mechanisms (Sappey et al, 2008). However, this has clearly changed over the past 20 years as the trade union density has declined, as workplace bargaining replaced centralized bargaining and strategic HRM practices became more embedded into the workplace (Sappey et al, 2008). Australian has moved from collectivist and formal bargaining arrangements to unitarist and individual bargaining arrangements. Under these circumstances we would expect that any comparison of US and Australian based MNEs would find that there were few limitations placed on US based MNEs in avoiding unions and introducing direct voice mechanisms. Second, we would expect that Australian MNEs would also face few constraints and would similarly engage in union avoidance activities and use direct voice mechanisms. This would result in some convergence of practices between Australian and US based MNEs.

To evaluate these issues and using the survey evidence that we collected (details outlined below) we examine the following questions:
1. The type of bargaining arrangements that are used in Australian workplaces?
2. Whether management had a preference or aversion for engaging with trade unions?
3. The trade union density across Australian operations?
4. Whether trade unions are involved in collective bargaining?
5. Whether non union collective structures were used?
6. What voice mechanisms were used?

**Methodology**

The data for this study comes from a large scale survey of employment practices of MNEs in Australia. The criteria applied and the methodology that was used followed the protocols set out in the INTREPID international project assessing employment practices of MNEs across several countries (McDonnell, Russell et al., 2011). Foreign MNEs were defined as those that employed at least 100 in their Australian operations and 500 or more worldwide. Australian MNEs employed 500 persons, with at least 100 of these being employed outside of Australia. A total population of 1,008 MNEs operating in Australia was developed in a robust and comprehensive manner utilising more than 20 different company listing sources (McDonnell, Russell et al. 2011). From this population, a stratified random sample of 549 MNCs was selected according to country of origin and primary sector of operation. We lost 22 firms due to delisting, bankruptcy or merger and had a final sample of 527 MNEs. A questionnaire was administered by face-to-face interviews with the most senior HR practitioner able to answer questions for the entire Australian operation. Thus, this is an organizational rather than workplace level study. The questionnaire used was adapted from comparative INTREPID studies in the UK, Canada and Ireland. The questionnaire was focused on the key HR areas of pay and performance management, employee representation and consultation, training and development, and employee involvement and communication.

Interviews were held with 211 practitioners between mid-December 2009 and February 2011. 171 were foreign owned MNCs and the remaining 40 were Australian owned with an overall response rate of 40 per cent. The focus of this paper is on a comparison of 81 US and 40 and Australian MNEs operating in Australia. MNEs from the US and Australia account for over 60% of all MNEs operating in Australia. One of the surprising findings was the large number of Australian based MNEs (around 20% of the sample). This is one of the first papers that utilises this systematic database on Australian based MNEs. The survey covered the following employees: LOG (largest occupational group); strategic employees (eg R&D, marketing staff) and managerial employees. The details of the survey can be found in McDonnell, Russell et al (2011).

**Findings**
Respondents were asked ‘what percentages of the LOG in the Australian operations are covered by the following arrangements?’ These arrangements included: collective bargaining; non-union collective bargaining; award only; and individual level arrangements. Table 1 reports on a One-way ANOVA. It is clear that Australian MNEs had a higher percentage of union (F=8.165; p<.01) and non-union (F=8.202; p<.01) collective agreements relative to their US counterparts for their Australian operations. In contrast, US MNEs had a higher percentage of individual based agreements relative to Australian MNEs across their Australian operations (F=3.487; p<.10). There was no statistical difference in the use of Award only arrangements between the two MNE’s cohorts.

Table 1

<table>
<thead>
<tr>
<th>Workplace bargaining arrangements</th>
<th>Australian MNEs (mean)</th>
<th>US MNEs (mean)</th>
<th>F Statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Union collective bargaining</td>
<td>39.97</td>
<td>17.71</td>
<td>8.165***</td>
</tr>
<tr>
<td>Non-union collective bargaining</td>
<td>16.03</td>
<td>3.58</td>
<td>8.202***</td>
</tr>
<tr>
<td>Award only</td>
<td>16.11</td>
<td>15</td>
<td>1.380</td>
</tr>
<tr>
<td>Individual contracts</td>
<td>27.89</td>
<td>65.25</td>
<td>3.487*</td>
</tr>
</tbody>
</table>

N=114 *p<.10, **p<.05, ***p<.01

We also asked the following question: ‘To what extent do you agree with the following statements in respect to the approach of management – employee relations in the Australian operations? - with respect to management prefer to deal directly with employees and management would not mind dealing with unions should employees join one’. Using a 5 point scale for the responses, and using a one-way ANOVA it is clear that both US and Australian MNEs HR managers held similar views regarding their preference for a direct employee-management relationship without union interference (see Table 2).

Table 2

<table>
<thead>
<tr>
<th>Employee-management relations</th>
<th>Australian MNEs (mean)</th>
<th>US MNEs (mean)</th>
<th>F Statistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management prefer to deal directly with employees</td>
<td>4.13</td>
<td>4.35</td>
<td>1.169</td>
</tr>
<tr>
<td>Management would not mind dealing with unions should employees join one</td>
<td>2.40</td>
<td>2.79</td>
<td>.776</td>
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</tbody>
</table>

N=114 *p<.10, **p<.05, ***p<.01

In relation to trade union presence in MNEs, respondents were asked ‘what proportion of the total number of employees in the Australian operations are members of a trade union?’ We recoded the categorical responses (i.e., none, 1-10%, 11-25%, 26-50%, 51-75%, 76-100%). We developed four categories based on non union presence, low union presence (1-10%), moderate union presence (11-50%) and high union presence (51-100%). A Cramer’s V test indicates that US MNE’s are more likely to operate in a non-unionised environment relative to their Australian counterparts (CV=.298; p<.01). There were no statistical differences found between US and Australian MNEs for the moderate and high union presence cohorts (see Table 3).

### Table 3

<table>
<thead>
<tr>
<th>Union presence</th>
<th>No Union</th>
<th>Low union</th>
<th>Moderate union</th>
<th>High union</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian MNEs</td>
<td>36.5</td>
<td>51.9</td>
<td>29.6</td>
<td>11.1</td>
</tr>
<tr>
<td>US MNEs</td>
<td>7.4</td>
<td>39.7</td>
<td>19.0</td>
<td>4.8</td>
</tr>
</tbody>
</table>

N=90

Respondents were asked ‘In Australia, are trade unions recognised for the purposes of collective bargaining representation at – no sites, all sites (including companies with single sites), most sites, some sites’. Using a cross tabulation with Cramer’s V tests it is clear that Australian MNE’s are more likely to recognise trade unions for the purposes of collective bargaining (CV=.365; p<.01). In fact, almost 52 per cent of US MNE’s operating in Australia do not recognise unions for the purpose of collective bargaining as compared with 25 per cent for Australian MNE’s (see Table 4).

### Table 4

<table>
<thead>
<tr>
<th>Union recognition for collective bargaining</th>
<th>No sites (%)</th>
<th>All sites and companies with single sites (%)</th>
<th>Most sites (%)</th>
<th>Some sites (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian MNEs</td>
<td>25</td>
<td>20</td>
<td>32.5</td>
<td>22.5</td>
</tr>
<tr>
<td>Us MNEs</td>
<td>51.9</td>
<td>13.6</td>
<td>7.4</td>
<td>27.2</td>
</tr>
</tbody>
</table>

N=121
Respondents were also asked ‘How many unions are recognised for the purposes of collective bargaining?’ Australian MNE’s (3.84) had a statistically higher mean score as compared to their US Counterparts (2.27) (F=6.711; p<.01).

We also asked respondents whether there were non-union representative structures (e.g., joint consultation committees) that cover all Australian operations. Using a cross tabulation and a Cramer’s V test US MNE’s were more likely not to use non-union collective based structures as compared with Australian MNE’s (CV=.216; p<.10). Moreover, Australian MNE’s were more likely to use non-union based structures where there is trade union recognition.

Table 5

<table>
<thead>
<tr>
<th>Non-union collective representation</th>
<th>Non-union collective representation (%)</th>
<th>Yes, at sites where there is no union recognition (%)</th>
<th>Yes, at sites where there is union recognition (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian MNEs</td>
<td>57.9</td>
<td>18.4</td>
<td>23.7</td>
</tr>
<tr>
<td>US MNEs</td>
<td>77.8</td>
<td>12.3</td>
<td>9.9</td>
</tr>
</tbody>
</table>

HR managers were asked about the employee voice mechanisms used by their organization. These voice mechanisms included: formally designated teams; quality control circles; meetings between senior management and whole workforce; attitude and opinion surveys; suggestion schemes; systematic use of management chain to cascade information; newsletters or emails; company intranet providing information to employees; meetings between line managers and employees; and formal performance appraisals. Cramer’s V tests demonstrate that Us MNEs are more likely to use formally designated teams (CV=.255; p<.05), meetings between senior management and the whole workforce (CV=.178; p<.05) and a systematic use of management chain to cascade information (CV=.207; p<.05) relative to Australian MNEs.

Table 6

<table>
<thead>
<tr>
<th>Employee voice Practice</th>
<th>US MNEs (%)</th>
<th>Australian MNEs (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formally designated teams</td>
<td>90.1</td>
<td>70.0***</td>
</tr>
<tr>
<td>Quality control circles</td>
<td>85.2</td>
<td>77.5</td>
</tr>
<tr>
<td>Meetings between senior management and whole workforce</td>
<td>93.8</td>
<td>82.5**</td>
</tr>
<tr>
<td>Attitude and opinion surveys</td>
<td>85.2</td>
<td>82.5</td>
</tr>
<tr>
<td></td>
<td>58.0</td>
<td>65.0</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Systematic use of management chain to cascade information</td>
<td>98.8</td>
<td>90**</td>
</tr>
<tr>
<td>Newsletters or emails</td>
<td>98.8</td>
<td>100</td>
</tr>
<tr>
<td>Company intranet providing information to employees</td>
<td>93.8</td>
<td>87.5</td>
</tr>
<tr>
<td>Meetings between line managers and employees</td>
<td>98.8</td>
<td>100</td>
</tr>
</tbody>
</table>

N=121* p< .10, **p< .05, ***p<.01

**Discussion**

Compared to Australian based MNEs, US based MNEs are:

- less likely to use union and non-union collective agreements
- more likely to use individual contracts
- more likely to operate in a non-unionised environment
- less likely to recognize unions for collective bargaining
- when they do they recognize unions it is likely to be fewer unions at each site
- more likely to use formally designated teams, meetings between senior management and the whole workforce and a systematic use of management chain to cascade information

Drawing on insights from varieties of capitalism literature (Hall and Soskice, 2001; Hall and Gingerich, 2009) we suggested that it would be reasonable to expect a similar low-level of engagement by firms with “institutional actors” such as trade unions in LME economics. However, in these “similar” environments significant contrasts have been found in our investigation. Although, Ferner (1997) contends that the country of origin effect may be masked where home and host countries are similar, our findings demonstrate that in a comparison of US and Australian MNEs substantive difference are easily unmasked when it comes to union and non-union collective bargaining arrangements. As argued at the outset of this paper, the degree of collaborative interaction between institutional actors (measured here by collective bargaining with union or non-union-based organized labor) is identified as a significant distinction between LME and CME models (Hall and Soskice, 2001). In light of this, it was suggested that this might also be expected to be a significant point of commonality amongst firms from LMEs, such as the US and Australia. However, our findings indicate that compared to Australian based MNEs, US based MNEs are less likely to use union and non-union agreements and are more likely to use individual contracts. The varieties of capitalism literature explain that firms behave in a path-dependent manner to some degree, based on their habituation from operating within a liberal market economy (LME) (Hall and Soskice, 2001, Hall and Gingerich, 2009). Coupled with few constraints in an LME host environment the findings relating to US MNEs are unsurprising. However, despite a common LME background and host environment and Australian MNEs are different.
Despite this, our finding may indicate that the difference is one of degree rather than substance. That is, both US and Australian MNEs were positive about having direct relationships between management and employees, however, US MNE’s seem to be more active in “formulating substitution strategies” (Roche and Geary, 1996:20) with the adoption of human resource management tools to render direct interaction with unions less necessary. This is evident in the finding that US MNEs are more likely to use formally designated teams, meetings between senior management and the whole workforce and a systematic use of management chain to cascade information relative to Australian MNEs. From this one might tentatively conclude that while Australian MNEs and the Australian institutional environment lean towards a convergence with the US model, the substitution strategies that may facilitate such a convergence are still underdeveloped. Alternatively, it may simply be that convergence around certain employment relations practices are occurring in a manner that retains many elements of their country of origin national business systems and Australia’s comparatively strong traditions in collective bargaining with organized labor.

**Conclusions**

Overall the finding re-affirms the view that where possible US MNEs will avoid trade unions (Collings, 2008) and use direct voice mechanisms to engage with employees (Collings, 2008). This suggests that in the Australian context there are few barriers to MNEs, in particular US MNEs, transferring non union recognition and engagement practices to subsidiaries in Australia (Goooderham et al, 2008). The findings for Australian MNEs are interesting. In comparison with US MNEs there is greater recognition and engagement with unions, with collective bargaining arrangements and with a much higher trade union density. It seems that, despite a declining national density and prior legislation that preferred individual and non union bargaining (Sappey et al, 2008), there remains an attachment among Australian MNEs to trade unions and to collective bargaining. The findings do raise issues for further research, namely why are Australian MNEs less able to move in the direction of union avoidance than US MNEs. Possible explanation include embodied institutions and practice; organizational inertia; fewer greenfield sites; different sector and size distributions.

Limitations of the data set are acknowledged: cross sectional and single respondent. Also, the analysis has not examined other possible explanatory variables such as the age of establishments, industry effects and size effects. However, the findings in this study reiterate the significance of the country of origin effect in shaping multinationals behaviours overriding host country effects. In light of our contrasting findings between two LME countries, the country of origin effect we are seeing relates to not only “characteristic patterns of business behaviour” (Ferner, 1997:25) developed in LMEs generally, but to distinct patterns of behaviours which shape employment practices within individual LME countries. Even within two LMEs, with much commonality, the continued existing of ethnocentricty in approaches to IR/HR should caution researchers to consider the nature of rank and file IR issues such as those examined in this paper.

Finally, while we must remain mindful that “the essentially dynamic rather than static relationship of MNCs with both home and host business systems...may be seen as major determinants in the inevitable evolution of both” (Ferner and Quintanilla, 1998:726), our
data suggests that the host context has had little impact on US MNE behaviours. This is not surprising in an LME host context like Australian; perhaps what is surprising is that distinct features of Australian MNEs relative to their US counterparts remain as so significant in this LME context.

References


Collective Agreements without Unions or Bargaining? The Case of the Australian Hospitality Industry

Mark Bray and Patricia Todd
The University of Newcastle and University of Western Australia

This paper explores the substantial rise in collective agreements in the Australian hospitality industry post 2006. Data from the Australian Bureau of Statistics suggests that the percentage of hospitality employees whose wages were determined by collective agreements rose from 8.8% in 2006 to 30.1% by 2010, a disproportionate increase compared with the national trend and apparently a development at odds with the traditionally individualistic reputation of an industry with weak unions and virtually no collective bargaining. Using data from both the ABS and DEEWR that is disaggregated below the industry-wide level, the paper first demonstrates differing trends across different segments of the industry. More importantly, disaggregating the data according to union versus non-union collective agreements reveals that the bulk of collective agreements not only do not involve a union, but they may not even involve any bargaining.

1. Introduction
The hospitality industry has a well-established (and desired) reputation, in Australia and internationally, for low levels of unionisation and very limited incidence of collective forms of employment relations. As late as 2006, for example, union density in the Australian industry was around 7.2% of the work force, while the Australian Bureau of Statistics reported only 8.8% of employees having their wages determined by collective agreements.

In the face of this reputation and evidence, the dramatic increase in the coverage of collective agreements in the Australian hospitality industry to 30.1% of employees in 2010 is unexpected, especially given the continued decline in union density to 4.4% in the same year.

This paper investigates this unexpected phenomenon. It is not only an important scholarly issue, given its apparent contradiction of previous research, but also an issue of great public policy value. The Fair Work Act 2009 has been widely criticised by many employers as an unwelcome return to collectivism and union power. On the surface, the rise of collective agreement making in a traditionally non-union industry like hospitality seems to support their claims.

After briefly reviewing the research and conventional perceptions about employment relations in the hospitality industry, we then pursue our aims using both published data from the ABS and previously unpublished data from the same source and from the Department of Employment, Education and Workplace Relations1. First, we trace the aggregate trends at industry level. Secondly, we disaggregate the analysis by industry segment, leading to the conclusion that the industry-wide picture is more complicated than it initially appeared. Thirdly, we present data on union versus non-union collective

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1 The authors wish to thank Philip Swinton, DEEWR, for the statistics and assistance he supplied as well his ongoing interest in the research.
agreements that leads us to argue that the growth in collective agreement coverage may not be the result of increased collective bargaining between employers and trade unions. Rather, the peculiarly Australian process of ‘agreement making’ seems to have blossomed without unions being involved and possibly without any actual bargaining between employers and employees, let alone unions.


The ‘hospitality industry’ is a service industry, the definition of which has been the subject of some controversy (see Slattery 2002). In this paper, we use a definition of the industry that comes from categories used by the Australian Bureau of Statistics to gather statistical data. The most recent version of the ABS classification calls the hospitality industry ‘Accommodation and Food Services’ and defines as follows:

‘This division comprises of units providing short-term accommodation for visitors and/or meals, snacks, and beverages for consumption by customers both on and off-site. The division includes units providing accommodation, food/beverage, and hospitality services because one or more of these activities are undertaken by the same unit... Excluded from this division are gambling institutions (casinos); amusement and recreation parks; long-term (residential) caravan parks; theatre restaurants; sporting clubs; and other recreation or entertainment facilities providing food, beverage, and accommodation services.’ (ABS 2011)

While it is easy to over-generalise, the hospitality industry is characterised by several key features which affect the nature of employment relations (van Barneveld, 2006, pp. 154-6; Barnes and Fieldes 2000; Timo 1999): it involves a very large number of mostly very small employers, although a small number of larger employers are important in some segments of the industry; its production process is highly labour intensive; product market competition is often intense; and demand for the industry’s highly perishable ‘product’ fluctuates significantly and sometimes unpredictably over relatively short time periods.

The hospitality industry worldwide has grown rapidly over recent decades (eg. Slattery 2002, p. 21). Employment in the Australian hospitality industry is no exception, with the total number employed in ‘Accommodation, Cafes and Restaurants’ increasing from 277,600 in 1994 to 439,000 in 2006 (ABS 2007). These aggregate numbers changed somewhat after the adoption of the new industry classification of ‘Accommodation and Food Services’, but employment undoubtedly continued to grow – from 605,400 in 2006 to 667,800 in 2010 (ABS 2011b).

In terms of the ‘quality’ of employment, hospitality employment is generally associated with: ‘low pay, low trade union density, gendered jobs, weak internal labour markets, low skill formation, low levels of HRM professional practices and a reliance on a culture of casualisation’ (Timo and Davidson 1999, p. 17). Another feature of the workforce is its relative youth, with around one-third of employees in the industry being aged between 15 and 24 years (see van Barneveld 2006: 157-8).

Table 1: Trade union members, employment and union density in hospitality, Australia, 1990 - 2010

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trade union members (000s)</td>
<td>65.7</td>
<td>62.3</td>
<td>41.3</td>
<td>32.3</td>
<td>29.4</td>
</tr>
<tr>
<td>Total employees (000s)</td>
<td>277.3</td>
<td>337.6</td>
<td>400.9</td>
<td>446.8</td>
<td>667.8</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>-------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>Union density (%)</td>
<td>23.7</td>
<td>18.5</td>
<td>9.2</td>
<td>7.2</td>
<td>4.4</td>
</tr>
</tbody>
</table>

Source: Australian Bureau of Statistics, Employee Earnings, Benefits and Trade Union Membership, Australia, ABS Cat. No. 6310.0, various years.

With this by way of industry background, it is not hard to see why the existing literature suggests an industry in which individualism dominates employment relations – unions are weak and collective bargaining relatively rare. This caricature applies to the industry internationally (eg. Lucas 2009; Cobble and Merrill 1994; Riley 1985), but also to the Australian industry during the period between 1990 and 2007. As Table 1 shows, union density in the industry was low compared to other industries, at 23.7% in 1990, and subsequently fell dramatically to 7.2% in 2005 and 4.4% in 2010 (ABS unpublished and 2011).

Internationally, the literature shows the most common forms of rule-making to be managerial unilateralism and individual contracting underpinned by the minimum standards provided by statutory regulation, while collective bargaining is rare (see Cobble and Merrill 1994; Lucas 1991; Riley 1985). Australia was no different, although the minimum standards have generally more extensive than in other countries, especially through the role of awards (see, for example, van Barneveld, 2006; Buultjens and Howard 2001; Timo and Davidson 1999). Indeed, award reliance is widely recognised as higher in hospitality than in any other Australian industry classification (Knox 2009). Correspondingly, the incidence of collective agreements is amongst the lowest of any industry. Relying mostly on data until 2006, Buultjens and Cairncross (2009: 52) concluded that:

‘In contrast to many industry sectors, the hospitality industry in Australia has been slow to move to formalised enterprise and individual bargaining since the 1990s.’

Hard evidence for this traditional pattern of labour regulation in Australia comes from surveys conducted biannually by the Australian Bureau of Statistics of the methods by which employees’ pay is set; a summary of the survey findings from 2000 onwards is presented in Table 2. These data show that for much of the period between 2000 and 2006, collective agreements (which we can assume to be completely based at the level of a single enterprise) determined the pay of a small minority of employees: fluctuating around 10% of the work force. Individual arrangements, which include both common law and statutory contracts of employment, covered on average around 30% of employees, while awards determined the pay of around 60%.

<table>
<thead>
<tr>
<th>Table 2: Comparison of Methods of Setting Pay, Hospitality Industry and All Industries, 2000-2010 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospitality</td>
</tr>
<tr>
<td>All industries</td>
</tr>
<tr>
<td>Collective Agreement</td>
</tr>
<tr>
<td>Hospitality</td>
</tr>
<tr>
<td>All industries</td>
</tr>
<tr>
<td>Arrangement</td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Hospitality</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>All methods</td>
</tr>
<tr>
<td>Hospitality</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Sources: Australian Bureau of Statistics, Survey of Employee Earnings and Hours, ABS Cat. No. 6306.0, various years; ABS 2011.

- Percentage calculated excluding ‘takeaway food services’. Industry classifications changed during the period of consideration. After 2006 ‘takeaway food services’ was moved from ‘retail’ to ‘hospitality’, catering services was separated out from ‘cafes and restaurants and several other minor changes occurred. The substantially higher proportion of employees within the takeaway foods sector on collective agreements impacts substantially on the industry total statistics, so Table 1 includes the figures for 2008 and 2010 as reported by the ABS as well as how they would have been without ‘takeaway food services’.

This profile of the methods of setting pay in the hospitality industry differs substantially from the overall Australian profile. During the 2000 – 2006 period, the proportion of employees having their pay determined by award only in hospitality was consistently triple that of the national (all industry) average; the proportion on individual arrangements was consistently and significantly less than the national average; and the proportion covered by collective agreements was between about one-fifth and one-quarter of the national average.

3. The Unexpected Rise of Collective Agreements, 2007 - 2010

Given the historical experience of hospitality in Australia and the well-established reputation of the industry’s employment relations in the research, the significant growth in the incidence and coverage of collective agreements after 2006 was unexpected. Our account of this unusual phenomenon is best divided into three steps: the industry-wide aggregate data, the disaggregation of the data by industry segments and the data on union/non-union collective agreements.

3.1 The Aggregated Industry Trends

The ABS data presented in Table 2 demonstrates a big increase in the proportion of hospitality employees whose pay is determined by collective agreement: from 8.8% in 2006 to 19.3% in 2008 and 30.1% in 2010. There were corresponding declines in the proportions of employees whose pay is determined by awards only and individual arrangements. These industry-wide increases in the coverage of collective agreements are disproportionate when compared with the national (all industry) averages: the hospitality increase of 119% between 2006 and 2008 compares with a 3% decline in the all-industry average; while the hospitality increase of 56% between 2008 and 2010 compares with an all-industry increase of only 9%.
The industry-wide increase in collective agreements is partially confirmed by separate and quite different data from the Department of Education, Employment and Workplace Relations (DEEWR). These data report the number of new collective agreements lodged each year and the number of employees covered by those agreements, while the earlier ABS data reported cumulative data on the coverage of current agreements each year.

**TABLE 3: Accommodation & Food Services Agreements lodged/approved by year 2005 to 2011**

<table>
<thead>
<tr>
<th>Year</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total No. of Agreements</td>
<td>236</td>
<td>510</td>
<td>612</td>
<td>374</td>
<td>393</td>
<td>359</td>
<td>207</td>
<td>2,691</td>
</tr>
<tr>
<td>Accommodation &amp; Food Services as % of All Industries Total</td>
<td>3.3%</td>
<td>6.6%</td>
<td>8.1%</td>
<td>5.0%</td>
<td>3.8%</td>
<td>4.5%</td>
<td>3.0%</td>
<td>4.9%</td>
</tr>
<tr>
<td>All Industries Total</td>
<td>7,141</td>
<td>7,676</td>
<td>7,607</td>
<td>7,538</td>
<td>10,369</td>
<td>8,037</td>
<td>6,865</td>
<td>55,233</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of employees</th>
<th>28,910</th>
<th>24,631</th>
<th>20,322</th>
<th>12,137</th>
<th>50,978</th>
<th>32,660</th>
<th>15,868</th>
<th>185,506</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation &amp; Food Services as % of All Industries Total</td>
<td>3.4%</td>
<td>2.7%</td>
<td>3.3%</td>
<td>1.6%</td>
<td>5.4%</td>
<td>3.0%</td>
<td>1.8%</td>
<td>3.1%</td>
</tr>
<tr>
<td>All industries total</td>
<td>847,900</td>
<td>906,853</td>
<td>623,817</td>
<td>763,622</td>
<td>949,174</td>
<td>1,087,098</td>
<td>903,662</td>
<td>6,082,126</td>
</tr>
</tbody>
</table>

| Average number of employees per collective agreement by year |
|---|---|---|---|---|---|---|---|---|
| Accommodation & Food Services | 123 | 48 | 33 | 32 | 130 | 91 | 77 | 69 |
| All Industries | 119 | 118 | 82 | 101 | 91 | 135 | 132 | 110 |

Source: DEEWR 2012

Table 3 shows that the annual number of collective agreements lodged in hospitality grew significantly in years 2006 and 2007, and then dropped to a lower plateau in the years 2008 to 2010. The last year of data, 2011, saw a significant drop to a lower level than 2005. The years 2006 and 2007 also saw the industry produce the highest number of agreements compared to the all industry total.

The increases in the number of employees covered by hospitality collective agreements, however, followed a different pattern, declining each year from 28,910 in 2005 to just 12,137 in 2008. There was a big jump in 2009 to 50,978, followed by significant declines in each subsequent year.

The coverage data largely reflects changes in the average size of collective agreements. In hospitality, the average number of employees per agreement ranged from highs of 130 in 2009 and 123 in 2005 to lows of 32 in 2008 and 33 in 2007. These were
consistently smaller than the average size of agreements across all industries, except in those same years of 2009 and 2007.

In summary, the ABS data shows a major increase in collective agreement coverage in hospitality for the years of 2008 and 2010. The DEEWR data suggests a more complicated picture in which the highest numbers of employees covered by new agreements came in the years 2005, 2009 and 2010. In these years, these increases seem to result from increases in the average size of agreements rather than the number of agreements. Indeed, the years 2006 and 2007 in particular saw larger numbers of new agreements, but smaller coverage, suggesting agreements of much smaller average size.

3.2 Disaggregated Data on Industry Segments
More disaggregated data on collective agreements is available from both data sources and they reveal important modifications to the aggregated industry-wide trends. Data purchased from the ABS, for example, enables us to consider pay setting at the highly disaggregated level of the six industry classes that comprise the hospitality industry. It can be seen in Figure 1 that the profile of pay setting methods in the year 2010 varied across these industry classes. For example, ‘pubs, tavern and bars’ as well as ‘clubs’ (together accounting for 24.1 per cent of employees in the sector) had a much higher proportion of employees on awards only. ‘Takeaway food’ (22 per cent of employees in the sector) had a majority of their employees’ pay determined by collective agreements, while ‘cafes and restaurants’ and ‘catering services’ (35.3 per cent of employees in the sector) had above industry-average proportions on individual arrangements.

Figure 1: Pay setting methods in the Australian hospitality industry 2010

![Chart showing pay setting methods in different industry segments]

Source: ABS 2011

There are several very important implications of these differences between industry segments, which are also demonstrated in Table 4, which presents the trends over time in the coverage of collective agreements. First, not only does ‘takeaway food services’ have by far the highest proportion of employees whose pay is set by collective agreements, but this industry class only became part of the larger hospitality industry classification after the revisions of the ABS classification system in 2006 (see ABS 2011). This means that a significant – but not overwhelming – explanation for the big increase in the coverage of
collective agreements in hospitality in the years 2008 and 2010 is purely statistical. Table 2 shows that the result of excluding ‘takeaway food services’ from the data for those years reduces the growth of collective agreements coverage from 8.8 per cent in 2006 to 12.0 per cent in 2008 and then 22.0 per cent in 2010. Despite this significant reduction in growth rates, it is still remarkable – the data for 2010 is at least double that of any year before 2008.

Table 4: Percentage of employees whose pay is set by a collective agreement by segment, hospitality industry, 2000-2010

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation</td>
<td>10.8</td>
<td>9.7</td>
<td>14.2</td>
<td>15.4</td>
<td>19.7</td>
<td>30.5</td>
</tr>
<tr>
<td>Cafes and restaurants</td>
<td>5.6</td>
<td>5.9</td>
<td>14.5</td>
<td>11</td>
<td>17</td>
<td>25.1</td>
</tr>
<tr>
<td>Pubs, taverns, bars</td>
<td>6.1</td>
<td>8.8</td>
<td>4.7</td>
<td>0.9</td>
<td>3.9</td>
<td>11.4</td>
</tr>
<tr>
<td>Clubs</td>
<td>5.5</td>
<td>1.5</td>
<td>7.8</td>
<td>2.3</td>
<td>4.1</td>
<td>6.8</td>
</tr>
<tr>
<td>Takeaway food services</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>42.9</td>
<td>57.6</td>
</tr>
<tr>
<td>Catering services</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>na</td>
<td>12.9</td>
<td>33.8</td>
</tr>
<tr>
<td>Total</td>
<td>6.7</td>
<td>6.8</td>
<td>11.7</td>
<td>8.7</td>
<td>19.3</td>
<td>30.1</td>
</tr>
</tbody>
</table>

Source: ABS 2011

Second, Table 4 also shows that the growth in collective agreements as a method of pay setting in 2008 and 2010 compared to previous years was particularly rapid in four industry segments: accommodation, where it doubled between 2006 and 2010; cafes and restaurants, where instability in the numbers in 2004 and 2006 more or less meant that it doubled over the 4-5 years before 2010; takeaway food services, where it increased by around one-third between 2008 and 2010; and catering services, where it increased by two-and-one-half times between 2008 and 2010. Correspondingly, there were only very modest increases in collective agreement coverage in ‘clubs’ and ‘pubs, taverns and bars’, although the latter category fluctuated significantly over the whole period.

Table 5 presents alternative data from DEEWR, which can only be disaggregated into the two hospitality sub-divisions of ‘accommodation’ and ‘food and beverage services’, the former being much smaller (in terms of the numbers of employees and employers) than the latter. The patterns of collective agreements in these two categories are very different.

Table 5: Accommodation & Food Services Agreements lodged/approved by year, 2005 to 2011

<table>
<thead>
<tr>
<th>Year</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry Sub-Division</td>
<td></td>
<td>Number of Agreements by year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodation *</td>
<td>26</td>
<td>83</td>
<td>98</td>
<td>86</td>
<td>109</td>
<td>44</td>
<td>48</td>
<td>494</td>
</tr>
<tr>
<td>Food Services †</td>
<td>210</td>
<td>427</td>
<td>514</td>
<td>288</td>
<td>284</td>
<td>315</td>
<td>159</td>
<td>2197</td>
</tr>
<tr>
<td>Hospitality Total</td>
<td>236</td>
<td>510</td>
<td>612</td>
<td>374</td>
<td>393</td>
<td>359</td>
<td>207</td>
<td>2691</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Number of employees covered by year</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodation *</td>
<td>2,220</td>
<td>8,989</td>
<td>4,783</td>
<td>3,772</td>
<td>9,812</td>
<td>5,150</td>
<td>6,054</td>
<td>40,780</td>
</tr>
<tr>
<td></td>
<td>2005</td>
<td>2006</td>
<td>2007</td>
<td>2008</td>
<td>2009</td>
<td>2010</td>
<td>2011</td>
<td></td>
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<tr>
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<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Food Services†</td>
<td>26,690</td>
<td>15,642</td>
<td>15,539</td>
<td>8,365</td>
<td>41,166</td>
<td>27,510</td>
<td>9,814</td>
<td></td>
</tr>
<tr>
<td>Hospitality Total</td>
<td>28,910</td>
<td>24,631</td>
<td>20,322</td>
<td>12,137</td>
<td>50,978</td>
<td>32,660</td>
<td>15,868</td>
<td></td>
</tr>
</tbody>
</table>

Average number of employees per agreement by year

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation *</td>
<td>127</td>
<td>37</td>
<td>30</td>
<td>29</td>
<td>145</td>
<td>87</td>
<td>62</td>
</tr>
<tr>
<td>Food Services†</td>
<td>123</td>
<td>48</td>
<td>33</td>
<td>32</td>
<td>130</td>
<td>91</td>
<td>77</td>
</tr>
<tr>
<td>Hospitality Total</td>
<td>123</td>
<td>48</td>
<td>33</td>
<td>32</td>
<td>130</td>
<td>91</td>
<td>77</td>
</tr>
</tbody>
</table>

Notes:  
* Includes the industry class of Accommodation only.  
+ Includes the industry classes of Takeaway Food Services, Catering Services, Pubs,  
  Taverns and Bars, and Clubs.

Source: DEEWR 2012

In Accommodation, the number of collective agreements lodged each year starts low  
26 in 2005 but jumps significantly in subsequent years, reaching a peak of 109 in 2009.  
The subsequent numbers in 2010 and 2011 decline, although they do not return to the level  
of 2005. The number of employees covered peaks in the years 2006 and 2009, reflecting  
collective agreements in those years that are of much larger average size. So, across all  
measures, the stand-out year is 2009 with the vast majority of the agreements certified  
prior to the commencement of the Fair Work Act.

In Food Services, the years 2006 and 2007 saw significantly larger numbers of  
agreements lodged. However, by far the biggest years in terms of number of employees  
covered by collective agreements were 2009, 2010 and 2005, in that order. Unsurprisingly,  
this reflects very small average size of agreements in 2006 and 2007, and much larger  

In summary, disaggregating the hospitality data by industry segment reveals a much  
richer and more complex picture of collective agreement making. We draw three main  
conclusions. First, the industry-wide data from the ABS overstates the increased coverage of  
collective agreements because of changes in the definition of the hospitality industry  
classification. Second, the ABS data showed significant differences between industry  
segments: two of the industry classes within hospitality (ie. ‘clubs’ and ‘pubs, taverns and  
bars’) saw almost no increase in collective agreements over the period; three (ie.  
‘accommodation’, ‘cafes and restaurants’ and ‘catering services’) saw major increases; while  
the remaining segment (ie. ‘takeaway food services’) saw a lesser increase, albeit from a  
higher base. Third, the more detailed data from the DEEWR showed different patterns,  
especially in terms of timing, between ‘accommodation’ and ‘food services’.

3.3 Disaggregated Data on Union/Non-Union Collective agreements
A remarkable change in Australia’s labour laws and employment relations system which  
began in 1993 has been the development of ‘non-union’ collective agreements alongside  
the more traditional ‘union’ collective agreements (Gahan and Pekarek 2012; Bray and  
Stewart 2012; Briggs and Cooper 2006). The ABS data on collective agreement coverage in  
hospitality used in this paper does not distinguish between union and non-union  
agreements, but the DEEWR data does.
To understand the DEEWR data, we need to briefly review key legislative provisions on union versus non-union collective agreement making. Under the Workplace Relations Act 1996 and the Work Choices amendments of 2005, collective agreements were registered as ‘union’ (under section 170LJ) or ‘non-union’ employee agreements (under section 170LK). These separate provisions made the classification of collective agreements in the DEEWR data relatively straightforward.

The Fair Work Act 2009, however, removed this point of differentiation and made no formal distinction between union and non-union collective agreements, because enterprise agreements were formally between the employer and the employees of the enterprise. Employees, however, had a right to be represented by an agent of their choice and the employer is under an obligation to ‘bargain in good faith’ with all nominated employee representatives. This means that unions can become involved in agreement making if they have at least one member to be covered by the agreement (since unions are the default representative of employees who have joined the union) or if a non-member nominates the union as his/her representative. Furthermore, section 186 entitles a union to request Fair Work Australia that it be covered by a specific agreement. This latter provision now forms the basis for DEEWR’s continued categorisation of ‘union’ and ‘non-union’. In other words, a ‘union’ collective agreement from July 2009 onwards, is one in which a union (or unions) is specified as ‘covered’ by the agreement, while a non-union agreement is one in which no union is covered.

**Table 6: Number of Accommodation and Food Services agreements lodged/approved and employees covered by these agreements by union/non-union, 2005-2011**

<table>
<thead>
<tr>
<th></th>
<th>No. of agreements</th>
<th>No. of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-union</td>
<td>Union</td>
</tr>
<tr>
<td><strong>Accommodation</strong></td>
<td>408</td>
<td>86</td>
</tr>
<tr>
<td><strong>Food Services</strong></td>
<td>1,918</td>
<td>279</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,326</td>
<td>365</td>
</tr>
</tbody>
</table>

Source: DEEWR 2012

As can be seen in Table 6, only 13.6% of the total agreements lodged/approved in the accommodation and food services sector between 2005 and 2011 were ‘union’, although these did cover 49.6% of the employees whose wages and conditions were being determined by the agreements, suggesting that union agreements were on average larger than non-union agreements. There were, however, differences between the two subdivisions. In accommodation, union agreements accounted for 17.4% of all agreements and 36.1% of all employees covered by agreements, while food services agreements comprised 14.5% of all agreements and 53.4% of employees. An important element of these differences was a small number of very large, multi-state agreements (involving 40.7% of all employees in this category covered by collective agreements) in ‘food services’ negotiated between unions and large fast food companies (like KFC, Hungry Jacks, Red Rooster, Dominos and Pizza Hut).

A year-by-year analysis of this data (see Table 7) shows trends over time in these data. The annual figures show the consistent dominance of non-union agreement making over union agreement making across the whole industry, although within the accommodation
sector the statistics for 2010 and 2011 suggest a change in that trend pointing to less non-union agreement making and more union coverage in the agreements lodged/approved.

Table 7: Number of Food Services agreements lodged/approved and employees covered by these agreements x union/non-union, 2005-2011

<table>
<thead>
<tr>
<th>Year</th>
<th>Food services</th>
<th></th>
<th></th>
<th></th>
<th>Accommodation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Non-union</td>
<td></td>
<td></td>
<td>Union</td>
<td>Non-union</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>184</td>
<td>26</td>
<td>4,989</td>
<td></td>
<td>21,701*</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td>2006</td>
<td>409</td>
<td>18</td>
<td>13,546</td>
<td></td>
<td>2,096</td>
<td></td>
<td>61</td>
</tr>
<tr>
<td>2007</td>
<td>478</td>
<td>36</td>
<td>13,606</td>
<td></td>
<td>1,933</td>
<td></td>
<td>95</td>
</tr>
<tr>
<td>2008</td>
<td>233</td>
<td>55</td>
<td>6,415</td>
<td></td>
<td>1,950</td>
<td></td>
<td>84</td>
</tr>
<tr>
<td>2009</td>
<td>256</td>
<td>28</td>
<td>16,518</td>
<td></td>
<td>24,648**</td>
<td></td>
<td>96</td>
</tr>
<tr>
<td>2010</td>
<td>235</td>
<td>80</td>
<td>6,424</td>
<td></td>
<td>21,086***</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>2011</td>
<td>123</td>
<td>36</td>
<td>5,967</td>
<td></td>
<td>3,847</td>
<td></td>
<td>24</td>
</tr>
<tr>
<td>Total</td>
<td>1918</td>
<td>279</td>
<td>67,465</td>
<td></td>
<td>77,261</td>
<td></td>
<td>408</td>
</tr>
</tbody>
</table>

Notes:  
* ‘Multi-state’ agreements account for 19,956 of this total.  
** ‘Multi-state’ agreements account for 17,300 of this total.  
*** ‘Multi-state’ agreements account for 13,827 of this total.  
Source: DEEWR 2012

Turning to the number of employees covered per agreement, the nature of the hospitality industry means it is not surprising to see that 73.6 per cent of the agreements covered less than 50 employees each (see Table 8). Despite previous research suggesting that small- and medium-sized employers are less likely to engage in collective agreement making, it is remarkable that there were 560 collective agreements covering firms with less than ten employees each. It is equally clear that the vast bulk of these collective agreements in small enterprises are non-union. Finally, as students of employment relations would expect, the proportion of agreements that are union increases significantly with the number of employees cover by the agreement. Almost half of the agreements covering 100 or more employees (47%) involved a union (see Table 8).

Table 8: No. Of employees covered per collective agreement, Accommodation and Food Services, 2005-2011

<table>
<thead>
<tr>
<th>Number of employees per agreement</th>
<th>&lt;10</th>
<th>10&lt;20</th>
<th>20&lt;50</th>
<th>50&lt;100</th>
<th>100&lt;500</th>
<th>&gt;500</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of union agreements</td>
<td>29</td>
<td>47</td>
<td>94</td>
<td>81</td>
<td>95</td>
<td>19</td>
<td>365</td>
</tr>
<tr>
<td>Number of agreements (union and non-union)</td>
<td>560</td>
<td>700</td>
<td>719</td>
<td>468</td>
<td>213</td>
<td>31</td>
<td>2691</td>
</tr>
</tbody>
</table>
### 4. Conclusions

The aim of this paper was to explore the unexpected rise of collective agreements in the Australian hospitality industry after 2006, using data from both the ABS and DEEWR. The disaggregated nature of the data obtained from these sources allows us to draw some conclusions and to identify some very important issues for future research.

The first conclusion is that part of the unexpected growth of collective agreements is artificial, in that it is the result of a change in the statistical definition of the hospitality industry. On the one hand, correcting this – by excluding ‘fast food services’ from the historical trend data – makes the increase in collective agreements far less dramatic. On the other hand, the increases in collective agreement coverage are still significant and deserving of close scrutiny because the raw industry-wide data contradict the historical and research reputation of the industry. We also suggest that they are important for public policy reasons. On the surface, they suggest a significant collectivisation of employment relations in an industry considered highly individualistic – a trend that could be attributed to the impact of the Labor government and its Fair Work Act.

The second conclusion is that disaggregating the industry data by industry segment reveals significant differences between different parts of the hospitality industry. These differences suggest that great caution needs to be exercised when assessing historical trends at a broad-based industry level. Understanding the more specific stories of each industry segment also requires in-depth research, in order to better understand the reasons for the different experiences.

Thirdly, and perhaps most importantly, the data on union versus non-union collective agreements from DEEWR suggests that the growth of collective agreements in this industry does not conform with our traditional understanding of a growth in collective bargaining: many collective agreements in this industry have not been negotiated by a trade union and, given the peculiar procedural rules in Australian legislation, they may not even involve any genuine ‘bargaining’. More research is needed to explore the implications of this conclusion and to explain why this type of collective agreement making has emerged. In particular, we need to better understand why employers – who are the main agents sponsoring these non-union agreements – are introducing these agreements and how they are using them to advance their employment relations interests.

This last conclusion has great research and public policy implications. With some notable exceptions (eg. Briggs and Cooper 2006), Australian researchers have largely neglected the development of non-union collective agreements since they were first introduced by the Keating Labor government in 1993. Furthermore, this type of bargaining is very unusual in international terms. The entrenchment of collective agreements without either unions or bargaining also suggests a new assessment of the Fair Work regime to that promoted by either the Labor government itself or its political opponents. In this context, the hospitality industry may prove to be a valuable test tube in which to re-evaluate the shape of modern Australian employment relations and labour law.
REFERENCES

Australian Bureau of Statistics (undated) Australian and New Zealand Standard Industrial Classification (ANZSIC), 2006 (Revision 1.0), Catalogue No. 1292.0, Canberra: www.abs.gov.au


What Is the Deal? Exploring the Perceptions of Skilled Immigrants’ Employment Relationships

Renata Casado and Donella Caspersz
University of Western Australia

The contribution of skilled labour immigrants has become a critical aspect of the Australian labour market. Associated with delivering economic benefits to key sectors of the economy, little is known about the perceptions of these individuals in terms of how their employment relationships influence their willingness to productively engage and remain in the labour force. While economic fluctuations will similarly swing the pendulum of demand for their labour, at the same time, skilled migration is becoming a permanent feature of labour markets, especially in meeting the flexibility needs of labour market demands. The aim of this paper is to describe a qualitative study that will investigate the perceptions of skilled immigrants in Australia about their employment relationships. The continued use of skilled migration in Australian labour market considerations is the justification for this study.
Mapping Interpretations of Voice

Donella Caspersz, Michael Gillan and Leigh Smith
UWA Business School

A corpus of research on employee voice stems from the industrial relations (IR) and human resource management (HR) disciplines. This paper aims to contribute to this by analysing conceptions of employee voice in these disciplines using Leximancer to content analyse a random sample of contemporary literature that was selected using the search engines JSTOR and Business Source Complete. Leximancer was used because it enables an analysis of text without coder manipulation, thus contributing to reliability and validity of findings. The findings presented here augment current conceptualisations of voice in the IR and HR disciplines by deepening our understanding of the substantive matters informing these conceptualisations. Our ability to understand the influence these differences in disciplinary views may have on the practice of employee voice in negotiating workplace relations is subsequently enhanced.

The concept of ‘voice’ in workplace relations has a variety of interpretations (Wilkinson & Fay: 2011). Many of these are derived from ideological differences that frame the purpose for which voice is used, and the forms that voice can take. However, in capitalist economies where the quality and character of relations at work between employers and employees impacts on matters such as productivity – voice matters! For instance, Holland, Pyman, Cooper & Teicher (2011) after examining data from the Australian Workplace Industrial Relations Survey 2007, concluded that employee voice is a direct contributor to job satisfaction, which they argue is a significant variable associated with job and organisational performance. Hirschman (1970), Freeman & Medoff (1979) and more recently Batt, Colvin & Keefe (2002) note that voice also has an effect on quit rates by employees. Finally, voice is often associated as a ‘right’ for workers (Brunelle, Hayden & Murray: 2011), and the availability of voice is considered a key influence in enhancing employee perceptions of equity, access and procedural justice. Similarly, Avey, Wernsing & Palanski (2012) found a relationship between employee voice, ethical leadership and, importantly, psychological well-being, all of which arguably are significant in influencing worker productivity.

In this paper, conceptualisations of employee voice using a sample of articles from the industrial relations (IR) and human resource management (HR) literature are explored. These disciplinary interpretations form a major corpus of the literature about employee voice (Wilkinson & Fay: 2011). While having much in ‘common’ (Kaufman: 2001) given their historical relationship (Schuler: 1989), there nonetheless remain differences (Kaufman: 2011) between the disciplines, such as for instance in conceptualising approaches to managing conflict (Lewin: 2001). The analysis undertaken for this paper is similarly aimed at deepening our understanding about both similarities and differences between
conceptualisations in relation to the scope and utility of voice as presented in IR and HR literature published after 2000.

However, our research differs methodologically to analyses that have been presented thus far that address this issue. Instead of using an experimental or field-work technique to collect data, we have applied the content analytics tool Leximancer to analyse a sample of randomly selected articles from the IR and HR disciplines that have investigated voice at the workplace. We argue that by using this approach we have been able to present a conceptual map of ‘voice’ that is based on an objective analysis of content, meaning we have not influenced the analysis in any way. To the best of our knowledge, this is the first time this software has been applied to this field.

Notwithstanding, the significance of the research is not only associated with the research approach adopted, but is related to two additional matters. Firstly, the analysis augments current conceptualisations of voice in the IR and HR literature by deepening our understanding of the substantive matters informing these conceptualisations. We argue that this understanding is significant given that IR and HR are key disciplinary areas influencing the practices of workplace practitioners. Thus, clarifying how voice is conceptualised by these disciplines in turn informs us of the implications these differences may have when practitioners trained in these perspectives put voice into practice at the workplace. This is especially in linking the management of employee relations with workplace productivity. That is, if the primary disciplines that inform the practice of workplace employee relations hold differing views about how to positively engage with employee voice, how can workplace practice of voice foster productivity? After discussing the methodology adopted and presenting the findings, the paper discusses the implications of these before noting the limitations of this study and future research directions.

**Methodology**

**Data collection**

The search for relevant articles was conducted using two search engines JSTOR and Business Source Complete. JSTOR is frequently used by academics, as the emphasis in JSTOR is on hosting significant scholarly work that is difficult to access, thus making it more attractive to academics working in any field (Schonfield: 2003). JSTOR has ‘more than a thousand academic journals and over 1 million images, letters, and other primary sources’ (JSTOR: 2012). Business Source Complete (BSC) is one of the oldest databases, dating back as far as 1886. BSC has searchable cited references for more than 1,300 journals, and claims to be the superior database in all disciplines of business (EBSCO Publishing: 2012).

Three searches were conducted using each database holding constant the search parameters used. These were as follows:

- **Title search:**
  - 1) Employee AND Voice
  - 2) Worker AND Voice
3) Abstract search:
   - ‘Employee OR Worker’; AND
   - Voice; AND
   - ‘Concept* or Hirschman’

In relation to the abstract search, the ‘concept* or Hirschman’ parameter was included to limit the number of articles to those with a conceptual focus, which were most relevant to the topic under investigation.

The following criteria were used in the search:

1. Peer reviewed articles;
2. Publication date: post-2000;
3. Available to the relevant University subscriber as a full-text document;
4. If articles appeared in both databases, one as discarded; and
5. Only articles written in English were accepted.

Using these criteria, a total of 101 articles were selected for analysis. The intention of the project was to assess and run a content analysis on contemporary perspectives on voice in both the IR and HR literatures. Therefore, publications post the year 2000 was selected as an arbitrary limit to the surveyed publications. The average length of the articles selected was 19 pages, with a range of 1-42 pages. It should be noted that the vast majority of articles identified came from BSC.

Tables 1 and 2 in Appendix A show the frequency of articles selected by year and journal. Two articles had to be excluded from the analysis, as Leximancer would not accept the format of these publications as data inputs. In selecting the articles, there was no discrimination of authors, as the focus was to extract conceptualisations of employee voice rather than analyse specific authors. The articles were sorted into two folders, Human Resource Management (HR) and Industrial Relations (IR), using the journal names (for instance Journal of Human Resource Management articles were sorted into HR and Journal of Industrial Relations articles were sorted into IR). Where a decision could not be made on the basis of the journal title, the abstract and keywords were reviewed. Where these were loyalty, commitment and other similar terms, the article was sorted into the HR folder. Where keywords were union, conflict and similar words, these articles were sorted into the IR folder.

Data analysis

Leximancer is a software package for analysis of textual data, developed by a small Australian company based in Brisbane. The software automatically identifies key themes, concepts and ideas by mining the text. There are seven steps involved in Leximancer (the reader is recommended, to review Smith & Humphreys: 2006; Martin & Rice: 2007; Rooney et al: 2009), and they can be summarised as: extracting the most important concepts from text segments; establishing the co-occurrence of concepts within the text and deriving a semantic network; measuring similarity between concepts and clustering them in themes; presenting the information on a topical map. Leximancer uses mathematical algorithms to
determine the most frequently used concepts within text and the relations between those concepts. The concepts that subsequently emerge are highly ranked lexical terms based on word frequency and co-occurrence use. They are arranged on a topical map according to their similarity, thus forming concepts groups, referred to as themes.

Leximancer has been successfully used in a variety of domains for several purposes, including literature reviews, clustering/segmentation of population, and understanding attitudes and behaviours (Stockwell et al: 2009; Strong et al: 2009; Rooney et al: 2009; Cretchley et al: 2010; Caspersz and Olaru: 2012; Caspersz, Olaru & Smith: 2012). We applied Leximancer for its robustness, efficiency, and demonstrated validity. As Smith & Humphreys (2006) suggest, Leximancer reduces subjectivity in manual coding, as it eliminates the need for coder training and testing for inter-coder reliability, and can be easily applied for mining large quantities of text. In addition, Leximancer offers the opportunity to conduct unseeded analyses, namely an analysis wherein the data is inputted and findings generated without the need to establish coder ratings. Thus, by using Leximancer we argue that the reliability and validity of our research is enhanced. Nevertheless, the results are still subject to interpretation. In addition, several conditions for analysis may influence the results such as the number of sentences analysed per segments. Keeping this in mind, the analysis was conducted multiple times as a check for the stability of results.

Leximancer analyses generate pictorial and textual maps that reflect the frequency of concepts in the text as well as relationships between these. Thus, in reading these maps, the reader should look for:

- Location and proximity of concepts. Concepts that appear together indicate strong relationships and higher importance in the discourse.
- Size of the themes and concepts. The size of the circles is an indicator of frequency, that is, the larger the size the more frequently that theme appears in the literature.
- Descriptors. These are words that can be interpreted as the most significant in explaining the theme.
- Knowledge pathways. These follow the connecting lines between concepts thus indicating interrelationships between these.

To assist readers, we have magnified the maps to give a picture of the most significant themes, and depicted in a bold line the relevant knowledge pathway contributing to the analysis. We have also reproduced the thematic summary for the analysis in table form. This lists the themes as generated by Leximancer in order of significance, and the degree of relationship between the themes expressed as the percentage of connectivity. The descriptors appearing against each theme in the analysis have also been recorded to give the reader a full appreciation of the issues encapsulated in each theme. Finally, in keeping with the aim of generating as objective an analysis as possible, we have only conducted unseeded analyses: that is, we have let the analysis ‘speak for itself’ by not seeding any words, concepts or themes. Thus, the findings are ‘raw findings’ and have not been manipulated by using coder ratings or other interventions sometimes used when dealing with textual data.

**Findings and discussion**

We conducted two analyses of the data. The first was a separate analysis of each folder of literature, while the second was an analysis of both folders combined. In the section below
we firstly present the separate analyses (Analysis 1) before the combined analysis (Analysis 2). We subsequently present a discussion of the findings.

**Analysis 1:** The first analysis was of the IR and HR folders. Figures 1 A & B and 2 A & B (see below) and Tables 3 and 4 (see below) depict these findings.

**IR analysis:** Table 3 lists the major themes to appear in the IR literature, their degree of connectivity to each other and the major descriptors for each theme. Figures 1 A & B diagrammatically depicts this analysis. As can be noted from both Table 3 and Figures 1 A & B, the most prominent theme in the IR literature is that of *unions*, suggesting that unions are intimately connected to the use of voice by employees. This association between unions and voice is further supported when noting the knowledge pathway identified in Figure 1A between workers and voice. This tracks through unions, suggesting that workers express their voice through the unions. The knowledge pathway in Figure 1B confirms this association between unions acting on behalf of workers to employers by tracking from workers to employers via unions. However, by tracking through the theme *relations*, which has the descriptors collective, representation, employer and workers (see Table 3, relations), this pathway indicates an association between unions acting as a collective and representative agent for workers in expressing voice to employers.

Further, the knowledge pathway in Figure 1B also provides an indication of the ‘matters’ that unions take up with employers on behalf of workers. As can be noted (see Table 3 as per *relations* and Figure 1B) these are issues of industrial, workplace and bargaining with employers. Finally, with respect to the theme *voice*, the appearance of descriptors management and employee (see Table 3 and Figures 1 A & B) suggest that ‘voice’ is closely associated with actors in the employment relationship, namely management and employees. The proximity of these descriptors to each other in this theme further indicates the high degree of connectivity between these.
Figure 1A: IR Analysis, Knowledge pathway workers to employees
In summary, the conclusion we draw is that the conceptualisation of voice in the IR literature is linked to unions acting on behalf of workers to employers. Thus, in this literature, workers express voice through unions. The major matters upon which voice concentrates on are those traditionally associated with the employment relationship, namely industrial, workplace and bargaining matters.
<table>
<thead>
<tr>
<th>Theme</th>
<th>Connectivity</th>
<th>Descriptors</th>
</tr>
</thead>
<tbody>
<tr>
<td>union or union or</td>
<td>100%</td>
<td>union or union or unionism, union, unions, issues, members, groups, different</td>
</tr>
<tr>
<td>unionism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>relations</td>
<td>88%</td>
<td>relations, collective, industrial, employers, workplace, bargaining,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>representation, employer, worker</td>
</tr>
<tr>
<td>voice</td>
<td>60%</td>
<td>voice, employee, management, direct, managerial</td>
</tr>
<tr>
<td>employees</td>
<td>53%</td>
<td>employees, use, managers, practices</td>
</tr>
<tr>
<td>work</td>
<td>46%</td>
<td>work, employment, conditions, working</td>
</tr>
<tr>
<td>workers</td>
<td>44%</td>
<td>Worker, social</td>
</tr>
<tr>
<td>trade</td>
<td>28%</td>
<td>Trade, political support</td>
</tr>
<tr>
<td>labour</td>
<td>27%</td>
<td>labour, labor, law, market</td>
</tr>
<tr>
<td>economy</td>
<td>16%</td>
<td>economy, informal</td>
</tr>
<tr>
<td>representatives</td>
<td>15%</td>
<td>representatives, form</td>
</tr>
<tr>
<td>rights</td>
<td>12%</td>
<td>rights</td>
</tr>
<tr>
<td>job</td>
<td>04%</td>
<td>job</td>
</tr>
</tbody>
</table>

Table 3: Major themes, IR analysis

HR analysis: In contrast, voice in the HR folder is clearly viewed as an organisational strategy aimed at enhancing work. The descriptors of the major themes in Table 4 provide some indication of this. For instance, in the theme voice the descriptors suggest that voice is a feature of the relationship that employees develop by working in organizations and is linked to issues of commitment and satisfaction in their work. The close connectivity between voice to the themes of managers, leadership, job and organisation further supports this suggestion. The relatively low connectivity to unions as noted in Table 4 is again indicative that voice is associated with ‘organisational’ (rather than union) view. Interestingly, voice is also connected to what can be referred to as management foci, namely silence and loyalty suggesting that voice is used by management with employees to foster both silence (perhaps about organisational matters) and loyalty (to the organisation).

Thus, while one view of voice in the HR literature is that it is an organisational strategy that can be deployed by managers to enhance work, voice is also clearly associated with management approaches to workers. The appearance of ‘two voice themes’ in the map would seem to add support to this: in the first voice theme, the descriptors elaborate the association between this voice and organizational strategy. However, there is a direct link between the second (less connected) theme of voice and loyalty, suggesting a link between this voice and employee loyalty. Interestingly though, the knowledge pathway between the two voices (see Figure 2A) connects via the themes of job and loyalty, again indicating a relationship between voice, work and management use of voice to foster loyalty.
<table>
<thead>
<tr>
<th>Theme</th>
<th>Connectivity</th>
<th>Descriptors</th>
</tr>
</thead>
<tbody>
<tr>
<td>voice</td>
<td>100%</td>
<td>voice, employee, employees, work, organizational, relationship, study, commitment, important</td>
</tr>
<tr>
<td>managers</td>
<td>32%</td>
<td>managers, information, individual, example, different</td>
</tr>
<tr>
<td>leadership</td>
<td>30%</td>
<td>leadership, positive, leaders, behavior, behaviors, personal</td>
</tr>
<tr>
<td>job</td>
<td>28%</td>
<td>job, satisfaction, performance, role</td>
</tr>
<tr>
<td>organization</td>
<td>28%</td>
<td>organization, likely, organizations, social, change</td>
</tr>
<tr>
<td>management</td>
<td>22%</td>
<td>management</td>
</tr>
<tr>
<td>silence</td>
<td>20%</td>
<td>Silence, based, speaking</td>
</tr>
<tr>
<td>direct</td>
<td>17%</td>
<td>Direct, level, practices</td>
</tr>
<tr>
<td>union</td>
<td>17%</td>
<td>union</td>
</tr>
<tr>
<td>loyalty</td>
<td>17%</td>
<td>loyalty, control, effects</td>
</tr>
<tr>
<td>public</td>
<td>12%</td>
<td>public</td>
</tr>
<tr>
<td>workers</td>
<td>10%</td>
<td>workers</td>
</tr>
<tr>
<td>company</td>
<td>02%</td>
<td>company</td>
</tr>
<tr>
<td>Voice</td>
<td>01%</td>
<td>voice</td>
</tr>
</tbody>
</table>

Table 4: Major Themes, HR analysis

Finally, as Figure 2B shows, when tracking the relationship between voice and union using the spanning tree, the trajectory is through management, suggesting that, in this discipline, employee voice to the union is through management. The link with the descriptor individual in this pathway further suggests that, in this analysis, employee voice is an individual attribute rather than being a feature of the collective.
Figure 2A: HR Analysis, Knowledge pathway voice to voice
Thus, the conclusion we draw is that employee voice is a strategic response to managing workers for the benefit of the organisation. In contrast to the IR literature, which viewed employee voice as mediated through the union, voice is a facet of the individual employee and thus can be used to foster direct relations between employees and employers (management).

Analysis 2: A second analysis was conducted comparing the two folders. As Figure 3 shows, the analysis separated the bodies of literature into two distinct quadrants, with voice being the central and connecting theme. However, many of the same findings that appeared in
the individual folder analyses appear again in this analysis. That is, voice relates to the IR folder via unions and workers, whereas voice relates to the HR folder via work and organisations. Similar to the HR analysis, ‘voice’ again appears twice in this analysis. While the spanning tree shows that voice 1 is connected to both folders of literature, the theme ‘voice 2’ is only connected to the human resource management folder, again confirming the association in the HR folder between voice as an organisational and a management strategy. Thus, this second analysis verifies the first analysis, and subsequently strengthens the findings already noted: that is, voice has different meanings and associations for the different fields.

![Figure 3: Comparison of IR and HR Folders](image)

**Discussion of findings**

The findings suggest that while in both folders of literature there is a conceptualisation of voice as it relates to employees or providing employees with voice, there remain differences between the disciplines in how voice is expressed, its scope and utility. In the HR folder, voice is ‘symbolic’ of the differing perspectives that may emerge in the employment relationship between employer and employee. However, rather than ignore voice, the findings indicate that in HR, voice should be managed at the individual enterprise level by management for the benefit of the enterprise. Thus, voice in HR is linked to internal organisational dynamics and workers exercise voice directly themselves for their own gain and that of the enterprise. Collective representation via unions appears as one possible form of employee voice but this is routed through management and less central than internal organisational concerns such as employee commitment, satisfaction and loyalty. Notably, the question of how voice may be negated or constrained by unequal power relations between managers and workers, especially where employment relations are individualised, does not appear to be central to the HR literature.

In contrast, the IR folder would appear to present a view of voice where the term is relevant only insofar as it is linked to unions as the collective representatives of employee interests. In this view, unions exercise voice on behalf of workers and voice provides the mechanism
that unions can use to seek to exercise influence and create desired changes to working conditions. Implicit in this framing of voice as collective is no doubt an assumption that individualised or direct forms of employee voice may weaken collective bargaining power and fail to address power inequalities between managers and workers. However, the analysis of the IR literature would appear to suggest a comparative lack of attention to conceptualising voice per se (‘voice’ is less central than in the HR literature) while discussion of the mechanisms (internal democracy/governance, active membership) that would support the transition from individual worker voice to unified collective voice are absent.

In summary, the findings from this research enlighten us about the ‘aspirations’ that each disciplinary field holds with respect to the practice of voice by deepening our understanding of the substantive matters informing these conceptualisations. This understanding is significant given that the realisation (or practice) of employee voice at the workplace is related to managerial style or managerial responsiveness to voice. Wood and de Menezes (2008) for instance conclude that responsiveness by management to employee voice is just as important as the existence of an actual formal mechanism. Thus, understanding the differing interpretations that the major disciplines guiding the response that management may have towards employee voice, is significant in enhancing our ability to understand the influence these differences in disciplinary views about voice may have on their management of workplace relations practices. In other words, the influence of disciplinary conceptualisations about voice in guiding the management of voice at workplaces is critical to using voice as a mechanism in workplace practices. Examples for instance may be where forms of employee voice are used to enhance workplace productivity through increasing worker satisfaction, reducing workplace turnover by minimising job quit rates. As harnessing productivity at workplaces appears to be a preoccupation of policy makers in general, it seems worthwhile to pay close attention to elaborating our understanding of how practitioners view the management of voice in fostering workplace relations. While this claim may appear simplistic in light of the many other variables guiding the actions of these practitioners, it is still the case that because voice has to be implemented by a human subject who is themselves subject to many influences; employee voice thus has to be viewed as a ‘fragile plant that needs care and attention to allow it to flourish’ (Wilkinson & Fay: 2011: 72). The disciplinary focus in guiding the ‘care and attention’ to ‘allow (voice) to flourish’ would appear to be a critical variable.

Thus, as a first-level analysis that attempts to illuminate conceptualisations of voice, we suggest that the findings in this paper have some usefulness. This is firstly with regard to highlighting the different interpretations that exist in the two disciplinary areas; and secondly, in deepening our understanding of the substantive matters that contribute to this difference, as evidenced in the themes, descriptors and knowledge pathways that appear in the analysis.

Limitations & Implications

We make no claim that the analysis presented here is complete insofar as there are many articles that exist that we have not sourced, and which therefore are not considered in the analysis we draw upon to present our findings. In addition, we have not complemented our analysis with field data: the ability to do so would obviously add a richness to our findings.
and would aid in triangulating the implications noted above with respect to the conceptualisations of voice as presented in the IR and HR literature.

Furthermore, while attempting to minimize as far as possible researcher subjectivity in biasing the findings, it is inevitable that this enters any research project. In this study, claims of researcher subjectivity could easily be made with respect to selection of literature in the first instance, categorising of literature into either industrial relations or human resource management and, of course, the limitation of the research on the basis of search terms used.

Finally, while we have used Leximancer as our content analytics tool, others may of course argue that other similar tools (such as NVivo) have similar functionality. We are not disputing this; rather, we suggest that Leximancer provides us with the most useful tool for the research focus. However, by drawing upon an unseeded analysis where we have effectively allowed the findings to speak for themselves, we believe that this adds to tests of reliability and validity that are critical to any research project.

Overall however, we believe the research makes a contribution because it assists in understanding the differences between IR and HR in conceptualisations of voice and provides a foundation for developing a more in-depth understanding of each disciplines’ view about voice. As already discussed, the implications of attaining this knowledge relate to how the different disciplines give ‘voice’ to employee voice in workplace practices, and the effect of these on matters such as worker productivity.

In terms of future research, the findings presented here will inform a study of how different conceptualisations of voice affect the workplace practice of bargaining and in particular good faith bargaining in Australian employment relations. We thus intend to engage in a phase of field-work to explore how the different interpretations of voice influence the engagement of the parties with this provision.

In conclusion, while we readily acknowledge the many limitations that are associated with this research, we just as readily claim that by gaining this appreciation of the ‘two faces of voice’ we hope to deepen understanding of the implication that these ‘two faces’ may have for those interested in theoretical explorations of this issue, and those with a practical interest. In this way, we hope to contribute to better understanding this issue keeping in mind Hirschman’s salutary comment: ‘In a whole gamut of human institutions, from the state to the family, voice however “cumbrous” is all their members have to work with’ (1970: 17).

References


**Appendix A**

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Table 2: Article frequency by journal

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<td>British Journal of Industrial Relations</td>
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\(^1\) The authors wish to thank the anonymous reviewer from the AIRAANZ 2013 conference for their helpful comments.

\(^2\) BSC allows for the restriction of results to peer-reviewed articles. This restriction was utilised in the search. All JSTOR articles were confirmed as peer-reviewed through further inquiry, with the exception of one (PDF 4), whose status is uncertain.
Exploring the link between women’s work arrangements and pro-environmental actions at work and at home

Janine Chapman and Kristin van Barneveld
University of South Australia and Community and Public Sector Union

It is largely recognised that the determinants of pro-environmental action are a complex interplay of individual, social-structural and economic factors; however, the domain of paid work has rarely featured into analysis of such action. This paper presents data from the 2011-2012 Community and Public Sector Union’s annual women’s survey, investigating how working arrangements and workplace cultures affect and shape pro-environmental outcomes at work and at home. 12,872 women completed survey items relating to work, home, and attitudes and actions towards environmental sustainability. Analysis revealed that engagement in pro-environmental action varies by: (1) working hours, (2) having regular access to flexible working conditions including access to leave as needed, flexible working hours and working from home, and (3) the perception that managers and co-workers are also pro-environmentally active in the workplace. The implications for ongoing action responses from governments, unions and workplaces as they work towards an environmentally sustainable Australia are outlined.

Introduction
Concern about the pace of climate change has increased since the publication of the Stern Review (2007), with scientific opinion now of the view that climate change is proceeding at a pace faster than Stern anticipated (Jackson, 2009). The Garnaut Review (2008) drew attention to Australia’s high level of exposure to the impacts of climate change, calling for national adaption efforts that create the necessary conditions for effective and efficient decision making by businesses, households and communities (p. 364).

As many environmental problems are rooted in patterns of human behaviour (Steg & Vlek, 2009), a main focus of government and organisational sustainability initiatives is to promote individual behaviour change to improve environmental impacts. Behaviours that significantly affect environmental quality in workplaces and households include energy and water consumption, recycling and waste disposal, and travel mode choice such as frequency of car use. Despite the fact that 82% of Australians express concern about environmental problems, research shows that behavioural adaptation is not occurring rapidly enough to stem the increasing flow of greenhouse gases and other negative effects (ABS, 2009; Sandu & Petchey 2009). This ‘green attitudes, brown behaviour’ paradox; or the ‘gap’ between pro-environmental values and action, is well documented in Australia and internationally, suggesting that effective adaptation of individual behaviour is strongly influenced by factors
in the broader social context (Bamberg & Möser, 2007; Blake, 1999). This leads us to look beyond individual levels of analysis to consider the economic, institutional, policy and social-structural determinants that shape pro-environmental attitudes and actions.

However, paid work has rarely featured in analysis of such action. A large body of research demonstrates how ‘work-life’ contexts are changing, with two-thirds of Australians now in paid work (ABS, 2012). Dual-earner families are becoming the norm, and more than one in five Australians work more than 48 hours per week. These profound social changes have brought particular challenges for women, who now make up almost half of the labour force, while continuing to do around twice as much caring and domestic work as men (Craig, 2005). The experience of reconciling a diverse range of activities across work and life domains leave many women feeling rushed and pressed for time (ABS, 2009), which increasingly affects the capacity to meet commitments and responsibilities outside of work (Duxbury & Higgins, 2001; Pocock, 2003; Pocock, Skinner & Ichii, 2009). However, very little is known about the influence of paid work on women’s engagement in pro-environmental action, either at work or at home.

This paper considers how working women are managing the adaption to environmental sustainability and how pro-environmental action is shaped by paid work. Two perspectives are relevant here. First, work arrangements, such as the length of working hours and flexible work conditions can make a significant contribution to work-life pressures such as time poverty and work-life interference (Skinner, Hutchinson & Pocock, 2012). Second, organisations have the potential to act as a leverage point to assert social influence with regard to pro-environmental knowledge, norms, habits and networks (Chapman, Skinner & Searle, forthcoming). For example, as most of our behaviour in the workplace is enacted in a social setting, an enhanced awareness of what other people are doing can generate a stronger sense of collective purpose and increase the perception that pro-environmental action is socially supported (Russell & McIntosh, 2011; Schulz et al., 2007). Workplace cultures encompassing collective support and action towards sustainability are therefore likely to exert further influence on individual pro-environmental behaviours.

In light of the above, the three questions we aim to address are as follows:

1. How do work arrangements and perceptions of workplace sustainability culture influence women’s engagement in pro-environmental action, at work and at home?
2. What do working women say are the main barriers to pro-environmental action, and what would help them to reduce their environmental impact?
3. What are the lessons for workplaces, unions and governments, and how can work be best configured to promote worker wellbeing and improve environmentally sustainable outcomes?

**Data source and methods**
The Community Public Sector Union (CPSU) carries out an annual survey of women in its areas of coverage to identify the best ways to represent and campaign for their rights. In November 2011, the 2011-2012 *What Women Want* survey (CPSU, 2012) was carried out for the sixth time, with a new section called ‘The Environment’. This section asked the following purpose-designed, single item questions about beliefs and actions in relation to environmental sustainability: (1) concern about environmental problems, (2) pro-environmental action undertaken at work, and (3) five specific pro-environmental actions undertaken at home: saving energy, saving water, recycling, reducing waste and cutting back on car use.

These outcomes were compared in relation to three workplace variables: (1) work status by usual hours (part-time < 35 hours per week / full-time ≥ 35 hours per week); (2) flexible working conditions (having access to leave when needed; having access to flexible working hours; regularly working from home during normal working hours), and (3) workplace sustainability culture (perception that managers encourage pro-environmental action; perception that managers are often environmentally pro-active; perception that co-workers are often environmentally pro-active). All contrasts reported in the Results and Discussion sections are statistically significant ($p < .05$).

*General demographics*

12,872 women aged 20 or over completed the CPSU *What Women Want* survey. One third of respondents were in the 45-54 age range, which made up the largest age group. Clerical and administrative workers made up the highest proportion of respondents at 59.7%; this was followed by Professional occupations (30.3%). Nearly half (46.4%) of women held a university degree or postgraduate qualification, and 70.9% were in the mid-income bracket (annual earnings of $40,000 - $79,999). 75.8% said they were satisfied or very satisfied with their general access to flexible working arrangements. Over half (55.9%) of respondents spent less than 30 minutes travelling to work, and only 8.6% of women commuted for longer than one hour. Travel mode choice for commuting was 66.7% private car use and 24.7% used public transport. Table 1 shows the frequency of respondents associated with each of the workplace variables.

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<thead>
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<th>Table 1. Overview of work arrangements</th>
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</thead>
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<td><strong>Work status by usual hours</strong></td>
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</tr>
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<td>Part-time (≤ 34 hours)</td>
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</tr>
<tr>
<td>Full-time (≥ 35 hours)</td>
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<td></td>
</tr>
<tr>
<td>*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessed leave as needed</td>
<td>59.9</td>
<td>2569</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------</td>
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</tr>
<tr>
<td>Accessed flexible work hours</td>
<td>61.1</td>
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</tr>
<tr>
<td>Worked from home during normal working hours</td>
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**Workplace sustainability culture**

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<th>Manager encourages pro-environmental action</th>
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<tr>
<td>Manager often takes pro-environmental action</td>
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<td>4684</td>
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<tr>
<td>Co-workers often take pro-environmental action</td>
<td>57.2</td>
<td>6954</td>
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*per cent of women who indicated that they had used the flexible working arrangement regularly, if applicable.

**At a glance: pro-environmental concern and action**

*Concern*

Women were asked if they were concerned about environmental problems. 76.2% agreed or strongly agreed that they were, 18.6% were neutral, and 5.2% disagreed or strongly disagreed. Concern about environmental problems increased by age, with 67.2% of 20-24 year olds agreeing or strongly agreeing in comparison to 86.3% of women aged 65 or over. This pattern is consistent with national data from the Australian Bureau of Statistics 2007-08 Multipurpose Household Survey, which showed that 18-29 year olds are significantly less likely to report concern about environmental problems than older age groups (Chapman, 2011).

*Pro-environmental action at work and home*

Women were asked whether they took pro-environmental action at work, and whether they took pro-environmental action at home in five areas: saving energy, saving water, recycling, reducing waste and cutting back on car use. Table 2 shows the frequency of pro-environmental action at work and at home by age group, education and earnings.

72% agreed or strongly agreed that they often take pro-environmental action at work, 20.5% were neutral and 7.5% disagreed or strongly disagreed. At home, recycling was the most popular action, with 89.7% making a special effort to recycle. Reducing the amount of time spent in a car was the least popular, with less than half (42.3%) saying that they always or often cut back on car use. 74.4% of women reported always or often saving energy or fuel at home; 61% saved or re-used water, and 76.3% made a special effort to reduce waste at home.
Pro-environmental action at work steadily increased by age group, with 65.9% of 20-24 year olds taking action compared to 79.5% of women over 65 years. Across all actions in the home, older women have better outcomes, particularly in the areas of saving water (41.1% of 20-24 year olds in comparison to 72.5% of women over 65) and waste reduction (58.7% of 20-24 year olds in comparison to 87.7% of women over 65). This pattern again reflects the findings from the national 2007-08 Multipurpose Household Survey, which show that older age groups take significantly more action to reduce water, recycle and reduce waste than 18-29 year olds (Chapman, 2011).
Table 2. Per cent of women who take pro-environmental action at work and at home, by general demographics.

<table>
<thead>
<tr>
<th>Age</th>
<th>Takes action at WORK (%)</th>
<th>Saves energy at HOME (%)</th>
<th>Saves water at HOME (%)</th>
<th>Recycles at HOME (%)</th>
<th>Reduces waste at HOME (%)</th>
<th>Cuts back on car use (%)</th>
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<tr>
<td>20-24</td>
<td>65.9</td>
<td>61.1</td>
<td>41.1</td>
<td>77.8</td>
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<td>25-34</td>
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<td>68.1</td>
<td>51.5</td>
<td>85.6</td>
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<td>65+</td>
<td>79.5</td>
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<td>72.5</td>
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<table>
<thead>
<tr>
<th>Education</th>
<th>Takes action at WORK (%)</th>
<th>Saves energy at HOME (%)</th>
<th>Saves water at HOME (%)</th>
<th>Recycles at HOME (%)</th>
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<td>University degree</td>
<td>74.3</td>
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<td>High school</td>
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<table>
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<th>Annual earnings</th>
<th>Takes action at WORK (%)</th>
<th>Saves energy at HOME (%)</th>
<th>Saves water at HOME (%)</th>
<th>Recycles at HOME (%)</th>
<th>Reduces waste at HOME (%)</th>
<th>Cuts back on car use (%)</th>
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<td>$10,000-$39,999</td>
<td>68.7</td>
<td>75.1</td>
<td>65.3</td>
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<td>$40,000-$79,999</td>
<td>71.7</td>
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<td>$80,000+</td>
<td>75.4</td>
<td>73.6</td>
<td>61.9</td>
<td>92.6</td>
<td>76.8</td>
<td>41.6</td>
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**Scope for improvement**
To assess attitudes, women were asked how they felt about their current lifestyle in relation to the environment. 51.7% said they would like to do a bit or a lot more pro-environmental action generally. Women were then asked how much scope there was to improve pro-environmental action at work and at home. The biggest areas for improvement at work were recycling and reducing waste (approximately 74% agreed that there was a lot or some scope for improvement). The biggest areas for improvement at home were saving energy (72.2%) and reducing waste (71.4%). The area with least scope for improvement was reducing car use (44.4% at work and 55.7% at home), demonstrating the reliance on private cars as the main form of transport.

**Results and discussion**
The following section investigates the association between pro-environmental action outcomes and working arrangements. The work factors are hours of work, flexible working arrangements, and workplace sustainability culture. This is followed by a discussion of the barriers and facilitators to action from a worker perspective.

**Work status by hours of work**
Previous research suggests that longer working hours and associated time poverty results in less engagement with pro-environmental action at home, with convenience taking priority over efforts to live sustainably (Edwards & Pocock, 2011). The present study compared the
pro-environmental outcomes of women in part-time work (< 35 hours per week) with those working full-time hours (≥ 35 hours per week). Longer hours of work were associated with poorer pro-environmental outcomes across three areas of action in the home.

63.6% of women who work part-time always or often made an effort to save water at home in comparison to 60% of full-timers; 67.2% of part-timers always recycled at home in comparison to 63.1% of full-timers, and 78.9% of part-time workers always or often tried to reduce household waste in comparison to 75.5% of full-timers. Although modest, these differences suggest that sustained pro-environmental actions such as water conservation or collection, recycling and waste reduction have a time cost that busy working women may be less able to accommodate. For many, the need for convenience is an integral part of maintaining household functioning alongside working life. Longer working hours may undermine a commitment to live more sustainably given the additional time and effort required to overcome ingrained practices.

National survey data shows that most environmental action in the household is driven by women, despite the fact that working women – especially working mothers – report feeling especially rushed and pressed for time (Chapman, 2011; Skinner, Hutchinson, Pocock, 2012). These findings are likely to be a broader reflection of women’s more frequent engagement with household tasks in general, and the gendered allocation of unpaid work. However, there is a limit to what working women can achieve when they are already time poor. Active steps to redistribute the gender imbalance in unpaid domestic and care work and improve access to flexible working conditions for men as well as women are needed.

*Flexible working arrangements*

Having access to flexible working arrangements is consistently associated with more positive outcomes in relation to women’s work-life interference (Skinner, Hutchinson & Pocock, 2012). In addition to working hours, the present study investigated three flexible working arrangements in relation to pro-environmental outcomes. Having access to leave as needed, having access to flexible working hours, and regularly working from home during normal working hours were compared against the frequency of pro-environmental actions undertaken at home and at work.

Higher frequencies of recycling and waste reduction at home were associated with regularly working from home. 70.8% of women who regularly worked from home always reported recycling in comparison to 61.8% of women who did not work from home, and 45.2% of women who regularly worked from home reported always making efforts to reduce waste in comparison to 38.5% of those who did not work from home. This suggests that regular telecommuting may alleviate some of the time pressures felt by many working women and facilitate engagement in pro-environmental action.
However, having access to flexible working conditions was also associated with higher frequencies of pro-environmental action at work. Having access to leave as needed, having access to flexible working hours and having the option to work at home on a regular basis were associated with pro-environmental action at work (Table 3).

Table 3. Per cent of women who take pro-environmental action at work, by flexible working arrangements.

<table>
<thead>
<tr>
<th>Flexible working arrangements</th>
<th>Takes action at WORK (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has access to leave as needed</td>
<td>72.8</td>
</tr>
<tr>
<td>Does not have access to leave as needed</td>
<td>58.7</td>
</tr>
<tr>
<td>Has access to flexible work hours</td>
<td>72.9</td>
</tr>
<tr>
<td>Does not have access to flexible working hours</td>
<td>67.1</td>
</tr>
<tr>
<td>Regularly works from home during normal working hours</td>
<td>80.6</td>
</tr>
<tr>
<td>Does not regularly work from home during normal working hours</td>
<td>68.8</td>
</tr>
</tbody>
</table>

From this, it is clear that flexibility at work helps. Regularly working from home is associated with better environmental outcomes at home. Working from home, having access to leave as needed, and having access to flexible working hours are associated with better outcomes at work. Flexible working arrangements may lead to positive environmental outcomes for two reasons - first, because flexibility is likely to improve work-life reconciliation and reduce time pressures - and second, because satisfaction with working arrangements may increase engagement with workplace procedures more generally. These findings suggest that giving workers: (1) encouragement to take their leave; (2) some say over adjusting work time to fit their needs, and (3) the opportunity to work at home when feasible are important for any workplace aiming to support environmentally sustainable futures, as well as healthy work-life relationships for their employees.

Workplace sustainability culture
To determine whether respondents thought their workplace had a positive environmental culture, women were asked whether management encouraged pro-environmental action; whether management regularly engaged in pro-environmental action, and also whether their co-workers regularly engaged in pro-environmental action. The perception that others at work are encouraging and pro-active was associated very strongly with better outcomes at work, and a number of pro-environmental actions undertaken at home (Table 4).
Table 4. Per cent of women who take pro-environmental action at work and at home, by workplace sustainability culture.

<table>
<thead>
<tr>
<th>Workplace sustainability culture</th>
<th>Takes action at WORK (%)</th>
<th>Saves energy at HOME (%)</th>
<th>Saves water at HOME (%)</th>
<th>Reduces waste at HOME (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manager encourages action</td>
<td>80.6</td>
<td>-</td>
<td>64.5</td>
<td>79.9</td>
</tr>
<tr>
<td>Manager does not encourage action</td>
<td>68.8</td>
<td>-</td>
<td>61.7</td>
<td>76.6</td>
</tr>
<tr>
<td>Manager is pro-active</td>
<td>96.4</td>
<td>78.4</td>
<td>65.3</td>
<td>80.9</td>
</tr>
<tr>
<td>Manager is not proactive</td>
<td>54.2</td>
<td>76.7</td>
<td>63.4</td>
<td>77.7</td>
</tr>
<tr>
<td>Co-workers are pro-active</td>
<td>94.8</td>
<td>77.6</td>
<td>64.8</td>
<td>80.4</td>
</tr>
<tr>
<td>Co-workers are not pro-active</td>
<td>46.9</td>
<td>76.3</td>
<td>60.7</td>
<td>76.4</td>
</tr>
</tbody>
</table>

80.6% of women agreed or strongly agreed that they take action at work when their managers encourage it, in comparison to 68.8% when managers are not encouraging. 96.4% of women agreed that they take action at work when their managers are also pro-active, in comparison to just over half (54.2%) whose managers do not take action. In relation to co-workers, 94.8% of women take action at work when their co-workers also take action, in comparison to 46.9% when they do not. This is in line with literature on organisational change, which emphasises a ‘lead by example’ approach for new procedures to become embedded in worker’s day-to-day routines (Russell & McIntosh, 2011). The knowledge that pro-environmental behaviour is being driven from above is a powerful motivator for employees, and the perception that other workers are also pro-active encourages others to follow suit. This can be motivated by competition, not wanting to appear outside the ‘norms’ of the workplace, or by positive modelling and information sharing.

Interestingly, positive perceptions of workplace culture were also associated with pro-environmental action at home. Women who reported that managers were encouraging and pro-active had better energy, water and waste outcomes at home; and those with pro-active co-workers had higher frequencies of energy, water, waste reduction and recycling action at home. This suggests that positive workplace cultures and social norms around pro-environmental action can facilitate the likelihood that good habits will be transferred from the workplace to the household.

These findings show that the actions of others in the workplace matter. Perceptions of a positive workplace sustainability culture is important for positive outcomes at work, which have the potential to spill over to influence pro-environmental action at home. This shows how the workplace can be a site of social influence in relation to sustainability, and how the central role of shared social context can create norms around pro-environmental action through perceptions of those around us. In addition to changes to work schedules, collective
efforts to embed sustainability practices within day-to-day organisational culture seem crucial for workplace and household initiatives to succeed.

**Barriers and facilitators**

Finally, women were asked to identify barriers to engaging in pro-environmental action in general. Respondents were given a list of potential barriers and asked whether they agreed or disagreed that they posed a barrier for them personally (Figure 1).

**Figure 1. Barriers to pro-environmental action.**

<table>
<thead>
<tr>
<th>Barriers</th>
<th>Strongly agree / agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Strongly disagree / disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Demands of commuting</td>
<td>57.0</td>
<td>21.6</td>
<td>21.4</td>
<td></td>
</tr>
<tr>
<td>Unable to work from home</td>
<td>51.4</td>
<td>28.4</td>
<td>20.2</td>
<td></td>
</tr>
<tr>
<td>Poor transport options</td>
<td>50.9</td>
<td>23</td>
<td>26.1</td>
<td></td>
</tr>
<tr>
<td>Demands of home and family responsibilities</td>
<td>44.3</td>
<td>30.4</td>
<td>25.3</td>
<td></td>
</tr>
<tr>
<td>Demands of job</td>
<td>37.1</td>
<td>34.5</td>
<td>28.4</td>
<td></td>
</tr>
<tr>
<td>Demands of community responsibilities</td>
<td>16.2</td>
<td>48.4</td>
<td>35.4</td>
<td></td>
</tr>
</tbody>
</table>

57% of women agreed that the demands of commuting were a barrier to pro-environmental action; 51.4% agreed that being unable to work from home was a barrier, and 50.9% agreed that poor transport options in their area hindered pro-environmental action. 44.3% of women agreed or strongly agreed that the demands of home and family responsibilities acted as barrier; 37.1% said demands of job or jobs, and 16.2% agreed that the demands of their community responsibilities made it harder for them to engage in pro-environmental action.

Women chose the demands of commuting, being unable to work from home, and poor transport options as the top three barriers to pro-environmental action. This supports the earlier finding that time pressure is a significant barrier to pro-environmental action for working women, and that greater access to working from home offers the potential to support and improve capacity to reduce time pressures, including a reduction in commuting time. Women also want investment in more efficient transport options or alternatives that reduce time, money, and the environmental effects of car use. Almost half identified the demands of juggling home and family life as a barrier to pro-environmental action.
Women were also asked what would help them to take pro-environmental action, and chose three items from a list of ten. The selected facilitators to pro-environmental action are ranked by popularity in Figure 2.

Figure 2. What would facilitate pro-environmental action?

Again, the theme of ‘having more time’ was popular and within the top three facilitators of action. However, financial incentives and technologies were also highly regarded, suggesting that workplaces incentives and further investment in government rebates would be welcomed.

**Conclusion**

This paper provides an initial assessment of three work-related factors and their association with women’s pro-environmental actions. Analysis of the 2011-12 CPSU survey showed that many working women are undertaking pro-environmental action at work and at home, especially in the areas of recycling, waste and energy reduction. However, many women – over half – would like to do more, showing significant scope for improvement. Given that younger respondents engaged in less pro-environmental action than older workers and reported marginally less concern, tailored communications may be of value to encourage participation from younger workers.

In relation to the main findings, evidence suggests that pro-environmental action at home has a time cost for working women and smooth household functioning, and a reduction in working hours might help. Access to flexibility in the timing, scheduling and location of work
can be an important resource to support healthy work-life interaction, and this data provides evidence that it is also important in facilitating pro-environmental action, both at home and at work. This adds to the growing number of benefits that flexible working practices has for workers and employees, including increased productivity and reduced worker stress (Eaton, 2003).

However, pro-environmental action at home is often embedded within other daily domestic tasks, which goes some way to explain why pro-environmental action is most often driven by women (Chapman, 2011). Unless steps are taken to redistribute unpaid work and improve access to flexible working conditions for women and men more generally, the bulk of pro-environmental behaviour is likely to remain ‘women’s business’, placing increasing demands on those who already experience the highest rates of negative work-life interference. Increasing men’s involvement in unpaid domestic and caring work is an important part of a long-term sustainable solution.

Finally, paid work can play an important role in influencing pro-environmental behaviour through fostering sustainable workplace cultures and generating positive norms around action. Employee behaviour can be heavily influenced by the perception of the attitudes and actions of others at work, and this has the potential to spillover into home and community life. As the influence and reach of paid work into citizens’ lives is increasing, the workplace can be harnessed as a site of social influence and change in relation to pro-environmental action.

To summarise, our analysis points to five main issues of significance to pro-environmental action:

- Target younger workers to encourage participation.
- Provide employee-centred flexibility, especially around access to leave, access to flexible hours and working from home. Reduce long hours where possible.
- Build ‘green’ workplace cultures with supportive and pro-active managers and positive social norms.
- Focus on measures to redistribute unpaid work and reduce inequalities in household domestic labour and care.
- Provide efficient transport options or alternatives that reduce time, money, and the environmental effects of car use, as well as further investment into energy-efficient cars. Take steps to facilitate carpooling in workplaces.
- Provide financial incentives and green technologies where possible.

Each of these suggest lines of policy responses that governments, unions and individuals can pursue to improve pro-environmental outcomes at work, at home, and when travelling between.

______________________________________
The response numbers presented here may differ from those collected in the 2011-2012 CPSU survey. This is because response categories of ‘prefer not to respond’, ‘not applicable’, and ‘don’t know’ were removed in the current analyses for simplicity and ease of comparison across variables.

Pro-environmental behaviour is described here using Kollmuss and Agyeman’s definition of ‘behaviour that consciously seeks to minimise the negative impact of one’s actions on the natural and build world’ (2002, p.240).

References
Career Aspirations of Young Dancers: A Passionate Life

Jane Coffey
Curtin University

This paper presents emergent findings on the career aspirations and expectations of young dancers-in-training and is part of a broader study into youth career attraction and retention motivations and drivers. A qualitative, constructivist methodology was utilised and data was collected utilising focus group interviews with eight (8) young dancers between 14 to 17 years of age. The key findings of this phase of the research indicate that these young people make career choices and decisions early and were intrinsically driven. A decision to pursue a career in dance was clearly associated with a passion for the type of work these young people wanted to perform, and this passion was the driver for career retention considerations in the future.

Introduction
In an increasingly competitive global environment the need for highly skilled, resilient workers is paramount. However, even with existing studies on what drives employee commitment and satisfaction, and therefore their willingness to stay with their organisations, very few employers have actually succeeded in doing this. This paper presents emergent findings on the career aspirations and expectations of young dancers-in-training and is part of a broader study into youth career attraction and retention motivations and drivers. The analysis of young peoples’ aspirations – their hopes and dreams – is critical to not only understanding who they aspire to be, but also to their views on the opportunities and constraints within the labour market (Devadason, 2008). A study of young ballet dancers in training provides an excellent background and context for a study into the strength of the relationship between career choice and intrinsic rewards. The study findings help to articulate what it is that young people want from a career, the type of work they enjoy, and the characteristics of their work experiences that will impact retention in the future.

Background

Issues like the ageing populations of developed economies, growing skill shortages and an increasingly competitive global environment, make it apparent that the need for highly skilled workers in the workplace is paramount (The 2010 Intergenerational Report 2010; Duxbury and Higgins 2008; Heath 2006; Rowland 2004). In Australia, the term ‘a war for talent’ is often used to describe the significant issue of labour shortages that exist nationally. Younger workers in particular are becoming increasingly mobile, demonstrating what appears to be a lack of loyalty to their employer (Eisner 2005; Kelan and Lehnert 2009; Kelan 2008; Martin 2000; Martin 2005; Sheahan 2005; Solnet and Kralj 2010; Terjesen et al. 2007). This suggests that financial rewards are not always enough to keep these workers engaged within an organisation. This is particularly evident during Western Australia’s current resources and mining boom, which has seen a broad range of semi and highly skilled workers in the enviable position of being able to ‘name their price – and get it’ (Macdonald
2010). For example, the Gorgon Development in Western Australia’s North West employed thousands of low-skilled construction workers who earned a minimum of A$150,000 per annum (Macdonald 2010). Even so, resource sector companies have indicated that attraction and retention of skilled and unskilled workers was a problem and that dollars alone do not retain the workers (Rowland 2004). This problem is even more pronounced among younger workers (The 2010 Intergenerational Report 2010; Rowland 2004).

Age diversity is at the top of the agenda for many human resource professionals, and responding to generational changes is a crucial issue for attracting and retaining the best talent. While there is debate that generational differences do exist and that young people have displayed similar characteristics throughout the decades, it cannot be denied that significant technological shifts, the growth of social networking, and corresponding changes to the way work is performed, have a major impact upon the way each generation views work. There is no doubt that individuals are influenced by their experiences and environment, and for this purpose the generational distinction serves as a useful categorisation. A generation is defined as a group which shares the same birth years and significant life events (Shaw and Fairhurst 2008, citing Westerman and Yamamara 2007) and has a similar world view defined by social or historical events (Crumpacker and Crumpacker 2007; Smola and Sutton 2002). Generational labels notionally fit within fifteen year date spans, so for the purposes of clarity the school-aged cohort of this study fit into the category of Generation Z or ‘Generation Next’ (Matthews 2008). Again there is limited agreement about which dates specifically constitute this group, so for clarity and definitional purposes, Generation Z is defined here as those people born after 1994.

The Generation Z cohort is entering the final years of secondary education and making decisions regarding career goals and/or tertiary study choices. Unlike their Generation Y counterparts, Generation Z’s are growing up in a more conservative economic environment that has been marked by periods of severe downturns and global crisis. The young people constituting this generation tend to be extremely imaginative and lateral thinkers, and have very different skills and expectations to the current workforce (Matthews 2008). They have been labelled the “silent generation” for the time spent online, and are expected to be a flexible and mobile workforce working in what will essentially be casual and short-term contract environment. They will also be a scarce resource among an ageing population (Matthews 2008).

For young people, ‘career’ tends to be defined within a more narrow context, reflecting the way in which they conceptualise the future within the immediacy of their goals and perceived working lives (Devadason, 2008). Accordingly, the term career is defined in this study within the constraints of a profession to which they aspire to work within. The increasing complexity of the labour market and the growing reality of skill shortages mean that individuals are assuming more proactive roles in finding work, and are less willing to take work that does not fit with their personal values (Amundson, 2007). The work expectations and career aspirations of these young people have implications for their education and career choices, as well as the way they work, their drivers of performance, and decisions to stay.
Workers across the performing arts sector need to be highly committed to their profession as for many it offers precarious and low paid work (Throsby and Hollister 2003). As such they present an extreme case for identifying motivational attraction drivers. For many artists, training is not a matter that ends with the acquisition of a formal qualification; the vast majority recognise that they must update and enhance their skill set throughout their careers in order to remain a valuable commodity (Throsby and Hollister 2003). Dance, in particular classical ballet, could be argued to be one of the purest art forms as it has remained, to all intents and purposes, unchanged over hundreds of years. However, the data available on the economic earnings of professional ballet dancers make it clear that they are extremely low paid given their level of training, skill development and the number of hours worked (Throsby and Hollister 2003).

Irrespective of the length of training completed, work in the arts is characterised by relatively long and/or irregular working hours and short-term contracts (Throsby and Hollister 2003; Throsby 1994). The commitment of ballet dancers to their art form is impressive. This commitment starts many years before they actually start working professionally, usually by the age of 10, with at least six years of full-time training prior to entering the industry in a paid capacity. It is necessary to devote significant amounts of time and energy to highly specialised training if there is any hope of a professional career. Careers are often short-lived (Throsby 1994; Throsby and Hollister 2003; More, Carroll, and Foss 2009; Bennett 2009), with most dancers facing the challenge of a career transition in their mid to late 30s.

Methodology

The research design utilises a qualitative research methodology with comparative and content analysis approaches framed in a constructivist paradigm. This particular cohort formed part of the first phase of a broader study into the career aspirations, expectations and experiences of young people. This first phase incorporated the investigation of the career aspirations and career choices of secondary school-aged young people from 14 to 17 years. Two cohorts were included: eight (8) young people enrolled in full-time professional dance programs and who were completing their schooling via distance learning programs, and twenty-two (22) young people enrolled in full-time secondary schooling (completing Years 11 and 12 tertiary entrance studies). In-depth focus group interviews were conducted where participants discussed their career aspirations, choices, concerns and characteristics of their work that would retain them in the future. This paper discusses the research findings for the dancer-in-training cohort.

Research Findings

‘It has been said that there is no such thing as art – only artists. It is even truer to say that there is no such thing as dance, only dancers’ (Bland 1976, 133).

The findings and discussion regarding the career aspirations and choices of the young dancers-in-training participating in this study was dominated by a focus on an inherent drive and passion for ballet. In terms of career choice, all participants had already made the
choice to study classical ballet. The cohort consisted of school aged (14-17 years of age) participants who attended full-time professional ballet training and undertook their schooling through a Government provided distance education program. Students trained six days per week, with study breaks during the day for academic classes. The ballet training schedule was often until 8pm in the evening, so the focus groups were scheduled to fit into breaks in the evening classes. As outlined in Table 1, all participants had made a significant commitment to ballet training with all but one participating in dance training for at least eight years. Seventy-five per cent of the participants had been training in classical ballet for the majority of that time, whilst two had come from other dance forms, including jazz ballet and/or contemporary dance.

Table 1. Dancers-in-Training Age and Years of Training

<table>
<thead>
<tr>
<th>AGE OF PARTICIPANT</th>
<th>GENDER</th>
<th>YEARS IN BALLET TRAINING (NVivo CATEGORY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Male</td>
<td>10-14</td>
</tr>
<tr>
<td>14</td>
<td>Female</td>
<td>0-4</td>
</tr>
<tr>
<td>17</td>
<td>Female</td>
<td>10-14</td>
</tr>
<tr>
<td>14</td>
<td>Female</td>
<td>10-14</td>
</tr>
<tr>
<td>14</td>
<td>Female</td>
<td>10-14</td>
</tr>
<tr>
<td>14</td>
<td>Female</td>
<td>5-9</td>
</tr>
<tr>
<td>17</td>
<td>Female</td>
<td>5-9</td>
</tr>
<tr>
<td>14</td>
<td>Female</td>
<td>5-9</td>
</tr>
</tbody>
</table>

The initial question posed to this group was: ‘What prompted you to study ballet at such an intensive level?’ The majority indicated that studying at this level was a physical and emotional challenge but they all also stated that it was always what they had wanted to do – it was an internal drive. A major theme was ‘passion’, a highlighted by the following quotes:

**PASSION FOR BALLET**

‘I’ve always danced. Like, I have done jazz and tap and basically every dance you can think of. It’s like so natural – like it’s a part of me. When I came to ballet it was like this is what I was waiting for – it’s me – it’s natural. It gives you such a natural high....It’s this unbelievable feeling of joy. When you’re dancing you feel so great it’s an unbelievable feeling. You look forward to the performing, rehearsal and the like whole enjoyment of it. It’s so exciting. I always think about performance the whole environment like’.

“I’ve always had a passion for it. It was always hard wanting to dance and not having the opportunity to do it all the time like I can now”.

“The thrill and the joy”.

“I’ve like always had a passion for it. I’ve always wanted to dance. It’s how I’ve always felt.”

“I love dancing and moving my body in different ways and performing.”

“Like you want to do it everyday.”

The participants were also asked a number of questions which explored the issues of career retention in ballet. These included: ‘Does anything about a career in ballet concern you?’,
'What do you need to do to fulfil your career aspirations?', and 'How long do you think you will be able to sustain the career and why?'

The issues raised by the dancers-in-training replicated a number of those identified by the cohort of secondary school students, also part of this phase of the study, as career attraction factors: passion for the work performed and issues of work and life balance. The young dancers appeared to have a realistic view of how long a career in dance is sustainable and that any decisions to leave such a career could be imposed by physical limitations such as the impact of ageing, injury and child bearing/rearing. None of the issues raised were overtly motivated by extrinsic rewards: for example, there was no mention of pro-actively ceasing their career as a result of income, job status or financial reward issues. In addition, the issue of work/life balance though frequently raised, was not linked to workplace flexibility or conditions of employment. Discussions related to decisions to cease their career to commence child rearing were linked to the physicality of the work performed and the challenges the core duties presented to family life.

Career choices were driven primarily by an intrinsic sense of identity and self, reflecting what they wanted to do and the enjoyment they considered they would obtain from it. However, they also had realistic expectations of the hardships, and whilst many of these were related to the characteristics of the work performed they still formed the core of their own identity construction. In line with these realistic expectations, a number of the participants from this cohort also demonstrated consideration of themselves within alternative careers once life as a ballet dancer was over.

Although the passion for their craft was an overwhelming reason for their choice of career while so young, the participants also appeared to have a realistic understanding of the difficulties in achieving their dream. Injury was the critical concern and some focus group participants had already either had first-hand experience with this or were working closely with colleagues who had suffered injuries, as demonstrated in the quotes below.

<table>
<thead>
<tr>
<th>DANCING AND INJURY</th>
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</thead>
</table>
| “If you’re injured you might like lose your motivation and like get left behind. That’s scary 'cos when you’re injured you miss out and get left behind“.
| “Injury. It can be something so simple that finishes you off. Like look at XXX, she like fell on her back in contemporary and hasn’t been able to dance for like months. She was so amazing and like she now still only has like 25% movement. She will never be the way she was. She is not dancing to where we are now and she was so far ahead. Watching her in class she struggles to much and it’s hard to watch. She can’t jump and you know it hurts her“.
| “Injury. Because this year I’ve been injured basically the whole year so I’ve been on and off...it’s my back...that’s made it pretty difficult and I’m not sure about the long term things that dancers have to live with when they retire, like feet and knees and stuff“.
| “When you do things and they don’t feel right and you get worried that something bad’s happening [injury]“.

Participants’ concerns regarding injuries sustained as a result of their training were directed toward being unable to continue, rather than the physical pain of the injury itself.
They were also clearly aware of the reality of the aspects of a ‘normal’ teenage life they were missing: relaxing, watching television, socialising and having weekends to either catch up or go to the movies, due to full-time dance training, as is demonstrated by the following quotes.

<table>
<thead>
<tr>
<th>SACRIFICES MADE FOR DANCE TRAINING</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Yeh, they’re [school friends] all at home. Relaxing. Watching TV on the sofa.”</td>
</tr>
<tr>
<td>“Missing out on friends – friends and time. On Sundays we have to catch up with school work.”</td>
</tr>
<tr>
<td>“Yeh, all I do is dance, study, drive my car home, sleep, get up to dance. It’s hard when you get texts from your old school friends to catch up and you can’t.”</td>
</tr>
<tr>
<td>“Miss out on sleep... I don’t see anyone that I went to school with.”</td>
</tr>
<tr>
<td>“… like having a whole weekend – Saturday and Sunday to do what you want.”</td>
</tr>
<tr>
<td>“…um the timetables, especially around performances and assessments can be taxing on you cos you might have only a few like slotted hours at the end or beginning of the day that you can do other things and most of the time that doesn’t suit people who go to school or uni or wherever – so it’s hard.”</td>
</tr>
</tbody>
</table>

However, the respondents also demonstrated an ability to compensate for this by socialising within their small peer group:

‘Everyone here becomes your family, like, we all do everything together.’

One participant responded by suggesting that she did not feel she was missing out on anything as she had her dance:

‘Not really [missing out on anything], because I think I’m doing what I want to do and it feels right for me and I feel that I’m getting everything that I need.’

Clearly, the power of the passion for dance was such that the participant considered having the opportunity to dance compensated for the sacrifices made.

However, they were also comfortable with making the choice of family over ballet – to commence a family - even if it meant their career was cut relatively short. The following quotes demonstrate a strong theme running across the focus group interviews in this area, with six of the eight participants identifying issues in balancing work and family.

<table>
<thead>
<tr>
<th>QUOTES: WORK/LIFE BALANCE AS A CAREER DANCER</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Harner for the girls because their bodies change and they have to take too long a break---- like you can do other things instead of dancing but stay in the dance world”.</td>
</tr>
<tr>
<td>“Would be really hard if your husband is a dancer too. Who would look after the kids?”</td>
</tr>
<tr>
<td>“Yeh, it’s impossible to have your career, have kids, and then like come back. Like you will never be at the level you were at before. That would be too hard and I couldn’t do it – going backwards and like just being part of the corp and like being with dancers who have better roles who weren’t like as good as you were when you left.”</td>
</tr>
<tr>
<td>“And like when you want to have kids you have to leave. Like, your body shape actually</td>
</tr>
</tbody>
</table>
changes and when you have your break you don’t have your fitness. Too hard to try and do both”.

“That’s why I’m like going to wait til I’m 30 or something so like my career is nearly over anyway and it like doesn’t matter as much”.

“Dancers work until 10pm at night and it’s mostly weekends as well so that would be hard for you and the child I guess. It wouldn’t get much attention or one on time with you. It would be tough – you would need a really stable relationship with your partner to make it work”.

These quotes suggest that these young people are acutely aware of the challenges their work and career will pose, and are willing, even when their passion for the first career – which is yet to be fulfilled - is so intense, to give it all up for family. Clearly, they are not willing to make compromises for either career or family; they will give each everything, only separately, not together.

Conclusions

Whilst it is acknowledged that this study is based on a relatively small sample, it has demonstrated that the dancers-in-training participating in the study made significant career decisions very early in life, primarily driven by an innate passion for ballet; and had an accurate and realistic understanding of the rigours of life as a professional ballet dancer. It appears that this passion for a career in dance, no matter how difficult that career may be, both physically and emotionally, negated any consideration of alternative options whilst they were still able to dance. Decisions to leave or cease their career were discussed by this young group of dancers, and they clearly articulated that this would only occur when injured or once parenting decisions were made.

Existing research into careers in the creative industries also supports such findings; careers are reported to be motivated by personal freedom and psychological success rather than on position, level or salary; and by professional commitment rather than organisational (Bennett 2009). Research into the dance sector, particularly ballet, is also limited to performance and career transition, and there are opportunities for further exploration of the expectations of dancers-in-training as well as the experiences of early career dancers. There are also opportunities for further exploration into the aspirations, expectations and career concerns of young dancers-in-training to provide better support, particularly in the early stages of their career. For example, the fact that they, in many cases, continue to dance and aggravate an injury suggests that career care and management is lacking. Investment in elite dance training programs is expensive and time consuming, and an analysis of the characteristics, aspirations and retention rates of young dancers is beneficial to both educational and arts institutions. Career opportunities and labour movement outside of Australia would also be beneficial to the national arts community.

The findings suggest the attraction drivers that encourage young people to pursue their career of choice are primarily influenced by the perceived existence of interesting work and an ability to achieve personal goals and passions which present the strongest motivators of career choice. The data provided by the dance cohort makes it clear they are motivated exclusively by intrinsic factors and that they will only leave their employer, or career, if
forced to by lack of funding, injury or parenting responsibilities. Whilst this highlights the specific nature of dance as an employment sector, it does demonstrate the importance of the provision of interesting and challenging work to workers across the board.

Career sustainability, in terms of balancing work and personal lives, particularly considerations toward family life, also strongly featured. These findings are supported by the work of Stokes and Wyn (2007), who also discovered that young people placed wellbeing, lifestyle and leisure as a central focus within their working lives, influencing their concepts of career within the broader context. There appears to be a conservative approach to family life and child rearing; rather than seeing opportunities for balancing work and family life, young women are willing to sacrifice their career for family, suggesting a balance is not achievable or desirable. This is a key issue with significant implications for organisations in regards to retention. This also supports the findings of Sturges and Guest (2001), whose study of university graduates in their study indicated that, whatever the circumstance, if the balance between work and home life was not there, graduates would consider leaving the organisation rather than tolerate an imbalance. Whilst these views may suggest a problem in existing current organisational work flexibility strategies, or the promotion of such strategies, it also highlights the existence of a significant degree of choice available to young men and women. It is refreshing to observe the existence of such a strong belief amongst young people in the existence of a choice between how they manage work and family lives, but it is also indicative of the challenges besetting organisations in managing such expectations.

Young people will have a considerable impact on the nature of the workplace of the future and will be a significant cost investment in terms of remuneration, training and development. Any research findings which support improved career aspirations, identification and development will be of vital importance to all organisations, public and private.

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Jobs and skills: ‘Green’ jobs and decent jobs

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Many traditional regions are undergoing change and transformation as industries and sectors restructure. Somewhat paradoxically, the current global financial crisis offers an opportunity to innovate around policies for the regeneration of areas experiencing industrial decline, based on the development of ‘green economies’ and transition to a low carbon economy. In this process, there is a necessary emphasis on skills development and the creation of decent jobs, but institutional context mediates such processes in different places in different ways. The argument is that an effective transition policy is likely to emerge where a mutually reciprocal relationship is developed between the state qua government and the social groups that comprise the region, including employers and workers and their representatives. Utilising a ‘varieties of capitalism’ typology in relation to regions in Germany, the UK and the US the paper examines transition policies with an explicit focus on skills development.

Introduction

Many regions where employment (and community) has been based on ‘traditional’ forms of employment are undergoing change and transformation as industries and sectors restructure. However, efforts to ‘regenerate’ regions experiencing industrial decline have had uneven levels of success. In the debates on regeneration and transition, the centrality of labour in the processes of change tends to be downplayed. Labour is either viewed as a resource and/or is marginalised in the processes of policy formation and implementation (e.g. Tomaney, 2010). We argue that a mutually reciprocal relationship between the state and the social groups (including labour and their unions) is necessary for an effective and equitable transition to take place. To understand the form and shape of transition, an understanding of political and economic context is necessary, particularly in relation to the development of ‘green’ skills and jobs (Hall and Soskice, 2001; see also Carlsson, 2006).

An Approach

There is much debate about transitions from high to low carbon economies, particularly at a regional level (e.g., Cary et al., 2005; Wang and Eames, 2010). Such transitions require an appreciation of the processes where new occupational and job profiles are likely to emerge, while current profiles will be recalibrated and focused (Dierdorff et al., 2009: 3-4; CEDEFOP, 2010). In turn, these considerations raise questions about the possibilities of ‘green’ jobs as decent jobs – skilled and satisfying work with adequate wages, safe working conditions, job security and worker voice – and more generally decent work (UNEP, 2008).

A critical focus in the transition to a ‘green’ economy is on skills both in the provision of goods and services, as well as in relation to the more effective use of natural resources. The
relationship between regeneration and transition is one where the former refers more generally and holistically to the impetus for change and the processes that follow, whereas the latter describes a particular approach/direction to regeneration as well as referring to broader strategies for the development of a ‘green’ economy. While most accounts view labour either as a resource or as marginal to policy formation and implementation (e.g. Tomaney, 2010), we argue that to understand the form and shape of transitions in the context of regeneration, an understanding of the political and economic context is necessary. As such, the analysis is predicated on a particular understanding of institutional contexts (Hall and Soskice, 2001; see also Carlsson, 2006). This focus requires an examination of the interrelationship between the state, labour and capital (see Crouch et al., 1999).

The shape of national Vocational Education and Training (VET) systems, and the capacity of such systems to respond and adapt to wider policy initiatives on ‘green’ skills and occupational development, as well as the existence of high levels of ‘social capital’ and correspondingly, collaborative institutions within a society, are widely argued to be critical success factors in regeneration and transition efforts (Lloyd and Payne, 2002). For this reason, we situate our understandings of processes of transition and regeneration within Hall and Soskice’s (2001) categorisation of models of capitalism. Liberal Market Economies (LMEs) are economies where the market is supported as the dominant co-ordinator of economic action and Co-ordinated Market Economies (CMEs) are economies that are characterised by strong networks of social (non-market) institutions that regulate economic action within markets (Hall and Soskice, 2001). This distinction enables a comparison between government approaches in relation to different capitalist economies (cf., Crouch, 2005), particularly in relation to VET systems and ‘green’ initiatives.

Further, while recognising the distinctive approaches to regeneration and its relation to transition in different states, it is equally important to acknowledge the participants in the process and the limitations of such engagement. Jessop (2005), for example, locates state policies in developed economies within a neoliberal framework. He notes that states have tended to move away from hierarchical forms of government towards more permeable forms of governance. Of equal note, neoliberal policies are associated with the primacy of the economic in relation to policy focus (Peck and Tickell, 2002; Tickell and Peck, 2003). As Beer and others point out, this focus has led to a view at a regional level that markets should be reregulated to give voice to business interests (Beer et al., 2005: 50). However, while these emphases suggest that the focus in relation to regeneration is now more likely to be at a regional level involving regional partners, it does not necessarily mean that labour, and its associated trade unions, will find a place at the policy table.

**The Research Focus**

Three cases were deliberately selected: Appalachia (US); the South Wales Valleys (UK) and the Ruhr region (Germany). The primary data, comprised government policies, regional development policies, public reports and other primary source data, such as commentaries and announcements about such policies and objectives (e.g. OECD and CEDEFOP). In addition, expert research commentary was sought where appropriate. Similar policy objectives in distinct policy contexts could be compared. The focus is on the decline of
heavy industry, particularly coal, and the response at local and national policy levels and the steps taken to regenerate these areas. Each place experienced the decline of their coal industry. They have been subject to numerous policies and strategies of regeneration. Parallel to this is a *de facto* process of transition from a high to low carbon economy in these regions, as the reliance on coal has dissipated. Our aim is to identify and analyse the core features of regeneration and transition in these regions – particularly in relation to skills and decent jobs development. The cases illustrate distinct ways in which transition policies are elaborated and implemented.

Within LME contexts, a focus on the need to develop the infrastructure necessary for a ‘green’ economy has started to permeate the wider skills agenda in the both UK and the US. These policies have been promoted as part of the elaboration of a relatively unqualified commitment to the principles and practice of an LME. In contrast, CMEs, such as Germany are ‘deeply embedded in an array of co-operative, redistributive and regulatory institutions’, including business associations and trade unions (Streeck, 1992: 6). Further, for decades, environmental protection has been at the centre of public policy development in Germany (Janicke *et al.*, 2001).

**From Short-term Policies to Long-term Strategies**

Each case went through a process of deindustrialisation, centred on the decline of their coal industries. As regeneration strategies were developed, policy makers increasingly located the policies within a transition framework, from a high carbon economy to a low carbon one. To understand this process of transition, a brief history of each case is presented, beginning with the Ruhr, contrasting this with the Appalachians, and then concluding with the Welsh case.

**The Ruhr region**

The Ruhr region is an extensive, polycentric urban area, comprising a number of large cities in close proximity to one another. It is one of Europe’s most densely populated conurbations, with nearly 5.3 million inhabitants. The region is part of the North Rhine Westphalia Länder, currently governed by a coalition of Social Democrat and Green parties. Strategies aimed at mitigating the effects of closure and reversing decline of the once overwhelmingly dominant coal and steel industries can be categorised into short-term policies, which focus on the needs of displaced workers, and longer-term, government-initiated action aimed at diversification of the economic/employment base. Immediate approaches to closure/job loss have included the provision of wage subsidies, compensation payments or early retirement strategies (Hospers, 2004; Knuth, 2010). In cases where policies of early retirement have not sufficed, more proactive responses have been utilised, namely job transfer schemes. The success of short-term strategies is facilitated by the institutionalisation of partnership working and the effective networks and capacity to share information. Parties work together to share information about appropriate job opportunities within the area, so as to efficiently move displaced workers to alternative employment.
Longer-term regeneration strategies, including attempts to diversify the region’s economic base, began in the 1980s. From the outset, governments emphasised the importance of attracting investment from hi-tech and knowledge based firms, expanding the service sector and promoting local entrepreneurship (Hospers, 2004). Regional governments have been central to the process of shaping these regeneration strategies, acting in partnership with municipalities and private actors (Cary et al., 2005), and it can be surmised that their closer relation and greater knowledge about the area in question augments the regeneration process. The creation of Emscher Science Park is one such example, developed as part of a public-private partnership to revitalise old brownfield sites (Hospers, 2004). This perspective is further exemplified by the regeneration of the city of Gelsenkirchen into a ‘solar city’; it is now the largest supplier of solar energy in Europe (Hospers, 2004). The area has been successful in creating new and ‘decent’ job opportunities for current and future workers.

Since the 1970s, resources have been directed at developing education and skills through improvements to the ‘skill infrastructure’, such as the opening of universities and investment in research and development to help regional economic diversification. Further, regular training programmes for architects, project developers, workers and unemployed people (including training programmes for former miners) have been initiated by and hosted at a Science Park in Gelsenkirchen (Schmitz-Borchert, 2011). The German tradition of a strong dual VET system also means that the workforce is relatively well placed to make the transition to a sustainable economy. Indeed, despite the lack of an overarching, state-driven green skills policy, environmental protection has been integrated into all initial vocational training regulations and moreover, within the Continuing VET system, the range of courses related to environmental protection is now substantial (CEDEFOP, 2010).

A central question is the extent to which such transitions have impacted upon workers displaced from the former coal and steel industries. Evidence suggests that it is unlikely that ‘green’ jobs will replace the jobs that will be lost from coal and steel across the region (Block, 2011); such jobs were created too long after displacement occurred and often required completely new skills (Knuth, 2010). Indeed, unemployment remains a problem and displaced workers have not been particularly well served (Hospers, 2004). Overall, however, whilst displaced workers have not always benefitted from regeneration and transition strategies, the area seems well placed to make a ‘green’ transition with skills development – encouraged by effective and robust VET systems.

Appalachia

The Appalachia is a vast region that spans thirteen states and has a population of over 25 million. It is heavily dependent on coal mining and manufacturing, although both sectors have been in decline over recent years. Most responses to displacement following these developments have been reactive with little attempt to focus on comprehensive long-term development strategies (Herzenberg et al., 2005b). The aim has been to find new employment for redundant workers through ‘one-stop career centres’. Frequently however, such systems were implemented after displacement. Where more proactive early-warning systems (e.g. the Steel Valley Authority’s Strategic Early Warning Network (SEWN) in south western Pennsylvania), were implemented it involved a multi-stakeholder approach. In such cases, representatives from business, labour organisations and community leaders worked
together to identify at-risk manufacturing firms and then provide assistance, preventing layoffs where possible and helping those identified for displacement.

The more long-term reactive approaches involve multiple stakeholders (on the importance of such a ‘partnership’ approach, see Kearns, 2004). In several sub-regions, regional development agencies worked with local industries to identify growth areas with skills shortages; these were then prioritised for training provision. Industrial sectors were mapped for growth potential through the application of cluster analysis, which was then supplemented with expert local knowledge from training providers and local employers. However, the success of some programmes was undermined by the absence of a unified regional strategy, with the various economic and workforce development agencies tending to work separately and to their own agendas, highlighting the importance of strong ‘linking’ and ‘bridging [social] capital’ linkages between agencies (Pretty and Ward, 2001).

Until recently, attempts to diversify the region and create more opportunities tended to focus on incentives to outside-investors (i.e. through tax credits, low interest loans and subsidized training), yet they are limited in effect. Such initiatives have been largely unsuccessful at stimulating long-term job growth, due to lack of existing infrastructure, isolated geographical location and crucially, a lack of suitable skills in the labour force (Flaccavento, 2011). More recently, there has been an attempt to focus on long-term, sustainable strategies for the area by building on the extant strengths of the region and the development of infrastructure (Herzenberg et al., 2005b). The American Recovery and Re-investment Act (ARRA) launched a number of initiatives, aimed at stimulating ‘green’ jobs and employment diversification in the region, although these are not comprehensive, regional-wide strategies (Flaccavento, 2011). NGOs and local and regional community advocacy groups have been central to such initiatives (e.g. the NGO-run JOBS project), as opposed to the state or industry.

Overall, displaced workers were less likely to find alternative jobs when compared with other displaced US workers (ARC, 2005). A lower proportion of these workers managed to find re-employment (69% compared to 74% outside of the region), and if they were employed, they were more likely to earn less than they had in their previous job with the prevailing low levels of formal education posing particular difficulties. There are some positive steps currently being taken towards low carbon regeneration, but a lack of investment in appropriate skills has been identified as impeding progress, demonstrating the centrality of effective skills programmes in any transition (e.g. UNEP, 2008).

The South Wales Valleys

The ‘Valley’ region of south Wales is one of the poorest regions in the UK. Coal mining, once the core of all employment in the region has ended, and subsequent regeneration initiatives have failed to provide sustained employment in the region. Complementing the decline of coal, metal manufacturing, a linked industry, had almost disappeared by the 1990s (Rees and Stroud, 2004). The decline of coal has had major negative consequences for the region, with few employment opportunities available in the region, reflected in the Valleys having the highest unemployment rate in Wales (Hunt, 2011).
Originally, the main strategy to deal with the impact of job displacement from mining and steel was relatively generous redundancy payments, effectively providing older miners with early retirement and supposedly facilitating the retraining and re-employment of younger workers. However, there was little in place in terms of new employment opportunities. The first long-term regeneration strategy, the ‘Programme for the Valleys’, was introduced by the Conservative Government in 1988 (Bennett et al., 2000). A particular focus was the creation of new employment opportunities in manufacturing and services. Incentives for inward investment from manufacturing firms were provided via regional economic policies, usually in the form of subsidies and allowances/exemptions for private companies, complemented by policies aimed at making the region appear more attractive both physically and socially to private investors.

Successive Labour administrations, from 1997 onwards, emphasised the need for a ‘joint approach’ at central and local levels, articulating a need to move away from the competitive bidding process and encouraged the development of community-led partnerships to initiate and manage programmes (Kearns, 2005). In 1999, the then Labour government established the Welsh Government (until 2012 known as the Welsh Assembly Government (WAG)), ‘placing Welsh interests and values at the centre of policy-making processes’ (Wang and Eames, 2010). A stated policy objective is that of ‘driving economic development across Wales’ and the Welsh Government recognised that the Valleys region has ‘special income and skills needs’ that require amelioration (WAG, 2005). In conjunction with dedicated EU funding, the government began to promote their ‘Communities First’ programme. This aimed to create jobs (with a focus on the cultivation of local, small enterprises), improve health and housing and placed heavy emphasis on the cultivation of skill levels, but with mixed results (Rees and Stroud, 2004). Of note, and qualifying an unambiguous LME approach, the devolved Welsh state has implemented social democratic policies, particularly on education and training (Rees, 2007), which stand separate to policy in England.

The Welsh Government has a statutory duty to promote sustainable development within its constitution and it appears to be determined that Wales will play an internationally leading role in tackling climate change (Wang and Eames, 2010). It established ambitious targets that exceed current UK and international commitments and unlike energy and climate policy at a UK level, the Welsh policy discourse places climate change very much in the context of sustainable development. In order to support this goal, the Welsh Government has published a dedicated green jobs strategy, therein recognising the role of such a transition as a regeneration policy and the necessity of an accompanying programme of targeted skills provision. It is complemented by the Department for Children, Education, Lifelong Learning and Skills, which has considerable executive capacity and is in a position to shape VET within Wales. To these ends, significant initiatives have been implemented (Welsh Government, 2011).

**Transition?**

The different national political and economic contexts in which transitions from a high-carbon economy occur, have major impacts on the success of regeneration and transition initiatives. Overall, the national institutional framework in which ‘green’ and related transitional developments occur is crucial; with concerted effort from central government a
necessary condition to put in place incentives for transition, as well as to promote and underwrite the strategies at a regional level.

In Germany, the close working relationships in relation to the governance of the Ruhr region means that it has been well placed to make a shift to a ‘green’ transition approach. The pioneering examples relating to the promotion of ‘green’ industry development illustrate how a process that centres on labour and indeed involves labour organisations can take the critical initial steps towards transition. These developments involve forms of partnership, involving federal and regional agencies, employers, trade unions and others (Hospers, 2004). A successful transition can, in part, be attributed to Germany’s dual VET system, which facilitates skills transition and up-skilling (Bosch and Charest, 2008). However, the caution here is that while an effective and robust VET system becomes the means for promoting transition, it remains limited in that it effectively is a top down approach, and relies on the incorporation of labour organisations, rather than the promotion of alternative broad-based programmes from a locality level.

In contrast, the other two cases underline the limitations of a market focused approach, even when regulated by governments in focused ways. As demonstrated by the Appalachian case there have been few ‘comprehensive’ approaches, with shared vision and strategy implemented by and across multiple workforce and economic development agencies. Further, the US case places little emphasis on skills, with training usually left to private providers, who operate on limited contracts that usually leave workers with few formally recognised transferable skills, and thus limit the ease with which such regions can shift to a low carbon economy. In Wales, the demand for high skills from employers was very low or non-existent and is an implicit criticism of policy emphasis in the UK more generally on developing skills supply rather than demand. Such considerations highlight the inherent problems of developing systems of ‘employer-led’ vocational education and training – many employers are obviously unconvincing by arguments as to the superiority of ‘high skill-high quality-high innovation’ competitive strategies and where they do train, it tends to be in short-term, narrowly focused, low-level job-specific competences, institutionalised by the National Vocational Qualification system (Keep and Payne, 2002).

Further, in each of these states, transition was not linked to the objective of decent jobs. Rather, these strategies were aspirational in that they had a goal of ‘greening’ the economy, with specific goals in relation to VET programmes and the like. Such objectives can only be met with the appropriate investment in infrastructure and related activities. For resources to be committed to ‘greening’ VET systems and indeed, for company-level investment in ‘green’ technologies, products and services, both governments and employers need to be convinced that such investments are credible and that there is a market/demand for such innovations. Furthermore, the capacity to build and attract job opportunities depends not just on the development of the right skills, but also on job availability. These features reinforce the observation that there is a mutually reinforcing relationship between infrastructural resourcing and the development of capacities in relation to (decent) jobs and skills.

The nub of the dilemma in addressing regeneration is the ways all these policies and approaches have been located within a neo-liberal paradigm (Jessop, 2002). These three
governments each stressed forms of governance where there was a recognition of the centrality of partnerships at a locality level. Business leaders and members of the local political and economic elites have become involved in such developments. Less evident has been the involvement of trade unions and related organisations, although it is more likely that this voice will be heard (at least at a national level) in CME countries rather than LME ones. An implication of this dimension, as Jessop (2002) notes, is that way social policy (in the context of change and transition) becomes subordinated to economic policy and prerogatives. The question becomes one of how governments become involved in this process and to what end (Beer et al., 2005). In all cases the focus has been on a structured and restrained involvement of labour in the process of change and development in these regions. The problem is that the goal of decent jobs as an objective of transition is neither clear-cut nor often a stated aim of policy.

Concluding Remarks

Our argument is that an effective transition policy – based on skills development – will only emerge where a mutually reciprocal relationship is developed between the state qua government and the social groups that comprise the region, including employers and workers and their representatives. The three cases illustrate that key to any effective transition is collaboration between a range of relevant stakeholders, including representatives of employers, trade unions, community groups, different levels of government (namely regional and local) and educational institutions. Partnerships and networks such as these are facilitated by high levels of social capital, which allow for cooperative behaviour to achieve common goals as well as the creation of effective linkages between parties, both vertically and horizontally. Crucially, vertical linkages and the articulation between different levels of government are essential for effective and sustainable regeneration.

The value of the typology associated with the varieties of capitalism analyses is that it allows a specification of the relationship between state and economy in relation to regeneration and related transitions. In particular, the role of the state in stimulating and enabling economic and social change is clearly evident in CMEs. While not as clear cut in the case of the LMEs, the Welsh case illustrates the ways in which a devolved government, pursuing social democratic policies can become influential in shifting the direction of policies associated with the regeneration of declining regions. Indeed, even in the US case the local state, as a partner with employers, unions and NGOs, can also focus the direction, if not the content of regeneration programmes. The cases each demonstrated the importance of skills and training as centre pieces of the transition toward a low carbon economy. Success depends on both the supply of and demand for ‘green’ jobs and decent ones. It is much more likely that these ambitions will be realised where the state plays a central role in formulating and developing regeneration strategies that are focused on transition.

The analysis shows that without clear and unequivocal objectives to create and promote decent jobs, within the paradigm of transition to a low carbon economy, it will be unlikely that in capitalist economies these goals will be realised. Rather, the outcomes will be limited by the interplay between infrastructural resourcing and the development of capacities in relation to (decent) jobs and skills. This is the dilemma of transition; the hope is that
governments will begin to recognise this relationship. The task for workers, as the objects of and subjects within these processes is to articulate and demand that decent jobs are core to and a condition for transition to low carbon economies.

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The asymmetric nature of management-union negotiation and the notion of pragmatic gain

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Despite the decline in union membership and collective representation, negotiation between management and unions is still a dominant process in establishing employees’ pay and conditions. Research into how managements and unions actually negotiate has been limited but there has been something of a mini resurgence with the emergence of mutual gains (more latterly renamed interest-based) bargaining. Examination of some key elements of the workplace context within which management-union negotiations occur suggests embedded difficulties for those attempting to implement a mutual/interest-based bargaining process. As an alternative, a more pragmatic model of the workplace negotiation process is suggested as a basis for further research.
Understanding unionism and industrial conflict in rapid economic development: the Bougainville Mining Workers Union

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The rapid economic development which came to Bougainville with the huge Panguna mine in the early 1970s created tensions which two decades later triggered an armed conflict destroying the mine and costing thousands of lives. Action by members of the Bougainville Mining Workers Union (BMWU) was an immediate cause of the outbreak of hostilities. Current discussions on, and the possibility of, re-opening the mine have paid no attention to industrial relations issues. Our argument is that the history of negotiation and accommodation of conflicting industrial interests at Panguna, from the start of mine construction in 1969 to its closure in 1989, needs to be part of an understanding of what will be necessary to enable the mine to operate if it were to start again. In this paper we consider the early years of negotiation at Panguna and the establishment of the BMWU.

This paper reports the early stages of a research project on the role of industrial relations in the lead up to the armed conflict on Bougainville, which broke out in 1989. Optimism in current discussions about the reopening of the mine has focused on the attitudes of landowners and the provincial government. It has ignored the considerable history of industrial conflict and resolution which marked the two decades of the mine’s operation. Our project aims to articulate the narrative of those 20 years of negotiation and seeks to understand how conflict was managed before the eventual outbreak of war.

Recent scholarly commentary on Bougainville has focused on the politics of the peace process (Regan 2010; Wallis 2012). There is also a considerable literature offering background analysis especially on issues of land and the long history of disputes between local communities and outsiders over its use and misuse (Oliver 1991; Denoon 2000; Regan and Griffith 2005). During a current project looking at economic recovery in the post-conflict situation on Bougainville, an informant told us that ‘the fighting started because of a dispute at the mine’. If this were true we thought that employment relations and particularly the role of the union at Panguna might be both a key to understanding the outbreak of violent conflict and may provide clues as to how conflict can be managed in less destructive ways.

The paper is divided into four sections. Firstly it looks at the evolution of employment regulation in PNG and the type of accommodation structures this produced. Secondly it considers the construction phase of the Panguna project and how industrial action by Australian expatriate workers and their unions impacted on local understandings of the role of unions. Thirdly it looks at the formation of the BMWU and the way in which the union developed into an organization capable of articulating grievances and using the industrial relations system to address them without resort to armed conflict.
Industrial Regulation and Unions in TPNG

The system of industrial relations under which the early years of mining at Panguna were conducted developed in a tension between colonial administration and nationalist aspirations. Regulation of indigenous workers had been a key activity throughout the period of Australian colonial administration in the Territory of Papua New Guinea (TPNG). This system of employment was famously described by one of its principle administrators as ‘really rather like slavery’ (Murray 1931:9). Only one serious incident of colonial labour unrest has attracted academic commentary (Willis 1970; Gammage 1975). Protest against labour conditions more typically took the forms of running away or simply refusing to re-indenture (Rowley 1968:11; Fitzpatrick 1978:102; Young 1983:74).

By the late 1950s, an unregulated urban labour market developed as the dead hand of colonialism resisted attempts by progressive administrators to acknowledge the need to grant PNG workers rights to organize and negotiate. A number of ethnic and church based ‘welfare associations’ developed to fill this vacuum (Metcalf 1968:115-9). Not coincidentally, the Australian Minister for Territories, Paul Hasluck, set about ‘reformulating’ labour policy to make it more appropriate to contemporary needs (Hasluck 1976:231-2). His 1962 Industrial Relations and Industrial Organisations Ordinances, gave registered unions a limited ability to take action resulting in the creation of an industrial award (Seddon 1975:104ff).

This was the first opportunity TPNG’s aspiring nationalists had of representing their people in a legally sanctioned system of advocacy (Kiki 1970). While they were able and ambitious leaders, these men had negligible industrial experience. They relied heavily on officers of the Australian public service in the TPNG Department of Labour to navigate the administrivia of union formation and operation within the legalistic industrial relations system (Hess 1987). Their situation differed from that of union leaders in third world countries in which anti-colonial struggles were sharper (Galenson 1958; Bates 1970; Kassalow and Damachi 1978). In TPNG, no general nationalist uprising against colonial rule occurred. The dependence of the new TPNG unions on their colonial administrators may make Howard’s description of unions under this type of regulation as, ‘industrial cosmetics’ propped up by the bureaucracy to fulfill the fiction of tripartism in the industrial relations system, even more opposite than it was in Australia (Howard 1977).

Despite the lack of upheaval their advent involved, research on the first unions in TPNG finds that both the bosses and the union leaders saw the advent of unionism as a game changer (Metcalf 1968; Stevenson 1968; Hess 1990). At its most simplistic this was because, almost always, the bosses were white, the administration officials were white, but the union officials weren’t white. The union officials were local leaders whom the regulatory framework accorded a status and role in the colonial order which few other Papua New Guineas had been able to achieve and they took this role seriously.

The Construction Phase at Panguna, 1969-1972

The period of construction of the Panguna mine and associated facilities in the town of Arawa and the port of Loloho gave local workers some very specific insights into how they could apply the levers of power available under the industrial relations legislation. Before
this the new system of regulation and the concept of unionism had been quite theoretical, but the presence of large numbers of unionized Australian workers in the construction phase meant that local employees saw at first hand the practicalities and potential advantages of organization.

Australian unions had been watching events in PNG for some time. Albert Monk, ACTU President, had participated in a labour study mission to PNG in April 1968, concluding that his organization would ‘help establish the trade union movement’ in PNG (Age, 17 April 1968). The 1967 Federal Council meeting the Waterside Workers Federation (WWF) had voted to send an official ‘to find out about working conditions’. The importance the WWF attached to this visit is attested by the fact that it was page one news in the union’s paper under the banner headline ‘Historic Aid to Port Moresby Watersiders’ (Maritime Worker, 4 August 1969). On this occasion the WWF focus was on assisting its counterpart organisation, the Central District Waterside Workers Union, to gain its own award (Hess 1988). The following month, however, the WWF was taking direct action in relation to Bougainville. In August 1969 waterside workers held stopwork meetings in Sydney and Brisbane delaying the departure of the Ashi Maru loaded with earth moving equipment for the construction project (Maritime Worker, 18 August 1969).

On the construction project itself assistance seems to have been initially poorly organized with no clear lines of union representation and no specific awards for Australian or PNG employees. In late January 1970 an avalanche on the road being constructed from Loloho to Panguna killed eight workers, four Papua New Guineans and four Australians. Workers who refused to work on the road following the avalanche were dismissed. In response the highly unionized Australian workforce struck in early February (Post Courier, 10 February 1970).

For the local people and PNG employees alike an astounding event during the strike was a protest march by one thousand expatriate workers through the mining town of Arawa (Post Courier, 10 February 1970). Folk memory of the incident among Bougainvilleans is that the marchers were ‘loud and frightening’ and ‘they defied the police’. The marchers carried banners demanding direct representation in talks with the company and declaring that the ‘ACTU Stinks’ (NBAC, N21/1020). The strike occasioned by the sacking of workers coincided with the arrival in Kieta of a tribunal inquiring into an ACTU log of claims against BCL. Jack Egerton, Secretary of the Queensland Trades and Labour Council, arrived representing the ACTU both in the tribunal proceedings and to the affiliated unions on Bougainville. Egerton reported to ACTU President Bob Hawke on the hostility of the BCL Delegates Committee to the ACTU. He had also been asked by Hawke to meet the executive of the BMU. He commented that ‘they did not appear to have much idea of what was required of them to successfully carry on a trade union organisation’ (Egerton-Hawke, 19 February 1970: NBAC, N21/1020).

The expatriate construction workers returned to work in mid February. A Log of Claims was agreed between the ACTU and delegates on Bougainville seeking a minimum weekly paid wage for all workers involved in construction of $200, made up of $60 basic and $140 margin (Log of Claims, 25 February 1970: NBAC, N21/1020). During the negotiations, Hawke attacked BCL over a plan to employ Filipinos instead of Papua New Guineans. Paul Quodling
(BCL Administrative Director) responded that ‘he was not aware of any such contracts’ (Notes of Conference, 16 March 1970: NBAC, N21/1020).

In mid April the BCL project was visited by eight Australian union officials, including three Federal Secretaries, led by the ACTU Industrial Officer. Later that month the construction workers in Bougainville commenced an indefinite strike, throwing indigenous workers on the BCL sites out of work. At the beginning of June it was agreed that the ACTU would ‘set up the necessary machinery to provide union representation for Australian unionists on Bougainville’ (BCP, 5 June 1970: NBAC, N14/212). At the end of June the Bougainville Copper Project (BCP) Expatriate Construction Workers Agreement 1970 was concluded. The Agreement was based on the Northern Territory Building Industry Award. It covered all relevant Australian unions but specifically excluded ‘the indigenous people of PNG’ (NBAC, N21/1020). In September 1970, Paul Quodling wrote to the ACTU attaching the five page instruction which he had distributed to BCL contractors ‘to ensure that they comply’ (Quolding-ACTU, 27 September 1970: NBAC, N21/1020). Not only was the award generous but these instructions included many union friendly elements, such as acknowledging a broad role for delegates in representing members in all work and living related issues on Bougainville, payment for delegates while on union business, provision by the company of office facilities and transport for delegates on union business, a company enforced closed shop and monthly meetings between delegates and company representatives.

Viewed as an event in Australian industrial relations history, the ACTU campaign on wages and conditions for BCL’s Australian construction workers was efficient and successful. The peak council had overcome initial hostility of workers and of their unions to lead the negotiations which resulted in an extraordinarily generous award (Minutes, ACTU Affiliates Meeting, 3 September 1970: NBAC, N21/1020).

In the meantime many Papua New Guinean employees of BCP were earning $15 a week, rather than $200, lived in poorer conditions and did not have the benefit of strong union representation. While Australian union officials maintained the rhetoric that the ‘ACTU is committed to assisting local indigene (sic) Union organisation’ (Minutes, Meeting of Affiliates, 3 September 1970: NBAC, N21/1020), little supporting action was evident and conditions for TPNG employees remained far inferior to those for Australians at Panguna. The ACTU did, however, seek to protect TPNG workers from BCL’s desire to employ greater numbers of Filipinos and the company was forced to accept the reality that the vast majority of their employees would be Papua New Guineans (Souter-McGrady, 1 December 1971: NBAC, N68/185). By 1972 these TPNG workers had both the legal right to organise and an example of how to organize. In 1972 it was by no means clear that they would succeed in applying their rights or the example to their own terms and conditions of employment.

The development of the Bougainville Mining Workers Union

The BMWU was registered with TPNG’s Industrial Registrar in December 1969. Its volunteer executive reflected the diversity of the BCL’s indigenous workforce with a President from Samarai, a Vice-President from Lae, and a Secretary from Bougainville. By the end of the year the BMWU membership had grown from an initial 51 to 171, which grew to only 228 in 1971 (BIO, 1976). By this time the local workforce was over 6,000. A Bougainville General
Workers’ Union was also registered in August 1970 for workers on the Bougainville Copper Project not eligible to join the BMWU. The latter floundered but was re-started and organized as the Bougainville Construction and General Workers’ Union (BC&GWU) in December 1972 with the assistance of TPNG’s newly established Bureau of Industrial Organisations (BIO). The BIO had been established the previous year ‘to encourage and assist the formation and development of industrial organisations’ (BIO Ordinance 5.7[i]). With regular visits the BIO officials felt they were enabling the BMWU to become a credible partner in the industrial relations system and by 1973 membership had reached 800 (Lepani, 1976). The ACTU also continued its assistance. In July 1972 Harold Souter arranged for the new BMWU President, Fabian Kaona, and another BMWU officer to attend discussions with the ACTU in Sydney on award revisions. BCL covered the costs (Souter-Ballmer, 6 July 1972: NBAC, N68/185). When the new Bougainville Mining Workers (Local Employees) Award was made in January 1973, the parties were the BMWU and BCL.

Training support from Australian unions continued with Fabian Kaona and Julius Nakonagn of the BMWU and Leopold Kaebo, President of the BC&GWU, attending the NSW Labor Council’s first Job Representatives Course at Sydney University organized by Bob Carr, then Labor Council Education and Publicity Officer (NBAC, N68/185). Kaona reported that the ‘the Labor Council of NSW said that they would like more PNG union leaders to come to courses like this one’ (Workers News, 2:6, June 1973).ii During the course he raised issues of poor living conditions for his members and lack of an appeals mechanism for dismissals. Despite a letter writing campaign by Harold Souter, no progress on these issues was made (NBAC, N68/185). The increasing tension between BCL and its local workforce was evident in a report, by a delegate to the ACTU which claimed ‘a complete turn-around in indigenous participation’ in the BMWU, which was said to be ‘going strong’, as the company lost touch with its indigenous employees (Carr-Schurr, 21 September 1973, N68/185).

Paul Quodling, who was BCL’s Executive Manager, Personnel, at that time saw 1974 as a turning point in which ‘changes to union leadership’, were associated with ‘an escalation of strike action company-wide as a means of solving disputes’ (Quodling,1991:39). In March 1974 the BMWU lodged a log of claims against BCL for a new Agreement. There was a two-day strike in June, which seems to have created a crisis in the BMWU leadership. Fabian Kaona, whose leadership had been the start of increased union effectiveness resigned to take up a position with BCL as an Industrial Officer and Henry Lote took over as BMWU President. In December 1974 another strike was triggered by the decision to cut the workforce by 400. Underlying resentments were issues which had not been resolved during the agreement negotiations earlier in the year including: employment of foreigners, unpaid back-pay following a decision on the urban minimum wage in October; restructure and classifications issues; manhandling by security guards; unjustified terminations; married accommodation for long term employees; and promotions procedures (Dobson-Souter, August 1975: NBAC, N68/524).

The strike attracted national attention and an industrial tribunal was critical of BCL management’s indifferent attitude toward industrial relations which they attributed to several years of industrial stability (X-Souter, 26 February 1975: NBAC, N68/524.) During this period sympathetic BCL employees sent a series of confidential reports to Harold Souter from a private PO Box in Arawa.iii An additional factor was the presence of Leonard
McLaughlin, a former secretary of the Canadian transport workers union who was seconded to the BIO under an ILO program. He argued that the BMWU would not have the resources to be effective unless BCL accepted a check-off system for deducting membership fees directly from wages. This was a particularly important issue for TPNG unions because the absence of a culture of paying to join organisations, and the sheer physical difficulty of collecting membership fees on a weekly basis, made financing union activity extremely difficult (X-Souter, 26 February 1975: NBAC, N68/524).

At this time the expatriate employees of BCL who were ‘amenable to the working class struggle’ and felt that:

here in Bougainville and we can .... develop .... the biggest trade union [in TPNG] outside the government instrumentalities with leadership at least equal to the government [sector]’s unions and further succeed in Bougainville [with] one union to cover all workers as compared to the numerous small insignificant unions that exist on the mainland (X-Souter, 26 February 1975; NBAC, N68/524).

This view misjudged the immediate situation of unionism on Bougainville. In fact it was heading into a crisis. By early 1975 the Bougainville Construction and General Workers’ Union had become entirely defunct. Some of its members joined, and some of its officers became active in, the BMWU. The BMWU President, Henry Lote, was away at a three month International Training Institute course in Sydney, and was not in a position to control the union executive. The opposition within the union was not merely industrial. The ethnic make up of the executive was an issue with only one of its five members being from Bougainville and ardent secessionists being a core of internal opposition (X-Souter, 7 May 1975: NBAC, N68/185). The BMWU AGM, due in March 1975, was deferred to April. When the meeting was held, 650 members attended. No election took place and the atmosphere was volatile.

In a lengthy summary of the industrial status of the BMWU sent to Harold Souter in early May 1975, X reported that the Company would not institute a check-off system for membership fees, but would support appointment of a full-time BMWU official by paying wages for the first 2 months, allowing the official to remain in Company accommodation and guaranteeing re-employment at an equivalent level should the official wish to re-join the Company. Still overly optimistic, X added that,

there is a general belief held here in Bougainville that the trade union movement (B.M.W.U.) is reaching a cross-roads. The Union’s development has now reached a degree of sophistication thereby requiring the attention of a full time officer to relate to the work load of its membership and to clearly demonstrate in a practical way the needs and justification to the average worker that .... satisfaction of his grievances .... can best be achieved through that established trade union.

X went on to recommend to Souter that the ACTU consider ‘making available an experienced mature trade union official ..... prepared to spend three months in the year advising [the BMWU] on these matters’ (X-Souter, 7 May 1975: NBAC, N68/185).

A week after this report the situation underwent a dramatic change. What appeared to be a minor dispute escalated into a strike and then into days of serious rioting. The trigger was
the dismissal of a delegate who had allegedly punched a canteen worker. A tribunal into the incident was meeting when ‘about half of the total workforce’ marched on BCL headquarters carrying placards indicative of deeper resentments: ‘Give to God what is his and to the workers what is theirs’; and ‘The Company tells lies to union officials’ (Post Courier, 13 May 1975). The marchers stoned vehicles and took possession of company bulldozers. The police reaction was immediate and strong. Tear gas was used to disperse the marchers and the mine was closed. Women and children were evacuated from Panguna and riot police ordered to Bougainville from Port Moresby and Rabaul.

The following day the rioting continued and the reinforced police used tear gas in the miners’ accommodation areas. Many workers fled. It took another day before the police were fully in control when ‘weary and hungry strikers came out of hiding in the hills surrounding Panguna and gave themselves up to police’ (Post Courier, 15 May 1975). Six days after the march police, fearing a mass breakout, ordered the release of 700 arrested workers being held in ‘appalling conditions in a makeshift compound’ (Post Courier, 19 May 1975). Australian media reports included: a ‘frenzied rampage’ by miners; ‘terrifying bursts of violence against property and police’; ‘millions of dollars lost’; and ‘a thousand men in jail’ (NBAC, N68/524).

Two BIO reports immediately after the events stressed weaknesses in the negotiation system as the cause. On the union side, the lack of a check-off system meant the BMWU did not have the resources to adequately represent its members. On the company side, BCL’s organizational structure meant that its managers had little or no communication with its workers. BIO officials professed themselves:

struck by the apparent [BCL] executive insensitivity towards a worsening and catastrophic situation. That this situation was allowed to develop to the point of explosion is itself a commentary on management capability in handling human factors of its operation (BIO, Report No.2, 21 May 1975: NBAC, N68/524).

Their advice was that, the Minister ought to recommend to the Company that it appoint an Assistant General Manager, specifically to deal with industrial relations problems (Lepani-Minister for National Development, 22 May 1975: NBAC, N68/524).

Academic commentary has been coloured by the Marxist analysis offered a few years latter which stressed the police violence and concluded that as a result workers had ‘gained heightened appreciation of their strategic position’ (Amarshi et al, 1979: 259-60). This class-based explanation seems to have been shared by the police who charged that the union officials ‘had behaved in a threatening manner and made statements to an assembly intended to promote ill-will or envy between different classes’ (Post Courier, 26 May 1976). Paul Quodling, also pointed to political motives but saw them in ‘nationalist sentiments’ with Bougainvilleans over-represented in the militancy (Quodling, 1994:39).

At the level of union organization the immediate outcomes were negative. The BMWU had not been an effective conduit for its members’ grievances and the riot meant it lost standing in the eyes of the industrial relations bureaucracy, the government and the company. Almost by accident, however, the strike created the conditions for a more capable
organization to emerge. In June 1975 the BMWU finally held its election of officers. Henry Moses was elected President. Tom Vevo became Secretary and the union’s first fulltime official. Ten others joined them on the committee, including Henry Lote whose experience and training were valued (Workers News, 6 June 1975). Moses was to become PNG’s most significant union leader in the following decade and it was company action during the riot which brought him into the union. At the time Moses was a BCL industrial relations officer. On the day the riot started at Panguna he had been sent by the manager of employee relations to confront the marching miners before they got to the company offices. In his report to BCL he notes that his boss said, ‘You just go and ask them what they are waiting for or piss them off’ .....I talked to the fellows at Karoona Market .... The mob’s reaction was, ‘Don’t you worry Henry, we are right’. I went back to the office and reported my findings to the boss and the boss’s reaction to me was as follows: ‘Henry this time they will not meet the Company’s official representatives but they will meet a very tough mob. They will meet the ____cops’. I got a shock. (Moses-X, 19 May 1975, N68/524.)

In addition to gaining a more capable leadership of its own the BMWU revival also involved some direct personnel assistance from the ACTU, which had successfully intervened on behalf of jailed unionists. Vevo took the opportunity of a letter thanking Souter to ask that the ACTU appoint an adviser for a six month period (Vevo-Souter, 10 June 1975: NBAC, N68/185).

In January 1976 the BMWU had a simple but significant success in gaining the flow-on from the Minimum Wages Board decision of October 1974! This gave a K14.80 per week across the board increase to all BCL’s PNG employees and was backdated to early August. It was an outstanding demonstration of the effectiveness of increased administrative capacity (Moses-Souter, 26 January 1976: NBAC, N68/524). In February 1976 Edwin (Ted) Dobson, a retired union official arrived to be the ACTU advisor to the BMWU. In March 1976, the BMWU held its AGM on schedule and in September organized its first regional Conference putting it into a leadership position among PNG unions. It also affiliated with the PNG Trade Union Congress in which both Vevo and Moses were to play leading roles in years to come.

Conclusion

The research reported here started from a comment by a Bougainvillian informant in another project that ‘the fighting started because of a dispute at the mine’. At the time we thought this was a reference to landowners in dispute with the company. In further discussion, however, it emerged that an industrial dispute had also played a part. We knew that the BMWU had operated within PNG’s Australian style system of industrial accommodation for 20 years before the outbreak of armed conflict. This paper explains how the union gained the initial capacity to operate within such a system. This represented no small achievement involving a development of organizational and administrative capacity, which few PNG organisations had at this time. In addition, it involved building a relationship with Australian unions and particularly with the ACTU, which was also exceptional in that it gave the fledgling PNG union access to the experience and advice of experienced and effective union officials.
Subsequently the union and the company were able to negotiate disputes and reach accommodations allowing work to continue and benefits to flow in various directions, despite conflicts of interest. The question this paper does not answer and on which we will be working over the next year is: given its capacity to operate successfully within the industrial relations system, why did the union – or elements within it – eventually resort to violent action?

References

1 For information about UNSW’s Fragile State Project see [http://bus.unsw.adfa.edu.au/research/fsp.php](http://bus.unsw.adfa.edu.au/research/fsp.php). Views inadvertently gathered as part of the larger project are referred to here but the names of informants are withheld. Documentary references are from material held in the Noel Butlin Archives Centre (NBAC).

2 Bob Carr made two subsequent trips to PNG organizing an Asian Trade Union College course on trade union theory and practice in June 1974 and a National Training Course in Lae in July 1974. The latter was attended by Henry Lote, then BMWU President, who also spent three months at the International Training Institute in Sydney (Workers News, 9 September 1974). Bob Carr’s PNG expenses were met by the Office of Australian Development Assistance Agency (R.P. Throssell, Asst D-G, Office ADAA, 6 December 1974, N68/524).

3 For the purposes of anonymity this source is referred to as X.
Temping at the Top: ‘High End’ Temporary Work Agency Employment

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Early studies indicated that the temporary work agency (TWA) industry was polarized, with a top and a bottom end. More recent researchers contest this notion, suggesting that top/high end agencies are illusory. This research examines agencies at the high end of the hospitality industry. In this unique segment of the industry, agencies fulfill certain aspects of high end service but at the same time they provide down market services, enabling dual models of service provision. The findings challenge pre-existing theory regarding TWAs and highlight that stronger relationships and improved placement matching are possible, especially when quality takes precedence over cost-cutting. Equally, superior employment experiences and outcomes are associated with ‘value adding’ HR functions rather than customized placement matching per se. Therefore, attention to both value adding HR and customization in placement matching appear necessary to produce high end service quality outcomes. Subsequently, a model of TWA service quality is developed.

Introduction

Temporary work agency (TWA) employment has grown rapidly throughout the developed world during the last 20 years (e.g. Coe et al. 2007a, 2007b, Hall 2006, Peck and Theodore 1998). While the ever increasing significance of the TWA industry has spurred research, much of it remains uneven, under-developed and contested. Perhaps most worryingly for the hospitality sector, which forms the focus of this research, the ability of TWAs to provide their clients with high quality service has recently been cast in serious doubt (e.g. Hoque et al. 2011, Lai et al. 2008, McDowell et al. 2008, Peel and Boxall 2005). The idea that there may be an absence of agencies ‘restructuring up’ is concerning overall but it is likely to be far more problematic for some sectors than others; it would be especially problematic for high value-added client firms for example, including high end firms in the hospitality industry, which increasingly depend on TWAs (Knox 2010, Lai et al. 2008, VIRWC 2010). Yet, there is a paucity of research examining TWAs that service the high end of the hospitality industry. This research examines this neglected segment of the TWA industry by focusing on agencies that provide services to the high end of the hospitality sector. The research examines the ability of TWAs to engage effectively with high end clients. Based on these findings, a model of TWA service quality is developed.

Overview of the literature

In their seminal study of Chicago’s temporary employment industry, Peck and Theodore (1998) suggest that the industry is polarized with a top end and a bottom end. At the top end, large, usually multi-national agencies dominate, providing highly skilled and specialized labour to mid- and high-level markets on a contract-based, longer-term and embedded
basis. According to Peck and Theodore (1998), these agencies ‘are doing far more than delivering ‘warm bodies’ ’ (p.658). These agencies have regularized, high trust relationships with the client, extending to on-site management and greater functional integration. These agencies deploy more sophisticated practices, using structured interviews and employee-assessment techniques to deliver higher standards of work and social skills. Moreover, these agencies pay close attention to clients’ corporate cultures, their specific needs and preferences and provide customized, individualised matching of workers to placements (Peck and Theodore 1998).

The so called ‘warm bodies’ approach is far more confined to the bottom end of the industry. Here, strong growth among small, locally-owned agencies that service wage-sensitive markets is said to have occurred. Typically, these agencies provide low-skilled labour to ‘light industrial’ firms involved in packaging, assembly, material moving and machine operation (Peck and Theodore 1998). Agency workers are traded in a ‘hyper-commodified’, undifferentiated and price-orientated manner as margins are tight and costs are driven to the minimum. The workers are typically unskilled and recruitment, selection and placement with clients are crude and agency staff are highly substitutable.

In contrast, more recent studies have remarked upon changes within the TWA industry, casting doubts on the continuing validity of the polarization thesis (Hoque et al. 2008, McDowell et al. 2008). Numerous studies have illustrated how a focus on cost reduction, along with basic compliance activities, overshadows greater attention to training and development as well as customization and quality placement matching (Drucker and Stanworth 2001, Hoque et al. 2008, Lai et al. 2008, Purcell et al. 2004). Similarly, within upper market hotels, Lai and Baum (2005) and Lai et al. (2008) reported that TWA employees are typically treated as a ‘cost’ as opposed to a ‘resource’ and they are rarely offered job security, promotions, appropriate training or skill development opportunities. Although hotel managers maintained close and positive relationships with their respective TWA, the job placement matching that occurred was less than ideal and hotel managers indicated that “we have to lower and standards and take those people whom we normally wouldn’t recruit” (Lai et al. 2008, p. 142), thereby compromising service quality standards.

Overall, the inadequacy of placement matching (as a result of cost reduction imperatives on the part of TWAs) remains a consistent theme running through the more contemporary literature (e.g. Drucker and Stanworth 2001, Hoque et al. 2011, Lai and Baum 2005, Lai et al. 2008, McDowell et al. 2008). Findings that illustrate an absence of both customized placement matching and greater attention to client needs within the TWA industry have led some researchers to question whether firms can ever really be strategic and pursue enduring, close partnerships with an agency or gain superior quality services (Peel and Boxall 2005, Purcell and Purcell 1998, Ward et al. 2001).

Yet, TWAs are an expanding and increasingly significant feature of the Australian hospitality industry (VIRWC 2010) and initial research findings indicate that functional integration and long term trust-based relationships exist between client firms and their TWA partners (Knox 2010). However, more in-depth research is necessary in order to determine the exact nature of TWAs strategies and practices in this sector and their effectiveness.
Consequently, this study focuses on ‘high end’ service-based TWAs and seeks to characterise their business strategies and practices.

**Research design**

Data were collected from two main case study sites, referred to as Hospitality Heroes and Top Temps, both of which are locally owned TWAs specializing in provision of temporary hospitality labour. Hospitality Heroes supplies housekeeping staff to luxury hotels and upper market serviced apartments and Top Temps supplies waiting and bar staff to upper market corporate, public sector and private clients. In total, 32 interviews were conducted with managerial and non-managerial staff at the agencies as well as trade union officials.

Semi-structured interviews were conducted as they involve posing questions around particular themes while also allowing the parties to discuss additional issues that may arise. The key themes explored focused on: TWA characteristics; TWA business strategy; labour characteristics; TWA-client interactions; HR practices; work(er) placement matching; and employee experiences. Each interview required around 90 minutes. Interviews were recorded and transcribed in most cases but a small number had to be transcribed in situ using short-hand notes as background noise levels interfered with the recording device. The data were content analysed in order to identify common themes and to draw out trends across the sample (Baxter and Jack 2008, Yin 2003).

**Case study findings**

The case study findings are presented separately, case one focuses on Hospitality Heroes and case two focuses on Top Temps.

**Case one- Hospitality Heroes**

Hospitality Heroes (HH) is a small, locally owned TWA that provides temporary staff to around 15 major clients throughout Sydney and has approximately 500 temporary employees registered to work. Hospitality Heroes specializes in supplying housekeeping staff (mainly room attendants) responsible for cleaning and making up guest rooms to luxury hotels and upper market serviced apartments on either an ongoing or an ad hoc basis (see Table 1). Clients emphasize both quality and cost, seeking high quality in a cost effective manner. Workers are expected to interact with customers and provide superior service quality, which depends on having ‘the right personality’ and ‘a willingness to serve’ as well as excellent presentation and social skills.

Hospitality Heroes workforce is female dominated (65 per cent) and the majority of workers are 25-35 years of age, though they do range from their early 20s to late 40s. The labour force at Hospitality Heroes is mainly (im)migrant based, with a mere 20 of its 500 staff said to be ‘white Australian’ (Director, Hospitality Heroes), and unskilled, though staff can include former professional workers. Workers nationalities are very diverse, including Indian, Chinese, Nepalese, Vietnamese, Thai, Sudanese, South American and Sri Lankan. Nevertheless, English proficiency is an essential criterion for recruitment and selection.
HH can be fully embedded in client operations or more detached. In those cases where HH is embedded in the clients operations, functional integration exists as HH supplies temporary labour and manages and maintains their performance at the client site on an ongoing basis. This embeddedness is associated with long term client relationships, involving high levels of trust and shared understandings, consistent with what might be expected in order to provide luxury services (Sherman 2007, Parker 1994). At the same time, HH often provides far more ad hoc services to other client firms, in which it is less embedded. In these more ad hoc situations, HH provides temporary labour to clients on a more irregular basis and the client supervises the temporary employees on-site.

Hospitality Heroes is responsible for all of the recruitment and selection, training and development and work scheduling of the temporary workers as well as associated payroll functions. Typically however, these HR functions tend to be practiced in a rather crude manner, interviews are basic, training is rudimentary and performance management is ad hoc and often involves replacing (rather than developing) substandard performers at the client sites in which Hospitality Heroes is responsible for managing its workers. Few opportunities for career progression exist as the agency has a very ‘flat’ organizational structure and employees bare the risks associated with insecure employment and financial security. It is therefore unsurprising that Hospitality Heroes has a turnover rate of around 300 per cent per annum.

Typically, workers earn approximately $300 per week, however those who are more committed to working longer hours will earn up to $600 or $700 per week. While pay rates are technically based on the relevant industry award, with a minimum rate of around $15 per hour for room attendants, and additional payments for non-standard working times, employees indicated that inadequate training and excessive workloads often impacted (illegally) on their pay rates such that they could be earning $9 per hour, or even less, in some cases. TWA staff often struggle to clean adequately and meet their quotas because of inadequate training and experience:

Some of the room attendants working here will still be here up to three hours after they should have finished because they have not finished their full quota in the set time. They stay on and finish it. I have never seen that before.

While temporary employees’ working hours extend beyond the standard 7.6 hour shift in these situations their wages remain unchanged.

HH deploys a range of strategies, from highly customized placement matching to provision of ‘warm bodies’. Illustrating this, clients often require placements that are customized on the basis of age, gender, personality and/or ethnicity. For example, one Executive Housekeeper stated that her ideal worker is female, between 25 and 45 years of age, married with children and a mortgage, which makes her dependable and hard working. Additionally, another hotel client prefers Brazilian workers for their warm personalities, particularly the young Brazilian men because they ‘look great’. While placement matching is often individualized and quality was emphasized by many clients, HH remained superficially client-focused, meeting the basic brief provided by the client but often taking little account
of the employees’ needs and preferences. For instance, employees have minimal control over their working hours or where they work.

HH requires employees to be on-call at all times and if employees refuse placements because they are unavailable or the work placement and/or location does not suit them they tend to be passed over in future as they are seen to be unreliable. In this respect, placement matching is rarely employee-focused. Combined with employees broader work experiences, discussed below, HH’s lack of attention to employees’ needs and preferences creates problems in terms of service quality standards as managers (at client hotels and HH) are aware of employees’ lack of commitment and its effect on their performance quality. In particular, hotel managers consistently commented that HH employees did not pay attention to detail and failed to take pride in their job, as mentioned below.

Employees’ experiences were mixed, overall, as they highlighted both positive and negative aspects of their work. Although many employees work relatively regular hours on an ongoing basis, their employment remains ‘temporary’; temporary to permanent transfers are not available. Subsequently, workers lack employment and financial security and they do not receive access to paid annual or sick leave entitlements. In addition to these risks borne by employees, many suffer ongoing fatigue and injuries associated with their work. Employees often discussed the excessive workloads that they were required to perform in order to earn sufficient money and the pain and injuries suffered as a result. Exposure to unsafe work practices and toxic chemicals also exist for many workers.

In contrast, there were workers who expressed satisfaction with their employment, enjoying the interaction with hotel guests and variety of experiences and activities that go along with hospitality work. For other workers, TWA-based employment was attractive because it offered them work that did not involve responsibility or require thinking about when they were at home. Illustrating this, one worker noted:

*It is quick money and you don’t need a hell of a lot of experience and there is no stress. I go home and I don’t have to think about it again. I don’t really want extra responsibilities.*

At the same time, an experienced (HH) room attendant suggested that HH did not incentivize or motivate its workers effectively:

*My job is much more repetitive now than it ever has been before [working directly for a hotel], all I do is check rooms. I used to go into the office with other supervisors and the managers and do other things. Sometimes I would fill in for the Assistant or Executive Housekeeper but that never happens now. There isn’t any extra training either and there isn’t anyone to organize things that can be used to motivate staff.*

Managers also noted that HH temporary workers performance was lacking compared to their own directly employed workers performance. Sentiments consistent with the following were common:
Casuals [HH temporary workers] don’t take on the responsibility like the full timers [hotel employees], they don’t follow through with everything, they just do the basic job and that is it, which I can kind of understand. They don’t attend to the little things like the skirtings and so on. The full timers [hotel employees] double check everything, they do the finer touches and have more pride in their work.

Based on these sorts of remarks, it is perhaps unsurprising that the hotel with the highest service quality ranking as rated by guests was the hotel client that relied least frequently on HH’s employees compared to all of HH’s client hotels.

Case two- Top Temps

Top Temps (TT) is a small, locally owned TWA with around 500 registered temporary employees. TT provides waiting and bar staff to high end, ‘fashionable’ clients. Labour tends to be unskilled and semi-skilled with some workers intending to pursue careers in the hospitality industry. Clients may come from the private and public sector or they may be individuals organizing events and functions, which can range from a private house party on a Saturday night through to dinner at the Governor General’s House or events for top fashion houses. While cost is not unimportant to these clients, quality is often more strongly emphasized and premiums are paid. In addition, TT’s clients may require service provision on an ongoing or an ad hoc basis.

The workforce is composed of around 50 percent female staff and most workers are between the ages of 18 and 26, though more mature workers are often deployed to work in corporate clients’ boardrooms as they have greater experience. Overall, employees tend to be unskilled and semiskilled. Over half of TT’s labour force consists of international travellers on working holiday visas and they tend to come from Europe and the Americas, typically contacting TT through ‘word of mouth’. The remaining employees tend to be local University students, mainly possessing private school backgrounds. While a large proportion of these students have worked for TT for several years, travellers typically only work at the agency for between three and 12 months. On average, turnover is approximately 100 percent per annum.

The services/functions provided by TT tend to be somewhat less embedded in client operations, in comparison to HH, as TT largely provides an ancillary service rather than forming the core product/service of the client firm. Nonetheless, TT maintains long term relationships with many clients, involving high levels of trust. At the same time, other clients tend to be more ad hoc or ‘one off’ in nature. The provision of staff ranges from highly individualized for more prestigious clients through to a ‘warm bodies’ approach when clients simply require basic waiting or bar work.

Like HH, TT conducts all of the HR activities associated with managing its labour force. TT conducts recruitment and selection, training and development, scheduling and payroll functions, while also managing employees’ performance at many client sites. Interviews with candidates are structured and the basic training involves accreditation for Responsible Service of Alcohol (RSA), which is a legal requirement. Additional training is ongoing
although typically conducted on-the-job. Employees can progress to higher positions (senior waiters) and good pay rates and non-financial rewards/incentives are provided in order to assist retention. Performance is also managed more systematically and regularly than it is at HH. Senior TT staff tend to work at many of the larger corporate and event sites, constantly monitoring and managing employees’ performance and clients are contacted to determine their satisfaction with performance and service quality, the details of which are recorded and filed. At the same time, the allocation and performance of employees is not always of the highest possible standard, there are occasions when ‘sometimes we have to fudge it...because you do [laughs]’. However, senior staff play an important role in maintaining quality standards.

Basic waiting staff receive around $19 per hour and higher rates for work performed during non-standard hours (after midnight and on weekends and public holidays). The more senior staff receive rates of pay that exceed the minimum industry award rates, and maybe up to $30 per hour, in recognition of their experience and value to TT. Other benefits offered include free meals (such as pizza or what is being served at the specific event) during functions, which are well received by employees.

In general then, TT relies on more sophisticated ‘value adding’ HR practices (including more systematic recruitment and selection, more extensive and ongoing training and more developmental performance management) than HH. All of these upstream HR practices are inclined to enhance TTs ability to provide luxury services that depend upon highly customized interactions and workers’ individualized attention and effort (Bernstein 1999, Sherman 2007). Such ‘value adding’ HR functions are not common in the wider TWA industry and these findings suggest that quality-based imperatives may be an important predictor of more upstream HR activities (Coe et al. 2007a, Hoque 2008, 2011, Purcell et al. 2004).

TT provides generic-type work placements through to highly individualized, customized placements. Some placements are so customized that they are determined on the basis of casting calls performed in conjunction with TT’s sister operation- a modeling/acting agency. TT’s high end clients often require very specific temporary placements that match their brand, image and/or culture. For instance, during seasonal fashion launches many client firms have specific requests: ‘... so we got Armani.... Prada, Louis Vuitton, Burberry... and they all want pretty, beautiful, spunky boys ... Because it is part of ‘the look’ and casting calls are conducted. In another case, the General Manager explained how a ‘certain kind of person’ is required in order to work in the kitchen and open the cupboards of the wife of a senior federal Parliamentary Member, which occurs often. TT maintains long term, high trust relationships with many similar clients. Such clients require high service quality as well as privacy and discretion.

While TT often engages in client-focused placement matching for particular jobs, employees’ needs and preferences also tend to be taken into account. Employees indicated that TT allows them to nominate their desired work availability, which is often determined by their external commitments, and to ‘pick and choose’ the jobs that they perform. For example, one worker reported that ‘you could choose where you worked, so you could have the races, or luna park, if there was an event. Like they tell you when is available and you
say yes or no’. More mature employees often preferred corporate boardroom placements because it allowed them to work during the day and the hours were regular, which suited them. Such employee-focused placement matching seemed to be associated with relatively strong levels of job satisfaction and commitment among TT’s employees.

When attention to employees’ preferences was combined with client-focused placement matching superior service quality was reported by TT managers, employees and clients. Clients’ ongoing use of TT as well as numerous client testimonies indicated that clients’ expectations regarding workers performance and service quality were being fulfilled. For example, one client stated that TT’s workers ‘... were just the best. Jamie was fantastic as was Adam - He was a hit with the guests - so polite and courteous- he deserves to do very well at [TT]. I would highly recommend him to any of your clients’. Another client reported that: ‘[w]e have worked with [TT’s] leadership and their wait staff for well over a decade and, on every occasion, they have helped us deliver quality and unique events .... [TT’s] professionalism, passion and dedication are without compromise, and we are privileged to have them as a partner’.

Employee experiences varied somewhat but they were very positive on the whole. As mentioned, TT employees nominate their working preferences, allowing them to work as few or as many hours as they desire in any given week. For some workers, this produces relatively regular working times but their employment status remains temporary (permanent employment is only available to managerial staff), removing absolute security and access to paid leave entitlements. Seasonal fluctuations in clients demand patterns also impact on employees’ ability to work their desired hours. Nevertheless, employees suggested that their work offered them flexibility, good experience and decent wages, particularly valued by University students. Another worker noted:

I had finished high school but not yet received HSC [my Higher School Certificate], [I] did my RSA to get employed, along with a training session hosted at [TT, consisting of] more general waiting techniques... it proved useful for later work in restaurants.

Overall, the stronger integration of upstream HR functions at TT provided employees with higher quality work experiences and outcomes compared to HH while also providing higher quality service to clients.
<table>
<thead>
<tr>
<th>Table 1: Summary of findings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Peck &amp; Theodore’s (1998) Findings</strong></td>
</tr>
<tr>
<td><strong>Key Features</strong></td>
</tr>
<tr>
<td><strong>TWA Characteristics</strong></td>
</tr>
<tr>
<td><strong>Business Strategy</strong></td>
</tr>
<tr>
<td><strong>Labour Characteristics</strong></td>
</tr>
<tr>
<td><strong>TWA-Client Interaction</strong></td>
</tr>
<tr>
<td><strong>HR Practices</strong></td>
</tr>
<tr>
<td><strong>Work(er) Placement</strong></td>
</tr>
<tr>
<td>Matching</td>
</tr>
<tr>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Employee</strong></td>
</tr>
<tr>
<td>Higher autonomy/control and employment &amp; income security. Frequent 'temp to perm' transfers and incentives</td>
</tr>
</tbody>
</table>
Discussion and conclusions

The purpose of this paper is two-fold. First, it aims to contribute new data reflecting high end hospitality-based TWAs business strategies and practices, hitherto poorly understood. Secondly, it aims to explore how service provision might be enhanced within the hospitality-focused TWA sector. Addressing the first of these aims, the findings reveal a range of TWA strategies and practices among the case study sites, reflecting the uneven and highly variegated development of TWA strategies and outcomes, even at the high end of the industry. Approaches range from rather ad hoc provision of ‘warm bodies’ through to the kind of high trust and ‘bespoke placement matching’ thought to be illusory in more traditional segments of the TWA industry (Hoque et al. 2008, 2011, McDowell et al. 2008, Peel and Boxall 2005, Ward et al. 2001).

More specifically, HH and TT display characteristics that reflect, simultaneously, aspects of both ‘restructuring up’ and ‘restructuring down’ as depicted by Peck and Theodore (1998). In many instances, both agencies engage in highly customized job placement matching, which is often individualized in the case of TT, as well as high trust, long term, and strongly embedded relationships with client firms. At the same time however, both TWAs are typically providing unskilled labour (and semiskilled labour to a lesser extent), which in certain circumstances occurs in a manner more consistent with the ‘warm bodies’ approach.

While this pattern of findings does not provide full support for Peck and Theodore’s (1998) theory, neither does it fully support the views developed by more contemporary researchers who contest Peck and Theodore’s polarization thesis (e.g. Hoque et al. 2008, 2011, McDowell et al. 2008, Purcell et al. 2004, Ward et al. 2001). These findings depict a different form of TWA business strategy. In the case of both TWAs examined, customized placements and high trust relationships with client firms existed, albeit in combination with the existence of less sophisticated arrangements with other clients. Taken together, the evidence reveals that TWAs can engage in both approaches, developing dual models simultaneously, as opposed to either/or approaches. While such an approach may be more widespread in the TWA industry, it has not been identified in the extant literature to date.

Evidence that TWAs can deliver superior service quality will be very reassuring for client firms at the high end. However, the findings suggest that improved placement matching per se does not necessarily improve employee work experiences or service quality outcomes, especially when the individualization of placement matching is superficially client-focused as opposed to employee-focused. These two separate functions of placement matching are not necessarily synonymous and they represent an important distinction that will affect service quality substantially. Service quality is increased most significantly when placement matching is client-focused and employee-focused as opposed to one or the other. Equally, superior employee experiences and service quality outcomes appear to be associated with ‘value adding’ HR practices rather than customized placement matching per se. Therefore, attention to both activities appears to be necessary in order to produce the highest standard of quality.

Based on these findings, a preliminary model of TWA service quality has been developed (see Figure 1).
Figure 1: A model of TWA service quality

HIGH
SERVICE QUALITY

Client- AND Employee-focused

SERVICE QUALITY

Client- OR Employee-focused

Value-Adding/Sophisticated

TWA ——— HR PRACTICES ——— Placement Matching ——— SERVICE QUALITY

Minimal/Crude

Client- AND Employee-focused

SERVICE QUALITY

LOW
SERVICE QUALITY

Client- OR Employee-focused
As indicated in the model, TWAs deploying value-adding/sophisticated HR practices are inclined to deliver higher quality services than those TWAs deploying crude/minimal HR practices. Moreover, TWAs engaging in client- and employee-focused placement matching are inclined to provide superior service quality compared to TWAs engaging in either client- or employee-focused placement matching (or neither of these). Subsequently, TWAs are likely to provide the highest service quality standards when they invest in value-adding/sophisticated HR practices as well as client- and employee-focused job placement matching.

References


‘But Why?’ ‘Just Because!’: The Causal Link between Adverse Action and Prescribed Grounds under the Fair Work Act

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The adverse action provisions under the Fair Work Act have the potential to provide very broad protections to employees and others. Taking adverse action is not, by itself, unlawful – generally adverse action is only unlawful if it is taken ‘because’ of a prescribed ground (for example, union membership, sex, race, disability). A key issue to date has been interpreting and applying this link between the action and the prescribed ground. This issue is of central importance in assessing the scope and impact of the adverse action provisions. A recent (September 2012) High Court decision provides guidance on how courts will approach this link in the future, and suggests the protection offered by the adverse action provisions is not as broad as some initially hoped.

Introduction

The adverse action provisions in the Fair Work Act 2009 (Cth) (‘FW Act’) came into effect in 2009, and have the potential to provide broad protections to employees and others. Generally speaking, these provisions prohibit the taking of adverse action ‘because’ of a prescribed ground. In the three years since the adverse action provisions came into effect, one key issue has been the meaning and scope of the causal link between the adverse action and the prescribed reason, and how this link is proven in practice. The interpretation and application of the causal link is of central importance in determining the scope and impact of the adverse action provisions.

This paper profiles the adverse action framework, with a particular focus on the causal link. It then considers the litigation of Barclay v Board of Bendigo Regional Institute of Technical and Further Education, which centred on the causal link and culminated in a High Court decision in September 2012. In that case, an employer successfully defeated an adverse action claim when the decision-maker gave evidence of the reasons for her decision (which did not include a prescribed reason), and her evidence was found to be credible by the trial judge. This was despite the existence of an objective connection between her reasons and the prescribed ground. The High Court decision provides guidance on how courts will approach the causal link in the future, and suggests that the protection offered by the adverse action provisions is not as broad as some initially hoped. The decision indicates important limits on the ability of an employee or other applicant to challenge the reasons for an employer’s decision.

Adverse action under the Fair Work Act
The FW Act prohibits a person from taking adverse action against another person ‘because of’ various circumstances, grounds or attributes.

What is ‘adverse action’?

The meaning of the term ‘adverse action’ depends on the relationship between the people involved. In respect of action taken by an employer against an employee, ‘adverse action’ means dismissing them, injuring them in their employment, altering their position to their prejudice, or discriminating between them and other employees (s 342(1), item 1). Adverse action can also be taken in situations outside an employment relationship, including by prospective employers against prospective employees, principals against independent contractors, and industrial associations against others (s 342(1), items 2, 3 and 7). For simplicity, this paper uses the language of adverse action taken by an employer against an employee, but the issues regarding the causal link have broader application to the other forms of adverse action.

What are the prescribed grounds?

The FW Act prohibits adverse action on a wide range of grounds or attributes. The grounds are grouped into three main categories: industrial activities, workplace rights, and discrimination. In relation to industrial activities, an employer must not take adverse action against an employee because the employee is or is not an officer or member of a union, or engages (or does not engage) in certain ‘industrial activities’ (including participating in lawful union activities and representing the views of a union) (ss 346-7). In relation to workplace rights, an employer must not take adverse action against an employee because the employee has a workplace right, has or has not exercised a workplace right, or proposes to exercise or not to exercise a workplace right (s 340(1)(a)), or to prevent an employee from exercising a workplace right (s 340(1)(b)). The term ‘workplace right’ is broadly defined and includes being entitled to the benefit of, or having a role or responsibility under, a workplace law or instrument (s 341). Finally, an employer must not take adverse action against an employee because of the employee’s ‘race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer’s responsibilities, pregnancy, religion, political opinion, national extraction or social origin’ (s 351).

The large number and range of prescribed grounds, as well as the various types of adverse action, means the reach of the adverse action provisions is potentially very wide.

What is the causal link?

Adverse action is only prohibited if it is taken ‘because’ of a prescribed ground. This word ‘because’ defines the causal link between the ground and the adverse action that is necessary to create a breach. (One exception is s 340(1)(b), which does not use the word ‘because’ – it prohibits an employer taking adverse action against an employee ‘to prevent the exercise of a workplace right’.)

The causal link is crucial to understanding the reach of the adverse action provisions. A clear example of the importance of this link is provided by one of the early decisions under the adverse action provisions. In Hammond v Boutique Kitchens & Joinery Pty Ltd, an employee
was given a warning. She was very upset, and left work saying she was going on ‘stress leave’. She visited her doctor and obtained a medical certificate. Later that day she was dismissed. She claimed her dismissal was a breach of s 352, which prohibits an employer from dismissing an employee ‘because the employee is temporarily absent from work because of illness or injury’ within the meaning of the regulations. However, the employee did not allege that she was dismissed because she was on sick leave – she believed that the dismissal while she was on sick leave was enough to constitute a breach. The Federal Magistrates’ Court dismissed her claim, finding that without the causal link, there was no breach of s 352.

*Hammond* is a clear example of a claim failing because the causal link was not established. But, of course, most cases are not this simple. For example, what if a prescribed ground (such as union membership, or disability) was one of a number of factors the employer considered? What if the employee was dismissed because of particular conduct, which was related to his or her union membership? How far does the causal link go?

The FW Act itself includes some additional provisions which help to define this causal link. First, the FW Act deals with the possibility that an employer might have multiple reasons for taking adverse action against an employee. It provides ‘a person takes action for a particular reason if the reasons for the action include that reason’ (s 360). Second, the legislation includes a reverse onus in relation to the reasons for taking an action. This means that although the employee must still establish that they have a prescribed ground, and have suffered adverse action within the meaning of the legislation, once the employee alleges their employer took action for a particular reason, it is presumed that the employer’s action was taken for that reason unless the employer proves otherwise (s 361). The employee is relieved of the burden of proving the employer’s reason for taking an action.

**Some background to the causal link**

The adverse action provisions draw together, and expand on, various aspects of previous legislation including union victimisation provisions. Union victimisation provisions have existed in federal industrial legislation for over 100 years, although the wording of the causal link has changed. In 1904 employers were prohibited from dismissing an employee ‘by reason merely of the fact that’ the employee was a union member or officer (*Conciliation and Arbitration Act 1904* (Cth) s 9(1)). In 1914 the causal link became ‘by reason of the circumstance’ (*Conciliation and Arbitration Act 1904* (Cth) s 9(1), later renumbered to s 5(1)). With the introduction of the *Industrial Relations Act 1988* (Cth), the causal link became ‘because’, and this word continued to be used in the *Workplace Relations Act 1996* (Cth) and the present provisions of the FW Act.

One of the early cases on the causal link was the 1917 High Court decision *Pearce v W D Peacock & Co Ltd*. An employee claimed that the reason for his dismissal was his union membership. The union had issued a log of claims, and the employer asked him to sign a document stating that he was satisfied with his wages and conditions. (As the employee was the only union member at the business, if he had signed the document there would have been no dispute between the employer and the union and, under the then-current legislation, the employer could not have been made a party to the award.) When he refused to sign the document, he was dismissed.
The employer gave evidence that the employee’s union status did not influence the decision to dismiss him – rather, he dismissed the employee because the employee was dissatisfied with his wages and ‘I would not keep a man in my employ who was dissatisfied’ (202). The magistrate had no reason to doubt the employer’s testimony, and accordingly found the employer had not breached the section.

On appeal, the majority of the High Court found there was no ground to overturn the magistrate’s finding, and accepting the employer’s evidence meant the employer had satisfied the reverse onus (Gavan Duffy and Rich JJ). Acting Chief Justice Barton found the magistrate had the benefit of hearing the witnesses and observing the cross-examination, and there was no sufficient basis to overturn his findings, although his Honour issued a note of caution that ‘mere declarations as to the mental state that prompted the employer’s actions are entitled to little or no regard’ (203).

This case illustrates a straightforward approach to issues of causation and the reverse onus. The primary judge accepted the employer’s evidence and this was a complete answer to the claim.

Justice Isaacs (in dissent) noted the purposes of the Act to facilitate and encourage the organisation of unions. In his Honour’s view, the employee’s dissatisfaction was ‘bound up’ with his union membership, and if the employer could not say ‘one is independent of the other’, the employer could not rely on the excuse that the dismissal was because the employee was dissatisfied. Justice Isaacs said ‘[s]uch an excuse seems to me to have about as much validity as an excuse by a person accused of stealing a horse, that he only intended to take the halter, and not the horse to which it was attached’ (207). His Honour referred to other evidence given by the employer which suggested the union membership was a factor – that ‘there was a “horse” attached to the “halter”, and that he knew it’ (208).

On its face, Isaacs J’s decision is consistent with the straightforward approach described above – his Honour simply disagreed with the magistrate’s finding about the employer’s evidence, because other parts of the employer’s own evidence contradicted it. However, the ‘horse and the halter’ analogy also suggests a more nuanced and complex approach to the issue of the causal link. Is it consistent with the purposes of the legislation for the entire question to fall on the way an employer defines and subdivides their reasons for acting? What if their stated reason for acting (the halter) is clearly closely related to a prescribed ground (the horse)?

The Barclay case

Mr Greg Barclay was employed by the Bendigo Regional Institute of Technical and Further Education (‘BRIT’), and was the President of the BRIT sub-branch of the Australian Education Union (‘AEU’). BRIT was preparing for an audit by the relevant statutory authority. In the months leading up to the audit, four AEU members raised concerns with Barclay (in his union capacity) regarding inaccurate information in the audit documents. Each wished to remain anonymous. Barclay did not tell his managers about these allegations. He sent an email from his BRIT email address to all AEU members at BRIT, stating that ‘several members ... have witnessed or been asked to be part of producing false and fraudulent
documents for the audit’ and warning members not to become involved in these activities. He closed the email message with ‘Greg Barclay President BRIT AEU Sub-Branch’.

BRIT’s Chief Executive Officer, Dr Louise Harvey, formed the view that Barclay’s email and his failure to tell his managers about the allegations or reveal the identity of the AEU members may have constituted misconduct and a breach of the relevant code of conduct. Harvey suspended Barclay on full pay, suspended his electronic access account, told him not to attend BRIT premises, and asked him to ‘show cause’ why he should not be subject to disciplinary action.

Barclay and the AEU brought a claim against BRIT, arguing that BRIT had taken adverse action against Barclay because he was an officer of the AEU and had engaged in industrial activity. BRIT conceded it had taken conduct constituting adverse action by suspending Barclay. Accordingly, the main issue at all stages of the litigation was whether BRIT’s adverse action was taken for a prescribed reason – that is, whether the causal link was made out.

The case was initially heard in 2010 by Tracey J of the Federal Court. Justice Tracey determined that BRIT had not contravened the legislation. Barclay appealed to the Full Court of the Federal Court, which in 2011 found in Barclay’s favour. BRIT appealed to the High Court which overturned the Full Court’s decision.

**Federal Court – Justice Tracey**

Harvey denied that she suspended Barclay because of his union status or activities. She stated her reasons were that Barclay had made allegations of fraudulent conduct in his email without raising the allegations with management, that the email was distressing to staff, damaging to BRIT’s reputation and undermined confidence in the audit, and that Barclay’s position at BRIT caused him to be involved in the audit process itself (264).

Justice Tracey noted the history of the legislative provisions, and the different wording used in predecessors to the FW Act to define the causal link. His Honour found that under the *Conciliation and Arbitration Act 1904* (Cth) courts were required to determine the ‘real reason’ for the prejudicial action. In doing so courts had regard to the employer’s evidence as to what ‘motivated or actuated its decision to take prejudicial action against the employee’ (258). Courts assessed the credibility of the decision-maker’s evidence in the context of the surrounding circumstances, and ‘[i]f they were believed the onus was satisfied’ (258).

Barclay argued that the introduction of the word ‘because’ instead of ‘by reason of’ was significant. He argued that the use of the word ‘because’ meant the decision-maker’s subjective reasons for taking the action were irrelevant and the test was purely objective (258).

Justice Tracey rejected this argument. His Honour noted several cases decided since the introduction of the word ‘because’ where courts had treated ‘evidence of the employer’s subjective reasons’ as relevant to the question of whether the employer had taken the action because of a prescribed ground (259). His Honour concluded that an employer’s evidence will be relevant, and ‘[i]f it supports the view that the reason was innocent and that evidence is accepted the employer will have a good defence’ (260-1). Accordingly, Harvey’s evidence was central to the case.
Justice Tracey assessed Harvey’s evidence as follows:

Dr Harvey was a somewhat tentative and nervous witness, especially at the commencement of her cross-examination. At times she was unnecessarily guarded and defensive. ... When, however, she was called on to explain her reasons for taking adverse action against Mr Barclay she provided convincing and credible explanations of why it was she took the steps that she did. ... She maintained her denials of having acted against Mr Barclay for any reason associated with his union membership, office or activities (264-5).

Ultimately, his Honour found her evidence credible, and held that this evidence was a complete answer to the claim.

Full Federal Court – Justices Gray, Bromberg and Lander

In the Full Federal Court, Gray and Bromberg JJ disagreed with Tracey J’s decision. Their Honours noted the international law recognition of freedom of association, and the protective and facilitative objects of the provisions (218-20). They agreed with Tracey J’s rejection of Barclay’s argument that the introduction of the word ‘because’ made the decision-maker’s state of mind irrelevant (220). However, their Honours found that although the decision-maker’s state of mind is relevant, it is not conclusive. What is required is a determination of the ‘real reason’ for the conduct.

The real reason for a person’s conduct is not necessarily the reason that the person asserts, even where the person genuinely believes he or she was motivated by that reason. The search is for what acted the conduct of the person, not for what the person thinks he or she was actuated by. In that regard, the real reason may be conscious or unconscious, and where unconscious or not appreciated or understood, adverse action will not be excused simply because its perpetrator held a benevolent intent. It is not open to the decision-maker to choose to ignore the objective connection between the decision he or she is making and the attribute or activity in question (221, emphasis added).

In other words, it is not open to the decision-maker to choose to ignore the fact that the halter was attached to a horse.

Their Honours found that all of the matters Harvey was concerned about (the terms of the email and Barclay’s insistence on maintaining the confidences of his union members) were part of Barclay’s exercising of his union functions, and his engagement in industrial activities, and said:

The fact that Dr Harvey may have chosen to characterise the conduct of an officer as the conduct of an employee and therefore did not regard herself as taking action because Mr Barclay was an officer, or because of ... his industrial activities, does not alter the fact that her real reasons included these factors (234).

Justice Lander dissented, finding that ‘[t]he subjective intention of the alleged contravener if accepted by the Court to be the actual intention will be determinative’ (254). His Honour found that a breach will not be made out ‘by simply establishing that adverse action was taken whilst the union official was engaged in industrial activity’ – there will only be a breach ‘if in fact that is the reason for the taking of the adverse action’ (258).
Full High Court – Chief Justice French and Justices Gummow, Hayne, Heydon and Crennan

In a relatively short decision of 34 pages, all of the judges upheld the appeal and found in favour of BRIT. There were three separate judgments, each with slightly different reasoning.

Chief Justice French and Justice Crennan undertook a textual analysis of the provisions. Like Tracey J and the Full Federal Court majority, their Honours rejected Barclay’s argument that the introduction of the word ‘because’ made the decision-maker’s state of mind irrelevant. On the contrary, the existence of the reverse onus ‘naturally and ordinarily mean[s] that direct evidence of a decision-maker as to state of mind, intent or purpose’ will be relevant, although the ‘central question remains “why was the adverse action taken?”’ [44]. Their Honours noted that evidence from the decision-maker may not always be accepted (for example, if it is contradicted by proven objective facts or by other passages of the decision-maker’s own evidence). ‘However, direct testimony from the decision-maker which is accepted as reliable is capable of discharging the burden upon an employer’ [45]. Their Honours also considered the policy, purpose and history of the provisions. They found that the employer’s onus is not ‘made heavier (or rendered impossible to discharge) because an employee affected by adverse action happens to be an officer’ or to have engaged in industrial activity [60]. Such an approach would ‘destroy the balance between employers and employees central to the operation of s 361’ [61].

Justices Gummow and Hayne were in ‘general agreement’ with the reasons of French CJ and Crennan J [71]. Their Honours cautioned against looking for ‘objective’ or ‘subjective’ reasons, saying this approach adopts ‘an illusory frame of reference’. The issue is a question of fact, and the Full Federal Court majority made an error of law when it displaced Tracey J’s factual findings [121] and reassessed the evidence [133]. Their Honours held:

In assessing the evidence led to discharge the onus upon the employer under s 361(1), the reliability and weight of such evidence was to be balanced against evidence adduced by the employee and the overall facts and circumstances of each case; but it was the reasons of the decision-maker ... which was the focus of the inquiry [127].

Justice Heydon was of the view that ‘[t]he word “because” requires an investigation of Dr Harvey’s reason for the conduct’ [140]. His Honour referred to the Explanatory Memorandum’s reference to the reason being an ‘operative or immediate reason for the action’, and said ‘[e]xamining whether a particular reason was an operative or immediate reason for an action calls for an inquiry into the mental processes of the person responsible for that action’ [140]. It was not open to the Full Federal Court majority to depart from the trial judge’s conclusions. His Honour was critical of the Full Federal Court majority’s distinction between ‘what actuated the conduct’ and ‘what the person thinks he or she was actuated by’, describing the position as ‘indefensible’ [145].

Complex questions

Ultimately, the High Court took a straightforward approach to the issue of causation. If the decision-maker gives evidence that they did not take adverse action for a prescribed reason,
and that evidence is accepted, there will not be a breach of the Act. This approach veils from
view a number of complex issues which were not explored in the judgments.

Those issues were also not explored in the earlier Fair Work Act Review Panel report. The
panel recommended that, if the High Court upheld the approach taken by the Full Federal
Court majority, the provisions should be amended ‘so that the central consideration about
the reason for adverse action is the subjective intention of the person taking the alleged
adverse action’ (McCallum, Moore and Edwards 2012: 237). In this sense the review panel
took a similar approach to that expressed by the later High Court decision, and like the High
Court judgments difficult questions were passed over.

Clearly, the High Court’s approach to the causal link relies almost entirely on the trial judge’s
assessment of the decision-maker’s evidence and credibility. In this case, it is perhaps
somewhat surprising that Tracey J’s assessment of Harvey’s evidence took only one
paragraph of his Honour’s judgment, and included some reservations (that she was a
‘tentative and nervous witness’ and at times ‘unnecessarily guarded and defensive’).

Leaving aside this particular case, such an approach of assessing the evidence of the
decision-maker has the potential to allow (and perhaps even encourage) employers
(whether deliberately or not) to characterise their reasons for acting in a way that suits their
cause. In the Barclay case, as the majority Full Federal Court judges noted, ‘[a]ll of the
relevant conduct in issue … involved Mr Barclay in his union capacity’ (233). However,
because Harvey’s evidence asserted that her only reason for acting was Barclay’s conduct in
his capacity as an employee, this link was not relevant.

Although Barclay concerned the specific prescribed grounds of being a union officer and
being engaged in industrial activities, the interpretation of the causal link will be relevant to
all claims of adverse action, including those relating to the more conventional discriminatory
grounds of sex, race, disability and so on. For those familiar with the field of anti-
discrimination law, such as the Sex Discrimination Act 1984 (Cth), and State legislation such
as the Equal Opportunity Act 2010 (Vic), this method of interpreting the causal link may
raise some concerns. It is possible to prove a breach of anti-discrimination laws even where
the decision-maker did not have any deliberate intent, much less admit to having that intent
in evidence. For example, in one case an airline was found to have discriminated against job
applicants on the basis of age. The application process involved an assessment of ‘flair’ and
the ability to have fun. The assessors were under the age of 35 and it was determined that
they tended to identify with people of their own age. There was no conscious decision by
the assessors to choose only younger people, but the process had that effect, and was
found to breach the Anti-Discrimination Act 1991 (Qld) (Virgin Blue Airlines Pty Ltd v
Stewart). Given the High Court’s decision in Barclay, it seems clear that an attempt to
remedy this type of situation through an adverse action claim would not succeed.

A noticeable feature of the High Court judgments was a lack of engagement with the
possibility of unconscious bias infecting a decision, and the approach of anti-discrimination
law to this issue. Notably, on a previous occasion the High Court rejected the idea that a
person is always aware of their own motives (Purvis, 2003, quoted by Gray and Bromberg JJ:
221). Literature on the role of unconscious motivations in anti-discrimination law suggests
that people may act for reasons that they are unaware of or refuse to admit to themselves,
such as unconscious prejudice (Lawrence, 1987, 2008; Krieger 1995). These matters were
not addressed by the High Court.
For these reasons the protection offered by the adverse action provisions is not as broad as some initially hoped. In some cases it will come down to the credibility of the evidence given by the decision-maker as to their reasons for the decision, even where, as in Barclay, an objective connection existed between a prescribed ground and the adverse action.

Interestingly, the Workplace Relations Minister intervened in the Barclay case in support of Barclay and the AEU. This suggests the Government did not expect (or want) the provisions to be interpreted in the manner adopted by the High Court. In his submissions to the High Court, the Minister accepted that a decision-maker’s evidence, ‘if accepted as honest’, is of ‘central relevance’, but argued that such evidence may not be decisive [6.3.1]. In particular, the submissions recognise the possibility that the ‘evidence given [may not be] sufficient to exclude the existence of reasons additional to those advanced’ [6.3.1], or a decision may be ‘based on a factor of which the decision-maker was not conscious’ [6.3.1]. [23]. The submissions also argue that there was an objective connection between the adverse action and the prescribed reason [35], and ‘[t]he way that a decision-maker characterises his or her own actions cannot determine the availability of the protections conferred by the legislature...’ [37].

The Minister’s spokesperson has indicated that the Minister will take advice on the judgment, noted the issues in Barclay were the subject of many submissions to the review panel, and stated the Government was consulting on the panel’s recommendations before finalising its response (Workplace Express, 2012). One commentator has argued that, in light of the Minister’s intervention, the Minister ‘would seem bound to seriously consider legislative changes that would safeguard the interests of union delegates when engaging in lawful industrial activities’ (Shaw, 2012). Both the High Court decision and the Review Panel’s recommendations have avoided dealing with nuances and difficult issues that are likely to arise in future. It remains to be seen how the government will respond.

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First Strike Capability: Exploring the 2011 Botswana Public Sector Strike through Newspaper Coverage

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This paper proposes that the lack of industrial relations (IR) experience or knowledge amongst the negotiating parties both caused and characterized the major 2011 public sector strike in Botswana. Specifically, with no real collective bargaining experience amongst the actors, and little in the way of formal legislative or regulatory guidance, the social processes of creating, interpreting, changing and enforcing the bargaining rules were reactive, evolving, and imperfect. Using ethnographic content analysis of stories from two newspapers – one government, one independent – two examples are provided in illustration – the interpretation and application of the ‘no work, no pay rule’, and the progress of the bargaining rounds. The conclusion poses questions for further consideration.

Introduction

A major national strike is a complex social phenomenon in any country, but the 2011 Botswana Public Service (BPS) strike is particularly interesting because it was the country’s first public sector strike. It was a very large strike – the union claimed that 87 per cent of the 103,000 public sector workers were union members, of whom (variously) ‘an increasing number’, ‘a majority’ or (according to government sources), ‘only about 20,000’ went on strike, affecting schools, hospitals and other government services. The participants were mostly new to the rules, the behaviours, the processes, and the tactics and strategies of major industrial disputation. The strike began on 18 April 2011. Initially planned to last 10 days, it was eventually suspended by the Botswana Federation of Public Sector Unions (BOFEPUSU) on 13 June 2011, against the wishes of many of the strikers and without an agreement reached with the employer. Its legal repercussions continue to play out in Botswana’s highest court, and at the ILO.

How did the strike unfold?

In 1997 Botswana became signatory to Conventions regarding the rights of public servants to organise and collectively bargain (Nos. 87, 98 and 151) (Solo 1997; Haworth and Hughes 2010). In 2004 legislation was changed to give public servants the right to strike, but requisite matching changes to public sector legislation was not introduced so the right was ‘not operational’ (Fashoyin 2008) for non-industrial (that is, most white-collar) public sector workers. The legislation that made the strike ‘legal’, the Public Service Act 2008, came into operation in May 2010. The Act aimed to simplify the management of Botswana Public Service (BPS) employees by centralising management of employment conditions to a single agency, the Directorate of Public Service Management (DPSM). With the active encouragement of ILO representatives, the government also included in the Act the right for all public servants to join trade unions and to engage in collective bargaining over wages and working conditions. In 2010, when the newly formed unions sought to bargain with the
Directorate (DPSM), they found their employer reluctant to participate. When bargaining did eventually commence in early 2011 the parties were unable to agree, and in April 2011 a strike was called.

There are, of course, many ways to understand what caused the strike. It was a strike about workers’ demands to end and redress a three year wages’ freeze, and the limits of a government’s capacity to pay wage increases at a time of austerity, little different to other such strikes around the world except that BPS employees, unlike their counterparts in many other countries, were not facing job cuts. It was also contest of values. Public sector workers were determined to exercise their right and participate in negotiation about wages and conditions, while (despite having enacted legislation to allow it), their employer, DPSM, but more specifically the Minister responsible and the President of the country were apparently surprised at and disapproving of this turn of events. ‘Management’s’ public response, couched in classically unitarist terms (Fox 1969), was to call on the strikers to stop being selfish, and put the country first. There was a political explanation, too, about the inevitability of a clash between the educated public service ‘elite’ and the President, a former army man with no tertiary education whose political constituency are the rural poor. Again, these explanations are familiar.

A more interesting explanation (particularly for academics from countries with long histories of institutionalised adversarialism) is that the notable lack of industrial relations (IR) experience or knowledge amongst the main players both caused and characterized the strike. This lack of experience manifested in the rules of the bargaining leading up to the strike, and the rules of the strike itself. As Kelly and Nicholson observed, ‘far from being a discrete, homogenous, and simple “event”, the strike can be analysed as an extremely complex social process with its own rules, norms and sub-processes’ (Kelly and Nicholson 1980: 855). Specifically, with little bargaining/disputation experience amongst the actors, and little detail in the new Act and no supporting regulations, the processes of creating, interpreting, changing and enforcing the rules were reactive, evolving, and imperfect. It is increasingly common in developing countries for new industrial relations rules (often in the form of labour laws encouraged by the ILO) to be improperly understood, institutionalised or enforced (see, for example, Cooney 2007). In this instance, it is proposed that the parties’ lack of experience exacerbated the strike’s effects and extended its duration.

Following this introduction, some brief background information is provided on the country and the context for the strike, and a novel research methodology is proposed. Then follows a description of the creation, understanding, and enforcement of two rules of collective bargaining – the ‘no work, no pay’ rule, and the progression of the bargaining rounds – and a discussion of how the surrounding social processes were complicated by the lack of IR/bargaining experience of the participants. The paper concludes with a consideration of implications arising from the research.

**Background and methodology**

**Background**
Any paper written on Botswana begins with a brief history of this small, unfamiliar southern African country (population 2 million). Formerly the Bechuanaland Protectorate, the country received its independence from Britain in 1966, and its first President was the still much-revered Sir Seretse Khama, the current President’s father. In 1968, major diamond deposits were discovered. There exist many accounts of the impressive economic development and social stability of Botswana (for example, Hjort 2010; Sebudubudu and Bothomilwe 2012). Botswana (citizens of Botswana) frequently claim that these achievements are due in part to Tswana culture, specifically the importance that is placed on social harmony, and talking things through to reach consensus (Maundeni 2004; Sebudubudu and Bothomilwe 2012). However, despite remarkable economic achievements, economic diversity in the Botswana private sector is limited and the country still relies heavily on its public sector for employment (Molefhe 2011). Moreover, the country’s economy was heavily affected in 2010 by a drop in diamond prices driven by the GFC and recession in the US.

The research question guiding this paper is: Did the parties’ lack of industrial relations experience influence the nature of the 2011 public sector strike in Botswana?

However, as noted above, the Public Sector Act was only amended in 2008 to allow public sector unions to form for white-collar (non-industrial) workers. Two public sector ‘industrial’ unions – the Trade and Allied Workers Union (TAWU) and the Botswana Government Workers Union (BOGOWU) – had already joined the Botswana Federation of Trade Unions (BFTU). Rather than join the existing (and industrially experienced) BFTU, the four new white collar public sector unions – the Botswana Land Board, Local Authorities and Health Workers Union (BLLAHWU), the Botswana Public Employees Union (BOPEU), the Botswana Secondary Teachers Union (BOSETU), and the Botswana Teachers Union (BTU) – joined the Manual Workers Union (MWU) (an ‘industrial’ or blue-collar union) to create BOFEPUSU (the Botswana Federation of Public Service Unions). There is collective bargaining experience in the country - Botswana has had private sector trade unions since Independence; and they are particularly active, as in much of Southern Africa, in the mining sector (Seleke 2007). However, the experience resided in the BFTU, with whom BOFEPUSU had a poor working relationship.

Despite their lack of experience, the unions were keen to bargain. BOFEPUSU had threatened the ‘mother of all strikes’ in mid September 2010, only narrowly averted, but there was a continuing sense of impatience and, increasingly, injustice, about the long wait (from 2008 to 2011) for an opportunity to bargain.

Several factors contribute to the view that, in 2011, there was also very little industrial relations knowledge/capacity amongst DPSM managers. The Director of Training and Development for DPSM issued a tender in 2010 for (overseas) academic/consulting experts to advise DPSM on building ‘labour relations capacity’. The Director of the new DPSM, appointed in March 2010, had been with the civil service for 26 years but had no experience dealing with unions, only with the (largely powerless) staff associations that preceded them. A DPSM Unionization Unit was created with 8 staff in late 2010 to advise the Director, and a former BPS Permanent Secretary was brought back to head it up, but she also had no experience with unions or collective bargaining (although one person on her staff claimed some in his former capacity as Deputy Commissioner for Labour dealing with private sector unions and disputes. But senior DPSM managers were apparently ill-prepared, if not for
bargaining then certainly for the strike when it occurred, and their job was made significantly more complex by the public participation of their political masters.

These factors set the stage for the bargaining and the strike – straitened economic circumstances; limited social infrastructure to provide skills, knowledge or experiences to inform the collective bargaining and disputation processes; the general inexperience of the negotiating parties, with one reluctant and one eager to bargain; complex intra-party bargaining challenges for both sides; and a national ‘culture’ valuing resolution by peaceful discussion.

Methodology
This paper relies on newspaper stories as the major primary data source to explore and explain the effects of the parties’ lack of industrial relations experience on the strike, and particularly how the rules of bargaining and disputation were understood, created and enforced.

This is done through an ethnographic content analysis of newspaper coverage in Botswana of the strike (Altheide 1996). Specifically, this paper draws on stories from two Botswana daily newspapers that present two quite different views of the public sector strike. Despite low levels of literacy/English language literacy amongst Botswana’s rural poor, newspapers are widely read by other Batswana (Alimi and Bagwasi 2009: 202), making them an important source of information for the white collar workers who were members of the unions in BOFEPUSU. Given this importance, analysis of newspaper articles represents a unique opportunity to track not only the changing rules of bargaining and the strike; but also to infer something about the changing understanding of the rules.

Over-reliance on documents is a problem if they’re assumed to ‘contain the unmitigated truth. In fact important in reviewing any document is to understand that it was written for some specific purpose and some specific audience other than those of the case study being done. In this sense, the .. investigator is a vicarious observer, and the documentary evidence reflects a communication among other parties attempting to achieve some other objectives. By constantly trying to identify these objectives, you are less likely to be misled by documentary evidence and more likely to be correctly critical in interpreting the contents of such evidence (Yin 2009: 105).

In other words, using newspaper articles requires that we understand the context and process in which they were created (Ellem 1999: 76).

Two newspapers have been chosen as the source of stories to analyse, both available free on-line as well as in print format. Both are published in English, one of the two official languages (along with Tswana) of the country, even after Independence. The Daily News, “the paper which informs and educates”, is the government-owned paper with a gov.bw website address. In an editorial (“Government media operates within set parameters”, 13 July 2011) the Daily News claims the role of government media is to ‘publicise and disseminate government information and programmes for the benefit of the nation and it is in that policy that it’s editorial policy is derived’. The paper frequently publishes direct communications from Ministers and other government representatives, including the
Director of Public Service Management. It also publishes a ‘weekly window’ into the Office of the President, anonymously reporting on what he has said and done. There is a small section of the newspaper that is published in Tetswana. The majority of stories do not include quotes but are rather descriptions of events and the ‘government’ view of them; thus, this paper did not support the strike or the strikers.

The second, independent, paper is The Monitor\(^1\), or ‘mmegi’ as the on-line version is known, has a different editorial stance. Established in 1984, the paper claims to be, since 2006, Botswana’s only independent daily. It is published in English. It has a very active on-line presence; and a quick look at some key stories on the strike will demonstrate how much online (especially Facebook) commentary has been generated (see ‘No salaries for 50 000 striking workers, unions unable to pay’, 24 May 2011, with 215 ‘Likes’ and 70 direct comments and many more in reply). Mmegi is described by academics at the University of Botswana as the preferred news source for political progressives, many of whom have been critical of the current President. Its editorial position on the strike favoured the unions, evident from some of the editorial titles – ‘BOFEPUSU shows the way in post-strike fallout’ (24 August 2011) and ‘Is Government thirsty for more union blood?’ (25 June 2012).

Other industrial relations scholars have used newspaper coverage to better understand unions and strikes. There have been studies of the amount (Erickson and Mitchell 1996), effect (Flynn 2000), and tone of coverage of labour issues (Bruno 2009).

Flynn analysed the impact of media attention on strike duration. His sample was the 90 largest strikes in the US between 1980 and 1991. Specifically, he was interested in whether an increase in public attention would affect bargaining positions by ‘increase[ing] the bargaining parties’ commitment to their respective negotiating positions and decrease their willingness to make concessions, thereby extending the dispute’ (Flynn 2000). Despite controlling for a number of variables – including strike size, organizational fame, the occurrence of a federal intervention, the involvement of a famous union, history of conflict, and broad industry categories – he found none significantly diminished the strong positive relationship between prestrike media attention and strike duration. We propose that one variable – the bargaining experience (or inexperience) of the parties – has the potential to extend the strike duration.

The effect of inexperience is one that extends to those reporting on the bargaining and the strike. Researchers on this topic remind us of the potential importance of media expertise in labor relations (Erickson and Mitchell 1996: 405; Bruno 2009: 387). It is possible that the media in Botswana had more experience with collective bargaining and industrial action than the players – the media at least had experience covering these issues in the private sector; and reporting on major industrial action in neighbouring Southern African countries, South Africa in particular. However, all participants shared a lack of experience in public sector industrial disputation in their own country.

Thus, newspaper stories may facilitate our understanding of the changing rules of bargaining.

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\(^1\) The author also has access to newspaper coverage on the strike and its aftermath from three other Botswana newspapers – the Gazette, the Voice, and the Guardian – and a South African news source, SA24. These may be used to help deepen the analysis in further work.
and the strike; give us the opportunity to infer something about the changing understanding of the rules; and perhaps even influence, to some degree, the nature of the bargaining and the strike.

The period over which we observe the stories represents an important methodological decision; the sample should be driven by the questions. Our research question relates to the effect of the parties’ lack of industrial relations experience on the strike, so we use stories from the period of the beginning of April (with the strike commencing on 19 April) to the end of June (with the strike being officially suspended on 13 June). A saturation search was conducted for stories with the key words ‘bargaining’, ‘strike’, ‘public sector’ and ‘essential service work’. Analysis of these articles allowed the generation and testing of a protocol, which identified (amongst other themes not reported here) the issues on which we focus – the understanding and application of the ‘No work, No pay rule’; and the ‘offers’ exchanged in the bargaining rounds.

Describing the Strike through newspaper coverage

There were many rules of bargaining and disputation described in the newspaper coverage; for example, who should be involved and how they should behave, the appropriate parties to enforce the rules, and to change them; how intra-party bargaining should be conducted; what role external stakeholders should play, and so on. In this section, we describe two specific rules of collective bargaining and the social processes enacting and enforcing them, and how, through the lens of reports in the two different newspapers, it appears that the parties’ inexperience confused and exacerbated the industrial conflict.

Rule 1: No work, no pay rule
The Botswana Trade Disputes Act 2004 confirms the common law rule of ‘no work, no pay’. ‘The Act clearly states that an employer is not obliged to remunerate an employee for services that the employee does not render during a strike or lockout’ (Dingake 2008: 115). This same rule is also confirmed in the Public Sector Act 2008 (Section 48(3)). Further, the public sector strike rules determined by independent mediator and reported on 15 April 2011 (prior to the commencement of the strike) included, amongst other things, an agreement that the government would not pay salaries for workers on strike. Why, then, was there doubt about whether or when this rule would apply?

Apart from a brief reference in a Daily News report on 26 May (‘Councillors Appeal to Government’), which describes local councillor calling for ‘reinstatement of the dismissed essential service workers and the setting aside of the No work, No pay rule’, in the face of several dissenting opinions, there is no mention of the No Work, No Pay rule until 1 June, after the strike has been going for six weeks.

On 1 June, an article reports on the views of the Vice President of Botswana, Lt. General Merafhe (‘Strike loses meaning – VP’). In the article he explains that the ‘government adopted the ‘no work, no pay’ rule against the striking employees [only] when the negotiations failed’. This is in reference to the fact that, if there had been any government reluctance or confusion up to this point about whether the rule would be applied, it existed no longer and the rule would be enforced.
A 3 June article reports that 17,985 employees had their pay docked when the government applied its rule. On 24 June (‘Rakhudu warns of more school drop outs’), the Assistant Minister for Education ‘warned teachers who have returned from the strike to think twice about their future in the education industry if they continue to ignore their duties in the name of no pay, no work as opposed to the agreed strike rule of no work, no pay’, a reference to some strikers’ reluctance, once they returned to work, to ‘make up’ the work for which they’d been absent while on strike.

In the Monitor (mmegi), the term No work, No Pay is used more frequently, and, with only a few exceptions, by union officials. Again, despite the agreement of strike rules, the coverage begins with an interview with the Secretary of BOPEU, who is quoted as saying ‘not being obliged to pay does not mean that they will not pay. If they choose to go that route [ie enforcing no work, no pay] we will make it part of our deal as settlement to go back to work’ (DPSM and BOFEPUSU yet to agree on essential service during strike, 13 April 2010).

The equivocal belief in the rule’s application continues some weeks later, in an article on 4 May, ‘Strike extended to Friday’, when the same union leader says:

... union leaders will in the coming days approach the DPSM to agree on a number of issues incidental to the strike including an understanding of ‘No Work No Pay’ in relation to duties not performed during the past two weeks. "... Members are to note that hard negotiations will take place before any deductions are made on our salaries," Motsamai said.

A few days later (5 May), another BOPEU spokesman says that ‘with government’s policy of no work, no pay, workers should not be expected to take on the backlog of work from the three weeks that they were not at work’.

On 19 May, the ‘Unions reject unconditional 3%’ and specifically demand non-implementation of the No Work No Pay policy. Also on the same day, an open letter from a spokesman from the Teachers Union says: we are aware that some teachers (just a few) have gone back to work due to intimidations like the application of the principle of "No work, No Pay" which was frequently pronounced by the employer through the state media. We would like to encourage our dear comrades to believe in us ...

On 24 May, the serious headline appears: ‘No salaries for 50 000 striking workers, unions unable to pay’. In the story, the BOFEPUSU spokesman says the unions were ‘taken by surprise by government’s decision to implement the no work, no pay principle’, so the unions had no real measures/plans in place to assist members when their pay cheques did not arrive.

On 30 May, BOFEPUSU ‘accepts’ three per cent offer, but only on conditions, one of which is that there is a reversal of the no work, no pay rule. By 8 June, the unions appear desperate for a settlement, according to one story, agreeing to forgo any rights to appeal current cases; accepting a final warning penalty for dismissed workers, as long as they were reinstated, offering a public apology; and recognising the government’s right to impose the
no work, no pay rule, *as long as it was reversed*. There are several other accounts over the following days, with various pleas for the government to accept the union ‘offer’. Eventually the strike is suspended with no agreement reached.

What are we to make of these accounts? The lack of understanding amongst union officials and members of the serious potential financial ramifications of the application of the No work, No Pay rule is startling to an outsider, accustomed as we are to ‘war chests’ and strike funds. But the context is different. Despite the fact that No work, No pay was formally agreed at the commencement of the strike, and indeed had ample legal precedent, there was clearly an informal expectation, probably on both sides, that Tswana ‘values’ would eventually triumph in collective bargaining and a settlement would be reached. As the strike dragged on, the employers hardened their bargaining stance. The union officials first tried threats, stating that their members would refuse to ‘make-up’ any work if they are not paid for their days on strike. However, having clearly over-promised to their members and being unable to deliver either strike funds or an agreement, officials then embarked on a series of humbling back-downs.

*Rule 2: The bargaining ‘rounds’*

The second set of rules we consider are those related to actual bargaining rounds; that is, how offer and counter-offer are framed. The table below shows the union and government positions as they changed over time, from early February to the suspension of the strike on 13 June.

<table>
<thead>
<tr>
<th>Union ‘position’</th>
<th>Government ‘position’</th>
</tr>
</thead>
<tbody>
<tr>
<td>In February, unions reject the 0% ‘offer’; demanding 16% salary adjustment</td>
<td>In February 2011, in the Budget presentation to Parliament, no provision made for PS pay rise; that is, initial ‘offer’ is 0%</td>
</tr>
<tr>
<td>(13.8% ‘inflationary adjustment’, based on no pay rise received for 3 years; and 2.2% pay rise)</td>
<td></td>
</tr>
<tr>
<td>Mid March, no movement; union rejects ‘conditional’ nature of offer</td>
<td>Early March, government offers 2%, conditional on review of national economic performance.</td>
</tr>
<tr>
<td>25 March Appointed Mediator issues a ‘Failure to Settle Dispute’ Certificate</td>
<td></td>
</tr>
<tr>
<td>6 April, no movement; union rejects ‘conditional’ nature of offer</td>
<td>After 25 March, government offer raised to 5%, conditional on review of national economic performance</td>
</tr>
<tr>
<td>15 April, “neither party prepared to shift from their stated position”; government requests arbitration but union rejects the proposal; strike rules are determined by independent mediator.</td>
<td></td>
</tr>
<tr>
<td>18 April, strike commences, initially for 10 days, with agreement for following 5 days</td>
<td>18 April, the President reminds workers of other benefits provided to them eg. low</td>
</tr>
<tr>
<td>‘go-slow’</td>
<td>interest loans, superannuation, contribution to health cover</td>
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<tr>
<td>26 April, Acting Vice-President says that a pay rise could lead to dire consequences including downsizing or reduction in funding for programmes.</td>
<td>29 April, union leadership announce strike will continue for at least another 5 days (to 6 May), and/or ‘indefinitely’</td>
</tr>
<tr>
<td>1 May, union confirms decision to extend strike at mass meetings on May Day</td>
<td>5 May, government announces the application of a ‘no work, no pay rule’ for all striking workers, effective from May</td>
</tr>
<tr>
<td>12 May union reduces demand to 13.8%, government reconfirms 5% conditional offer “no further offers were put on the table”</td>
<td>12 May, union leadership says “strike will continue until workers’ demands are met”</td>
</tr>
<tr>
<td>18-19 May, union package becomes 12% salary increase; reinstatement of all dismissed employees, and setting aside ‘no work, no pay rule’</td>
<td>18-19 May, government makes unconditional 3% offer “no agreement, parties agree to engage as and when opportunities arise”</td>
</tr>
<tr>
<td>25 May, government suspends wage negotiations ‘until strike is over’</td>
<td>8 June, union ‘accepts’ 3% offer, conditional on reinstatement of all dismissed employees, and setting aside ‘no work, no pay rule’</td>
</tr>
<tr>
<td>No movement</td>
<td>13 June, union leadership suspend strike; although not all workers agree</td>
</tr>
</tbody>
</table>

At the beginning of the bargaining process, neither party demonstrates a particularly sophisticated understanding of collective bargaining and its pitfalls. Announcing that there will be no pay rise through a budget speech, as the government did, seems clumsy. It is also notable that there was no apparent attempt to undertake productivity bargaining or integrative bargaining. Instead, this is straight positional bargaining in which there was very little movement for the first, planned 10 strike days. Once the union extended the strike, and the government decided to actually implement the No work, No pay rule, the chips tipped heavily in the government’s favour. Eventually, the strikers end up with nothing. But the government does not really win either, as the many stories on the lasting/damaging effects of the strike continue well into 2012, with impacts on the customers/clients of government services (students, patients); on the strikers (financial, emotional effects) and on working relationships (with poor relations continuing between striking and non-striking workers; and striking workers and some managers).

**Implications and conclusion**

This paper addressed the question of whether the parties’ lack of industrial relations experience influence the nature of the 2011 public sector strike in Botswana. Investigating
this strike represents an opportunity to understand the process by which inexperienced parties create and revise the ‘rules’ of the strike, their understanding of what it meant, and how to ‘be’ on strike’, even as they participated in it.

It can easily be argued that the strike was the result of a clash in priorities and values. The Botswana government had apparently accepted pluralist values towards trade unions and collective bargaining through both its ratification of ILO conventions and the embodiment of those conventions in the 2008 Public Service Act. The government’s, and particularly the President’s, highly unitarist approach immediately before and during the strike, however, reveal the pretence of any pluralism.

What is more interesting in this context is the role that the parties’ inexperience with industrial relations in general and collective bargaining in particular may have played in generating and prolonging the strike. The parties started from different perspectives, and largely remained there; managers reluctant, and union officials eager; managers focused on budgets, union officials on rights. What neither party was particularly good at, particularly at the beginning, was understanding, creating and enforcing rules. Both parties turned frequently to mediators and the Industrial Courts to assist them with interpretation and enforcement (most evident in the interpretation and amendment of the definition of essential service worker, not reported in detail in this paper). There was also a great deal of difficult intra-party bargaining, at least some of which played out in the public domain and inflamed negotiations.

While the parties remain quite bruised and unlikely to rush into dispute again, there were clearly lessons learned in this process that will, if applied, change the character of a second or subsequent strike.

Interestingly, the parties used newspapers as a way to expound and develop their interpretations of the bargaining and disputation process. In terms of methodology, it is clear that considering the audience for the newspaper stories is an important part of the reflexive process of understanding these documents:

It is the interaction between the reader .. of a news report and the news report itself that is important. .. The audience member brings experience (context), interest, and a degree of awareness to the report, and the complex interaction of these provides the meaning of the report and, therefore, its significance to the individual. (Altheide 1987: 10)

This is particularly important in this case, where there was so little bargaining experience amongst the participants in the strike. There was the potential, depending on the intended audience for news stories, for what was reported to play a significant role in guiding readers to define and understand what was happening. The newspapers potentially became players in the strike, not just observers of it.

[Note: This paper is a work in progress. Readers’ comments are welcomed.]

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Examining the Impact of Neo-Liberal Philosophy on the Labour Market – A Closer look at Deregulation

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Liberalising labour markets through deregulation is said to lead to economic growth and is an integral part of the wider global market. This paper contends that while a deregulated labour market may have some positive effects on the labour market, the mode of its implementation may not necessarily be the answer to resolving all labour market problems. In fact studies have found that the promotion of this market-driven solution has some negative consequences on labour markets. While Australia has been said to be one of the strong implementers of deregulation, it is contended that the negative social impact of deregulation be taken into consideration.


A Model of CSR and Governance

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The concept of Corporate Social Responsibility (CSR) has emerged as a strategy for firms to jointly fulfill their economic and financial mission while taking into account their impacts on society or even to contribute to the achievement of positive societal externalities. Corporate governance codes and corporate legislation are increasingly incorporating statements which regulators believe will improve corporate behaviour. However, the definition and main principles of both Corporate Governance and CSR are often confusing and, in theory as in practice, the link between corporate governance and CSR remains obscure. In this paper, our contribution is the analysis of the relationship between the two concepts. We propose a model which defines these two concepts incorporating a considerable range of theoretical approaches. We then produce a taxonomy of corporate behaviors across four categories – the ethical, the utilitarian, the reciprocal and the political which incorporate the definition of corporate strategy, the characteristics of CSR and of corporate governance, and the implications for diverse corporate stakeholders.
Ideal Typical Greenfield sites in Australia

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The concept of ideal typical in the analysis of greenfield sites has been widely adopted since first proposed by Newell (1991), however is the concept applicable to greenfield agreements in Australia? This paper argues that those sites that approximate an ideal typical greenfield site are exceptional. Two such sites are the subject of close analysis to determine how the actors within them utilise those strategies commonly understood to be ideal typical in developing employment relations. It is demonstrated that the ideal typical construct is still useful as method of analysis in the small number of sites that conform to the traditional interpretation of a greenfield site, however the vast majority of greenfield agreements would not be considered ideal typical.

Introduction

Greenfield workplaces offer insight into the challenges of creating a successful enterprise in a globalised economy. Companies who choose to establish a new operation must expend large amounts of capital and therefore there is great pressure to succeed. Despite this pressure, or perhaps because of it, managers charged with establishing a new operation often take considerable risks in attempting to implement innovative workplace relations practices in a bid to create an enterprise where efficient work organisation is married with employee satisfaction to maximise productivity (2002).

New workplaces in the current period face new challenges imposed by a global economy which is faltering, leaving greenfield start-ups with little margin for error. These enterprises must quickly become profitable to the parent company or they will not survive. The workplaces examined in this paper have both survived and become profitable, although it has not been a continuous positive trajectory for one. House Co and Metal Co offer opportunities to understand why managers and unions adopt a particular approach to employment strategy in greenfield sites, using Newell’s (1991) ideal typical concept as a means of analysing these workplaces and this has proved useful for many studies that followed (Hursthouse and Kolb, 2001, Macinnes and Sproull, 1989, Richbell and Watts, 2001, Leopold and Hallier, 1997, Baird, 2001).

This paper considers Union Greenfield Agreements made under s329 of the Workplace Relations Act (Workchoices Amendments) 2005 and Single Enterprise Greenfield agreements made under s172 of the Fair Work Act (2009). All these agreements are made between an employer that is establishing a new business and a union or unions eligible to represent the categories of workers who will be employed in the new site (DEEWR, 2010a).

In the June 2010 quarter 1176 operative agreements from a total of 22743 collective agreements were greenfield agreements made under the Workplace Relations Act (Workchoices Amendment) 2005 and subsequent Fair Work Act 2009 or 5.17 percent of all agreements (DEEWR, 2010b).

The DEEWR definition allows for a greater variety of agreements to be certified as greenfield agreements that would be considered in the international literature on greenfields, this paper employs the definition of a greenfield enterprise most commonly agreed within international

**Greenfield Literature**

Guest and Rosenthal (1993) identified the greenfield site as one where “managers are freed from the constraints of tradition, custom and practise (p 1) “ of the parent company’s existing sites and able to implement new forms of management including employment relations. Greenfield sites are often located in areas of economic recession and companies are encouraged to establish operations with subsidies or assistance by government (Whitaker, 1986, Guest and Rosenthal, 1993).

Early studies by Whitacker (1986), Guest and Hoque (1993, 1994) and Gunnigle (1995) on greenfield start-ups revealed that managers often preferred employees with personal attributes that complement their management philosophy rather than those with previous experience or skills. A preference for a single union agreement was identified (Leopold and Hallier, 1999), to avoid demarcation disputes within the workforce and simplify union management relationships. The use of high commitment management and lean production was the focus of several key studies in the manufacturing and automotive industries (Garrahan and Stewart, 1992b, Sherman, 1994, Saga and Hanada, 1999, Wickens, 1987).

In the Australian context, there has been some advantage in siting operations in regional areas where local authorities offer subsidies to attract business and employment opportunities (van den Broek, 2003, Leopold and Hallier, 1999) however it has been the changing regulatory environment that has increasingly marginalised pluralist concepts of employment relations and created more sympathetic conditions for strategic HRM to flourish in greenfield operations (Baird, 2001, Waring, 2001, Gunnigle et al., 2001). The Workplace Relations Act 1996 introduced changes to industrial legislation that enabled companies to redraw their relationships with unions (Baird and Leopold, 2001).

A number of Australia studies found that HRM strategies were a significant factor in developing employment practises at Greenfield sites. Baird (2001) notes that achieving a single union status was seen as an important factor in management strategy at some firms while the opportunity to completely change relationships with unions at the firm was a decisive factor in the establishment of a number of greenfield sites in Australia over the last two decades (Townsend, 2005, Baird, 2001). A new site also allows a new layout and new technology to be implemented (Baird, 2001), where production lines could be streamlined, state of the art technology introduced and flat structures implemented with management located in the work area and shared facilities.

Newell (1991) adopted sociologist Max Weber’s notion of ‘ideal-typical’ to help explain what was occurring in greenfield workplaces. Newell suggests that an ‘ideal-typical’ site consisted of four dimensions: new management philosophy and HRM strategies, new employees and technology in a new site are the primary measures of typicality. This model is further developed with the evidence that there are a range of ways in which a greenfield site can be established that do not fit an ideal typical model, leading to the conception of “shades of green” in greenfield sites (Baird and Leopold 2001, Leopold and Hallier 1997, Richbell and Watts 2001). The extent to which the parent company implements new management and employment relations strategies gives rise to the concept of “shades of green” (Leopold and Hallier, 1999). Finally, Baird (2000) identified the remaking of relationships with unions as a further criteria to Newell’s ideal typical construct, finding that managers of greenfield sites prioritised the ability to control union presence on the greenfield site.
In conclusion, the story that unfolds in the three and a half decades of study into greenfield workplaces is one of a certain consistency in management determination to implement what is perceived as the most modern work organisation available at the time, whether that is new to the organisation or a continuation of existing practise (Richbell and Watts, 2001, Leopold and Hallier, 1997). Immense changes in technology have dramatically altered the way work is performed and a focus on flexibility rather than skills or qualifications has persisted throughout the decades of greenfield development. A genuine desire by management to work more closely in partnership with the workforce is evident, however in many cases this was much harder to achieve than expected, requiring at least as much flexibility in managers as was required in workers (Baird, 2002). However the evidence in the period of this study is that these workplaces are exceptional, very few new ventures make any claims to engaging in new forms of workplace relations.

**Method**

The Workplace Agreement Database (WAD) managed by DEEWR is the primary source of data on agreements certified under the Federal IR system in Australia. All greenfield agreements made between 1 July 2006 and 30 June 2011, a total of 1736, have been reviewed, examining the principal utilisation of the agreement, the parties to the agreement and more closely examining the details of a sample of greenfield agreements. The examination revealed that greenfield agreements are used in many different ways by employers, most agreements would not fit the definition of a greenfield agreement as understood within the literature on greenfields. This finding necessitated a further classification of greenfield agreements into three broad categories; short term project, third party service providers and those made for a new enterprise. The focus of this paper is agreements for new enterprises made between July 2006 and June 2010, 85 business ventures fit these criteria, made under the Workplace Relations Act (Workchoices Amendments) 2005 and the Fair Work Act 2009.

Two workplaces were selected for in depth examination to determine to what extent the ideal typical construct of greenfield sites is useful for understanding how actors utilise greenfield sites in remaking employment relations.

Semi structured interviews were conducted with the site managers, production managers and HR manager and employees at both sites. Interviews were recorded for later transcription and were analysed using qualitative analysis software. The parent organisations, greenfield sites and all individuals interviewed have been de-identified.

Case studies are an effective method of examining a complex employment relations issue. They provide for the testing of abstract theories or generalisations and allow for a thorough understanding of the complex variables and constraints that influence the actions of managers, workers and their unions in pursuing their goals in real life settings (Kelly, 1999).

**Ideal Typical Case Studies**

*House Co*

House Co is one of the largest manufacturers of building products in Australia and has been established since the early 20th century. It has a number of manufacturing sites where its products were well established but decided to build a greenfield manufacturing plant to capture the growing market in northern Australia. The plant opened in December 2008 with a single shift of employees, none of whom had ever worked in this type of manufacturing, including the management.
House Co is a subsidiary of a major Australian company which manufactures a range of building products. The Parent Company has many long established manufacturing plants, mining operations and other investments. It has undergone a series of restructures and divestments over the last fifteen years to become a smaller more focused company in the building industry. The Parent companies employment relations strategy has encompassed relationships with a number of unions across its workforce, established sites in other states have union collective agreements in place.

**Metal Co**

Metal Co is a subsidiary unit of a large manufacturing company with many divisions across all forms of metal manufacturing. The greenfield site was built to house an innovative metal manufacturing plant designed to improve both productivity and quality. This technology, although in use in Europe, was the first facility in Australia and the facility was purpose built to allow for a “once through” operation. The factory runs on lean production principles with a focus on quality and safety. The parent company appointed a manager with innovative ideas on human resource management and saw this as an opportunity to trial his methods in a greenfield workplace.

The Parent company is based in Australia and has facilities in all states and some SE Asian countries. It supplies the local market and exports to markets across Asia and the South Pacific, however the downturn in the global economy has created pressure on profits, leading to a series of closures and downsizing in its operations. The principal union is well entrenched, with a long history of negotiating awards and collective agreements with the parent company and this practise was continued with a greenfield agreement made for the new facility.

**Are these cases examples of ideal typical greenfield workplaces?**

House Co and Metal Co are both examples of an ideal typical greenfield workplace (Baird, 2001, Newell, 1991), however there are several differences in key criteria that demonstrate the “shades of green” concept (Leopold and Hallier, 1999) particularly in terms of location, management philosophy and attitude to union involvement. Both cases are similar in the method of recruitment of employees, the preferred type of employees and the training and development provided to employees. In both cases the primary consideration for the parent company when deciding to open the greenfield sites was the acquisition of new technology that would optimise production. In both cases the parent company has given the greenfield site manager wide latitude to implement their own management philosophy, however at Metal Co there was explicit support to try out some radical human resource management ideas. The manager at House Co took a more conventional and in some ways conservative approach to employment relations.

**Management Philosophy and Practise**

The use of human resource management strategy (Richbell and Watts, 2001) is evident in both cases, however Metal Co has placed more focus on developing a high commitment team structure (Baird, 2002) than House Co. The employees commitment to the team at Metal Co has been carefully constructed and maintained by management within the organisation, lean production incentive strategies such as Key Performance Indicators and targets (Becker, 2007, Lee, 2003) are emphasised. There is a focus on building relationships with employees and identity as a team whose purpose was to surpass the parent company’s expectations through exemplifying key values which would create a working environment where productivity was enhanced.

At House Co. more conventional human resource management strategies are implemented. Employees are kept informed through regular tool box meetings which discuss production issues and management regularly report on the performance of the site compared to other factories in the parent company. A formal suggestion scheme is in place whereupon employees can raise ideas or report on aspects of production which can be improved. As is the case with many employee
involvement schemes (Glover, 2001), there is a tendency for management to implement the ideas that will improve production whilst being slower to take up initiatives that improve employee’s wellbeing.

Social events, site BBQ’s and pizza lunches were used by both House Co and Metal Co to recognise and reward employees. Metal Co utilises a productivity bonus scheme that provides an annual monetary bonus based on targets set by the parent company. House Co does not have a formalised bonus scheme in place, in line with the generally paternalistic management style (Wray, 1996), the site manager prefers to keep the decision to award bonuses as his prerogative.

Location and Layout
Whilst House Co and Metal Co appear to be at opposite ends of the spectrum when considering the location for the greenfield site, they share some similarities of purpose. House Co made the initial decision to locate its new facility in the state to take advantage of burgeoning market opportunities for its product, however the final determination of site location was to take advantage of proximity to source product and transport corridors as well as environmental factors. Metal Co chose to co-locate its facility on a one of its existing large industrial sites which also offered advantages in terms of proximity to source materials and transport.

Both Metal Co and House Co utilised a single line layout typical of lean production (Lee, 2003). The layout of the facility was purpose built to accommodate the layout of the plant, which was designed to feed raw materials in one end and finished product at the other. Management offices were located adjacent to the plant but did not have direct overview of the factory floor.

Employees
In this aspect House Co and Metal Co demonstrated the most similarity, both greenfield sites did not employ anyone from its existing sites, House Co’s existing facilities were interstate however there was no attempt to get existing staff to relocate to the new facility even though they had all the experience and skills required to operate the plant.

Metal Co, being located in the middle of an existing site had access to any number of existing employees to fill its needs, however deliberately chose to employ through a local recruitment agency, to whom they gave specific instructions as to the sort of people they were looking for, with the emphasis on those with no previous employment at any of the Parent Company’s sites. In both cases, previous experience or skill were not the criteria for recruitment amongst employees, which has been identified as a typical attribute of greenfield sites (Hallier, 2001). Employees were hired on the basis of a positive assessment of their attitude to acquiring new skills, enthusiasm to be involved in a new project and attitude to dealing with changing requirements.

Both companies chose managers from among its existing subsidiaries. The production managers at Metal Co had worked in other facilities on the same site for many years, the House Co production manager came from a local subsidiary which downsized. It was a source of some pride in management that they had all come with limited experience but had worked to make the factory productive in a relatively short period.

Employees seemed to be largely satisfied with their workplace although some at House Co were looking for other employment as they felt that career progression was not available, at Metal Co employees some original employees had taken up other opportunities in the parent company. Downsizing had taken place at House Co during the previous year, employees were somewhat disillusioned with management, believing that they had not coped well; this was particularly the case with employees who wanted career progression. Opportunities to move up the classification
structure had almost disappeared when the facility downsized; employees felt that the process of promotion was based on favouritism rather than any objective assessment of employee’s abilities.

Both House Co and Metal Co used casual employment as a proxy for the probationary period of employment provided by legislation (DEEWR, 2009). Once the facility had commenced work, new employees were recruited as casual employees for an unspecified period until such time that management determined to offer permanent positions. Eligible casual employees were required to apply and be interviewed for the permanent positions available. A further period of regulatory probation would then apply. The collective agreements did not provide for any restrictions in the form of employment that could be utilised at either site. The managers expressed a view that this method of employment was necessary to ensure that they minimised the risk of employing unsuitable staff.

At Metal Co, management used casual appointments to fill vacancies, resulting in about half the workforce being casual at the time of the research. There was a formal process to select casual staff for permanent employment that involved assessment by other permanent team members as well as management. Employees expressed support for this process, as each shift was staffed by only five operators it was important that they all worked harmoniously together to keep the plant running. If any of the team did not play their part or work well with others the shift output would be compromised. Once a casual team member achieved permanency they publicly committed to the team goals through a pledging ceremony which included their name and thumbprint being added to a pledge board outlining the Metal Co motto and values.

Work Organisation
Initial employees at House Co were sent to the company’s largest facility interstate to learn how to operate the furnaces used in production. All subsequent training was done onsite by existing staff or management, utilising programs and materials developed by the parent company. Due to the chaotic nature of the first two years of operation, many training tasks had not been completed and improving training and development is a priority for the site manager.

Metal Co also trains all employees onsite, initially engineers from the European plant supplier worked with local staff to commission the plant and train employees in plant operation. As the site developed, the teams have developed their own production techniques, adding an extra person to each shift to handle rewelds which allowed the normal welder more time to work on this task without having to move up and down the line. This improved quality and productivity and minimised the possibility of injury to the welder. Health and Safety was a particular focus at both sites, lost time injury being a significant key performance indicator for employees and management.

Unions
Union membership was almost nonexistent at House Co, there was no union structure onsite and the union did not actively participate in any employee forums. Management expressed no particularly hostility to the union; however organising campaigns had not been successful in recruiting employees to the union.

Union membership overall was not identified as a priority amongst employees, it appeared that employees viewed previous union member employees as poor examples. Collectivisation theories (Kelly, 1998, Hyman, 1989) emphasise the requirement for both leadership and collective sense of grievance to create solidarity.

Employees interviewed were aware that the current agreement was due for renegotiation and had views on changes that were required. Some employees were generally in favour of union
involvement in collective agreement negotiations, identifying the union as expert negotiators. This is in contrast to management who expressed general satisfaction in the collective agreement terms, and had no desire to commence negotiations, prioritising policy development over renegotiation of the collective agreement.

The union with coverage of House Co did not see the site as a priority area for organising, with limited resources and a wide area of coverage, the union would not allocate resources to a site with no strategic value.

In contrast at Metal Co, all employees expressed a strong commitment to unionism identifying union membership as a fundamental part of expressing commitment to the team. The concept of dual commitment to employer and union has been explored in a number of studies (Deery et al., 1994, Bemmels, 1995) which found that employees who expressed a dual commitment to both employer and union were not particularly active in union activities and that the evidence of dual commitment was more likely where the employer and union maintained a generally positive relationship. A strategy of union incorporation has been pursued in a number of greenfield sites (Garrahan and Stewart, 1992a, Cornette, 1999, Gunnigle, 1995), with management either encouraging union membership or taking a deliberately neutral stance, in order to ensure that the preferred union maintained sufficient support to prevent a more militant union from gaining a foothold.

Conclusion

This paper has examined two greenfield workplaces in the manufacturing sector using the ideal typical greenfield concept as a structure for understanding contemporary greenfield workplaces. House Co and Metal Co are greenfield workplaces whose management strategy conforms to the expectations of a typical greenfield site. It has been demonstrated that management philosophy at Metal Co sought to create a new paradigm of high commitment and shared understanding between management and employees, whilst House Co has pursued a strategy of creating a positive employment culture which encourages employee involvement. While these sites do demonstrate that the ideal typical model is useful for analysing greenfield sites it must be noted most new ventures do not make explicit decisions to remake employment relations so comprehensively. Leopold and Hallier’s (1997) determination that new ventures selectively employ innovative employment relations is more accurate in the current period.

The evidence of the greenfield sites studied is that managers have used the opportunities created by a new location, new employees and new technology to take advantage of the “exceptional opportunities for change, particularly in adopting human resource management policies and establishing good employee relations” noted by Newell (1993 p.20). The opportunity to remake relationships with unions (Baird, 2000) is demonstrated by the substantially simplified and rationalised terms of the greenfield agreements negotiated and the limited involvement of the union in the workplace. The strategy of the management provides evidence of union substitution, albeit with some unexpected outcomes at Metal Co, where there is evidence of dual commitment to both union and workplace.

Management at House Co devised an employment relations strategy that focussed on downward communication without a strong commitment to involving employees in decision making as part of an overall paternalistic management aspiration which conflates the success of the business with employee wellbeing. Metal Co has taken employee engagement to a higher level, creating an ethic of teamwork with an emphasis on mutual support between employees and management. Personal growth and development lies at the heart of the employment philosophy of Metal Co’s manager, who sees the workplace as a site for employees to realise their potential and thus realise the
productive potential of the workplace. Such an idealistic ambition seems bound to fail, however Metal Co employees embodied these ideals to a remarkable level and reported a high level of satisfaction in their employment.

House Co and Metal Co are examples of contemporary greenfield workplaces where management have sought to remake employment relations. Metal Co used many of the strategies considered typical of greenfield HRM in the use of lean production, teams and high commitment strategies. House Co typified the greenfield site that seeks employee commitment and engagement but retains managerial prerogative to a greater extent and applies a paternalistic philosophy towards employees. House Co management culture demonstrated more influence by the parent company’s philosophy and practise than Metal Co, where management were negatively influenced by the management culture of the parent company to create something different.

Leopold and Hallier’s (1997) concept of “shades of green” has been demonstrated in the examination of House Co and Metal Co, with distinctions in management orientation to culture of the parent company. However, greenfield sites in Australia that fit the understanding of ideal typical are a rare shade of green indeed, only a small percentage of those agreements made between 2006-2011 can be understood as fitting the criteria of a new venture of an existing company and even fewer have any indication of a new management philosophy or work organisation.

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Emergency expatriate evacuation: Literature and research

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In volatile and uncertain times, pressure increases on firms to ensure that their operations and staff are secure and safe from threat of physical and psychological danger. Yet in literature examining or describing human resource management policies or practices there is a noticeable absence of how firms might manage the evacuation of international staff in times of crisis, such as terrorist attacks, illness and injury, natural disasters. In this conceptual paper we critically review the relevant literature in relation to risk, disaster and crisis management, and consider the role of human resource professionals in the management of expatriate staff during crises. From this review, we identify questions that may guide research to address knowledge gaps in regard to expatriate evacuation.

The use of expatriate staff is both a burden and a strategic necessity to multinational enterprises (MNEs). Expatriates are costly, difficult to manage, and often ineffective, yet viewed as critical to the integration and coordination of the firm’s operations (Welch et al. 2009). Traditionally, issues surrounding the well-being of expatriates—at least in the corporate sector—have emphasised their adjustment to the host culture (Ward et al. 2001). Similarly, the issue of repatriating staff has remained focused on post-repatriation adjustment and performance (Szkudlarek 2010). Yet several changes to the international business landscape have led to increasing risks to the health, safety and security of personnel. Firstly, globalisation has meant that (often strategically important) personnel are travelling more frequently, increasing exposure to risks that are mundane (e.g. accident) and not-so-mundane (e.g. terrorism) (Czinkota et al. 2010). Related to this, MNEs are increasingly managing expatriates (and other staff) in countries and regions that present substantial health and security risks, which may trigger major threats to business growth and long-term strategy (Suder 2004). According to Dowling et al. (2008: 301), large MNEs, especially those operating in ‘socially and politically turbulent regions of the world’ should have well integrated and coordinated risk management practices. However, while researchers have, over the years, examined strategic implications of major health scares and terrorism, scant academic attention has been given to the human implications of crises (Tan & Enderwick 2006). One critical plank in this relates to a firm’s policies and practices for managing the evacuation of expatriate (and local) staff during crisis events. With the potential triggers for evacuation increasing in both scope and impact (Bhanugopan & Fish 2008), the emergence of technologies like GPS and social media available to firms, the growing use of ‘non-traditional’ forms of business travel and expatriation (Dowling et al. 2008), contemporary approaches to dealing with such crises are likely to be complex and of increasing importance.

In this conceptual paper, we review the relevant literature in relation to risk, disaster and crisis management, and consider its application to human resource professionals managing international staff during crises; specifically, the issues of pertinence when preventing or
managing the evacuation of expatriate staff. From this, we propose a set of research questions that may guide researchers interested in investigating expatriate evacuation policies and practices.

**Defining ‘crisis’**

Definitions of ‘crisis’ in the literature differ greatly. In summarising earlier studies, Lerbinger (2012) distils eight characteristics of a crisis event: the event is sudden, unexpected and unwanted; it is high-impact and low probability; it has great ambiguity regarding cause, effect and resolution; it interrupts normal organisational operations; it threatens the firm’s survival; it requires fast decision-making; it may cause problems if no action is taken; and it creates significant psychological stress.

In the business sphere, ‘crisis management’ is seen primarily as a public relations issue, concerning the reputation of the organisation rather than the health and safety of its people (Bernstein 2011). For example, Gilpin and Murphy (2008: 4) identify the ‘central question of crisis management’ as how designated communicators can ‘guide their organisations through crises with the least possible damage to reputation.’ From this perspective, ‘crises’ are seen to include events like consumer boycotts, regulatory bans, negative media reports, or staff layoffs, as well as rumours of any of these (Laufer & Coombs 2006).

More useful in relation to expatriate evacuation is literature that categorises types of business crises. The aim of identifying these typologies appears to be as a corporate planning tool; while firms may not be able to anticipate all possible crises, plans for families of crisis may be transferrable within a category. From this literature we distil four broad categories of triggers for expatriate evacuation:

1. Medical crises which may range from the evacuation of an individual (e.g. malaria) to a community-wide pandemic (e.g. SARS);
2. Natural disaster crises, including floods, fires and earthquakes, which affect large numbers of people and infrastructure;
3. Irregular man-made crises, including kidnapping, acts of terrorism and violence; and
4. Regular man-made crises, like industrial accidents or non-work misadventures.

Crisis management frameworks commonly assume a linear, phased approach, often reduced to a three-step model involving pre-, during- and post-crisis phases (Smith 1990). Though not without its limitations, we use this model in the following section to summarise key literature and related gaps. Given length limitations of the conference paper, indicative citations are provided. The coverage of these phases and their key components varies, reflecting the varied depth of their treatment in the extant literature.

**Crisis literature**

*Pre-crisis*

This phase encapsulates events prior to a crisis occurring. Its focus is on reducing the organisation’s vulnerability through preventing crises, and/or through mitigating their impact by responding more efficiently and effectively when they occur (Bazerman & Watkins 2008). Literature regarding this phase is the most abundant, and points to at least
five inter-related elements: policy/planning; assessment and screening; training; housing/location; and organisational culture.

1. Policy/planning is the most commonly, and thoroughly, discussed aspect of the pre-crisis phase. Most authors emphasise the importance of firms preparing during ‘non-crisis times’ and suggest a holistic approach that incorporates a range of integrated activities (Lerbinger 2012). A number of authors identify features of a comprehensive crisis management policy, although these are commonly prescriptive and give little attention to strategic or HR alignment, or to the context in which the crisis is unfolding (Crandall, Parnell & Spillan 2010). Notwithstanding this, two crisis preparedness activities are frequently suggested in the literature. The first is a ‘vulnerability audit’, which includes an audit of the internal (e.g. reviewing policy documents, interviewing pertinent employees) and external landscape (Crandall et al. 2010), to anticipate pertinent issues that may trigger a security or safety risk, as well as less immediate threats via ‘what if’ scenarios (Bernstein 2011).

Another crisis preparedness activity is the Emergency Response Plan (ERP), which provides up-to-date advice to employees about what should be done when a crisis occurs. Lerbinger (2012: 36) suggests building into the plan a ‘crisis threshold’ for each contingency in the form of ‘a concrete signal or set of indicators that a crisis is… imminent.’ In some instances (e.g. escalating political uncertainty) this may require a deliberate effort to monitor, through security appraisals or local partners (Ronalds 2010), as a way to integrate a series of weak signals that might indicate the escalation from a ‘developing situation’ to an ‘acute crisis’ (Devlin 2007). One purpose of identifying triggers for evacuation in advance is to reduce the potential for sub-optimal decision making stemming from psychological stresses and cognitive biases, which can be activated during the crisis events (Sweeney 2008).

The research suggests that organisations’ approaches to policy and planning range from comprehensive and in-house through to fully outsourced, to those that simply have no provision for emergency situations. Howard (1991) recounts an instance of the last: despite Saddam Hussein’s deployment of massive troops along the Kuwaiti border prior to the Kuwait crisis, many MNEs failed to prepare for an invasion and some companies deserted their employees immediately following the invasion (they were neither paid nor rescued). It was evident that the ‘deserters’ were primarily small companies with international contracts based on specialised knowledge that lacked HR professionals and/or crisis management/planning. At the other end of the spectrum, international NGOs often employ their own in-house or contracted security experts in the head office and/or designated field locations (Van Brabant 2001).

2. Assessment and screening: While expatriate selection has received substantial attention from researchers, little attention has been paid to assessing the suitability of potential assignees based on existing medical conditions and psychological preparedness for crisis events. While government organisations like the British Foreign and Commonwealth Office exclude expatriates deemed physically or psychologically unsuitable for dangerous regions (Patel et al. 2000), we found no evidence of this within the corporate sector, and no studies examining the nature or effectiveness of these measures. Similarly, we found no research on the extent to which experts (e.g. security analysts) were involved in screening candidates for suitability to be assigned to high risk locales.
3. Training. Staff training is recommended so that relevant people are aware of the crisis plan and organisational policies, and have the capability to respond. Suggestions about the contents of pre-departure training appear to be location and profession specific, but include knowledge and skills to help the expatriate prevent crime, terrorism, and medical risks (Hunt 1996; Pearn 1997). Sawyer (2006) reports that companies are increasing personal safety training for expatriates, although there has been little empirical verification for this claim. A range of training possibilities exist, from ‘talking through’ how well policies would be implemented (Bernstein 2011) to putting policy into practice in a controlled environment via crisis drills or simulations (Lerbinger 2012).

4. Housing/location: Literature is limited, but does identify the need to establish links with organisations that can provide ‘managed care’ for expatriates (Hunt 1996). It would appear that various configurations exist, each with benefits and drawbacks. Concentration of expatriates in enclaves makes them physically identifiable but also a concentrated target for irregular man-made crises like kidnapping. Geographical dispersal or community embedding makes staff less identifiable, but possibly harder to assemble in the event of crisis.

5. Organisational culture: Finally, it is suggested that firms build a culture that support crisis preparedness. This includes cultivating employee vigilance, a management style that encourages dissemination of information, and the use of relevant technologies like an integrated internal database, online access to external databases, and a diagnostic database (Goldstein 1995; Lerbinger 2012).

During the crisis
This phase includes the process, communication and other actions involved in managing the crisis. In the corporate sector, the organisation’s financial and reputational impacts are the focus of the bulk of the research, especially relating to communication (Jordan-Meier 2011). Our focus is on literature concerned with the expatriates’ health and safety, and their relocation so these can be managed in a stable environment. In reviewing this literature we identify three themes: the role of crisis management teams (CMT); the processes and logistics associated with the crisis; and communication and inter-agency coordination.

1. Crisis Management Team: The CMT is tasked with actively managing the crisis. Literature that discusses CMTs is commonly case-based, reviewing the role and function of a CMT during a particular crisis (Lerbinger 2012). The emergency response plan (see above) should identify the team’s membership, responsibilities and contact details, as well as the mechanisms by which the team is activated (Crandall et al. 2010). The CMT should have a designated commander and command centre, typically in the organisation’s head office (Crandall et al. 2010). Members are recommended to possess the ability to work as a team, handle pressure, make balanced decisions, listen carefully, and manage the uncertainty and changing nature of the situation (Chandler 2001). The volatility that exists during crises increases the risk of cognitive and informational biases, and miscommunication among CMT members (Coombs 2007). For these reasons, it is suggested that the CMT be carefully selected, comprise members from different business units, and receive targeted team-based training, especially relating to communication during the crisis (Coombs 2006; McKinney et
al. 2005). While ‘rational decision-making’ heuristics are available (Janis & Mann 1977), current research recommends less prescriptive and more emergent decision-making approaches (Gilpin & Murphy 2008).

2. Processes and logistics: Evacuations related to medical crises are prominent in the literature with studies indicating that 3–10 per cent of expatriates require evacuation during their assignment for health reasons, depending on the cohort and location factors (Boggild et al. 2007). The most common evacuation method appears to be aeromedical evacuations (Leggat, 2005), where evacuees are usually transported to either the nearest hospital or their home country (Peytreman et al. 2001). Although agencies such as the military assume responsibility for aeromedical evacuation services, Leggat (2005) found that many firms shift the onus of evacuation onto the expatriates and pay them cash in lieu of a fully insured evacuation plan.

Much of the crisis management literature into the logistics of evacuation focuses on generic health and safety issue like relocating staff away from imminent danger (e.g. evacuating facilities). We found no studies addressing the specific challenges of managing these processes for expatriate staff, like geographic distances from the CMT and head office, operating across different time zone, or managing evacuations within different cultural, linguistic or regulatory environments. We also found limited literature relating to the role that expatriates, especially those in leadership positions with responsibility for host-country staff or plant, may be asked to play in emergency circumstances, despite the noted importance of on-the-ground leadership (Burke and Cooper 2008). For instance, Wardle’s (2006) study of the 2002 and 2005 Bali bombing showed that during the (tourism industry) crisis expatriates were required to perform a range of hands on crisis management roles despite a lack of preparation or planned role, suggesting either a policy absence or a breakdown between policy and practice.

Nonetheless, the literature does reinforce a range of (often common sense) occupational health and safety issues that international human resource managers must ensure are planned for and implemented at the local level, including having well-rehearsed, site-specific procedures to exit the facility, assemble at a meeting point, and account for all employees (Coombs 2006; Gershon et al. 2011). Han et al. (2006) emphasise the heightened challenges of mobilising evacuees in emergency situations where congested and dangerous routes may be encountered. The importance of ensuring that policy aligns with good practice is underscored by Haynes et al. (2009) who note that poor mass-evacuation policies, particularly with relation to natural disasters, may in fact increase injury and fatality rates among evacuees. Finally, while our attention is on managing expatriate evacuation, it is notable that the criteria firms employ for evacuating locally-employed staff may differ from those relating to expatriates (Peytreman et al. 2001).

3. Communication: The literature highlights the importance of being able to maintain two-way contact with those caught up in the crisis, keeping people informed with updates, including family members outside the crisis zone (Drabek 1999), and tactics to facilitate this; for instance, loading the mobile phone of staff with relevant contact details before departure (Lerbinger 2012), or using pre-arranged code words to communicate sensitive information (Howard 1991). At present, discussions of the use of cutting-edge technology
and social media tend to focus on its role in unearthing or responding to ‘reputation’ crises (Bernstein 2011). The role of these as means of information collection or communication in the lead up to, and during, more extreme crisis events has gone unexamined. Analysis of communication via a ‘situation room’ or ‘crisis management centre’, which often operates around the clock, commonly identifies the contribution of such arrangements to the effectiveness of evacuations (Burkle et al. 2005). Finally, Lerbing (2012) suggests keeping a log that includes information received, and decisions and action taken, in order to improve objectivity in decision-making, and to use during post-crisis debriefings.

Post-crisis
The post-crisis phase commences once the crisis event has passed; in this case, once the expatriate has been evacuated from the crisis area to a stable and predictable environment. Just as the international HRM literature has tended to overlook later stages of the expatriate lifecycle, the post-crisis phase has received the least attention from crisis management researchers. Notwithstanding this, our literature review suggests a thematic focus on two activities: post-crisis care to affected individuals, and organisational learning arising from the crisis.

1. Individual post-crisis support: Literature has tended to focus on supporting individuals to deal with psychological trauma of crisis events. Issues that might be confronted by evacuees are anxiety-related reactions with long-term psychological and physiological consequences, including sometimes chronic morbidity (Hirshon et al. 1997). These conditions may apply not only to the event victims, but also to others who may have entered the crisis zone afterwards to assist (‘entry victims’), those who had strong ties to the affected area (‘peripheral victims’), such as other in-country expatriates (Dudasik 1980), as well as people within the organisation who may feel guilt associated with encouraging the expatriates to accept their position (Taylor & Frazer 1980). An early model of the psychological impacts of disaster focused on the period of ‘impact’, during which primary stressors relating to the disaster are activated, a ‘recoil’ period when secondary stressors may replace primary ones, and finally the ‘post-traumatic’ period during which the individual confronts the effects of the disaster on his/her life (Tyhurst 1950). Thus, long-term treatment or counselling may be required (Hehenkamp & Hargreaves 2003). Individuals may benefit from a range of post-crisis support mechanisms, including diagnostics (e.g. ongoing health check-ups, mental health assessments), education and monitoring (Raphael 1986).

2. Organisational learning: Finally, practitioners and researchers alike highlight the importance of using the crisis experience as a learning opportunity (Crandall et al. 2010), and instilling these experiences into the firm’s institutional memory (Bazerman & Watkins 2008). The challenges of learning are exacerbated by the tacit nature of much of the knowledge required of crisis managers. While issues around business continuity may not be directly relevant, well organised approaches to ensure evacuees’ work and social readjustment after crisis situations may ameliorate some psychological stresses associated with evacuation (Sánchez & Goldberg 2003).

International HRM and emergency evacuation: A research gap
The body of literature reviewed above has a number of limitations. Much of it is prescriptive and practice-driven, and robust conceptual models or frameworks are yet to be developed. Howard (1991: 30) points out that firms often view safety and security issues from a narrow ‘occupational health and safety’ perspective, and argues that HR practitioners should view crisis management more strategically as an issue of ‘social and ethical corporate responsibility’, including taking a stronger role in emergency evacuation. Twenty years on, the literature confirms there has been little response (Czinkota et al. 2010). Our review resulted in a dearth of research into emergency evacuations from a HR perspective, reflecting a general lack of practice among corporate MNEs (Mitroff & Alpaslan 2003). Like much of the management research, HR researchers tend to associate crises with financial or reputational problems; for instance, expatriate assignment failure (Chew 2004). Research that comments on emergency evacuation or evacuee repatriation does so tangentially without embracing it as a topic for detailed research (Downes, Thomas & Singley 2002). For instance, studies of expatriate training in MNEs, though nowadays comprehensive, are silent about developing assignees’ emergency response capabilities (Mendenhall & Stahl 2000). Howard (1991) is an exception to the absence of HR literature, noting some of the issues that require tactical and strategic involvement of HR specialists to support evacuees including: relocation; housing; children’s schooling. She argues that human resource professionals are ‘key players’ in emergency evacuation efforts ‘because the scope of the need goes far beyond the purview of the security department of each corporation’ (Howard 1991: 32).

The lack of research and crisis preparedness is somewhat surprising, given the rhetoric of MNEs related to global talent management, and the importance of expatriates to this process (McDonnell et al. 2010). The emergence in recent years of specialist firms offering employee assistance programs (EAPs), including some like International SOS that specialise in risk and emergency support, may have led firms to rely on outsourcing this aspect of the expatriate management processes, despite calls for firms to be more proactive (Meunier 2007). Our review highlights the context-specific nature of many of the ‘best practice’ approaches and suggests that the most effective crisis management methods may be customisable to suit the individual expatriate (e.g. age, physical and psychological fitness, decision-making abilities), the position, the location (e.g. access to, and quality of, infrastructure), the context, and the nature of the crisis. Moreover, implicit in much of the research is the importance of a holistic approach, with the most effective programs being those that are integrated within different aspects of the firms’ operations and expatriate lifecycle management. For these reasons, ‘off-the-shelf’ outsourced crisis management models may be less effective in practice.

Based on our review, we suggest several potential avenues for future research from an HR perspective. These are summarised below under the three stages of evacuation:

**Pre-crisis**

- What factors prompt some organisations to invest in screening and training of expatriates for crisis-resilience?
- What attributes/characteristics of organisational culture are associated with highly crisis-prepared organisations?

**During the crisis**
• What assignment features influence evacuation policy and practice?
• What are the characteristics of organisations’ crisis management operations?
• How do organisations utilise social media and leading edge technology in responding to evacuation crises?

Post-crisis
• What role has HR in post-crisis support for evacuees and other affected personnel?
• How do organisations capture insights from evacuation incidents to enhance evacuation practices?

In addition to these questions relating to each of the three crisis phases, we suggest five broader avenues for exploring the crisis policies and practices of firms:

1. Which aspects of crisis management (pre-/during/post-crisis, medical/natural disaster/irregular/regular) do organisations emphasise?
2. How does the type of organisation (sector, industry, size) influence evacuation policy and practice?
3. How does prior exposure to risk or experience with emergency evacuation influence evacuation policy and practice?
4. In what ways does location of headquarters and host entities influence evacuation policy and practice?
5. What are the consequences of outsourcing emergency evacuation arrangements to external providers? What shapes the product and service provision of external providers?

Collectively, these issues establish a basis for the development of a conceptual model that could be used to examine emergency evacuation policies and practices.

In considering how researchers might go about addressing these questions, the review suggests a number of potential avenues, as well as challenges to be overcome. Most noticeably, much of the literature reported above that is most directly relevant to evacuation of staff comes from studies outside the corporate sector, and in particular from the international development sector (Stoddard, Harmer & DiDomenico 2009). This may not be surprising. Recent studies show increased incidence of violence and other evacuation triggers against international NGO staff (Stoddard & Harmer 2010). In the corporate world, these types of crises are less common and so corporate interest in the security of staff is fickle, such that it ‘rises and falls with the surges and lulls in terrorism and other potential dangers’ (Howard 1991: 33). While the exchange of business and HR practices between the corporate and NGO sectors is limited, these international NGOs—more conditioned to managing staff in high risk locales and dealing with crises and evacuations more regularly than most corporate MNEs—may provide fruitful information sources for researchers and practitioners alike. Within the corporate world, firms which are familiar operating in high risk contexts, like those in the energy, mining and resources, or media sectors, might be best positioned to provide useful guidance on comprehensive evacuation management. A comparison of firms employing different configurations of crisis management models (e.g. outsourced, in-house) is likely to unearth organisational characteristics and on-the-ground conditions in which different models may be more (or less) effective.
Finally, we feel it important to conclude by pointing out that organisational efforts to address perceived weaknesses in the way they manage the safety and security of expatriates, including evacuation policies, are likely to encapsulate a wide-scale change management process requiring careful planning, executive support, and adequate resources. These factors may act as a deterrent to organisations. Of particular note is the trade-off between expenditure of present resources (usually financial and manpower) for an uncertain future benefit (Bazerman & Watkins 2008), and the cross-functional nature of the process. For example, understanding what role HR could most productively play first requires untangling of distinctions between HR, operational and executive responsibility. At the same time, organizations engaging in processes like this may present researchers with opportunities to capture in-depth longitudinal data that document change manage cases from the ‘trigger’ that instigates the change process, through policy development and roll-out to (potentially) implementation via evacuation.

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‘A Total Anathema to Labor?’ – the privatisation debate in Western Australia in the 1980s

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Introduction
In the 1996 Curtin Memorial Lecture, John Cain asserted that the radical change of direction away from the policies of Curtin’s wartime Labor government came, not with the victory and lengthy period in government of the Liberal National (Country) Party coalition from 1949 to 1972, but with economic rationalist policies being embraced by both sides of politics in the early 1980s. Cain stated that the economic theory proposed by the Chicago School, ‘ought to have been seen as a total anathema to a labor party concerned about social democracy, protecting the under-dog, not to mention fairness and a more egalitarian society’. Cain saw the 1990s as being dominated by ‘self interest, not collective interest’. He reiterated that fighting inequality was at the very core of Labor’s beliefs. ‘The principal task of a government is to look after its citizens’. Cain listed several features of modern Australian society, which, he believed, reflected a change of direction away from the values and policies held by earlier Labor Governments. These included a shift in public policy from State solutions to market solutions, and the privatisation of public assets.

This paper examines the Western Australia trade union movement’s opposition during the mid to late 1980s to privatisation proposals by both the Federal and State Labor Governments. After contextualising the anti-privatisation campaigns, the paper traces the events of the campaigns, identifying the major protagonists, the strategies used, the outcomes and their impact on the ALP (WA Branch), the TLCWA and their affiliated bodies. The paper asks whether, in the light of these outcomes, Cain’s assertion that the policies of economic rationalism – and in particular privatisation – were an ‘anathema’ to Labor was justified, or was he unrealistically harking back to a previous age and a different style of Labor politics? In conclusion, the paper examines whether, given world and national trends, union attempts to reverse the growth of privatisation, could ever have been more than wishful thinking.

Historical Background
According to economist Roger Wettenhall, while the Australian public sector from colonial times until the 1970s was ‘relatively large by the standards of Western democracies’, compared with public sector involvement in the economies of many developing countries, it was not large. Also, many Australian state-run enterprises were profitable and ran in

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1 An annual lecture, hosted by the Australian Labor Party [ALP], in honour of John Curtin (1885-1945), Australia’s wartime Prime Minister and Leader of the ALP.
2 Premier of Victoria, 1982-1990, and leader of the Victorian branch of the ALP.
4 The American spelling of ‘Labour’ for both the Australian Labor Party and the Trades and Labor Councils was adopted in Australia around the end of the 19th century and consequently is used throughout this paper, except where referring to those bodies which use the English spelling ‘Labour’; however, general references to the ‘labour movement’ use the English spelling.
competition with private enterprises, rather than holding a monopoly.\(^5\) Wettenhall dated the beginning of the ‘dramatic change’ to privatisation from the latter years of the Fraser Liberal/National Party Government, an ideological shift which continued in the Hawke and Keating Labor administrations. This situation meant that ‘though the party’s rank and file and its trade union supporters strenuously resisted, the party leadership became converted to economic-rationalist values and determined to mount a program of microeconomic reform.’\(^6\) This paper supports Wettenhall’s assertion in relation to Western Australia.

The anti-privatisation campaigns in WA were led by the Trades and Labor Council (TLCWA). The peak trade union bodies in each of the Australian states, TLCs have been in existence in the 1850s, with the Melbourne Trades Hall Council (formed 1856) even preceding the London Trades Council (1860) and the English Trades Union Congress (1868).\(^7\) The Australian Labor Party (ALP), formed in 1891, belongs to a small group of political parties around the world, which are ‘characterised by having trade unions directly concerned with their organization, administration and selection of candidates’.\(^8\) In Australia, as in Britain, the Political Labor Party and the TLC were separate bodies, despite their close relationship – the one exception being Western Australia, where from 1907 to 1963 the labour movement operated as a unitary industrial and political organization.\(^9\) By the 1980s, however, an independent TLC had been operating in WA for two decades.

During its first twenty years of existence, with the exception of one term of Labor Government (1971-4), the TLC operated in the context of potentially – and sometimes actually – hostile non-Labor administrations. As elsewhere in Australia, the Liberal Party and the National (Country) Party frequently formed a coalition in order to maintain a majority of seats in the Legislative Assembly, and this was the case with the Brand and Court administrations of the 1960s, 1970s and 1980s – the period discussed in this paper. No matter what Party governed in the Legislative Assembly, until the 1990s, the State’s inequitable legislative electoral system ensured that the non-Labor parties always held a majority in the Legislative Council – a circumstance that negatively affected the passage of reform legislation put forward by Labor administrations.\(^10\) Despite this situation, however, the ALP remained wedded to its objective of achieving ‘the socialisation of industry, production, distribution and exchange’, agreed at the 1921 conference\(^11\) (which will be discussed in greater detail later in the paper), and the State was the major employer of the industrial workforce. Privatisation of State-owned factories and transport systems was not


\(^8\) D.J. Murphy, ‘Introduction’ in *Labor in Politics: the state labor parties in Australia 1880–1920*, ed. D.J. Murphy, (St. Lucia, 1975), 3.


on the agenda of either side of politics, but this would change swiftly in the 1980s as the result of a number of interconnected factors.

The decline of trade union membership

The 1980s saw the beginning of a steep decline in trade union membership Australia-wide. Membership fell below 50 per cent among public sector workers, traditionally a strongly-unionised group; a rise in part-time employment meant fewer workers were able or inclined to sign up, and the proportion of jobs in sectors that were not traditionally unionised and that had higher numbers of female workers increased. By 2001, only about 17 per cent of workers in the retail trade and cultural and recreational services sectors were unionised. In contrast, the skilled trades workforce – traditionally a union stronghold – declined. In Western Australia, for example, the waged workforce of the State’s biggest closed shop, the Government Railway Workshops at Midland, was reduced from 2,300 in 1982 to 1,094 in 1990, with the Workshops closing in 1994 – a victim of the shift from State-owned industries to privatisation. The work went either to private companies, where the ‘closed shop’ principle was not always observed, or interstate.

Another factor was the mineral boom in the North West that had begun in the 1960s. Trans-national companies with headquarters in Japan, the United Kingdom or the USA entering partnerships with major Australian-owned or operated companies such as Broken Hill Proprietary Limited or Western Mining Corporation, brought with them a culture that was hostile to unionisation and a work ethic that broke down the established demarcations between one skilled trade and another, that previously had been safeguarded by the arbitration system. Increasingly, transnationals such as US-owned Cleveland Cliffs Iron Company owned the mine site and the entire town where the workers and their families lived, and union awards began to be replaced by site agreements, whereby employers drew up contracts with all of the unions on one site. In this environment, skilled tradesmen were expected to become ‘multi-skilled’ and the traditional demarcations, based on specific trades skills, disappeared; there was a dependence on the company for the provision of lodgings and daily necessities as well as a wage; long hours were masked by ‘bonuses’ and comparatively high wages, and the presence of a very mobile workforce militated against union organization.

This suggests a causal link between increased privatisation and rapidly declining union density. Research in both Australia and Britain has indicated that privatisation of the

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12 Australian Bureau of Statistics figures show that while the males employed in construction sector, for example, decreased from 493,300 (13 per cent of the male workforce of 3.8 million) to 462,900 (11 per cent of the male workforce of 4.2 million) between 1976 and 1986, the number and percentage employed in Community Services increased from 322,500 (8.5 per cent of the workforce) to 1,173,000 (28 per cent). Australian Bureau of Statistics, The labour Force Australia 1976-80 and The labour Force Australia 1981-89. Consequently, traditionally less unionised occupations are increasing in numbers, whilst highly unionised occupations are decreasing.


industrial work force is a significant factor in reducing union density, and at times has been used as means of weakening union power.\textsuperscript{16}

**Changes to ALP Policy**

Workforce changes and the weakening of the union support base influenced the policy direction and ideology of the ALP, the party that traditionally represented skilled workers. Since 1921, the Federal ALP and its State branches had adhered to the ‘Socialist Objective’. Labor governments were committed to furthering public, rather than private, ownership of major instrumentalities, such as railways, railway workshops, power stations, airlines, hospitals and postal and telecommunications services. But by the mid 1970s, senior party officials began to believe that ‘socialism’ was becoming a negative factor in elections.\textsuperscript{17} At its National Conference in 1981, the Party adapted its ‘socialist’ platform to emphasise equality; democracy; liberty and social cooperation. Significantly, the Party’s revised ‘Basic Principles’ and ‘Objectives’ stressed the right to own private property, and abandoned the ‘nationalisation of industry’.\textsuperscript{18} At the same conference, the ALP and the Australian Council of Trade Unions (ACTU) issued a joint statement, committing trade unions to a policy of wage restraint and industrial harmony that would be implemented as the Accord when Labor achieved government.\textsuperscript{19}

The Labor governments that were elected both federally and in Western Australia in 1983, after lengthy periods in Opposition, were markedly different from previous ALP administrations. The new Premier of Western Australia, Brian Burke, adopted a ‘presidential’ leadership style. The new administration increased its executive powers by creating a new Department of Premier and Cabinet, which coordinated and monitored the implementation and review of Government policy, gave the Premier much greater control over submissions to Cabinet, and streamlined the process of introducing and developing policy, while significantly reducing the power of the Party’s State Executive.\textsuperscript{20} Henceforth Burke and his cabinet made policy decisions that once had been decided by the State Conference and the State Executive – and these decisions included the role of private enterprise in developing the State’s resources.

Under Burke, the State became much more active in economic planning, but this was not a return to the ‘nationalisation of industry’ platform. During the mineral boom, under non-Labor administrations, much of the State’s wealth had gone to investors in the eastern states or overseas. In seeking to stop this ‘drain’, the State Government not was merely echoing the old Western Australian refrain of exploitation by ‘t’othersiders’; it entered new territory by implementing policies for generating wealth within the public sector. To this end, the Burke administration set up corporations, such as the WA Development Corporation, which purchased companies from major entrepreneurs such as Alan Bond, the head of Bond Corporation – but (somewhat curiously) included those same corporation


\textsuperscript{17} Bobbie Oliver, *Unity is Strength. A history of the Australian Labor Party and the Trades and Labor Council in Western Australia, 1899–1999*, (Bentley, 2003), 293.


\textsuperscript{19} Oliver, *Unity is Strength*, 302.

\textsuperscript{20} Oliver, *Unity is Strength*, 304-305.
heads as Directors of the new state corporations. The Government’s appointment of entrepreneurs from the private sector to manage its assets was controversial, and had devastating consequences for the ALP in Western Australia. The Burke government’s policies marked a new direction that boded ill for advocates of the nationalisation of industry, and those who believed that it was a government’s function to provide facilities for its people, rather than turn these facilities into profit-making enterprises. In reality, far from making profits, these government-funded corporations incurred devastating losses. While some saw this as an indictment on State involvement in business enterprises, the worldwide economic crash of October 1987 and the government’s action in attempting to bail out Rothwells Bank, were at least partly to blame. It was in this context that the privatisation debate was waged – and lost – by those in the labour movement who supported retaining State-run enterprises.

The privatisation debate
The privatisation debate in Australia was influenced by international events, especially the Thatcher Government’s push, in the early 1980s, to privatise many British public instrumentalities, and responses to ‘Thatcherism’ by Australia’s Federal Labor Government and the Liberal Party-led Opposition. R.J.L. (‘Bob’) Hawke, the charismatic past-President of the ACTU, led the ALP to power in 1983, two weeks after Burke’s victory in WA. The Federal government implemented the Accord, whereby unions promised industrial harmony in return for a system of wage indexation; in short, the unions would not demand wage rises in excess of the cost of living. The ‘Accord’ created divisiveness, especially among unions representing lower paid employees, but it contributed to Labor’s electoral success, as the previous government had been dogged by industrial turmoil centred on wage rates. The Accord was soon seen by many as a ‘union taming’ instrument employed to make Labor a more attractive alternative to a new electorate with a declining blue collar workforce; unions stood to gain very little from it. Indeed, the TLCWA found the Labor administrations of 1983 to 1993 quite unsympathetic in disputes with major trans-national companies such as Robe River Iron Ore and Peko Wallsend. In a climate where both sides of politics in Australia increasingly adopted ‘Thatcherite’ policies of economic rationalism, both State and

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22 At the end of the 1980s, when the full extent of the government’s poor judgement in its financial dealings, resulting in major losses of public money, became known, a scandal erupted that resulted in a Royal Commission into so-called ‘WA Inc.’ in the early 1990s. Apart from my own study of ‘WA Inc’ in Unity is Strength, especially pp. 326–8, there are numerous published and unpublished works on this period of WA history including: A. Peachment, ed., Westminster Inc. A survey of three states in the 1980s, (Sydney, 1995); A. Sayers, ‘Western Australia: picking up the pieces’ in The Machine: Labor confronts the future, ed. J. Warhurst and A. Parkin, (St. Leonards, 2000), 152–68; Quentin Beresford, The Godfather, (St. Leonards, 2008); A. Watkins, ‘The appointment and construction of a Royal Commission into WA Inc.’ BA Honours Thesis, Curtin University, Perth, WA, 1992.

23 Oliver, Unity is Strength, 315-318.


Federal Labor governments in Australia appeared keener on providing efficient and acquiescent workforces than remaining true to their roots in upholding workers’ rights.26

The particular aspect of economic rationalism discussed here is the drive to privatise state-owned facilities. According to WA Senator Peter Walsh, Finance Minister in the Hawke administration (1984–1990), the ‘privatisation debate’ began in April 1983, when the Federal government’s Expenditure Review Committee met to discuss capital injections for Qantas and Australian Airlines (the government-owned domestic carrier).27 Walsh believed that either the airlines should be allowed to increase their borrowings, but be required to pay interest at market rates, thus pressuring them to ‘maximise their performance’, or they should be sold. Hawke, however, ended the debate by stating flatly, ‘That is an option which is available to our political opponents, but is not available to us’,28 and the airlines received further government funding. The matter was not raised again until the mid 1980s.

Meanwhile, the Burke Government and the TLCWA had made an Accord-style agreement, formalised in the Western Australian Labor Tripartite Consultative Council Act, 1983. The tripartite (government/industry/unions) negotiations included re-writing the Industrial Arbitration Act and establishing an Occupational Health and Safety Commission. Like the Accord, the TCC effectively muzzled union opposition, as evidenced when the Government retrenched 323 civil servants, closed the Public Works Department Architectural Division, and restructured or sold off state instrumentalties and assets, without consulting the union movement.29 By late 1985, many unions saw the privatisation of the public sector and the deregulation of the labour market as central to the State government’s agenda – even if Hawke was assuring the contrary in the federal sphere. This belief sparked the anti-privatisation campaigns of the latter 1980s, begun by individual unions but soon led by the TLCWA.

The first Anti-privatisation Campaign (1985-86)

Just before Christmas 1985, the TLCWA decided to support the unions’ campaign to educate the public on the impact of privatising the public sector and deregulating the labour market. The campaign strategies were aimed at business owners and employers and well as employees. TLC President Clive Brown wrote to branches of charity organisations such as Rotary and Lions, pointing out that privatisation policies pursued by overseas governments had adversely affected small businesses and consumers. Brown correctly foresaw that labour market deregulation threatened the Australian arbitration system and could cause ‘major difficulties in industry’. To raise public awareness and stimulate debate on privatisation, the TLC offered speakers to address community groups.30

The campaign was so effective that the Opposition shelved its privatisation policy before the 1986 State election campaign.31 After securing victory in the election, the WA labour movement directed its opposition towards the Federal government’s ‘about face’ on

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26 Oliver, *Unity is Strength*, 347ff.
selling major assets such as Telstra and Qantas. The campaign continued through 1986, assisted by David Heald, an economist from the University of Glasgow, whom the ACTU hired as a consultant to research privatisation and the erosion of the public sector. Heald’s report found some ‘disturbing parallels between the United Kingdom in 1976 and Australia in 1986’, yet concluded, somewhat complacently in the light of later developments, that the labour movement could learn from British mistakes. He saw similarities in the financial problems of the ALP and the (British) Labour Party governments; the existence of an Accord between government and unions, which had encouraged the public to believe that ‘unions are running the country’, when, in reality, unions were ‘locked into the government’s future’, and were often disadvantaged in pressing claims for their members; public hostility to trade unions, and a ‘New Right’ Opposition that had seized the policy initiative.

But, Heald argued, that the ALP was in a much stronger position than the Labour Party to resist the encroachment of New Right economics, because Australian trade unions were more disciplined and had brokered a far more effective Accord than the Social Contract between the Labour Party and British unions, which culminated in a ‘wages explosion’ in 1976. Furthermore, seven years of Thatcher Government, resulting in ‘massive unemployment’ and ‘territorial, social and racial divisions’ should have demonstrated the problems of the New Right agenda. Perhaps Heald’s most serious miscalculation, however, was that John Howard, then Leader of the Liberal Party in Opposition, ‘appears to lack the personal stature necessary to project himself as an alternative Prime Minister’. Howard, of course, served as Prime Minister of Australia from 1996 to 2007. In June 2005, his government gained an outright majority in the Senate and began implementing economic rationalist policies unchecked by a minority Labor opposition. The most damaging of those to the Union movement was ‘Work Choices’, enabling individual agreements between employer and employee. Nation-wide, union membership dropped to around 17 per cent of the workforce. A 2008 study found that ‘Western Australia had the lowest level of trade union membership of any state in Australia, with only 14.3% or 142,600 employees being unionised’ and that this figure had declined by 1.4% from 2007.

But some of Heald’s other forecasts were accurate and should have been heeded as a warning if, indeed, privatisation was an ‘anathema’ to Labor, as asserted by Cain a decade later. Heald advised the unions to resist ‘scenarios where government business enterprises were sold off to raise funds for education and welfare’, as a significant sale of public enterprises would legitimise the privatisation process. Although largely ignored by the ALP, Heald’s report appears to have spurred some initiatives among public sector unions, who launched a national anti-privatisation campaign, headed by a paid coordinator. Part of the campaign was directed at convincing public sector employers of the ‘wisdom of using public sector employment rather than transferring the work to the private sector.’

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37 Heald, Privatisation and Public Sector Reform’, 10.
40 Hand-written notes of meeting, n.d. on file no. 114, in TLC Papers. The unions involved were the Federal Miscellaneous Workers (FMWU); the Civil Service Association (CSA), ACOA,
TLCWA also monitored the State government for any signs of a change of policy. Early in 1987, the Minister for Employment, Peter Dowding, assured TLC officials that the Burke Government had no plans to close or privatise any of its operations.\(^{41}\)

The ALP’s policy backflip.
In mid 1987 the Hawke Government announced plans to sell several public enterprises, including Australian Airlines, Qantas, the Commonwealth Bank, Telecom, Australia Post and the Overseas Telecommunications Commission. This policy backflip appears to have been adopted for purely pragmatic reasons. As King has shown, ‘government requirement for fiscal rectitude’\(^{42}\) was a factor in privatisations during the period. Senator Walsh, who attributed Hawke’s change of position to a full realisation of the ‘budgetary cost of funding capital demands of the airlines, in particular’, would appear to agree.\(^{43}\) But, although some Parliamentary Labor Party members, including Hawke, now saw privatisation as being determined more by ‘whether [a business efficiently] delivers the goods and services required by the public’ than by ideology,\(^{44}\) they failed to persuade the union movement of the efficacy of privatisation.

TLCWA Secretary Clive Brown was appalled at the government’s about face. He told the media that the ‘privatisation debate would decide party allegiances’, and reveal ‘those people in the Labor Party who are closer to business than ordinary wage and salary earners’.\(^{45}\) Several unions supported Brown’s comments and condemned the privatisation, selling or other disposal of Federal Government enterprises.\(^{46}\) The ALP (WA Branch) also protested against the federal move to privatise public assets. The State Executive reiterated that Labor’s national platform rejected privatisation and supported public enterprise and public investment.\(^{47}\) Unions and ALP branches across the State sent resolutions condemning privatisation and objecting to the sale of public assets.\(^{48}\) Apparently, by the late 1980s, therefore, the union movement and the State ALP still regarded privatisation as an anathema, but not the Federal ALP.

The second anti-privatisation campaign (1988).
A meeting of TLCWA affiliates on 14 December 1987 endorsed the strategy for another Public Sector campaign, which commenced with a media launch on 11 January 1988. Emphasis was placed on the significance of contracting out in local government.\(^{49}\) The second stage, beginning late in February, included a public meeting at the Perth Town Hall,

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\(^{41}\) Brown to Burke, 17 February 1987 in TLC Papers, file 114.

\(^{42}\) King, ‘Why privatization?’, 3.

\(^{43}\) Walsh, *Confessions of a Failed Finance Minister*, 107.

\(^{44}\) Walsh, *Confessions of a Failed Finance Minister*, 107. According to Walsh, Hawke had changed his position ‘almost 180 degrees’.

\(^{45}\) West Australian, 19 August 1987, and copy of press statement, dated 1 September 1987, in file 114.

\(^{46}\) Minutes of a meeting of TLC affiliates, 29 September 1987 in file 114.

\(^{47}\) Minutes of the ALP State Executive, 24 August 1987 (uncatalogued).

\(^{48}\) State Executive Minutes, 29 September, 26 October 1987.

\(^{49}\) TLC Minutes, 13 October 1987.
with speakers addressing consumer trade union and welfare issues. This was followed by a series of country meetings throughout March.\(^{50}\)

Tony Cooke, the TLCWA’s Industrial Officer, reported on WA’s Public Sector Campaign to the ACTU in Melbourne. The ACTU was keen to use the WA model for developing sustained campaigns around public sector issues in other states.\(^{51}\) Five WA delegates attended a National Conference on the Public Sector, Privatisation and Social Justice on 21–22 March in Sydney. Conference speakers represented welfare groups, trade unions, women’s interest groups, and consumer organisations. Proposed action included lobbying ALP National Conference delegates, seeking their commitment to a ‘no change’ policy position and asking whether they would be prepared to argue a strongly pro-public sector position if delegates from other states sought policy changes to facilitate privatisation.\(^{52}\) Welfare groups anticipated that privatisation would lead to a massive loss of jobs and widen the gap between rich and poor. Indeed this outcome was borne out in some of the research.\(^{53}\)

Launching the third stage of the TLCWA’s public sector campaign on 25 May, Brown congratulated the WA Branch of the ALP ‘for its efforts to end the divisive debate at the national level’, but noted that ‘prominent ALP politicians continue to spur the debate’. In the past, TLCWA affiliates had struggled ‘to maintain and extend a strong and viable public sector’, but it was impossible ‘to tackle these issues without also tackling sections of the Labor Party’.\(^{54}\)

On the same day as Brown addressed the media, a meeting of public sector unions considered the possible effects of the campaign on the forthcoming 1989 State election. Peter Dowding, who had succeeded Burke as Premier in 1988, endorsed the State Executive’s opposition to privatisation.\(^{55}\) But when seeking clarification of the Federal government’s position, ALP State Secretary Stephen Smith was advised that, while the Prime Minister was ‘committed to a strong, dynamic public sector – which discharges effectively the social obligations the Party places on it’, the Government had to meet its commitments to social justice issues. If the Government met these requirements from the public purse, it would not be able to fully meet its responsibilities in the areas of health, education, the young, the aged and the poor.\(^{56}\) Thus Heald’s warning of ‘scenarios where government business enterprises were sold off to raise funds for education and welfare’ had come to pass.

But now the State Parliamentary Labor Party’s position also shifted. Dowding advised Smith that:

\[^{50}\] Tony Cooke, Report to TLC Executive, 4 February 1988; Circular ‘Public Sector Campaign 1988’ Proposed Strategy’ in File 114.

\[^{51}\] Cooke to TLC Executive, 17 March 1988, re ACTU Meeting on Public Sector & Privatisation in file 114.

\[^{52}\] Report T Cooke to TLC Exec. 28 April 1988 in *ibid*.

\[^{53}\] For example, Rees and Rodley (1993), perhaps somewhat facetiously, defined ‘privatisation’ as ‘direct transfer of valuable community-owned assets to those with ready cash’, and John Ernst (1997) regarded ‘the dynamic of inequality’ as being ‘implicit in privatisation’, both cited in Wettenhall, 148. Wettenhall (‘Privatisation in Australia’, 151-2) argues that, while there are certainly ‘winners’, the ‘losers’ in privatization include those on the wrong side of the widening gap between rich and poor in Australian society: workers retrenched as a direct result of the shrinking public sector.

\[^{54}\] Media Statement, 25 May 1988 in *ibid*.

\[^{55}\] Dowding to Brown, 21 June 1988, in *ibid*.

\[^{56}\] Hawke to Smith, 2 June 1988 in ALP Labor Centre Papers, Box 57, file 5.
Much of the debate on public enterprise seems to be centred on the ownership question, whereas it should be focussed on the performance and efficiency of their operations…. Hence, whilst we will be continuing efforts to improve efficiency, there are no current plans to pursue the issue of privatisation. 57

Nor were the unions united. The strongest opposition to privatisation, understandably, came from public sector unions whose membership would be most impacted by privatising public assets. But some unions showed a stolid indifference to attempts to raise their members’ awareness of the issue, and ignored invitations to attend campaign meetings. 58 Only five unions sent representatives to a meeting on 19 July, which discussed strategies for continuing a substantial campaign on privatisation issues. After this meeting, however, the campaign seems to have gone into abeyance, either lulled by false sense of security after the decisions of the ALP National Conference indicated no radical change of policy, or stymied by the lack of support from affiliated unions. 59

The third anti-privatisation campaign (1989)
Interest was again sparked in March 1989, when Hawke supported privatising many Government authorities. The TLCWA reaffirmed its commitment to:

... an effective, efficient and equitable public sector at the Federal, State and Local Government levels. This should provide modern, timely and relevant service to industry and the community on an equitable basis .... [T]hese objectives are fully compatible with the direct interventionist role for the public sector in assisting the restructuring of the economy similar to those of the more successful European economies. 60

The TLCWA indicated to the Federal Government that it would fight ‘the privatisation of these authorities … fiercely and with all the reserves available to it’. 61

Brown told members of a Parliamentary sub-committee of the State Liberal Party in July that there was an ‘overwhelming argument for a strong and viable public sector for strategic and service grounds’. The conditions and terms of employment in the private sector compared unfavourably with those in the public sector. Richard Court, the Leader of the Opposition, responded that the Liberals were opposed to government involvement in the private sector. 62 When questioned further about their policies, the Party’s only response appears to have been to send the TLCWA a copy of a paper by the Australian Society of Accountants, which extensively quoted Kenneth Wiltshire, Professor of Public Administration at Queensland University. Wiltshire claimed that the Hawke government mishandled attempts to privatise public enterprises by ‘giving Australian unions and their factional allies within the ALP time to mobilise’. This, and Labor’s ‘loyalty to the traditions of [public] institutions’ resulted in a highly publicised saga of reversals, re-launches, inventions of new terminology and re-cycled options’. Even if these sentiments did not set alarm bells ringing, the anti-privatisation lobby should have been warned by the concluding paragraph of this paper, which suggested that the Liberal Party ought to begin asking some ‘hard questions’, such as why did the government own Australian Airlines and how did Telecom

57 Dowding to Smith 25 July 1988 in ibid, (my emphasis)
58 Circular Meecham to affiliates, 8 July 1988, in ibid.
59 TLC Minutes, 19 July 1988, in file 114.
60 Meecham to Brown, 14 March 1989 in file 114.
61 Meecham to Hawke, 21 March, 1989; Brown to Walsh, 8 June 1989; Brown to Willis, 8 June 1989 in file 114.
62 Notes of the meeting are in TLC Papers, file 114.
Australia get its telecommunications monopoly?\textsuperscript{63} The paper, which may never have been read by anyone at the TLC, concluded by stating that while such questions ‘would have seemed absurd to a previous generation’, the time to have ‘the debate over corporatisation and privatisation’ had arrived.\textsuperscript{64} Which factors would aid this circumstance?

An anathema to Labor?

By the mid-1990s, Labor governments had been voted out of office federally and in every Australian State except New South Wales by opponents who espoused and legislated economic rationalist policies. In 1993, the Liberal/National Party coalition, led by Richard Court, took office in Western Australia. Within weeks, the government had revealed that they would close the State’s largest industrial workplace, the Government Railway Workshops at Midland, as well the Robb Jetty Meat Works, and announced staff cuts in other government instrumentalities, such as BankWest, the State Government Insurance Commission and the State Electricity Commission. The Government then embarked on a series of ‘reforms’ that would virtually destroy the industrial relations system. The Court Government legislation brought the State to a standstill with massive protests and Days of Action, but it also served as a model for the Howard Government’s industrial relations policy from 1996.\textsuperscript{65} By the late 1990s, one Sydney newspaper claimed that Australia was a ‘world leader in selling public assets’ – second only to Britain among the OECD countries in the value of privatisations between 1990 and 1997. Sales included the Commonwealth Bank, Qantas and Australian airlines, a naval dockyard, aircraft factories, communications satellite system, its natural gas pipeline system and much of its railway system.\textsuperscript{66}

How did the ALP leadership and rank and file membership respond? The WA Branch quickly set up an Organisational Review Committee, convened by ALP Deputy State Secretary John Cowdell. Cowdell advocated looking for recruits in new places: white-collar union branches of unaffiliated unions, or central branches for interest groups such as women, youth and Aboriginal people. He saw a lack of ‘commonality of interest’ within ALP branches.\textsuperscript{67} Federal ALP President, Barry Jones, had put the matter somewhat more bluntly the previous year while on a visit to Perth. Jones said, ‘Unless we recruit a new generation of supporters ... the ALP as we know it will go out of existence’.\textsuperscript{68} And former Foreign Minister Gareth Evans declared that ‘everything Labor stands for is now open for discussion’.\textsuperscript{69}

This was the environment in which Cain made the remarks quoted at the commencement of this paper. It is interesting that in Ryan and Bramston’s (2003) ‘critical perspective’ of the Hawke Government, ‘privatisation’ warrants only one mention – in Ralph Willis’ chapter on the economy. Willis admitted that some privatisation was ‘predominantly for budgetary enhancement’ and some to overcome difficulties, such as low productivity.\textsuperscript{70} As far as Willis was concerned, Hawke’s economic achievements were ‘extraordinary’, resulting in the economy being ‘much stronger and more productive’. Without the

\begin{footnotes}
\footnotetext[63]{Australian Society of Accountants, ‘Long Road to Reform, 13.}
\footnotetext[64]{Australian Society of Accountants, ‘Long Road to Reform, 13.}
\footnotetext[65]{Oliver, \textit{Unity is Strength}, 352 ff.}
\footnotetext[66]{Wettenhall, ‘Privatisation in Australia’, 145-6.}
\footnotetext[67]{‘On the Road to Positive Reform’, \textit{Labor Voice}, vol. 15, no. 3, December 1993, p. 4.}
\footnotetext[68]{\textit{Labor Voice}, vol. 14, no. 3, September-October 1992, p. 4.}
\footnotetext[69]{‘Hard Labour’, \textit{Four Corners}, ABC, 24 February 1997.}
\end{footnotes}
government’s ‘structural reforms’ (of which privatisation was one), Willis concluded, the Australian economy would ‘still be stuck in the old uncompetitive, industrially combative, low-productivity, protectionist model’ and ‘the trade unions would be sharing a much smaller pie than the new globalised model can deliver’.  

Conclusion
Could the result have ever been any different? As demonstrated above, Australia was not alone in undergoing a dramatic shift towards privatisation of government services in the latter decades of the 20th and the first decade of the 21st century. The ALP leadership adopted a policy whereby major assets were sold off for short-term gain, and claimed that this was beneficial, which inevitably meant that no major political party supported the retaining of public instrumentalities, whereas a mere two decades earlier both parties had taken the state’s role in public enterprises as a given. Was the ALP stampeded into adopting the economic rationalist philosophy of its political opponents in order to be seen to be good economic managers in a tough climate, and if so, did the strategy succeed? Some economists writing in the late 1990s and early 2000s were fairly circumspect about the advantages of privatisation. Wettenhall was of the opinion that the advantages that privatisation brought to some sections of the community equally disadvantaged others, and McKenzie argued that the main reason for privatisation, promoting investment in the economy, was not realised – at least not to the extent anticipated. On the other hand, Australia’s relatively strong economic position today might well be regarded as sufficient justification for the ALP’s ideological shift.

What benefits has the adoption of economic rationalist policies brought to the Party itself? It can be argued that privatisation (with the loss of public sector jobs) contributed to the dilemma in which the ALP found itself after the 1996 election defeat, deserted by its heartland and desperately seeking a new constituency. Privatisation of the work force has been a significant factor in reducing union density, and at times has been used as means of weakening union power. But, sundering of the mass industrial union from the ALP has not been all one-way; apparently trying to escape the tired old media saw that the Party is ‘run by union bosses’, the ‘new’ ALP has been very coy about its relationship with trade unions. So, while Cain was certainly correct in saying that economic rationalist policies ought to have been an anathema to the ALP as it was prior to the 1980s, a radical shift in beliefs and values, under the imperative of demonstrating sound economic management, has resulted in a Party that can rationalise economic rationalism into bringing nothing but good to working Australians.

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72 Wettenhall, ‘Privatisation in Australia’, 145
Work-family-community in Australia: changing gendered outcomes and the impact of work intensification and working from home

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University of South Australia

Rates of employment participation in Australia continue to rise, reflecting women’s increasing participation in paid work, outweighing the decline amongst men. In this context, this paper examines the changing nature of work-family-community interaction amongst women and men in Australia in 2013. The paper considers changes since 2007 which show that perceived pressures amongst full-time women have increased. It seems that workplace norms and practices are associated with high level of perceived work intensification, and these are in turn associated with worse work-life interaction. Further, technological and work organisation changes, like working from home, are not providing relief for most in the context of the current Australian work, home and community configuration: indeed it seems that working from home is associated with higher negative work-life interference, rather than providing a resource that mitigates work-life pressures. Analysis relies upon a large survey of Australian workers conducted in March 2012. The findings explain why public discussion of work-life pressures continues to be lively, and create a case for ongoing policy and action responses in workplaces and households.

Introduction

Recent decades have seen profound changes in the way that men and women engage in paid work in Australia. Two-thirds of Australians are now participating in the labour force (Australian Bureau of Statistics, 2012) and women’s rate of participation has been increasing. Dual earner families are increasingly the norm, and the majority of sole-parents are engaged in paid work.

Yet despite these profound social changes, the male breadwinner /female caregiver model of the 20th century is alive and well in 21st century Australia and many workplace cultures are made in the image of the full-time, male worker unencumbered by care responsibilities. Australian women work around this image and the practices it embeds – while doing around twice as much caring and domestic work as men (Craig, 2007). Almost half of workers are now women and many workers have to reconcile work with a diverse range of activities beyond work, in this context.

This paper considers the changing interaction of the key domains of work, family and community, and the ways in which the potential demands of work intensification and the potential resources of working from home (reducing commuting time and permitting better spatial integration of work and family) affect the pressures that arise from putting together the three major life domains of work-family-community. Thus the three questions we aim to address are:

1. How have gendered perceptions of work-family-community strain changed 2007-2012 in Australia?
2. How are perceptions of work intensification related to work-family-community strain, and to what extent do they constitute a source of demands on Australian workers at present?

3. In a labour market where work can be undertaken at home as well as in a workplace does the possibility of working at home create a positive resource for workers as they reconcile work, family and community demands?

Data source: the Australian Work and Life Index

The Australian Work and Life Index survey has been conducted in 2007, 2008, 2009, 2010 and most recently in March of 2012. Most of the following analysis relates to data from the 2012 survey. AWALI surveys a randomly selected cross-section of the adult Australian employed population by means of computer-assisted telephone interviews (CATI). Of those successfully contacted by phone and who were eligible to participate within the set quotas, 46.9 per cent participated in the 2012 survey. The 2012 survey sample comprises 2,887 employed persons, of which 2,500 were employees and 317 were self-employed (70 did not specify).

AWALI utilises five measures that assess respondents’ perceptions of work-family-community interference (Pocock, Williams, & Skinner 2007). To arrive at a composite work-life index measure, we average and standardise five measures of work-life interference (which are set out in Table 1 below). The minimum score on the index is 0 (indicating the lowest work-life interference) and the maximum score is 100 (the highest work-life interference). The five-item work-life index has satisfactory internal consistency (Cronbach’s \( \alpha = .82 \)). (See Skinner et al 2012 for details of the AWALI 2012 survey and its methods and findings).

Results and discussion

1. Gender and changing work-family-community strain

As Table 1 shows, frequent work-life interference is a common experience for Australian men and women. For around one quarter of all workers, work often or almost always interferes with activities outside work and time with family and friends. A further 30 per cent of workers say that work sometimes interferes with these other life domains. A substantial proportion of workers - around 18 per cent - also report that work frequently interferes with their community connections. These patterns have been consistent across all AWALI surveys since 2007. However there is one change of significance: women are more likely to report that work frequently interferes with their activities outside work. In 2008, 19.3 per cent of women reported this, compared with 23.3 per cent in 2012. There has been no change to the levels reported for men. As observed in previous surveys, the largest gender difference continues to be around time pressure, with 60 per cent of women reporting chronic time pressure compared to 48 per cent of men.

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<th>Table 1</th>
<th>Work-life index items by gender, 2008 - 2012 (per cent)</th>
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<td>23.7</td>
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<td>21.8</td>
<td>23.6</td>
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**Work interferes with enough time with family or friends**

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**Work interferes with community connections**

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**Feel rushed or pressed for time**

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**Satisfaction with work-life balance**

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<td>68.3</td>
<td>67.5</td>
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Note. Response scale on all items except satisfaction scale was never, rarely, sometimes, often, almost always. Table excludes self-employed persons. 2012 N = 2500; 2010 N = 2377; 2009 N = 2306; 2008 N = 2383.

In the 2012 survey, women full-timers are more likely to report frequent work-life interference (32.7 per cent) than full-time men (28.4 per cent). There has been a significant increase in work-life interference for both full-time men and women between 2008 and 2012 – but the increase is most marked amongst women.

There has been little change between 2008 and 2012 in perceptions of work interfering with community connections. Consistent with previous AWALI surveys, 22.2 per cent of men and 24.5 per cent of women reported regular work-community interference.

The extent to which people feel rushed or pressed for time is a simple and direct indicator of the ‘busyness’ of their lives, and also reveals how well work and non-work activities are fitting together. The majority of full-time workers experience chronic time pressure, and this is consistently higher for women. In 2012, around half of full-time men (53.1 per cent) and over two-thirds of full-time women (68.6 per cent) report frequent time pressure. The likelihood of experiencing time pressure has increased in recent years for full-time women, while there has been no change for full-time men.

Part-time hours relieve time pressure to some extent, but as observed in previous years, part-time work offers more protection for men than women. Just under 30 per cent of part-
time men report frequent time pressure compared to just over half (53.3 per cent) of part-
time women. Contrary to the trend amongst full-time workers (especially women), in 2012
frequent time pressures are less common amongst part-time men and women compared to
previous years.

Mothers are particularly affected by work-family-community pressures, with 69.7 per cent
of mothers frequently time pressured in 2012 (59.3 per cent of fathers) — consistent with
previous years. The majority of full-time workers are satisfied with their work-life balance
(64.6 per cent), with men more likely to be satisfied (66.9 per cent) than women (60.5 per
cent). Amongst full-time workers, dissatisfaction with work-life balance has been relatively
stable for men since 2009, at around 20 per cent. In contrast, full-time women’s
dissatisfaction is increasing. The proportion expressing dissatisfaction rose from 15.9 per
cent in 2008 to 27.5 per cent in 2012. If this trend continues next year, women’s
dissatisfaction with their work-life balance will have doubled in five years.

Overall work-family-community interference, as measured by the AWALI composite index,
has been fairly stable between 2007 and 2012. When gender differences in hours are not
taken into account (unadjusted scores), men and women have very similar levels of work-
life interference. However, when we adjust for differences in working hours we find that
women report higher levels of work-life interference (46.0) compared to men (40.3). Work-
life index scores have demonstrated little change over the past six years for men or women.
However, women who work full-time have significantly higher work-life interference in 2012
(with a mean score of 50.7) than in 2007 (45.6). Full-time men have a consistent level of
work-life interference, of between 44 and 45, in each AWALI survey from 2007 to 2012.

Part-timers are less likely to experience work-life interference, and this is also reflected in
their lower work-life index scores (35.3) compared to those working full-time (46.9). Part-
time women have slightly higher work-life interference (36.0) than part-time men (33.8), a
pattern that has been consistent since 2007. Women working part-time report the same
degree of chronic time pressure as men working full-time.

In sum, men’s levels of work-life interference have remained stable over the past five years,
while full-time women’s have deteriorated. Work-life pressures are higher for mothers than
non-parents, and they are particularly high for sole mothers: controlling for their fewer paid
work hours, their work-life strain is equivalent to that experienced by long hours’ workers or
those with a wide gap between their actual and preferred hours. These issues are a cause
for concern. Increasing work and training participation requirements for sole mothers may
have unintended consequences: sole mothers experience high levels of work-life spillover,
especially where incomes are low or precarious.

2. Work Intensity and work-family-community interaction

Intensification of work, characterized by heavy workloads and time pressure, is a common
experience in industrialised countries (Green, 2008). Existing evidence shows that
demanding jobs that are relentless and offer little respite from heavy workloads and time
pressures, are bad for health: they increase the likelihood of stress, burnout and poor
physical health, and negatively affect relationships with family and partners (Kuper &
Marmot, 2003; Michie & Williams, 2003). In AWALI 2010 we found that work overload was a
common reason why workers did not take their full entitlement of four weeks’ paid annual
leave (Pocock, Skinner, & Pisaniello, 2010). Thus a busy, intensive and demanding job can reduce the quality of life outside of work for individuals and also their families and communities.

AWALI 2012 included three measures of work intensification: frequency of working at high speed, working to tight deadlines, and the experience of work overload (i.e. too much work for one person to do). The first two measures are widely used measures of intensification, and allow us to make comparisons between Australia and similar countries in the European Union. The third measure was also included in the AWALI 2008 survey. Overall, there is little change from 2008 to 2012 in reports of work overload – 54.5 per cent of workers in 2008 said they had too much work for one person to do, compared to 54.2 workers in 2012. There is one exception: women working full-time.

Around 30 to 40 per cent of workers perceive themselves as working intensively (36.8 per cent believed they were working at very high speed three-quarters of the time or more; 40.6 per cent believed they worked to tight timelines for three-quarters of the time or more, and 31.7 per cent felt they had too much work for one person to do). Men and women report similar levels of work intensity with the exception of the working at speed measure: women are more likely to report working at very high speed (40.2 per cent) for most of the time than men (33.9 per cent).

The experience of working at high speed or to tight deadlines also differs for workers from different types of households. Parents, and sole-parents in particular, are more likely to report that they work intensively for most of the time, compared to workers without children.

Full-time workers are more likely to report working intensively (at high speed, tight deadlines, too much work) than part-timers. Those working long full-time hours (48+) are most likely to work intensively for three quarters or more of the time, and to report having too much work for one person to do.

Reports of work intensity vary across employment groups, depending on the particular dimension of intensity. Working at high speed is most common in industries that involve service provision, whether in retail, food and accommodation or professional employment such as finance or technical services. Those in health care and social assistance are most likely to work at very high speed and have too much work for one person. A combination of tight deadlines and too much work is most likely for managers and professionals. Working at speed and to tight deadlines is common for those providing professional services (finance, insurance, etc).

When we compare the Australian experience to Europe, there is further evidence that Australians believe they are working more intensively than European workers. Data from the 5th European Working Conditions Survey (Eurofound, 2012) measures perceived intensive working for at least one quarter of the time. Australians are much more likely to report work intensively – at very high speed and to tight deadlines – than their European counterparts. On this measure around 90 per cent of Australians report that they work intensively for at least a quarter of their time, compared to around 60 per cent of those in Europe. This is a substantial gap and suggests that Australians may be much more at risk of the negative health consequences of working intensively indicated in the research literature than workers in other similar industrialised countries.
There is a clear link between perceived work intensity and higher work-family-community interference on each of the work intensity measures (Figure 2). Indeed, working at high speed, to tight deadlines or having too much work each have similar effects on work-life outcomes, with work-life index scores around 50 for those working intensively. In contrast, index scores are substantially lower - around 35 (well below the national average) – for those who are not subject to intensive working conditions. These patterns are similar for men and women.

![Work-life index scores by intensive working conditions](image)

**Figure 2** Work-life index scores by intensive working conditions – high speed, tight deadlines and too much work

Note. Low intensity represents response options ‘never’, ‘almost never’ and ‘around ¼ of the time’ on speed and deadlines items, and ‘strongly disagree’ and ‘somewhat disagree’ on the work overload item. Medium intensity represents response option ‘around half of the time’ on the speed and deadline items. There is no medium option available on the work overload measure. High intensity represents response options ‘around ¾ of the time’, ‘almost all of the time’ and ‘all of the time’ on the speed and intensity measures, and ‘somewhat agree’ and ‘strongly agree’ on the work overload item. Figure excludes self-employed persons. N = 2500.

**3. Working from home: resource or demand for work-family-community reconciliation?**

Working from home is increasingly enabled by new technologies and growth in jobs where work can be completed away from the workplace. Access to flexibility in the timing, scheduling and location of work can be an important resource to support healthy work-family-community interaction. There is a substantial body of research literature in Australia and internationally showing that access to flexible work practices has a number of benefits for workers and employers, including increased productivity (Eaton, 2003; Konrad and Mangel, 2000; Perry-Smith and Blum, 2000), reduced absenteeism and turnover intention (Bailyn et al, 1996; Meyer and Allen, 1997), the ability to attract and retain valued employees (Branine, 2003; Rau and Hyland, 2002), reduced worker stress (Kelloway and Gottlieb, 1998) and increased job satisfaction (Hill et al., 1998; Hyman and Summers, 2004).

According to the Australian Bureau of Statistics in 2008, 13 per cent of Australians worked at least some hours at home and the most common reason to work from home was to catch up on work (Australian Bureau of Statistics, 2008). These findings demonstrate the potential
for working from home to be a ‘double-edged sword’: a practice that can enable workers to do their job more flexibly, but perhaps – where the job is too big to be completed in formal working hours – to expand work into unpaid time away from the workplace.

The benefits of working some hours from home can include reduced commuting time, a change of working environment and greater ease in integrating work and non-work activities. On the other hand, having the capacity to work from home can blur the boundaries between work and non-work time in a way that contributes to longer hours and allows work to expand into personal, family and social time. This is especially a risk where there are no formal controls on working hours and where jobs are demanding and ‘greedy’ (Coser, 1974), poorly designed and too big to fit within nominal working hours.

In AWALI 2012 we asked a series of questions about working from home, with a particular focus on distinguishing between hours worked at home that are paid and unpaid. We also distinguish between working from home on a regular basis, and the practice of taking work home when needed, which is more irregular or unscheduled.

Working from home on a regular basis was not common for Australian workers in the twelve months prior to the survey: only 16 per cent report doing so, with little difference by gender, parenting status or work hours. In contrast, taking work home on occasion was a common behaviour in the preceding year, reported by around 40 per cent of workers. It is interesting to note that many part-time workers take work home: almost a third of women and just over a fifth of men.

We asked workers who either work from home regularly or take work home to estimate how many paid and unpaid hours they had worked from home in the last month. Those workers who work from home either on a regular basis and/or occasionally take work home (44.2 per cent of workers) report working around 22.3 hours per month from home (12.7 paid hours, 11.8 unpaid hours). In other words about half the hours that workers work at home, are unpaid and they amount to about a day and a half a month or 17 days a year.

There is very little variation in these hours between men and women or workers with or without children. Surprisingly, there is also a relatively small difference in paid hours worked from home between full-time and part-time workers. Full-time workers work more unpaid hours at home per month (12.9 hours, 8.5 hours for part-timers), and women work more unpaid hours at home (15.2) than men (11.5) when working full-time.

The longest paid work hours from home are reported by managers (17.8 hours per month) and technicians and trades workers (15.5 hours), and those in the industries of rental/hiring and real-estate (41.2 hours), agriculture/forestry and fishing (32.7 hours), professional, scientific and technical services (23.6 hours), construction (18.5 hours) and electricity/gas/water and waste services (16.8 hours). Working paid hours from home is also more common for workers in the private sector (13.9 hours) than the public sector (7.5 hours).

The longest unpaid hours worked from home are reported by professionals (15.3 hours), and those working in the industries of education and training (21.4 hours), wholesale trade (19.2 hours) and agriculture/forestry and fishing (16.3 hours). In contrast to paid hours, workers in the public sector work longer unpaid hours from home (15.1 hours) than those in the private sector (10.4 hours).
Employees report a range of reasons for working from home, and these differ for paid and unpaid hours. Paid work hours at home are often used to facilitate better work outcomes (productivity, quiet work environment) or – less frequently - to meet personal needs (for flexibility, childcare/family). A third of those who work from home, report that they work paid hours from home to reduce travel time.

Nearly half of those who work from home use paid hours to ‘catch up’ on work. This increases to 70 per cent of those who work unpaid hours from home. Indeed, explicit (workload) and implicit (expectations) job demands are amongst the most common reasons why employees work unpaid hours at home: they are driven by demands that they cannot meet in normal working hours. This finding raises important questions about job design, staffing levels and workload allocations amongst those employees – more than 40 per cent – who do unpaid hours at home. Catching up on work is the most common reason for working unpaid hours at home, followed by having too much to do. There are also positive inducements: just over 60 per cent of workers say they are motivated to work unpaid hours because they enjoy their job, and just over a third believe that additional unpaid hours will assist their career development.

Turning to work-life outcomes, there is further evidence that working from home, as currently practiced, is predominately a response to high work demands and pressures. Taking work home is associated with worse work-life interference. This effect is the same for men and women. Full-time workers who take work home experience worse work-life interference. For those who work longer hours - whether full-timers, fathers, or women without children - working from home on a regular basis is associated with worse work-life outcomes. However, there is no measurable difference in work-life outcomes amongst part-timers whether they take work home or not, perhaps reflecting their lower work-life interference overall which may protect them from an ‘overload’ arising from extra work at home.

Working from home regularly (as a formal flexible work arrangement) has a neutral effect on work-life outcomes: these employees report equivalent work-life interference to workers who do not work from home at all (index score of 39.9 and 38.7, respectively). In contrast, those who take work home, whether combined with regular working from home or as their only home-working practice, have significantly higher work-life interference (index scores 48.8 for both groups).

A similar picture is evident when considering work-life outcomes associated with working paid and unpaid hours from home. The worst work-life outcomes occur for those working both paid and unpaid hours at home. Interestingly, just working paid hours at home is associated with significantly less work-life interference than doing both paid and unpaid hours at home. This may reflect the possibility that such work is scheduled at home with an overall eye to total workload and a clear understanding by workers and their managers that this work is part of ‘normal’ hours, rather than extra, informal catching up or as the means to cope with overload.

These patterns are consistent for men and women with or without children, and for part-time and full-time workers with one exception. For part-timers there is no difference in work-life outcomes between paid hours only and no hours at home, whereas full-timers’ work-life interference is best when no hours are worked from home. Once again, it seems
that part-timers have some protection arising from their fewer hours and lower overall work-life interference, and this is consistent whether they do some work from home or not.

Whilst working from home offers the potential to support and improve workers’ capacity to reduce time pressures (e.g. from commuting) and improve the fit between work and non-work activities, this potential is not being realised for the majority at present. In fact the reverse is true: working from home, especially unpaid hours, is associated with worse – not better – work-life outcomes except for the minority who work only at home as part of a formal regular work-from-home option. There is clearly much more progress to be made to ensure that the practice of working from home enables better work-life outcomes, rather than encouraging longer working hours and responding to the demands of ‘greedy’ jobs and workplaces.

Providing workers with stronger protections against unpaid working hours through regulation is an appropriate policy to consider. The regulation and management of work needs to evolve in response to changing work practices and the shift to more professional and service sector jobs that are unbounded in the time and place of work. In addition, workplace cultures and practices that are supportive of good work-life integration, respectful of the boundaries between work and non-work domains and have reasonable work demands, are also necessary to ensure flexibilities such as working from home are used to support - rather than erode – good work-life outcomes.

Conclusion

AWALI data has now been collected five times since 2007, and there has been little positive change in Australians’ work-life outcomes on average over this time. Indeed there is evidence that pressures are mounting on women who work full-time. A quarter experience frequent negative spillover from work into life beyond their jobs – and many of these are not parents. Many experience job overload and high levels of work intensification.

More policy change and more action in workplaces are necessary to better enable workers to reconcile their jobs with the rest of their lives. Such action needs to extend beyond parents and carers of babies, young children or children with a disability – important as the needs of this group are. In a diverse workforce that is also aging, there is a pressing need for reform that extends flexibility to all workers, regardless of their life circumstances, as well as management and cultural change in workplaces to reduce long hours of work, reduce work intensification and mitigate negative work-life interference.

However, change needs to include but go beyond legislate rights to request – to affect workplace cultures, supervision and management practices and leadership, especially in workplaces that are inflexible at present. Addressing workload management, job design, supervisor practices and workplace norms will help ensure that work-life reconciliation has real operational meaning in workplaces where cultures are firmly fixed against doing things differently (Bailyn, 1997; Lewis, 2001).

The high rates of negative work-life interference for full-time women along with the relatively high rates amongst part-time women, create a case for more active discussion about the ‘double day’ experienced by working women. Women’s continuing responsibility for the bulk of domestic work and care – while long-recognised – continues to be a significant reason for women’s high levels of time pressure. Women’s capacity for greater labour market participation, alongside an inexhaustible capacity to care, cannot be easily
assumed. The combination is already exacting high costs for women’s private lives, and these demands are likely to increase amidst an aging population. Increasing men’s involvement in caring and domestic work is an important part of the longer term solution.

References

201
Reliance on Friendly Benefactors: HR Practices for Sessional Academic Staff

Suzanne Ryan, Egbert Groen, Julia Connell and John Burgess

University of Newcastle, University of Newcastle, Curtin University and Curtin University

The purpose of this paper is to explore the extent to which sessional academics have access to fundamental HRM processes. Using a single university case study of casual academic employment involving a survey of casual academics and interviews with casuals and their managers, the personalised, discretionary and ad hoc nature of the employment relationship is outlined. The results depict a bifurcated system of maximum labour regulation for full-time academics and minimum regulation for casual academics.
Flexibility request-making in the post-Right to Request (RTR) environment

Natalie Skinner, Claire Hutchinson and Barbara Pocock
University of South Australia

The Right to Request (RTR) allows for parents of pre-school children (and those with a disabled child up to 18 years) the right to request flexibility and have their request reasonably considered by their employer. The 2009 and 2012 Australian Work and Life Index (AWALI) allows us to compare rates of request-making and outcomes pre- and post-RTR. In addition, we explore who is making requests, what type of flexibility is being requested, why workers do not make a request (even when they are not content with their current work arrangements) and what outcome acceptance and denial has on work-life interference. We find that the RTR has had little impact so far, mostly reflecting low awareness of the right, including amongst eligible workers. We argue for more publicity about the right, and stronger RTR provision with greater enforcement in order to change organisations where flexibility is still generally unsupported.

Introduction

From 1 January 2010 as part of the National Employment Standards (NES) in the Fair Work Act 2009, some Australian employees gained a ‘right to request’ (RTR) flexibility from their employer. The RTR gives working parents of pre-schoolers or children under 18 with a disability, the right to request flexibility and creates a duty for employers to reasonably consider such a request. Only employees with more than a year’s service, and only casuals with long term and a ‘reasonable expectation’ of continuing employment on a regular and systemic basis, are eligible to exercise this right. Requests must be in writing, give details of the change sought and reasons for the request. In turn employers must respond in writing within 21 days, formally granting or refusing the request. They are able to refuse requests on ‘reasonable business grounds’.

As our Australian Work and Life Index (AWALI) survey of 2009 showed, many employees had already made such requests prior to the enactment of this new provision. Just over a fifth of respondents had made such requests – twice as many women as men - and most requests were fully granted by employers. The work-life outcomes of those who were granted their requests were better than those whose requests were refused. A sizeable group of employees did not make such requests despite being dissatisfied with their current employment arrangements. Many of these employees were men and/or working in male-dominated industries. This suggests that a number of employees might benefit from a new legislative right and stronger legislative support for flexibility to meet their needs. Those who already make such requests are likely to be in workplaces that are not hostile to flexibility requests, and where relationships between employees and their supervisors enable effective communication and negotiation of requests. Such workplaces are also likely to be those covered by collective bargaining agreements and/or policies that enable and
support such negotiations and requests (in the public sector and some larger workplaces for example).

We speculated in our 2009 analysis of request-making prior to the enactment of the formal RTR provision, that pre-existing flexibility request making probably occurred in workplaces where flexibility was not unusual and where managers and workers accepted the need for flexibility as normal rather than exceptional (Skinner & Pocock, 2011). Workplace culture and first line supervision have been shown to significantly affect work-life conflict (Skinner and Pocock, 2008: p.10). Increasing the rate of request-making and widening its availability may not be an easy or simple task beyond these ‘pro-flexibility request-making’ workplaces. It is likely to rely on a number of factors: worker and management knowledge of the new right, a commitment to genuinely enact the right, a desire by workers for flexibility, worker confidence that they will not be directly or indirectly punished or stigmatised for asking, management’s perception that agreeing to requests is worthwhile and that unreasonable refusal will have negative consequences for them.

The AWALI 2012 survey’s assessment of request-making two years on from the enactment of the legislated RTR allows us to consider some of these factors, including the difference that the new right has made thus far in the prevailing economic circumstances. We ask:

- Who is aware of the Right to Request (RTR)?
- Who requests flexibility and whose requests are successful?
- What types of flexibility are being requested?
- Why workers don’t request flexibility?
- What outcomes does acceptance or denial have on workers work-life outcomes?

**Method**

AWALI surveys a randomly selected cross-section of the adult Australian employed population by means of computer-assisted telephone interviews (CATI). Of those successfully contacted by phone and who were eligible to participate within the set quotas, 46.9 per cent participated in the 2012 survey. The survey sample comprises 2,500 were employees.

The survey asked the following questions relating to flexibility:

- Did you ask for a change of work arrangement in the last 12 months?
- Why did you ask for a change of work arrangement?
- What type of flexibility did you request?
- Why was your request declined?
- Why have you not requested flexibility?
- Have you heard of the Right to Request (RTR)?

In addition to the above questions, the survey also collected a range of personal and work related demographic variables.
AWALI index scores were calculated from responses to five items which assess respondents’ perceptions of work-life interference (Pocock, Williams, & Skinner 2007). These five items assess:

1) the impact of work on respondents’ capacity to satisfactorily engage in the activities and responsibilities of other spheres of life;
2) the time available to spend on activities outside work;
3) the effects of work on community connections;
4) time pressure in daily life and
5) satisfaction with work-life balance.

The final AWALI score is standardised with a minimum score of 0 (lowest work-life interference) and a maximum score is 100 (highest work-life interference). The five-item work-life index has satisfactory internal consistency (Cronbach’s $\alpha = .82$). In the 2012 survey, the average (mean) score on the index is 42.8, and the median is 40.0

Results & Discussion

Awareness of a legal right to request flexibility

At the time of the AWALI survey in March 2012, the RTR under the Fair Work Act 2009 had been in existence for just over two years (since 1 January 2010). As Table 2 shows, the majority of Australian workers were unaware of this entitlement 26 months after its introduction.

This may not be a concern amongst those to whom the right does not apply, for example those without young children. However, the low level of awareness amongst parents of young children is a concern. Only a third of fathers and a quarter of mothers of preschoolers were aware that they had a legal right to request flexible work arrangements.

Table 2 also shows that younger people were less likely to be aware of the RTR – just one in five of those under 25. Awareness increased with age, reaching its peak with older workers aged 65+ – most of whom are not eligible for the right (unless perhaps caring for a preschool aged grandchild).

Men and women report similar levels of awareness. However, fathers are more likely to be aware of the RTR than mothers. Women without children under 16 years old have a higher level of awareness (34.5 per cent) than women with children under 16 (25.0 per cent). These findings appear to create a good case for increasing publicity about the RTR, and targeting mothers with young children in particular.

Table 2 Aware of right to request flexible work arrangements (per cent)

<table>
<thead>
<tr>
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<th>Not aware</th>
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</thead>
<tbody>
<tr>
<td>All</td>
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</tr>
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<td>Men</td>
<td>29.6</td>
<td>70.4</td>
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<tr>
<td>Women</td>
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<td>69.2</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18 – 24 years</td>
<td>20.4</td>
<td>79.6</td>
</tr>
<tr>
<td>Age Group</td>
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<td>Women</td>
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<td>---------------------------</td>
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</tr>
<tr>
<td>25 – 44 years</td>
<td>28.8</td>
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</tr>
<tr>
<td>With children under 16 years</td>
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<td>71.3</td>
</tr>
<tr>
<td>Fathers</td>
<td>32.1</td>
<td>67.9</td>
</tr>
<tr>
<td>Mothers</td>
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<td>75.0</td>
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<tr>
<td>With pre-school children (&lt; 5 years)</td>
<td>29.6</td>
<td>70.4</td>
</tr>
<tr>
<td>Fathers</td>
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<td>66.0</td>
</tr>
<tr>
<td>Mothers</td>
<td>23.5</td>
<td>76.5</td>
</tr>
<tr>
<td>No children under 16 years</td>
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<td>68.9</td>
</tr>
<tr>
<td>Men</td>
<td>28.0</td>
<td>72.0</td>
</tr>
<tr>
<td>Women</td>
<td>34.5</td>
<td>65.5</td>
</tr>
</tbody>
</table>

Note: Table excludes self-employed persons. N = 2500.

Awareness about the RTR also differs by income and employment type. In general, awareness is higher for middle income households and for those in permanent employment.

Those most likely to be aware of the right to request are employees in the government sector (40.3 per cent), white-collar workers (managers 35.7 per cent, professionals, 33.2 per cent and clerical and administrative workers 33.1 per cent), workers in firms with 100+ employees (36.0 per cent), and employees in public administration and safety (42.9 per cent), financial and insurance services (38.3 per cent), and electricity and other services or transport/postal and warehousing (35.8 per cent).

Those least likely to be aware were employed in the private sector (25.9 per cent) or in smaller firms (10 to 19 persons) (24.2 per cent), labourers (20.2 per cent) and employees in the agriculture/forestry/fishing, manufacturing, retail trade, accommodation and food services and professional/scientific/technical services (between 22 to 25 per cent in these industry groups).

**Requesting flexibility: 2009-2012**

Given the low level of awareness of the RTR, it is not surprising that we see very little change in the rate of request-making between March 2009 and March 2012 (when the legal RTR had been in place for 26 months).

In 2012, 20.6 per cent of Australian workers had made a request for a change to their work arrangements in the past 12 months, just below the level of 22.4 per cent recorded in 2009.

Requests were more likely to be made by women, by younger and middle-aged workers and parents (Table 3). Not surprisingly, women with pre-school children were most likely to make a request (43.0 per cent). Clearly many of these did not rely upon the RTR as a basis for their request as only 23.4 per cent of all mothers of pre-schoolers reported that they
were aware of the right. Overall, 31.0 per cent of women with children have requested a change in their work arrangements, compared to 19.7 per cent of women without children. Men’s requests showed little variation by parenting status. These patterns were similar to those observed in 2009.

Table 3 Made a request to change work arrangements by gender, age and parenting, 2009 and 2012 (per cent)

<table>
<thead>
<tr>
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<th>2012</th>
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<td><strong>Men</strong></td>
<td>16.3</td>
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</tr>
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<td>24.2</td>
</tr>
<tr>
<td><strong>Age</strong></td>
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<tr>
<td>18 – 24 years</td>
<td>29.8</td>
<td>31.3</td>
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<td>25 – 44 years</td>
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<td>23.3</td>
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<td>55 - 64 years</td>
<td>14.4</td>
<td>13.8</td>
</tr>
<tr>
<td>65+ years</td>
<td>8.6*</td>
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</table>

Parenting responsibilities

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<td><strong>With preschool children (&lt; 5 years)</strong></td>
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<td></td>
</tr>
<tr>
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<td>17.1</td>
<td>19.8</td>
</tr>
<tr>
<td>Women</td>
<td>47.8</td>
<td>43.0</td>
</tr>
<tr>
<td><strong>With children under 16 years</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>16.2</td>
<td>19.2</td>
</tr>
<tr>
<td>Women</td>
<td>34.7</td>
<td>31.0</td>
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<td><strong>No children under 16 years</strong></td>
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<tr>
<td>Men</td>
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<tr>
<td>Women</td>
<td>25.3</td>
<td>19.7</td>
</tr>
</tbody>
</table>

Note: *Estimate unreliable due to insufficient sample size. **Data not provided due to small sample size. Table excludes self-employed persons. 2009 N = 2307; 2012 N = 2500.

Surprisingly, women’s rate of request-making in 2012 is slightly lower than in 2009. This difference is statistically significant for women overall, and for women without children aged under 16. Although this trend is also apparent for women with children (pre-school or older), these contrasts are not statistically significant. There is no significant change in men’s rate of request-making between 2009 and 2012. Overall, the gender gap in request-making has narrowed: while women’s request-making was almost twice that of men in 2009, in 2012 men’s request-making rate was closer to women’s. This reflects a decline in request-making by women, rather than a significant growth in men’s request-making.
Amongst parents of pre-schoolers, the rate of request-making fell for mothers (from 47.8 per cent to 43.0 per cent) but showed a small increase for fathers of pre-schoolers (from 17.1 per cent to 19.8 per cent). These contrasts did not reach statistical significance, possibly due to the relatively small sample sizes (< 100) in each group.

The absence of an increase in request-making following the enactment of the new RTR is unexpected and disappointing. It suggests that the existing right as currently drafted, publicised and administered, is not making very much difference to the flexibility available to parents of young children. Several explanations for this may exist. It may be that fewer employees are discontent with their current work arrangements and therefore fewer are seeking to change them. We find some evidence of this; along with an increase in the proportion of workers who believe that flexibility is simply not possible in their jobs (because they are not convinced their ‘employer would allow it’, ‘their job does not allow it’ or ‘flexibility is not possible or available’ (see Table 6 below). Greater uncertainty about economic circumstances might also help explain why fewer employees made requests for flexibility in the year up to March 2012. Economic conditions were slightly weaker in 2012 than in 2009 (unemployment, for example, was a half a percentage point higher in 2012).

It may also be that extending flexibility beyond those who currently exercise it (those who work in workplaces that already comfortably accommodate flexibility) is challenging. That is, workplaces with inflexible cultures and management styles present significant barriers to a relatively modest and unenforced right (Charlesworth & Heron, 2012).

Reasons for requesting a change to work arrangements

As in 2009, the two most common reasons for seeking a change to work arrangements are study or to meet childcare needs: each accounting for around 15 per cent of requests. Nearly 12 per cent of workers want to increase their work hours (and hence income), whereas around nine per cent make a request to reduce job demands. Ten per cent of workers make a request to change their work arrangements to accommodate health problems.

There are some differences between men and women in the reasons for requests. As Table 4 shows, 20.3 per cent of women make a request to meet childcare needs, compared to 11 per cent of men. In contrast, men are more likely to cite work-related reasons for making a request, particularly to obtain more interesting or challenging work. These patterns were also observed in 2009, with little change in the reasons why workers requested flexibility.

These gender differences are also apparent for working parents. Mothers are much more likely to request flexibility to meet childcare needs (34.1 per cent compared to 20.7 per cent of fathers). Mothers of pre-schoolers are particularly in need of flexibility: 65.6 per cent of their requests were made because of childcare responsibilities. Fathers are more likely to request flexibility for other reasons besides providing care, such as obtaining more ‘interesting/challenging’ work.

The main difference between workers with or without children is the predominance of flexibility requests to accommodate study. This is the most common reason for workers without children to request flexibility (20.5 per cent), compared to 11.2 per cent of parents.

Table 4 Main reasons for request to change work arrangements by gender, 2012 (per cent)

<table>
<thead>
<tr>
<th>Reason</th>
<th>Men</th>
<th>Women</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase work hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduce job demands</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change for health problems</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meet childcare needs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2009</td>
<td>2012</td>
<td></td>
</tr>
<tr>
<td>-------------------------</td>
<td>------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>All</td>
</tr>
<tr>
<td>Job share</td>
<td>6.5*</td>
<td>6.5*</td>
<td>6.5</td>
</tr>
<tr>
<td>Compressed working week</td>
<td>16.9</td>
<td>10.5</td>
<td>13.0</td>
</tr>
<tr>
<td>Annualised hours</td>
<td>8.5*</td>
<td>7.1</td>
<td>7.6</td>
</tr>
<tr>
<td>Flexi-time</td>
<td>23.4</td>
<td>16.4</td>
<td>19.0</td>
</tr>
<tr>
<td>Work from home</td>
<td>6.0*</td>
<td>9.9</td>
<td>8.4</td>
</tr>
<tr>
<td>Work part-time</td>
<td>21.8</td>
<td>27.8</td>
<td>25.5</td>
</tr>
<tr>
<td>Reduced hours for a</td>
<td>20.4</td>
<td>25.6</td>
<td>23.6</td>
</tr>
</tbody>
</table>

Note. *Estimate unreliable due to insufficient sample size. Not all response options reported due to inadequate sample sizes. Multiple responses possible on this question. Table excludes self-employed persons. N=508.

Regardless of whether they work full-time or part-time, around 20 per cent of women request flexibility for childcare reasons. Around 14 per cent of men working full-time are motivated by the same reason, whereas childcare is not a driver of flexibility requests for men working part-time with accommodating study being the most common reason (40 per cent). Part-time women are almost as likely to request flexibility for childcare (20.2 per cent) as for study (23.7 per cent).

Type of change to work arrangement requested

As Table 5 shows, workers request a range of changes to their work arrangements. Working reduced hours is a common request – around a third of workers requested part-time hours and a quarter asked to reduce their hours for a limited period. Whilst women are more likely to request part-time work than men, there are no significant gender differences in the rates of other types of requests.

These patterns are similar to those observed in 2009. Clearly workers seek flexibility options that are very diverse. In this light it makes sense to have a right to request flexibility that is open to a wide variety of flexibility options (as the RTR legal provision in the Fair Work Act 2009 allows), rather than confine it to a specific range of types of flexibility.

Table 5 Type of change requested by gender, 2009 and 2012 (per cent)
time

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work school terms only</td>
<td>10.9</td>
<td>7.7</td>
</tr>
<tr>
<td>Work more hours</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other arrangement</td>
<td>49.3</td>
<td>46.9</td>
</tr>
</tbody>
</table>

Note. *Estimate unreliable due to insufficient sample size. **Data not provided due to small sample size. Proportion of respondents who made a request to change work arrangements. Multiple responses possible on this question (i.e. respondents could choose more than one reason). – Code not used in 2009 survey. 2009 N=525; 2012 N = 512. The 2009 data in this table is correct. It differs from that reported in the 2009 AWALI report as there were some errors in reporting.

**Outcome of request: granted or declined**

The majority of requests for flexibility (61.9 per cent) were fully granted (Figure 2), with a further 19.1 per cent of requests partly granted. As only 13.2 per cent were refused, this suggests that many workers carefully consider their request and the probability of success before asking, and that many supervisors readily accommodate requests.

Men are more likely to have their request declined than women: 17.4 per cent of men compared to 9.8 per cent of women.

Although there appear to be some differences in request outcomes between 2009 and 2012 (for example, the rate of refusal for men was higher in 2012 than in 2009), none of these differences reached statistical significance for the whole sample, or for men and women considered separately.

![Figure 2 Request outcomes by gender, 2009 and 2012 (per cent)](image)

Note. *Estimate unreliable due to insufficient sample size. Proportion of respondents who made a request to change work arrangements. Figure excludes self-employed persons. 2009 N= 482; 2012 N= 509.

The likelihood of a request being granted also differs according to length of work hours, with part-timers more likely to have their requests granted than full-time workers. Whilst this trend is evident for all groups (see Figure 3), the contrast is only statistically significant for all employees and for men.
Figure 3 Request outcomes by gender and work hours, 2012 (per cent)

Note. *Estimate unreliable due to insufficient sample size. Proportion of respondents who made a request to change work arrangements. Figure excludes self-employed persons. N = 509.

Reasons requests are declined

The reasons for refusal of requests were diverse, as perceived by the 67 survey respondents in 2012 who had their requests refused. The most common reasons for refusal are related to business-related constraints, such as negative impacts on cost, performance or quality, or difficulties re-organising work amongst staff. The current RTR legislation allows employers to decline requests on this basis with no onus on them to prove their claims and no right on the part of the worker to refute them.

Reasons for not making a request

In 2012 the majority of respondents - 79.4 per cent - have not made a request for flexibility. Of these non-requesters, the majority (70.5 per cent) are content with their current work arrangements. This is higher than in 2009 when only 58.3 per cent of employees were content with current arrangements. This change is quite sizeable and holds for both women and men. It may reflect workers' perceptions of weaker economic conditions that mean they do not want to risk altering their current work arrangements or reduce their hours and pay, and so indicate that they are content with current arrangements.

A further 15.0 per cent report that flexibility is not possible or available in their job (i.e. the employer would not allow flexibility or that flexibility is not possible/suitable in the job) (Table 6). The proportion of men and women who believe that flexibility is simply not possible in their jobs has increased since 2009 although the difference is not statistically significant.

Table 6 Reasons request not made, by gender, 2009 and 2012 (per cent)

<table>
<thead>
<tr>
<th></th>
<th>2009 Men</th>
<th>Wome n</th>
<th>All</th>
<th>2012 Men</th>
<th>Wome n</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td>Content with arrangements</td>
<td>56.1</td>
<td>61.8</td>
<td>58.5</td>
<td>70.1</td>
<td>71.0</td>
<td>70.5</td>
</tr>
<tr>
<td>Flexibility not possible&lt;sup&gt;a&lt;/sup&gt;</td>
<td>12.7</td>
<td>11.4</td>
<td>12.1</td>
<td>14.8</td>
<td>15.2</td>
<td>15.0</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
</tbody>
</table>

Note. Proportion of respondents who did not make a request to change work arrangements. Multiple responses possible on this question (i.e. respondents could choose more than one reason). “Flexibility not possible’ collated from response options ‘not convinced employer would allow it’, ‘job does not allow it’ and ‘flexibility not possible or available’. This data reported in 2009 as two separate items ‘employer not allow’ and ‘job not suitable’. Table excludes self-employed persons. 2009 N=1793; 2012 N= 1961.

As observed in 2009, full-time workers who have not requested flexibility are much less likely to report that they are content with their current work arrangements compared to part-timers (Table 7). Around a third of full-timers who have not made a flexibility request are also not content with their work arrangements: thus the population of ‘discontent non-requesters’ (Skinner & Pocock, 2011) is particularly concentrated amongst full-time workers. Understanding more about why this group do not request flexibility might be usefully pursued through qualitative research (which we hope to undertake).

Table 7 Reasons request not made by gender and work hours, 2012

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Full-time</td>
<td>Part-time</td>
<td>Full-time</td>
</tr>
<tr>
<td>Content with arrangements</td>
<td>67.4</td>
<td>83.3</td>
<td>64.1</td>
</tr>
<tr>
<td>Flexibility not possible&lt;sup&gt;a&lt;/sup&gt;</td>
<td>17.1</td>
<td>**</td>
<td>20.4</td>
</tr>
</tbody>
</table>

Note. *Estimate unreliable due to insufficient sample size. **Data not provided due to small sample size. Proportion of respondents who did not make a request to change work arrangements. Multiple responses possible on this question (i.e. respondents could choose more than one reason). “Flexibility not possible’ collated from response options ‘not convinced employer would allow it’, ‘job does not allow it’ and ‘flexibility not possible or available’. Table excludes self-employed persons. N=1782.

Of the total sample of 2012 survey respondents, 23.4 per cent are not content with their current work arrangements but have not made a request for a change. More men (24.8 per cent) than women (21.9 per cent) are in this category of discontent non-requesters (Table 8).

Compared to 2009, there has been a fall in the proportion of these discontent non-requesters from 32.2 per cent to 23.4 per cent. This fall is evident for both men and women, but only reached statistical significance for men.

Table 8 Proportion requesting flexibility by gender and whether content with current arrangements (per cent)

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

212
<table>
<thead>
<tr>
<th>Requested flexibility</th>
<th>Men</th>
<th>Women</th>
<th>All</th>
<th>Men</th>
<th>Women</th>
<th>All</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16.3</td>
<td>29.1</td>
<td>22.4</td>
<td>17.3</td>
<td>24.2</td>
<td>20.6</td>
</tr>
<tr>
<td>No request – content with current arrangements</td>
<td>46.9</td>
<td>43.8</td>
<td>45.4</td>
<td>57.9</td>
<td>53.6</td>
<td>55.9</td>
</tr>
<tr>
<td>No request – not content with current arrangements</td>
<td>37.0</td>
<td>27.1</td>
<td>32.2</td>
<td>24.8</td>
<td>21.9</td>
<td>23.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Note. N = 2500.

In 2012, full-timers are more likely to be discontent non-requesters (28.0 per cent) than part-timers (14.4 per cent), and this is the case for men and women (Table 9). For full-timers, men are also more likely to be contented non-requesters (57.5 per cent) than women (50.9 per cent), whereas women are more likely to have made a request. There are no significant gender differences for part-time workers.

We have commented on the significant fall in requesting between 2009 and 2012 amongst full-time women. These women are more likely to be ‘contented non-requesters’ in 2012 (50.9 per cent) than 2009 (42.0 per cent), with no significant differences in discontented non-requesters. Similarly, part-time women in 2012 are more likely to be contented non-requesters than in 2009, with no difference in discontented non-requesters. Full-time men in 2012 are more likely to be contented non-requesters (57.5 per cent) than in 2009 (46.6 per cent), and are less likely to be discontented non-requesters (39.7 per cent in 2009; 27.8 per cent in 2012). Similar patterns are evident for part-time men, although the sample size was not sufficient to support statistical comparisons.
Table 9 Proportion requesting or not requesting flexibility by gender, work hours and whether content or not with current arrangements (per cent)

<table>
<thead>
<tr>
<th></th>
<th>2009</th>
<th></th>
<th></th>
<th>2012</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>All</td>
<td>Men</td>
<td>Women</td>
<td>All</td>
</tr>
<tr>
<td>Full-time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requested flexibility</td>
<td>13.7</td>
<td>26.4</td>
<td>18.4</td>
<td>14.8</td>
<td>20.3</td>
<td>16.7</td>
</tr>
<tr>
<td>No request – content with current arrangements</td>
<td>46.6</td>
<td>42.0</td>
<td>44.9</td>
<td>57.5</td>
<td>50.9</td>
<td>55.1</td>
</tr>
<tr>
<td>No request – not content with current arrangements</td>
<td>39.7</td>
<td>31.6</td>
<td>36.8</td>
<td>27.8</td>
<td>28.5</td>
<td>28.0</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Part-time</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requested flexibility</td>
<td>28.2</td>
<td>31.9</td>
<td>30.8</td>
<td>27.5</td>
<td>28.3</td>
<td>27.8</td>
</tr>
<tr>
<td>No request – content with current arrangements</td>
<td>48.4</td>
<td>46.1</td>
<td>46.8</td>
<td>60.4</td>
<td>56.2</td>
<td>57.5</td>
</tr>
<tr>
<td>No request – not content with current arrangements</td>
<td>23.3</td>
<td>22.0</td>
<td>22.4</td>
<td>12.1</td>
<td>15.5</td>
<td>14.4</td>
</tr>
<tr>
<td>Total</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

N = 2500.

**Outcome of requests and work-life interference**

As Figure 4 shows, having a request fully granted is associated with the best work-life outcomes. For women, work-life interference is lowest when requests are fully granted: poorer outcomes arise for women whether their requests are partly granted or declined. A different pattern is evident for men: work-life interference is not significantly different for men who have their requests fully or partly granted. It is only with a declined request that men’s work-life interference worsens. The only significant difference between men and women was amongst those whose requests were partly granted: women’s work-life interference was much higher than men’s when requests were partially granted. Taken together, these findings indicate that having a request refused or partially granted is detrimental to women’s work-life outcomes, while having a request fully granted is very positive.
Figure 4 Work-life index scores by request outcome, 2012

Note. Proportion of respondents who made a request to change work arrangements. Figure excludes self-employed persons. N = 558.

Study limitations

Telephone surveys have strengths and weaknesses. They allow fast data collection and increased quality controls through interview controls and clarifications, and they permit data collection from individuals regardless of their reading and writing ability. A system of call backs and appointments, to facilitate a higher response rate and inclusion of responses from people who do not spend a great deal of time at home, means that this possible distortion is minimised in AWALI. However, the survey is likely to be biased against those who do not have a telephone at home.

Conclusion

Our findings show that when workers are able to ask for flexibility, and get their requests accepted, there is a positive effect on their work-life interference. Both men and women show significant worse outcomes when their request for flexibility is denied.

The comparison of data from our 2009 and 2012 surveys indicate that the RTR has so far had little impact on either the rate at which requests are made or the rate of acceptance. We hypothesise that the legislation to date has done little to change practices in workplaces where established cultures and managers do not support flexibility for workers.

Clearly, given the numbers of requests being made and accepted in both 2009 and 2012, many organisations support flexible work arrangements. Enterprise bargaining and voluntary organisational policy seems to be sufficient in some organisations to support request making. Indeed, the RTR provision is weaker than practices in place through these mechanisms in some workplaces.

Changing workplaces with little infrastructure or managerial support for flexibility is probably going to require more than the prevailing modest RTR which is limited to a relative small number of workers and has weak enforcement mechanisms. The effect of the existing RTR could be improved with greater publicity about it existence, particularly to groups to which it currently applies. It may also be utilised more in workplaces with flexibility-resistance cultures where there is effective redress if workers’ requests are refused. Given
that the AWALI 2012 survey shows that negative work-life interference is similar amongst mothers of young children and those who care for an aged relative or someone with a disability (Skinner, Hutchinson and Pocock 2012: p 43), there is also a case for broadening eligibility for the RTR to all carers, not just parents.

References
Charles Gamba and the Influence of Australia on the System of Arbitration in Singapore

Gordon Stewart and Chris Leggett
Central Queensland University and James Cook University

Following the end of the Second World War Singapore’s industrial relations were regulated by pre-war ordinances that had already been gazetted in some British colonies, as early as 1926 in India and Burma. In 1960, the self-government of Singapore appointed Dr Charles Gamba to the presidency of a newly established Industrial Arbitration Court. Gamba, from the University of Western Australia, had researched the origins of trade unions in Malaya while a lecturer in economics at the University of Malaya in Singapore, and had served as an assessor or advisor on industrial tribunals in the region. It is known that, through the Colombo Plan, an Australian Government legal officer was seconded to the Government of Singapore where he drafted Singapore’s Industrial Relations Act 1960 that established the Industrial Arbitration Court. The 1960 Act comprehensively regulated Singapore’s hitherto turbulent industrial relations with a complementary relationship between British-type collective bargaining and Australian-type compulsory arbitration. This paper examines and assesses the extent of the Australian influence on arbitration in Singapore and thereby adds to the literature on cross-national institutional influences on national industrial relations.

Introduction

This paper assesses the influence of Australia’s compulsory arbitration on the development of Singapore’s industrial relations system following Singapore’s attainment of self-government and subsequent independent statehood. It records the role played by a Western Australian academic, Dr Charles Gamba, in the establishment of Singapore’s Industrial Arbitration Court and examines the influence of the Western Australian conciliation and arbitration system on his thinking and actions. It adds to the literature on comparative labour law by raising for further consideration the question of the influence of individuals and institutions from one country on the institutions and laws of another.

The origins of Australia’s compulsory arbitration system

The key ‘turning point’ in the early industrial relations history of Australia was in the first half of the 1890s with the pastoral, maritime and mining disputes (Turner 1978: Ch. 3). These industrial disputes convinced the colonial decision-makers who would become influential politicians in the young Commonwealth of Australia that ‘a new province for law and order’ (Higgins 1922) was required to regulate the affairs of employers and unions in industrial matters. The supposed ‘lesson of the armed camp at Barcaldine’ in Queensland at the height of the pastoral disputes was that the state could provide the machinery ‘to ensure a minimum wage, to conciliate and arbitrate in industrial disputes, and to regulate the hours of labour’ (Clark 1981: 88).
Therefore, an Australian conciliation and arbitration system would be a quasi-legal system that aimed at preventing social and economic disruption through the intervention of the state ‘in the public interest’ (Clark 1981: 88; Macintyre 1989: 186). In this type of dispute settlement system, the state established through legislation tribunals that were empowered to compel the parties to an industrial dispute to attend hearings at which the tribunal could assist the parties to resolve their differences by conciliation, or if this failed or was deemed inappropriate, the industrial dispute could be settled by means of an arbitrated settlement that was ‘handed down’ by the tribunal in a legally binding document known as an ‘award’ (Stewart 2011: 9-10 & 21-23). Significantly, the compulsory arbitration system was based on the collective representation of the workforce by registered trade unions (Higgins 1922: 15). The system gave unions legal status and protection and thereby enhanced their organisational strength, but at a ‘price’; the ‘renunciation of the strike weapon’ (Turner 1978: 61-62).

The Australian version of compulsory arbitration which was introduced at the federal level and in the states of Queensland, Western Australia, South Australia and New South Wales established tribunals that were given ‘compulsory powers’ to make legally binding decisions and the legal authority to enforce those decisions, as well as the power to regulate the affairs of trade unions and restrict the use of direct action in pursuit of industrial claims (Macintyre and Mitchell 1989: 6-7). The philosophy that underpinned this system of state sponsored tribunals was an Australian variation of British liberalism in which the ‘public interest’ was the dominant concern when the actions of individuals ‘threatened the welfare of others’ (Clark 1981: 62-89; Macintyre 1989: 186). Whilst the practical aim of the system was ‘industrial peace’ (Clark 1981: 245), the philosophical aim was to strengthen ‘the very basis of civilized society’ (Deakin 1904: 775); an aim that was worthy of a nation-building agenda for ‘an enthusiastic Australian-Briton’ such as Alfred Deakin (Clark 1981: 72).

**The origins and legislation of Singapore’s industrial arbitration**

Charles Gamba (1959) informs us that as far back as 1952 the prospect of making Singapore’s Industrial Court awards compulsory was under consideration and that Western Australia’s Industrial Arbitration Act of 1912-1941 was studied. By whom it was studied he does not say, but possibly by colonial administrators, or conceivably by the young Singaporeans beginning to contend for political influence and office, three of whom – Lee Kuan Yew, Goh Keng Swee and Kenneth Byrne – formed a Council of Joint Action in 1952 to protest against the privileged payments to expatriate officials (Turnbull, 1989: 247). But it was in 1960 that through the Colombo Plan, an Australian Government legal officer was seconded to the Government of Singapore where he drafted the Industrial Relations Ordinance (Gamba, 1963: 84).

1960 was a pivotal year in the regulation of industrial relations in Singapore. The People’s Action Party (PAP), led by Lee Kuan Yew, was elected to office at the end of 1959. The new government did not discard the British colonial-type regulation of industrial relations, but complemented it with an ordinance that introduced Australian-type compulsory arbitration. Lee Kuan Yew recalls:

[In 1960]...we legislated for an Industrial Relations Court, based on the Australian model, and appointed Charles Gamba, professor of economics at the University of Malaya, as its president. As the arbitrator in the Hock Lim bus strike [1955], he was
known to be sympathetic to labour, but was not likely to kill off the employers. [Lee, 1998: 346].

The PAP had prepared for office with a plan to ‘erect an independent Labour Court for the solution of industrial disputes, and any trade union will be able to opt whether it wishes this Labour Court to arbitrate in an industrial dispute. When a union so opts the employer will automatically be brought within the Court’s jurisdiction’ (Peoples Action Party, 1959). Once in government the PAP’s Industrial Relations Ordinance (Government of Singapore, 1960) established an Industrial Arbitration Court (IAC) to adjudicate the proliferation of industrial disputes that had dogged the two previous limited self-governing administrations. Attempts by the government to unify the labour movement under a National Trades Union Congress (NTUC) were put in abeyance until 1961, when the NTUC was formed as a PAP protégé to rival the left-wing Singapore Association of Trade Unions (SATU). A second IAC was established in 1962 but later closed as caseloads declined. In the words of the former Deputy President of the IACs at the time, Tan Boon Chiang:

In 1960, the Industrial Relations Act placed collective bargaining, for the first time, on a legal footing and established the Industrial Arbitration Court which would handle all disputes whether over rights or interest with unlimited jurisdiction, to supplement the existing ad hoc procedures for settlements of disputes already available to some extent developed over the years by commercial practice. (Tan, 1979: 197).

**The IAC’s Status Functions and Modus Operandi**

The President of the IAC was to have the status of a Supreme Court judge (S. 4) who, depending on the case, would sit with a member selected from each of an employer and employee panel by the parties to the dispute (S. 6). An IAC was not bound to act in a formal manner nor according to the Evidence Ordinance, but it should ‘act according to equity, good conscience, and the substantial merits of the case without regard to technicalities and legal forms’ (S. 60). Parties to a dispute could be represented by a union officer or an employers’ association officer, but not by an advocate or solicitor or a paid agent, except in the case of contempt of court (S. 64). However, the IAC could refer questions of law to the Attorney General (S. 65).

An IAC would have cognizance of a trade dispute where one or all the parties requested the Minister (until 1997, ‘of Labour’, thereafter, ‘of Manpower’) by notice or the Yang di-Peruan Negara (the President of Singapore after 1965 when Singapore seceded from the Malaysian Federation) by proclamation had approached it for arbitration (S. 31). A specific request relating to the transfer of employment might be made by a trade union or an employer. Where the dispute related to employment in the service of the Government, the President of the IAC was to inform the Yang di-Pertuan Negara/President of Singapore and only with their approval might the IAC perform its functions over that dispute (S. 33). In determining a trade dispute the IAC might have regard ‘to the interests of the community as a whole and in particular the condition and economy of Singapore’ (S. 34).

The Industrial Relations Ordinance 1960 set out the rules for the commencement, duration, succession, extension, setting aside, suspension, cancellation, interpretation and variations of awards, and on whom awards were to be binding — ‘all parties to the trade dispute who appeared or were represented before the Court’ (SS. 37-59). The content of an award need
not be confined to the demands of the parties to the trade dispute. An award, unless the Court thought it inappropriate, should contain provision for the settlement of disputes arising from the operation of the award including the provision of a referee from the names of people appointed by the Minister and published in the Gazette (S. 43).

As well as introducing compulsory arbitration the Industrial Relations Ordinance 1960 was to regulate the processes of collective bargaining (SS. 16-30). Where an employer had not accepted an invitation to negotiate from a trade union, either party might notify the Commissioner for Labour who, after consultation with the parties, if he decided there was a refusal, notified the Minister and, unless the Minister otherwise directed, the Registrar of the IAC, that a trade dispute existed the Registrar was to bring trade disputes to the notice of the IAC President (S. 20).

If an agreement was not reached within 14 days of the service of notice the Commissioner might authorize a conciliation officer (from among public officers appointed by him and published in the Gazette) to help the parties reach one (S. 21). If an agreement did not look likely, the Commissioner notified the Minister, and unless the Minister directed otherwise, the Registrar, that a trade dispute existed (S. 22). The Minister might authorize further conciliation in the form of a compulsory conference (S. 23).

Collective agreements were to be delivered as a memorandum to the Registrar of the IAC for certification by the Court. The Court might refuse to certify a memorandum if it was of the opinion it was not in the public interest, did not set out the terms satisfactorily or adequately, did not comply with the duration requirements of two to three years. If the Minister was of the opinion that there were special circumstances by reason of which the matter would not otherwise be satisfactorily regulated by collective agreements or an award made under the Industrial Relations Ordinance he could appoint a Board of Inquiry (SS. 74-77).

The extent to which Australians may have influenced Singapore’s adoption of compulsory arbitration is not clear. According to one observer of the early years of the IAC ‘Singapore turned to Australia for guidance [and] it was the legislation of the State of Western Australia, rather than the Commonwealth legislation, which was used by Singapore as a basic model’ (Kleinsorge, 1964a: 552).

As noted in the quotation from Lee Kuan Yew’s Memoirs, the first President of the IAC was Charles Gamba (cited above), an academic economist, not a lawyer, and an Australian from Perth, Western Australia. At the time an academic at the University of Malaya in Singapore, he had become something of an expert on Malayan industrial relations. In particular his The Origins of Trade Unionism in Malaya: A Study in Colonial Labour Unrest (Gamba, 1962) became a seminal work on the labour history of the region. When the second court was established in 1962, Tan Boon Chiang (quoted above) a lawyer and a judge was appointed Deputy President. In 1964, Tan Boon Chiang succeeded to the Presidency of the IAC, a position that he held until 1988.

According to Charles Gamba, before his appointment to the IAC, he had the confidence of Singapore’s new nationalist leaders. As he recorded:

> Over a number of years this writer had the opportunity to meet intimately each one of the PAP leaders and to co-operate with them in a variety of ways. In particular, he met at close quarters Lee Kuan Yew and Kenneth Byrne during the preparation of labour
cases to be presented before arbitration boards and courts of inquiry. (Gamba, 1959: 182).

Nevertheless, an article on ‘Judges, Independence, Labour and Definitions’ Gamba states that after he became President of the IAC it was hinted to him that he adjudicate cases with political expedience in mind. As he recalled:

During the early months following his appointment to an Industrial Court, this writer was visited by a well-known political personality. As he left, that person remarked: ‘...oh well... all you have to do from now on is to spit on your finger, open the window and find out how the wind blows ...’ and burst out in laughter. This, one was repeatedly told, was the practical, the pragmatic, the realistic way to approach industrial cases in particular. (Gamba, 1974: 209).

Writing at the end of Gamba’s term of office Kleinsorge suggests that political pressure may have been put on Charles Gamba, but that it did not affect his judgements.

One of the most serious weaknesses of the system is the short term (four years) of the tenure given to the President of the court. Under such circumstances, political pressure may be placed on an incumbent to slant his decisions in a certain direction if he desires reappointment. There is no indication that such pressures have been effective as far as the first president is concerned. Although his decisions have been criticised on various grounds, there is no convincing evidence of a political bias. (Kleinsorge, 1964a: 565)

Gamba was not re-appointed. He did, however, have some prescriptive views on the roles of trade unions, employers and government in industrial relations in Singapore, and on the impartiality of action by any tribunal. For example:

The trade union movement must be rallied around the ideal of loyalty to the state of Singapore, but it must not be made to feel that it is being forced into a straight jacket. The employers must be brought to accept fully the principle of collective bargaining and to recognize organized labour as the other partner in the process of national production. But if the government must intervene in industrial relations, even though it will be known that its sympathies will be very much with labour, it will nevertheless have to act with due impartiality and any statutory body dealing with labour and employers will have to show this impartiality in action. (Gamba, 1959: 190).

**A comparison of Australia’s and Singapore’s industrial arbitration**

Common to both Australia at Federation and Singapore at self-government was the imperative to lessen the confrontational quality of industrial relations. In Australia’s case, the rationale for a compulsory conciliation and arbitration system was famously put by Henry Bournes Higgins, President of the Australian Court of Conciliation and Arbitration for fourteen years:

... the process of conciliation, with arbitration in the background, is substituted for the rude and barbarous processes of strike and lock-out. Reason is to displace force; the might of the State is to enforce peace between industrial combatants as well as between other combatants; and all in the interest of the public (Higgins 1922: 2).

Macintyre and Mitchell (1989: 15-16) argue that the industrial conflicts of the 1890s were concerned less with wages and working conditions and more with the rights of employees
to organise in unions that would represent them and negotiate and bargain collectively with employers on their behalf. Therefore, according to this view, the legal recognition, registration and conferral of rights on unions was a central component of the Australian conciliation and arbitration systems in their quest for ‘industrial peace’. Higgins (1922: 15) stated that: ‘The system of arbitration adopted by the Act is based on unionism. Indeed, without unions, it is hard to conceive how arbitration could be worked’.

Furthermore, whilst Higgins was writing with respect to the federal conciliation and arbitration system, the Western Australian conciliation and arbitration system was ‘similar to the federal system’ (Deery & Plowman 1991: 133), at least until the 1990s when the state and federal systems were reformed (Stewart 2011: 23). Unsurprisingly, Oxnam (1963: 59) notes the wide jurisdiction of the Western Australian Court of Arbitration covering ‘the regulation of union affairs, settlements of industrial disputes, determination of standard wage rates and nominal hours of work, regulation of apprenticeship and the enforcement of its awards and other determinations’.

In Singapore’s case the rationale was later put by Tan Boon Chiang, Singapore’s second and longest serving President of the IAC:

When Singapore shifted its economic emphasis from traditionally entrepot trading to industrialization, it became apparent that the relationship of employer and employee should, at the same time, be refined to provide for a meaningful balance between the interests of labour and capital. The decision to switch to industrialization was in retrospect a wise one, having regard to the fact that the greatest asset of the country was its manpower potential and the capability of developing the skills of its people. There were no natural resources and the Republic’s strength rested in its ability to muster the ingenuity of its community towards skillful pursuits to meet the needs of industry. (Tan, 1979:197).

A significant difference between the regulation of industrial relations in Australia and in Singapore is that in Singapore they are not regulated by one comprehensive statute, as has been the case in Australia at state and federal levels, but by several separate but comprehensively linked statutes, passed and amended at different stages in the development of Singapore’s political economy. Having several statutes has enabled the government to tinker with and incrementally change the system of industrial relations without the potential shock to the system – and the publicity – that might result from the repeal and re-enactment of an all-inclusive statute. Even quite a system-changing amendment, such as that to the Trade Unions Act in 1982 that redefined trade unionism, are reported matter-of-factly in Singapore and are rarely subject to critical appraisal in the press or journals, at home, abroad or in such forums as the International Labour Organisation.

Trade unions (and employers’ associations) are regulated by a separate statute, the Trade Union Act 1940, amended in 1982 to redefine trade unions as agents of productivity and industrial harmony. The Trade Disputes Ordinance 1941 makes intimidation illegal and regulates picketing and, by an amendment in 1960, makes sympathy strikes, strikes pressuring the government and strikes inconveniencing the public illegal. The Criminal Law (Temporary Provisions) Act 1955 makes strikes and lockouts illegal in some essential services and places procedural restrictions on a periodically reviewed list of others. While Singapore’s Industrial Relations Act 1960 regulates conciliation and arbitration procedures,
its amendment in 1968 made it unlawful for a trade union (as defined in the Trades Unions Act) to raise issues of management prerogative for collective bargaining, and the Employment Act 1968 made it unlawful for a collective agreement (as defined in the Industrial Relations Act) to contain conditions more favourable than the minimum conditions set out in Part IV of the Act. Perhaps more than any of the above constraints on collective bargaining, the establishment of a National Wages Council (NWC) in 1972, reduced the scope for disputation. The legitimacy and authority of the NWC’s annual wage and provident fund recommendation’s derive from its tripartite constitution and constitute a de facto incomes policy for Singapore considered in the determinations of the IAC.

An assessment of the Australia’s influence on Singapore’s industrial arbitration

Whilst it is important to note the danger of simplistically asserting that legal concepts, principles or structures can be ‘transplanted’ from one system to another (Kahn-Freund 1974; Teubner 1998), it is also important to acknowledge the influence of the labour laws of countries such as Britain and states such as Western Australia on countries such as Singapore, however imperfectly they may be applied in practice (Cooney, Lindsey, Mitchell & Ying Zhu 2002). Indeed, it is the influence of Charles Gamba as a practitioner that is of most interest in this paper.

Gardner and Palmer (1997: 15) have argued that ‘Australian industrial relations is the history of the making and unmaking of the arbitral model’. This tribunal-based model for the compulsory conciliation and arbitration of industrial disputes represented an attempt by the state to prevent direct action being taken by unions and employers. The fact that the conciliation and arbitration system inevitably failed to eradicate industrial disputation does not diminish its significance within the Australian industrial relations system. It is the fact that the tribunal systems attempted ‘to prevent lock-outs and strikes in relation to industrial disputes’ (Deery & Plowman 1991: 96 & 114-117) and that to do so, the legislators who established them made an effort to incorporate trade unions within these systems that provides a useful point of comparison with Singapore (Macintyre & Mitchell 1989: 15-19; Leggett 1993: 126). Indeed, D.W. Oxnard (1963: 59) claims that:

> It is a distinguishing feature of industrial relations systems in Australasia that the internal and external affairs of trade unions are subject to a greater measure of regulation and direction than is the case in any other system in the free world.

Nonetheless it cannot be argued as Levine (1980: 78) in a comparison that included Australian and Singapore industrial relations does in the case of Singapore, that the behaviour of trade unions in Australia is government orchestrated.

Conclusions

Singapore’s equivalent of Australia’s ‘new province for law and order’ in industrial relations was not reached as a result of the establishment of compulsory arbitration by the Industrial Relations Act 1960 alone, nor immediately, but by its regulation of collective bargaining plus amendments to the legislation on trade unions and strikes inherited from the colonial administration, by the legislation of 1968 that severely curtailed what could be collectively bargained for on behalf of most manual workers, and by the authoritative determinations of the NWC from 1973. In fact, the number of strikes rose from 45 in 1960 to 112 the following year, but then fell annually to 10 in 1967. The last strike in Singapore ‘without the tacit consent of the government’, a phrase used by Pang (1981: 486), was in 1977, when the
union involved forfeited its right to bargain under the amended Industrial Relations Act by challenging a management prerogative. In the first seven years of its existence the IAC made 398 awards and registered and certified 1,440 collective agreements (Industrial Arbitration Court (1978: 6). The IAC’s contribution to Singapore’s strike free industrial relations and low collective dispute rate derives from the awareness by the parties that an industrial action is illegal once the IAC has cognizance of the dispute (Krislov and Leggett 1985: 23). In 2010, the IAC had cognizance under the Industrial Relations Act 1960 of four disputes and of 11 applications to vary a collective agreement. It routinely scrutinized, registered and certified 363 collective agreements (Republic of Singapore 2011). Thus, important as the role of the Industrial Relations Act and the IAC have been in Singapore’s industrial relations the Act in itself did not have the regulatory scope that say the Western Australian legislation noted above had, or for that matter the current Australian federal legislation, the Fair Work Act, has.

Indeed, it has been argued that arbitration within the Singapore and Australian systems failed because the incidence of strikes and lock-outs was not eradicated, although in the Singapore case, the NTUC Secretary-General and Minister of Labour, Ong Teng Cheong had made it clear that the need to resort to conciliation was ‘an unhealthy state of affairs in industrial relations’ (National Trades Union Congress 1984: 1). In Singapore, strikes were all but eradicated by 1977, yet, in 1985, by not referring a dispute to the IAC, Ong tacitly allowed a strike to take place, seemingly to rebut a repetition of the claim that legal strikes were virtually impossible in Singapore (Wilkinson and Leggett, 1985).

Nonetheless, both systems represent a genuine attempt by the state to manage industrial conflict within a quasi-legal process of courts and tribunals, and as such the study of arbitration systems remains relevant to this day.

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Access to Training and Development in Small and Medium-Sized Enterprises: Employees’ Perspectives

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This paper provides an overview of a proposed study that aims to identify the perceived factors that prevent employees from initiating requests and participating in formal external employer-funded training and development opportunities within small and medium enterprises. While training and development has the potential to improve an employee’s remuneration and increase their employability, the level of training and development in small and medium enterprises is well below that of larger organisations. Although the small business owners retain the final decision regarding employee access to training and development, the outcome is also dependent upon employees’ decisions to initiate requests to participate in the available training and development opportunities. There is scant research into employees’ perceptions of the factors influencing the participation in employer-funded training and development opportunities. This paper intends to address this gap in knowledge by conducting 20 semi-structured interviews with employees in five Australian small and medium enterprises. It is anticipated that the collected data will provide information on the factors that prevent employees from requesting and participating in training and development opportunities.

Introduction

Small and medium enterprises (SMEs) provide a significant contribution to the Australian economy by employing around 42% of the national workforce and producing 46% of the gross domestic product (Australian Bureau of Statistics 2010). Approximately two million businesses are categorised as SMEs throughout Australia (Australian Bureau of Statistics 2010). The performance of these businesses affects the lives of a significant number of Australians and is crucial to the sustained economic growth and employment creation. One means of improving performance in these businesses is through training and development (T&D) which has the potential to benefit both the business and employees (Storey & Greene 2010).

In regard to business benefits, a study by Bartel (2000) demonstrated that the annual return on investment in employee training ranged between 7 to 50 percent. These findings, together with the view that employee engagement in continuous T&D is necessary for achieving a competitive advantage (Garavan 2007, Tannebaum 1997) illustrates the importance of smaller businesses supporting these activities. The benefits T&D provide to employees include improved employability (Bulcher, Haynes & Baxter 2009) and an increase in earnings (Blundell, Dearden, Meghir & Suanes 1999). Although these findings demonstrate the benefits T&D offers to both the business and employees there is substantial evidence that SMEs are less likely to provide access to formal T&D for their

The discrepancy between SMEs and their larger counterparts is attributable to several factors including the greater barriers to T&D faced by SMEs (Devins, Johnson & Sutherland 2004, Kitching & Blackburn 2002, Kotev & Folker 2007). Several barriers are identified in the literature (see, for example, Johnson 2002, Storey & Greene 2010) with the common barriers being: (1) the actual cost of T&D; (2) the opportunity cost to SMEs as a result of T&D; (3) lack of suitable T&D opportunities for employees in SMEs; (4) owner-manager’s fear that their staff will be ‘poached’ or that they will resign on completing the T&D; and (5) owner-managers hold negative attitudes toward T&D.

The relatively low level of participation in T&D in SMEs is perceived as being problematic from several perspectives. One such perspective is that neglect of formal HR practices might well hinder progress towards sustainable competitive advantage in smaller firms (Kotev & Folker 2007). It is also argued that lack of access to T&D opportunities hinders innovation in smaller firms. For instance, many independent small businesses do not have the training resources and knowledge to develop their staff to exploit fully the opportunities that T&D bring (Simmons, Armstrong & Durkin 2008). Another perspective is that lack of access to T&D opportunities may have negative effects on job satisfaction and organisational commitment (Pajo, Coetzee & Guenole 2010, Rowden & Ahmad 2000). From the perspective of SME employees, lack of access to externally-accredited training can weaken their employability and place them at a serious disadvantage in the external labour market (Ram 1994).

This paper describes a proposed exploratory qualitative study that seeks to develop an understanding of the factors prevent employees from requesting and participating in business sponsored external formal T&D opportunities. This knowledge may benefit employers by encouraging them to develop a more supportive environment to stimulate appropriate T&D requests and improve participation in these activities. It will similarly benefit employees by facilitating the ability to request formal business sponsored T&D which will improve their employability and remuneration.

The following section describes the specific research objectives that define the scope of this study and the conceptual framework.

**Research objectives and conceptual framework**

This proposed exploratory study aims to identify the factors to initiate T&D from the perspective of employees within small and medium sized enterprises. The specific research objectives are to identify factors related to the:

1) employee that might limit access to formal T&D opportunities (e.g. lack of developmental pro-activity);

2) internal organisational environment that are perceived as barriers to T&D opportunities (e.g. resource constraints); and

3) external environment that are perceived as barriers to T&D opportunities (e.g. lack of suitable training).
The factors that influence employees to request access to formal T&D, or to decide not to participate in T&D are not well understood with limited literature focusing on this area. To bind this study a conceptual framework will be employed to help focus the investigation. An adaptation of Lewin’s (1951) B-P-E model will serve as the conceptual framework for this study. According to Davis and Luthans (1980), the B-P-E model has been widely adopted by the organisational behaviour field as a theoretical framework to explain behaviour. The B-P-E model postulates that Behaviour is a function of the interaction between Person and Environment:

\[ B = f(P, E) \]

In the context of the proposed study, the “B” in the B-P-E model denotes employee behaviour in regard to engagement in T&D opportunities. The "P" stands for Person (the employee), and includes any characteristic of the individual employee (for example, growth need strength, learning goal orientation, self-efficacy beliefs, developmental proactivity) that affects his or her level of participation in T&D opportunities. The "E" stands for Environment, and can include any factor in the work environment that might serve as a barrier to participation in T&D. The proposed study will include an exploration of selected individual characteristics that can be examined in a qualitative manner. Developmental proactivity is one such characteristic which defines a person’s desire to develop oneself. However, the primary focus of the study will be on employees' perceptions of conditions in the work environment that serve as barriers to their participation in firm-sponsored T&D events.

Researchers have not been able to agree upon a single definition for the term ‘training and development’. Therefore, this study will utilize the approach taken by Storey (2004) and emphasise the planned, structured and delimited nature of the activity to identify a formal T&D event, in contrast to informal training and educational experiences. The definitions for ‘training’ and ‘development’ differ in that training is related to the ‘current job’ while development denotes ‘personal improvement’. Garavan (2007) defines training in terms of the effort to learn or develop new skills to achieve improved performance. Buckley and Caple (1995) also include the statement pertaining to the acquisition of abilities to perform adequately a given task or job. However, the definition for development focuses on the individual's development, long-term personal growth and career development (Winterton 2007).

**Overview of factors influencing employee participation in T&D**

The overwhelming theme in this field of research is associated with the barriers to T&D from the viewpoint of the business-owner. Prior research into reasons for the relatively low levels of employee participation in formal T&D in smaller firms has typically involved surveys of owner/manager opinions. To illustrate, in Marlow’s (1998) study a total of 28 owners or current directors were asked: ‘What are major reasons why this firm has not utilised training/development initiatives?’ The most common reasons were time and money. In Matlay’s (1999) study, face-to-face interviews were conducted with 200 respondents in which they were asked about factors that were affecting actual provision of training. Three of the most important factors were cost of training, time constraints and lack of trainee cover. Kitching and Blackburn (2002) used a telephone survey to ask 1005 respondents their reasons for not wanting to provide more training for their workforces. Lost working time while workers are being trained and the financial cost of external training were the most
important reasons. Mitchell (2007) conducted interviews and focus groups with small business operators, training providers, business advisors, researchers and government administrators in Western Australia (WA). Participants were asked about the reasons for the lack of uptake of training by small business personnel in WA. Major reasons were the preference of small business to learn informally on the job and the tension between the extended time needed to undertake an accredited course and the preference of small business for just-in-time training to satisfy immediate needs. These four studies illustrate the predominant approach to studying the reasons for the relatively low levels of employee participation in T&D in smaller firms and highlight the lack of an employee perspective on the factors influencing participation.

There are a few researchers that have investigated other aspects of SME employee T&D. For instance, Coetzer and Perry (2008) conducted a study of 27 small engineering service organisations in New Zealand. The 27 interviews with owner-managers were conducted and the data analysed using content analytic procedures. The study found several factors that influenced employee learning including factors in the external business environment, work environment, learning potential of the job and learning orientation of the employee. The external business environment was further divided into learning stimuli and learning resources. The learning stimuli referred to factors that initiate learning such as changes in business regulations, advances in technology, customer requirements, customer expectations and competition. The learning resources referred to available resources used to provide the learning such as courses provided by trade associations or suppliers. The importance of external factors upon SMEs was also explored by Barrett and Rainnie (2002) who argued that an integrated approach could be used to analyse industrial relations within SMEs. Although this research did not focus on T&D it did highlight the importance of the relationship between a business and its environment. The above factors may provide the motivation for an SME employee to request access to a particular T&D event.

The outcome from a longitudinal survey of 1705 Australians by Tharenou (2001) found that participation in T&D was positively influenced by expectations of gaining valued outcomes and motivation to learn. This result reinforces the notion that participation in T&D may be encouraged by providing a level of motivation for the employees.

The design of a training program may also assist in achieving greater acceptance by the owner-manager. To illustrate, Johnston and Loader (2008) found that training products could be developed to address the concerns of SMEs and therefore encourage participation in training. This study identified several aspects of training products that if addressed had the potential to increase SME participation in training. These aspects included cost benefits, training needs analysis, awareness of training products, design and delivery characteristics, flexibility and informality.

Although scarce research has focused on employees’ viewpoints, the available literature does provide a significant basis from which a list of factors related to employee instigation and participation in employer sponsored T&D can be derived. Grouping the factors results in three categories: Employee, Organisational and External. The factors associated with these categories are detailed in Table 10.

Table 10: Categorisation of factors influencing employees from initiating or participating in T&D
<table>
<thead>
<tr>
<th>Employee</th>
<th>Organisational</th>
<th>External</th>
</tr>
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<tbody>
<tr>
<td>Motivation (expectation of gaining value and motivation to learn)</td>
<td>Work environment</td>
<td>Learning stimuli (regulation, advances in technology, customer requirements, customer expectations and competition)</td>
</tr>
<tr>
<td>Learning orientation of the employee</td>
<td>Learning potential of the job</td>
<td>Learning resources (trade associations and suppliers)</td>
</tr>
<tr>
<td>Time constraints</td>
<td>Cultural (attitudes to skills development)</td>
<td>Design of training product (Cost benefit, appropriate training design, awareness of training, tailoring training product to SME requirements, flexibility and Informality)</td>
</tr>
<tr>
<td></td>
<td>Employer support</td>
<td>Financial (cost of training)</td>
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<td></td>
<td></td>
<td>Access to training products</td>
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<td></td>
<td></td>
<td>Awareness of the training products</td>
</tr>
</tbody>
</table>

The Employee category contains the factors that are under the control of or are a characteristic of the employee. The employee’s motivation (Tharenou 2001) may encompass an expectation of gaining value after completing T&D such as obtaining a promotion or pay rise. The motivation to learn (Tharenou 2001) is an individual characteristic which may change over a person’s lifetime. The learning orientation of the employee (Coetzer & Perry 2008) encompasses an employee’s interest in learning, which overlaps with the previous factor, but also includes lack of career motivation and poor work ethic. The time constraints (Matlay 1999) factor describes the availability of the employee to attend T&D. This category of factors corresponds with the ‘P’ variable in the B-P-E model.

The Organisational category includes the factors under the control of the organisation. The work environment (Coetzer & Perry 2008) factor is related to the learning potential of the job (Coetzer & Perry 2008). A job with low levels of complexity and variety will offer little or no opportunity for learning or motivation for T&D of the employee (Coetzer & Perry 2008). The culture factor and employer support (Sussman 2002) factors are also closely related. A supportive employer fosters a culture that promotes skills development and encourages employees to undertake T&D whereas a goal orientated employer will have little motivation to invest in T&D. This category of factors corresponds with the ‘E’ variable in the B-P-E model.

The External category includes the factors beyond the control of the employee and the organisation. These factors include influences from government policy and regulations, economic variations and commercial effects. The learning stimuli (Coetzer & Perry 2008)
encompass external changes such as government regulations, changes in technology, market demands, and level of competition and client requirements. These factors stimulate a need for employees to gain additional knowledge to complete their jobs at the required level. The learning resource (Coetzer & Perry 2008) covers the availability of supplier or association provided T&D. The design of training products (Johnston & Loader 2008) affects the likelihood of the training being approved by the employer. Training products that are priced too high, inappropriately marketed or structured incorrectly will be rapidly rejected. The financial factor (Lange, Ottens & Taylor 2000) simply refers to the cost of the T&D product. The access and awareness of training products (Lange, Ottens & Taylor 2000) rely upon the supplier appropriately marketing their products. This category of factors also corresponds with the ‘E’ variable in the B-P-E model.

Building on the B-P-E model the investigation will analyse the influence of the three categories upon employee’s behaviour to request and participate in T&D activities. The above list of factors is not intended to be exhaustive but rather an illustration of the types of factors previously identified from current literature.

**Significance of the proposed study**

There are several reasons to study the perceived factors influencing SME employees requesting and participating in formal T&D. Firstly, the literature in the field is predominantly from the viewpoint of the business-owner (Devins, Johnson & Sutherland 2004, Taylor & Thorpe 2004. There is limited research that considers the perceived factors to undertake T&D from the employee’s viewpoint. The proposed study attempts to fill this gap by making a contribution to the literature focusing on the factors influencing the initiation and participation in T&D from the employee’s perspective.

Secondly, this study will provide advice to SME business-owners to facilitate an environment for their employees where they are encouraged to seek access to appropriate formal T&D opportunities. The identification of T&D requirements by employees working on the front line of the business has the potential to initiate continuous improvement leading to competitive advantage.

Thirdly, this study will provide advice to foster employee participation in formal T&D. The lack of employee participation in formal T&D activities results in a loss of investment in human capital, loss of potential productivity gains, and loss of future potential gains from newly gained skills and knowledge. These losses may be minimised by the business-owner understanding the factors affecting employees and developing strategies to minimise barriers.

**Design of the proposed study**

A qualitative methodology will be used to accomplish the research objectives involving the collection of data from site visits and in-depth semi-structured interviews. The participants will be recruited from five Australian small and medium sized organisations with the aim of securing a total of 20 interviews with employees. With the need to limit the number of sampling dimensions the type of organisation will be restricted to engineering services. This restriction focuses the research effort on an organisation type which must ensure their employees are technically skilled and remain abreast of current technologies and regulations. The organisations will be identified from a commercial database and organisations chosen to represent different types of engineering service firms thereby
allowing a common core of factors influencing the perceived T&D barriers to be identified. Engineering service organisation will be categorised into types of engineering services and then organisations chosen at random from each category. These organisations will be contacted and invited to participate in the study. If the organisation declines to participate then that organisation will be removed from the sample set and another organisation from the same category selected. This process will continue until five organisations have been identified. To facilitate the participation of organisations each organisation will be provided with an individual report outlining the specific finding in relation to the employees’ perceptions of T&D in the organisation. The employee interviews may be held either during work or out of work hours.

Each firm will be visited by one member of the research team and the employee will be taken through a semi-structured interview schedule. It is anticipated that each interview will last between 45-90 minutes and with the participant’s permission the interviews will be digitally recorded. The interviews will subsequently be transcribed. As soon as the transcript of an interview is available for review, it will be checked for accuracy and carefully examined repeatedly by the researchers. As recommended in the research literature, (Miles and Huberman, 1994; Patton, 1990) reflective remarks will be recorded in the margins. The final transcripts will hopefully provide rich, contextualised text will be used as the basis for analysis.

Teasing out themes, or looking for “recurring regularities” (Patton, 1990) in the data, will be the main tactic for drawing meaning from the data. This will involve looking for both recurring phrases in the verbatim expressions of informants, and threads that tie together data. To aid in the classification of textual interview data, codes will be developed for each theme. The contents of the data will then be classified in the theme in which it most clearly belongs by writing codes directly on the relevant data passages. One researcher will assess the reliability of text classification through coding and then later re-coding the same text. The other researcher will check the accuracy of the coding.

This study will be undertaken in strict adherence with the university’s code of ethics specifically in relation to the collection of data from human subjects. Each participant will be provided with an information sheet and its contents explained. The information sheet will explain the objectives of the study and outline the confidentiality of the collected data and the participant’s rights to terminate the interview at any point without explanation or refuse to answer any question. The participants will be asked to sign an Informed Consent Form prior to commencing the interview.

Conclusion

The semi-structured interviews are expected to provide a rich source of qualitative data and allow effective exploration of the factors influencing the initiation and participation in formal T&D events by SME employees. The semi-structured interviews will allow adequate opportunities for participants to expand upon particular topics while maintaining an overall order to the interviews. It is expected that participants will provide detailed accounts of actual situations where they have requested access to formal T&D opportunities and the request had been approved as well as incidents where the participant’s request was declined. The manner in which the request was declined is expected to have an effect on subsequent formal T&D requests.
Similarly, it is expected that participants will detail situations in which access to a formal T&D event was offered to them but the participants failed to attend the T&D activity, declined the offer or attended but was not motivated to learning from the T&D activity. The appropriateness of the formal T&D activity will impact upon the likelihood of acceptance by the employees.

The findings of this research will assist SME owners/managers and employees to more efficiently utilise formal T&D opportunities to potentially create and maintain a competitive advantage for the business and improve the employee’s employability and remuneration level. This study’s results will equip SME owners/managers with the knowledge to provide an environment in which employees understand the limitations and requirements to request access to formal T&D activities. Participation in appropriate formal T&D opportunities could result in increased employee and organisational performance and improved employee motivation and morale.

References


What role do line managers play in industrial relations and what should organisations do about it?

Keith Townsend
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In the last two decades there has been a great deal of research that has focussed on line managers in the workplace. While the literature is vast in volume and disparate in disciplinary origin and methodological preferences, there is a strong theme throughout – that is, the line managers play an inordinately important role in the modern organisation. However, what has absent within the research agenda is a clear explanation of the role that line managers play within industrial relations. This paper asks two questions. Firstly, given the increasingly legalistic nature of practitioner industrial relations in modern times, does the line manager play a role in industrial relations? Secondly, presuming there is a role, what can organisations do about line manager performance in industrial relations?
The Expiration of Statutory Individual Agreements in Western Australia: An Industry Level Perspective on the Actors’ Responses

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University of Western Australia

What is happening now that the statutory individual agreements (SIAs) are expiring? Presented in this paper are the findings of semi-structured expert interviews at the industry level in Western Australia. The aim was to establish employers’ rationale and strategic choices for introducing the agreements across industries, as well as how they are responding now that these are expiring. The research uses a qualitative case study approach and has a demarcation based on industry since the rationale for SIAs differed across them. The findings of this preliminary phase of the research reveal some of the strategic choices employers have been making. Interestingly those who used the agreements to increase managerial control and reduce third party involvement seem to have been able to continue their practices through various mechanisms, whereas it would appear that those who used them to remove award conditions are less uniform in their approaches and are faced with limited choices.

This paper is part of a PhD research project which aims to answer the research question ‘what are the consequences of the removal of statutory individual agreements (SIAs) from the Australian employment relations regulatory system for those employers and workers that were using them?’ The work presented here are the findings of semi-structured expert interviews at the industry level in Western Australia (WA). The aim was to establish employers’ rationale and strategic choices for introducing the agreements across industries, as well as how they are responding now that these are expiring. The research specifically focuses on how the removal of the agreements is affecting the actors within the WA context. Whilst the agreements are no longer available under the Fair Work Act 2009 (FW Act) there have been continuing calls from employer associations and individuals within the Liberal party for a re-instatement of the agreements and/or a reshaping of the Individual Flexibility Arrangements (IFAs) into de-facto AWAs. On the other hand unions and the Labor government remain opposed to SIAs. Furthermore, so far limited research has been conducted as to how the removal of the SIAs has affected those who were using them. The research is being conducted in two stages. A first preliminary phase at the industry level has been conducted in order to get a perspective of how the various actors are responding to the expiring Australian Workplace Agreements (AWAs) and Individual Transitional Employee Agreements (ITEAs). A second phase of enterprise level case studies on a number of organizations and their employees in WA who used SIAs for differing motivations will follow. This paper presents the findings of the preliminary phase and reveals some of the strategic choices the employers have been making. Interestingly those employers who used the agreements to increase managerial control and reduce third party involvement seem to have continued their practices through various mechanisms, whereas it would appear that
those who used them to remove award conditions are less uniform in their approaches and are faced with limited choices.

**Theoretical lens & context of statutory individual agreement making in Australia**

Thus far there has been limited research on what the consequences of the shift from the Workplace Relations Act (including Work Choices amendments 2005) regulatory regime towards the FW Act regime are for those parties who were using SIAs, an issue which has been underlined by scholars such as Peetz (Workplace Express 2011). As the FW Act states under its objectives in section 3(c) statutory individual agreements ‘can never be part of a fair workplace relations system’.

There is, however, no cut-off date for existing SIAs since they only have a nominal expiry date. AWAs could be concluded for up to 5 years till the last day they were available which was 27 March 2008, whereas the nominal expiry date for ITEAs could not exceed 31 December of 2009. The latter were made available by the government for employers in the transition process and were only available to those parties who were already using AWAs (Stewart 2009). The removal of the SIAs from the regulatory system will almost inevitably force employers and employees to regulate their employment relationship through alternative industrial instruments because, amongst other factors, expired SIAs offer less industrial certainty whereas labour turn-over reduces the number of agreements that continue to be in place.

Given that the take-up of the SIAs under both state and federal regulatory systems was always a conscious decision on the part of employers the strategic choice framework provides a promising lens for analysing the changing labour-management relations. Although the decision to use the agreements was a voluntary decision by management there were certain instances where employers were pressured or incentivized by other actors to use the agreements. For example, the funding of governmental organizations and universities was made dependent upon offering of AWAs (Van Barneveld 2009). Moreover, during the interviews it was alleged that sub-contractors who had SIAs in place could have a competitive advantage in some tenders since the agreements were able to undercut award conditions, whilst in other instances they were perceived to minimize industrial risk (Interviews Employer 3, Union 5, Employer 6, & Union 11). There is, however, ample evidence to suggest that their uptake in most workplaces can be directly linked to managerial decisions (Bray & Underhill 2009; Bray & Waring 2006; Briggs & Cooper 2006; Gollan 2004; Peetz 2007; Peetz & Preston 2009; Van Barneveld 2006; Van Barneveld & Nassif 2003).

In order to analyse what the consequences of the removal of the SIAs are, and to assess how the substantive and procedural outcomes are differing for the parties, a theoretical framework based on a combination of the strategic choice and strategic negotiations frameworks, regulation theory, and the concept of regulatory space is used (Kochan, Katz & McKersie 1994; Walton, Cutcher-Gershenfeld & McKersie 1994; Lessig 1998; Scott 2001). Notwithstanding that there have been debates on the merits of Kochan, Katz and McKersie’s (1994) conceptualization of strategic choice this research aims to demonstrate that by addressing the issues raised by authors like Aronowitz (1988); Bacon (2008); Chelius and Dworkin (1990); Lewin (1987); and Lewin and Sherer (1993) the framework can provide
a lens from which to analyse ‘outcomes relative to intentions’ (O’Leary & Sheldon 2008, p. 239).

The strategic negotiations framework (Walton, Cutcher-Gershenfeld & McKersie 1994) enables us to specifically define the outcomes of the labour-management relationship. It fulfils four functions: firstly, to analyse how strategic choices play out during the negotiations, secondly, helping substantiate how the outcomes of the SIAs and its successors can reasonably be compared. Part of the criticism on the SIAs was that they were used to reduce wages and conditions of employment (Cooper & Ellem 2008; Cooper et al. 2009; Peetz 2004; Peetz 2005; Peetz & Preston 2007; Peetz & Preston 2008; Peetz & Preston 2009; Van Barneveld & Arsovksa 2001; Van Barneveld & Nassif 2003), particularly for vulnerable workers (Pocock et al. 2008). Therefore it is essential to investigate to what extent the FW Act is delivering on its promise of a ‘fair workplace relations system’. Thirdly, now that the option of SIAs has been removed from the regulatory regime there is a forced change in the labour-union-management relations. Therefore most likely the social contract (Walton, Cutcher-Gershenfeld & McKersie 1994, p. 43) of the parties will be altered due to the collective nature of the FW Act. The SIAs were used in some circumstances to avoid unions (Peetz 2002), whereas in others to foster high-trust workplace relations (Gollan & Hamberger 2003). Consequently it needs to be assessed whether under the new regulatory regime the existing social contracts are altered. As Fonstad, McKersie and Eaton (2004, p. 7) argue, the social contract is often just as important an outcome as the substantive terms. Finally, a strategic negotiations framework helps to overcome one of the shortcomings of the strategic choice framework namely that it neglects the choices at the individual level (Aronowitz 1988, p. 444).

The third component of the framework is based on the fact that the move away from SIAs is directly related to successive legislative changes. Therefore in order take into account how this part of the external environment affects the actors New Chicago School regulation theory (Lessig 1998) is used. It is based on the notion that actors in their behaviour are limited by four types of constraints: law, markets, norms, and architecture. Regulation theory emphasises that law can regulate directly and indirectly. Indirect regulation happens where law modifies one of the other constraints (ibid 1998). Hence law does not only directly constrain the strategic choices of an actor but at the same time it can also affect the other constraints and thereby shape the context in which the actors are operating. Regulation theory contributes to this research by more precisely identifying the context in which the outcomes are realised and goes beyond the direct perceived constraint of (labour) law which influences strategic choices.

Regulation theory, however, does not explicitly address how and why some actors are more capable at shaping the regulatory constraints to which they are subjected. Scott (2001, p. 231) explains that quite often regulatees, those who are being regulated, have a better understanding of how proposed regulation will affect them than their regulator. Because of this information asymmetry regulatees are able to lobby, manipulate and/or persuade regulators to adjust regulation. Hence, Scott (2001, p. 232) argues that the often dominant perception that law is the result of a hierarchical relationship between regulator and regulate can actually be a non-hierarchical (ibid 2001, p. 243). This notion would only apply to those actors with sufficient resources, access, and influence. It, however, highlights the
complex and dynamic relationship between an actor and its regulator. This is also depicted in the strategic choice framework which depicts the ability of actors to influence their external environment (Kochan, Katz & McKersie 1994, p. 11). The concept of regulatory space is complementary with regulation theory in that both highlight the two ways in which law can shape the regulatory environment through direct and indirect regulation. An understanding of regulatory space helps to identify for example how different interest groups in Australia are able to influence policy makers as well as helping to explain why actors are responding to the removal of the SIAs in their particular ways. Furthermore, as Hancher and Moran (1989, p. 277) argue, at times it can be similarly important to understand which parties are incapable of exercising any power within their regulatory space.

**Research methods**

This research uses a qualitative case study approach (Yin 2009) and is positioned within a post-positivistic paradigm (Lincoln & Guba 1985). Initially a demarcation based on industries is used because of its (continuing) relevance in Australian employment relations (Bray & Waring 2009), and also because the motivation for SIAs differed across industries (Bray & Underhill 2009; Hearn Mackinnon 2009; Peetz & Preston 2007; Pocock et al. 2008; Van Barneveld 2009; Van Barneveld & Nassif 2003).

Since the consequences of the removal of the SIAs thus far have been unexplored a qualitative approach is justified. As Merriam (1988, p. 17) explains, a qualitative approach is preferable when the events under consideration cannot be manipulated and need to be investigated in their natural setting. She argues that a qualitative researcher tries to portray the varying realities different people perceive. Creswell (2009, pp. 175-176) explains, that in qualitative research the researcher has an active (non-observing) role in collecting the data. A holistic approach is taken, trying to provide insights in various perspectives and accounts of reality. Moreover, the qualitative case study approach permits a researcher to integrate various sources which in this research so far include academic publications, semi-structured interviews, policy documentation, media releases, statistics, and newspaper articles. Kochan (1998, pp. 37-38) explains the pluralist tradition of ER research is based on assumptions of relationships based on mixed motives which makes it essential to understand the responses of all actors involved. At this stage of the research representatives of employer associations, union officials, employment relations consultants, and industrial lawyers have been interviewed to gain an initial impression as to how the removal of the agreements is affecting the various parties.

The interviews were conducted on an in-depth semi-structured basis. Moreover, a sequential and purposeful sampling method was used (Creswell 2009, p. 217; Lincoln & Guba 1985, pp. 102-103). In total 23 industry experts were interviewed at this stage. 14 interviewees were union officials and 5 of them representatives of the various employer bodies. The remaining 4 were ER consultants and lawyers. Interviews were held in the Perth Metropolitan region in the period May - August 2012. Since the rationale for the agreements differed across industries the following which had a substantial uptake of the SIAs in WA were investigated: the resources industries, telecommunication, construction, manufacturing, retail, hospitality, utilities, property & business services, transport and local government.
This research focuses in particular on WA. WA differs from the other States in that it was the only State where employees’ average hourly earnings were higher for those on SIAs than on the collective agreements, which is directly related to the large proportion of SIAs in the high-paid resources industries. Peetz and Preston (2007, p. 14) argue that the on average higher hourly wages are the result of the mining boom the state had been experiencing. Moreover, there was a higher uptake of the agreement in WA compared to the other states (ABS 2000-2010). The higher uptake can be attributed to the existence of the individual workplace agreements (WPAs) which were already part of the state regulatory system from 1993. The replacement of WPAs by the more circumscribed Employer Employee Agreements by the Gallop government in 2002 was closely related to an increased uptake of AWAs in WA since employers leapfrogged to the federal system (Todd, Caspersz & Sutherland 2006, p. 515). This is also reflected in the fact that over a quarter of the AWAs lodged with the Office of the Employment Advocate in the period 2002 till 2007 was from WA whereas the state only accounts for slightly over 10 per cent of total workforce in Australia (Fair Employment Advocate 2007, p. 13; ABS 2000-2012; Todd, Caspersz & Sutherland 2006, p. 515). Notwithstanding that there were also forms of statutory individual agreement making under the state systems in Victoria and Queensland (Bray & Waring 2006, p. 54; Roan, Bramble & Lafferty 2001, p. 390) it would appear that culture of statutory individual agreement making was nowhere as institutionalized as in WA (Wooden 2000, p. 1).

**Need for SIAs**

A number of interviewees indicated the importance of the WA context and the existence of the WPAs. For example, one interviewee stated that the impact of the SIAs was really felt under the state agreements before the introduction of the AWAs (Interview U11). As Kochan (1998, pp. 35-36) argues the historical context is an important aspect of ER research. Therefore in order to determine how the expiration of the agreements is affecting the various actors it is essential to establish why the agreements initially were being used.

Interviewees confirmed that the rationale for the SIAs varied depending on the industries. In the resources and related industries there was a substantial uptake of the SIAs from the moment they became available under the state system (Ellem 2006; Hearn Mackinnon 2009; Swain 1995). Despite the rhetoric in these industries, about how the agreements provided for more flexible and direct employee relations as well as the ability to foster organizational cultures, the various interviewees argued that in most circumstances this was not the core objective.

‘...its [AWAs] take-up was not so much one of a desire on the part of the employer and the employee to enter into an individual arrangement but more so keeping out third parties from the organization.’ (Interview 15, consultant)

‘In my view they [AWAs] didn’t give them the flexibility they wanted but what it did is that it removed the unions from the workplace which could have challenged some of the decisions that they’ve made.’ (Interview 5, union official)
This motivation is in line with was has been documented about particularly the mining industry, namely that the agreements were a tool to reduce third party involvement (Ellem 2006; Hearn Mackinnon 2009; Swain 1995). Throughout the resources and related industries, however, another important issue for employers was raised which was in relation to industrial certainty. It was expressed that by using the agreements the risk of industrial action could be minimized, which as one interviewee explains:

‘...the disproportionate high cost of workers exercising their industrial relations rights to take action meant that those companies did whatever they could to force their workers onto Australian Workplace Agreements.’ (Interview 4, union official)

In addition, since SIAs have unique expiring dates it makes it far more complicated to organise a workplace once it is de-collectivized. The need of industrial certainty was particularly stressed where work was being conducted on a project basis. AWAs were used because they were a mechanism to ensure that no protected industrial action occurred for the duration of a project (Interview E6). Also several interviewees (E1, E6, & Consultant 15) indicated that during tendering potential contractors were evaluated on the basis of their potential IR risk. Therefore it was essential for contractors to have industrial agreements which are in term for the duration of a project, whereby sometimes a preference for the SIAs was expressed.

Where the agreements were used in industries like retail, hospitality, and property & business services it has to be emphasized that they were being used within certain sections of those industries. For example most of the larger retailers never went down the path of SIAs (Interview E16 & E18). Interviewees indicated that the motivation for the SIAs in these industries in WA was their ability to reduce labour costs as well as the simplicity the agreements offered small businesses, in particular in relation to rostering. In the restaurant industry, for example, it was argued that ‘you cannot run a 24/7 business on a Monday till Friday work roster including penalty rates...’ Since the SIAs permitted to offer flat hourly rates there was a substantial take-up (Interview E18). For retailers it enabled them to work around what they perceived as some of the out-dated aspects of the awards:

‘So AWAs basically allowed retailers to get rid of a lot of those very prescriptive provisions within the award without necessarily resulting in an increase in what they are having to pay their employees and therefore it was an attractive option.’ (Interview 16, employer association representative)

It is was in these lower paid industries where the agreements were used to remove penalty rates, offer flat rate agreements and effectively were able to undercut award conditions (Peetz 2004; Peetz 2005; Peetz & Preston 2007; Peetz & Preston 2009; Pocock et al. 2008; Van Barneveld 2006; Van Barneveld & Nassif 2003).

The argument that the awards were over prescriptive and did not tailor to modern work practices was also brought forward by interviewees in manufacturing and resources industries in relation to fly-in-fly-out work practices and the rostering of work in remote areas (Interviews E6, C15 & E16). In other industries in WA the motivation for the use of the SIAs was a bit more ambiguous. In some instances it enabled employers to continue their
employment practices from the WPAs era (Interview U8), in other situations it was argued that the agreements were ‘really a product of the culture that every employer wants to develop’ and enabled them to ‘create a one workforce culture’ whereby it was emphasized that ‘it is in the medium sized business where you find the most interest of an employer in his relationship with his employees’ (Interview C15).

A final motivation for the use of SIAs was that through referral to company policy & procedures, particularly in the resources industries, the managerial prerogative could the strengthened. When the substantive and procedural outcomes of the employment relationship are referred from the industrial instrument to policy & procedures it means that rather than being fixed for the duration of the agreement that these can be altered at management’s discretion. As one interviewee expressed it:

‘The key to AWAs was control.’(Interview 10, union official)

The claim that the agreements enhanced managerial control is in line with what Bray and Waring (2006) argued. The referring from the industrial instruments to policy, however, complicates comparative work. In order to get an accurate picture of the employment relationship access to company policy & procedures for referred matters becomes critical in order to establish changes. A related issue is that the former Office of the Employment Advocate, now merged into the Fair Work Ombudsman, continues to keep content of the SIAs confidential and since limited information is disclosed it is difficult to compare agreements. In conclusion, from the interviews it becomes apparent that the rationale for using the agreements in WA was consistent with the literature (Van Barneveld & Nassif 2003).

**Expiring SIAs – how are employers responding?**

Across the industries employers have responded differently to the expiration of the SIAs. The agreements are being replaced by enterprise agreements, Common Law contracts and the modern awards. A complication factor, however, is the transitional legislation which assists in phasing out the SIAs. It has created another layer of horizontal legislation (Bray & Waring 2005) which has provided certain employers with additional strategic choices. Particularly those whose motivation for the SIAs was to remove third parties and enhance managerial control have been able to use this to their advantage as it has facilitated the shift from individual to collective agreement making without effectively having to engage in collective bargaining.

In the resources and related industries as well as in certain sections of manufacturing the various industry level experts identified expiring SIAs had little impact so far since the agreements were either still in term because employers had been able to renew them before they became unavailable (Interview E16), or alternatively and much more commonly they underpinned their SIAs with pre-Fair Work employee collective agreements which were still available under the transitional legislation (Interviews E1, E3, U4, U5, E6, U8, U10, U11, C15, E16 & C20). As Stewart (2009, p. 121) reveals, there was a surge in the uptake of these employee collective agreements under the transitional legislation, whereby Ellem (2011) identified in particular for WA a substantial increase in the months before the FW Act came in operation. It would appear a lot of employers who had SIAs in place were fireproofing
their business at the time. And when individual agreements expired employees moved from their SIAs, according to interviewees, onto supposedly identical collective industrial instruments, a claim that could be verified by having access to the SIAs. Stewart (2009, p. 121), however, already identified that these employee collective agreements tended to be quite standardized since they were pushed and sold as templates by consultants.

The reluctance of some actors to engage in collective bargaining is further demonstrated by the exploitation of legal loopholes. In relation to the resources industries one of the interviewees remarked that companies are now moving a year to 18 months before the nominal expiry date of their employee collective agreements in order to avoid bargaining, and possibly any form of protected industrial action (Interview U10). By moving early employers are indeed able to avoid being subjected to good faith bargaining provisions under s229(3)(a) of the Act, which is an issue that has been underlined during the FW Act review (Fair Work Act Review 2012, p. 140), whereas also as part of the transitional legislation these pre-FWA agreements can be replaced at any time so there is an incentive for some employers to move early (Stewart 2011, pp. 152-153). Notwithstanding there has been a transition from the SIAs to collective agreements by some employers, as Gahan and Pekarek (2012, pp. 178-179) point out, collective agreement making and collective bargaining are not the same under the Australian system.

Furthermore, some employers have moved to individual contracting under Common Law. The anecdotal evidence for higher skilled workers suggests that the expiring SIAs have resulted in an increased reliance on these contracts (Interview U7). Moreover, in the trades based areas of manufacturing some employers are still offering their employees flat rate agreements like previously possible under the SIAs (Interview E16) which is now achieved through offsetting arrangements under Common Law contracts (Poletti v Ecob 1989). These agreements, however, can never be inferior to award conditions. A possible explanation why employers opt for this solution could be that according to the interviewees the employees value the higher hourly rates whereas also these sectors tend to be less prone to industrial action (Interviews U7 & E16) and therefore there is less need to have an industrial agreement in term.

Finally, in low-paid sectors like cleaning, hospitality and retail, interviewees claimed (U11, E13, & E16) that there has been an increased move back to the awards:

‘...it is now principally the award which regulates employment in that industry. We are not seeing an uptake of enterprise agreements or other option available outside of that. So retail by and large ... it is now complying with the awards.’ (Interview 16, employer association representative)

It would appear that for those employers who used the SIAs to reduce labour costs the modern awards have become the lowest threshold. One interviewee (E16), however, suggested the increased award reliance and removal of the SIAs could possibly lead to increased levels of non-compliance in those industries. The interviewee expressed that there are a number of employers who perceive the modern awards as being too restrictive.

Are the outcomes different under the new agreements?
The next phase of the research aims to in more detail understand how the substantive and procedural outcomes, as well as the social contract are differing for those employers and employees who had regulated their employment relationship through the SIAs. Through this preliminary phase a couple of important issues for these upcoming case studies were uncovered. Firstly, it has shed some light on the ability to conduct the comparative research from a multi-actor perspective in certain industries like cleaning, hospitality, and retail. Due to high levels of labour turn-over a complicating factor will be to find employees who were covered by SIAs and currently are still with the same employer (Interview U11, E13, E16, & E18).

Secondly, the interviews revealed that with the expiry of the agreements some substantive terms have become contested grounds again. These matters were identified as key issues when the SIAs were first introduced (Van Barneveld & Waring 2002) and became later more controversial in the WorkChoices period (Fetter 2006; Van Barneveld 2006). These matters include: rates of pay, loadings, penalty rates, hours of work, work rosters, consultation clauses, union rights, and performance management. These are inextricably linked to managerial prerogative as well as labour costs. A complicating factor, as discussed, is that the content of the SIAs alone will not always reveal the entire regulation of the employment relationships in certain industries. In those instances also the letters of offer and company policies & procedures need to be taken into consideration (Interview E3).

Thirdly, it was indicated by respective unions that there where collective bargaining has replaced SIAs that they have found it difficult to get back employment conditions that either had been forcefully removed or traded off for higher hourly rates (Interview U4, U7, U8, & U14). As the union officials indicated most employees don’t want money taken off them and forgo a bit of wages to get back the entitlements they lost or traded-off. According to one union official employees tend to forget that they have traded in entitlements. And there is no point simply asking employers to give them back (Interview U14). The objective of the next phase of the research is to explore, using a case study approach, whether and how the outcomes of the agreements that are replacing the SIAs are actually different.

Conclusions
The removal of the SIAs from the Australian employment relations regulatory system is a topic that so far has been unexplored. This paper is part of PhD research project which aims to derive what the consequences of the removal of the SIAs from the Australian ER regulatory system are. The paper outlined some of the preliminary findings of how the actors from an industry perspective in the WA context have been responding. The objective of upcoming follow-up case studies is to derive in more detail whether and how the substantive terms and social contract of the actors have been affected by the removal of the statutory individual bargaining stream.

From the industry findings a number of observations can be made on the WA situation. Hereby it has to be taken into consideration that it would appear that the use of the SIAs seems to have been more institutionalized here than in the eastern states (Wooden 2000, p. 1), whereas also the uptake of the agreements was higher. Moreover, in contrast to the other states average hourly earnings were higher for those on the SIAs compared the collective agreements (Peetz & Preston 2007, p. 14). The latter is an aspect which could turn
out to be an important factor in the upcoming case studies trying to identify why employees haven’t pushed harder for collective bargaining.

From the expert interviewees it would appear that those employers who are strong actors within their regulatory space, predominantly in the resources and manufacturing industries, have been able to maintain the status quo which was created by the use of the SIAs. Some of these actors have been able to find loopholes in the successive legislative changes which undermined the intent of the regulator. Through their strategic choices they have been able to consolidate their existing workplace practices. This is shown by the roll-over of SIAs just before the deadline and the underpinning of them with the transitional collective agreements. According to the anecdotal evidence these transitional agreements are identical to the terms and conditions of the SIAs. Furthermore, some of these actors with their strategic choices have demonstrated a willingness to continue their avoidance strategies of third-parties, which was a key motivation for using the SIAs. The proposing of new enterprise agreements well before the nominal expiry date of current agreements could be regarded as a manifestation of this. It can, however, also be perceived as an attempt to maintain managerial control.

On the other hand it would appear that the strategic choices available to other employers, particularly those who used the agreements to reduce labour costs and remove award conditions, have been more limited. The interviews would suggest that smaller and less resourced actors in industries like hospitality, retail and cleaning have gone back to the modern awards. In other sectors that had mixed motives for the agreements it would appear employers have opted for either Common Law contracts or engaged in collective agreement making.

In the next phase of the research it needs to be established to what extent there is an empirical basis for claims about increased labour costs, union involvement, as well as flexibility and productivity problems which are being linked to the removal of the SIAs. Besides the removal of the statutory individual bargaining stream there have been a range of other legislative changes including the introduction of the FW Act, the National Employment Standards, the better-off-overall-test, and the modern awards which will impact those who were using SIAs. For example, the modern awards can have a differing impact depending on an industry to industry or State to State basis.

Furthermore, depending on the employers’ rationale for using SIAs different aspects of the FW Act regime will play out and be perceived differently. Those who used the agreements to enhance the managerial prerogative are focussed on the bargaining provisions, the process of bargaining, and matters in relation to third parties, whereas those who used SIAs to reduce labour costs are focused on the safety-net provisions.

Endnotes

1 The FWA review submissions by ACTU, AMMA, Ai Group, ACCI, BCA, CCIWA all refer to the use of SIAs. For recent political comments see AAP 2012 ‘Howard tries to revive Work Choices’; ABC 2012 Shorten pounces as ‘thought leader’ Howard backs IR reform.’
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Creative Destruction and Transmission of Business: A Preliminary Analysis.

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This paper discusses recent changes in transmission of business arrangements in Australia. It links these changes to the increased activity of investment funds in Australia over the first part of the 2000s. It contends that a window of relatively short duration opened in the late 2000s for particular investment funds to try and extract value from business by making use of changed transmission of business arrangements to minimise exposure to awards and agreements. However, a preliminary analysis of cases heard in the AIRC suggests that this opportunity for new business owners was not formally pursued through the AIRC.

Introduction

This paper develops a preliminary examination of transmission of business cases decided by the Australian Industrial Relations Commission (AIRC) during the ‘WorkChoices’ era. This time frame coincided with an increase in the activities of alternative investment funds in Australia, particularly the purchase of corporate assets by private equity funds. These investor owners and the management they install are seen to have different objectives to management responsible to a diffuse set of owners (sometimes characterised by the label ‘managerial capitalism’). The paper seeks to explore whether the regulatory environment created by WorkChoices in combination with the increase in investment activity of activist investors such as private equity resulted in a situation where new owners sought to avoid employee entitlements by seeking exemption from transmission of business arrangements. It begins with a brief outline of the notions of managerial and investor capitalism. It places this discussion in the Australian context by touching on the growth of investment funds in Australia over the last decade and a half. The second section provides a necessarily brief overview of transmission of business arrangements under Australian industrial law, specifically focussing in the provisions under WorkChoices and those contained in the Fair Work Act (FWA). Changes made under WorkChoices were clearly aimed at increasing the capacity of employers to avoid the application of an award or agreement where there had been a transmission of business. The FWA has limited this capacity for avoidance. Section three provides an examination of cases heard in the AIRC while the WorkChoices legislation was in effect which reveals very few cases where employers sought to remove coverage of a particular agreement once they had taken over a business. The paper concludes by speculating that the obligations imposed by transmission of business sections in industrial law have not proved to be a disincentive to business reorganisation.

Investor Capitalism and Creative Destruction

The last two decades have seen a rise in the extent and importance of investment funds in the global economy generally, but more particularly in Anglophone economies and those associated with the liberal market ‘type’ of economic coordination (Hall and Soskice, 2001). This change has been seen by some scholars as an important element in the rise of ‘investor
capitalism’, whereby the power, authority and autonomy of corporate managers is diluted with large institutional investors and other alternative investment funds exercising greater influence over corporate agendas, structures and priorities (see Useem, 2006; Jackson, 2008). Investment and alternative investment funds have also had a growing presence in the Australian corporate environment. Funds under management have increased significantly in Australia since the introduction of compulsory superannuation contributions in 1992 and alternative investment funds, such as private equity and hedge funds, have increased in size and influence during the 2000s (see Westcott, 2009; Westcott and Murray, 2013 forthcoming). Investor capitalism arguably produces a systematic privileging of short term returns to owners (shareholders) at the expense of other corporate stakeholders. As large institutional investors now account for substantial blocks of ownership in listed equities, although to a much lesser extent in Australia than is the case in the US or UK, these institutions hold a greater sway over the priorities of corporate management (Useem, 1996: Fround et al 2006). Alternative investment funds such as private equity are seen to pursue a much more explicit short term agenda, whereby companies that are ‘taken private’ are restructured in order to release value for the fund partners (see Clark, 2009; Appelbaum, Batt and Clark, 2011). The growth in these investment funds will arguably contribute to changes in corporate ownership either in part or in total with private equity funds acquiring listed or private companies as part of their investment strategy or activist hedge funds acquiring the debt of companies in distress and converting this into equity for later resale. If, as has been the case in Australia over the last decade, the proportion of private equity funds being channelled into later stage buyouts has increased; and this particular business model often involves restructuring of assets and operations in order to release value, then there may be increased pressure to avoid transmission of business arrangements which transfer employee conditions and entitlements.

For example one particular scenario could involve an investment fund (for instance a private equity fund) purchasing an underperforming corporate asset with a view to ‘turning around’ operations in order to increase the financial value of this company. One particular route for releasing value may be to reduce the absolute and relative costs of labour as part of overall operations. The capacity to pursue such a strategy would be limited where transmission of business regulations ensure that employee conditions and entitlements are maintained in a situation where ownership changes. Conversely, if transmission of business regulations are relatively relaxed, ‘value’ may be released to new owners by altering the conditions under which employees work or by removing employee entitlements as a liability from corporate balance sheets. The next section of the paper turns to a brief review of transmission of business regulation under Australian industrial law, before the paper returns to consider the likelihood of this scenario in the final section.

Transmission of Business in the Australian Industrial Context.

Transmission of business arrangements, once introduced into industrial law, proved to be relatively uncontroversial for most of the 20th century (Sebbens, 2003: 138-139). The inclusion in federal industrial law of a requirement that employees existing employment conditions should be maintained when there is a change in ownership or restructuring of the business was an important buttress to the award system (Sebbens, 2003). These provisions came about as a result of the Whybrow case (1910) which successfully challenged the common rule effect of federal awards. In order to address the loophole created by the Whybrow case an amendment was made to the Commonwealth Conciliation and
Arbitration Act in 1914 (at s29 (ba)) which made awards binding on ‘any successor, or assignee or transmee of the business of a party bound by the award...’ (Hardy, 2007: 5). Prior to the repeal of the Conciliation and Arbitration Act the section had been slightly amended to state that an award would be binding on:

‘...in the case of employers, any successor to, or any assignee or transmee of, the business of a party to the dispute or of a party bound by the award, including any corporation which has acquired or taken over the business of such a party.’ (s61d)

This language of succession, assignment or transmission in relations to transmission of business remained a constant in industrial legislation for the entire twentieth century with little amendment. The introduction of the Industrial Relations Act (IRA) in 1988 made a number of important changes (see Hardy 2007). The relevant section of that Act set out that:

‘Subject to any order of the Commission, an award determining an industrial dispute is binding on: (d) any successor, assignee or transmee (whether immediate or not) to or of the business or part of the business of an employer who was a party to the industrial dispute, including a corporation that has acquired or taken over the business or part of the business of the employer.’ (s149 (1) (d) IRA, 1988).

This change granted power to the Commission allowing it to make an order exempting a business from award coverage. In addition the inclusion of the phrase ‘part of a business’ seemed to extend award coverage to sections of a business which may have been carved off and sold. The transmission of business provisions also applied to certified agreements and enterprise flexibility agreements (at s149 (2) and s149 (4) respectively).

Arguably the structural changes of the 1980s, reflecting strategic choices of business and governments, bought renewed attention to the operation of transmission of business arrangements under industrial law. McCallum notes that increased competition and the demand for short term returns to share owners have ‘given impetus to entrepreneurs to cut costs and especially to diminish the size of the wages bill.’ (2001: 97) A further catalyst for a re-examination of these provisions was the program of corporatisation and privatisation undertaken by successive state and federal governments. These programs effectively saw significant areas of government undertakings, or sections of public sector operations, sold off or contracted out to new operators. In effect there were a number of substantial transfers of business that involved public sector employees.

A second major change in the 1990s which contributed to the debate around the protection of employee entitlments was the growing privileging of single employer agreements under industrial relations law. While at a federal level the decentralisation of bargaining had gained momentum from the late 1980s, this was hastened with the passage of the IRA 1988 and the subsequent Reform Act in 1993 which allowed for the creation of single employer certified agreements. The common rule intent of awards and their slow recasting through the 1990s as a ‘safety net’ underpinning certified agreements meant that their continuation when businesses were reorganised was reasonably uncontroversial. However, certified agreements that had been made by a single organisation and their workforce were a different instrument. As Hardy notes: ‘(t)he traditional justification for the transmission of business provisions loses force in relation to the transmission of statutory agreements which operate less like a protective set of universal rules and more like a tailored set of the
terms and conditions of employment which reflect the circumstances of each particular business or employee.’ (Hardy, 2007: 8)

This situation was accentuated with the promulgation of the Workplace Relations Act (WRA), particularly after its amendment to incorporate the WorkChoices reforms. In its pre-reform incarnation the WRA contained transfer of business provisions very similar to the IRA it replaced with both certified agreements and AWA’s transferring to the successor, assignee or transmittere (as long as they were eligible to make these agreements). Under the original WRA, parties to an agreement or an AWA could not seek an order from the Commission for exemption which proved to be problematic as agreements (as distinct from awards) transferred with the business not the employees (Sebbens, 2003; Hardy, 2007). An amendment introduced in 2002 (which was finally passed in 2004) allowed parties to seek exemption from the application of a transmitted certified agreement under section 170MBA (O’Neill, 2002). The WorkChoice amendments to the WRA bought a substantial change to transmission of business arrangements. Structurally these provisions were consolidated into Part 11 of the Act. Significant among these changes was the stipulation that only employees inherited with the transfer need be subject to transferred awards or agreements. This provided new owners the opportunity to engage new employees under different terms of employment. Moreover inherited awards or agreements remained in force for only 12 month following the change in ownership or restructure. The new owner or operator could also enter into a new workplace agreement with their inherited employees and the Commission was granted greater discretion to make orders exempting businesses from being covered by an award or agreement. (Hardy, 2007: Riley, 2009) This liberalisation of transmission of business seemingly opened the way for new business owners to more easily shed award or (more likely) agreement coverage upon taking over a particular operation. However, in making any order the Commission still had to apply a fairness test which closed ‘... at least some of these legislative loopholes.’ (Hardy, 2007: 3)

The changes to federal industrial law in the 1990s and 2000s should be considered in the light of judicial interpretations of ‘transmission of business’. Indeed the meaning of the phrase ‘transmission of business’ as interpreted by the judiciary became increasingly complex. Against the background of the changes set out above the High Court of Australia (HCA) was called upon to make a number of adjudications that created a new interpretation of transmission of business. Sebbens argues that prior to 2000 the Federal Court of Australia had generally adopted a liberal interpretation of the transmission of business section in the federal industrial laws. In particular the federal courts had applied a test of ‘substantial identity’ when determining whether a business was a successor, assignee or transmittere, which broadly entailed comparing the core activities undertaken by the employees of the transmittee with that of the transmitter (Sebbens, 2003). Where there was a substantial similarity in the activities then a transmission of business was broadly found. As MacCallum argued, ‘(t)his beneficial approach was adopted in large part because these are remedial provisions that are designed to protect the wages and work rules of employees.’ (2001: 98) However, transmission of business became more uncertain following the decision of the High Court in PP Consultants Ltd and Finance Sector Union of Australia (2000). In this case, involving the contracting out of bank branch operations by St George bank, the court focused more closely on the nature of the ‘business’ rather than the activities undertaken by employees. The court found that it was not possible to develop a general test for when a transmission had occurred for this was a ‘mixed question of fact and law’ (PP Consultants,
2000: 6). However, it went on to develop a three-step process for determining whether a transmission of business had taken place (for private sector business). The ‘character of business’ test involved identification of the pre transferred and post transferred operations with a focus on ‘the identification or characterisation of the business or the relevant part of the business.’ (PP Consultants, 2000: 6) Both MacCallum (2001) and Ginters (1999) argue that other cases decided by the HCA on appeal seem to reinforce the substantial identity test and that this measure was used in the context of public sector transmission (either public to public or public to private). It seems on the evidence of a more recent case, Minister for Employment and Workplace Relations v Gribbles Radiology Pty Ltd (2005) (Gribbles) that the particular facts surrounding the individual case will be of particular importance, although as shown below the FWA (2009) has had a significant impact on what is now referred to as a transfer of business.

The regulatory environment of the mid 2000s, that is the combination of the post reform WRA and the more literal interpretation of ‘transmission of business’ by the HCA could be seen to be one where employers had greater opportunity to use the strategy of business restructuring as a means of altering or avoiding employment conditions imposed by awards or agreements. Indeed the development of the character of business test could have had implication for investment fund owners, as the nature of their core business (earning returns) is different to the traditional ‘operator’ conception of business owner. If it were the case that new owners or operators were attempting to liberate themselves from employee obligations by restructuring business one strand of evidence would be in applications to the AIRC for orders to avoid award or agreement coverage. The next section provides a review of relevant AIRC cases which reveals remarkably few instances of such an attempt.

**Transmission of Business Cases in the AIRC under Work Choices**

The legal database AUSTLII and the Fair Work Australia online repository of case decisions were consulted as a means of assessing the extent to which employers sought orders from the AIRC, in situations of transmission of business. Using the AUSTLII database a search for AIRC cases with the term ‘transmission of business’ was undertaken. This search returned 275 decisions. These decisions were then ordered chronologically. The first 51 decisions were consulted as this covered decisions delivered between January 2005 and October 2009. This period covers the time in which the Work Choices amendments to the WRA were in effect. The 51 decisions related to 49 different cases. Twenty one decisions while mentioning transmission of business were not concerned with this issue. They made some mention of transmission of business but this may have been as a background issue or because this term was cited in a previous decision or award referred to in the decision. Of the remaining 29 cases only eleven dealt with an application to vary, extend or clarify the parties to an award or agreement as a consequence of a transmission of business. A further seven cases concerned the payment of severance pay to employees as a consequence of a transmission of business and a further seven concerned unfair dismissal in the context of a recent transmission of business. Finally, three were classified as administrative hearings whereby a transmission of business had created some anomaly that had led to a dispute regarding the interpretation of an award or agreement.

A review of these decisions found that there were no applications made by employers under the relevant sections of the amended WRA (set out in s590 of the Act) for an order to exempt coverage of an award or agreement due to a transmission of business. This result seems to be consistent with statistics on activities of the Commission presented in the AIRC
annual reports between 2006 and 2009. There was also little activity in the form of applications to the Commission for orders under the (2004) amended provisions of the WRA as shown in Table.

Table 1 – Selected statistics on Activities of the AIRC, 2003-2009.

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<td>Application to make order about extent to which successor employer bound by certified agreement (s.170MBA)</td>
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<td>Application for an order that a new employer not be bound by an award</td>
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Among the decisions that were classified as relating to the variation, extension or clarification of an award or agreement following a change in business operations, only two decisions involved an application for an order under s170MBA. The first of these was bought by a trade union in an attempt to extend coverage of an agreement. In this particular case (MEAA – re Seven Network (Operations) Limited Captioners Agreement 2004) the MEAA sought an order to ensure that Global Television Services Pty Ltd was covered by the Seven Network agreement. Like all cases involving an assessment as to whether a transmission of business had occurred, the facts of the particular situation are extremely important. Seven Melbourne Pty Ltd, held shares in a company, Coventry Street Properties, which held a lease over production premises known as Coventry studios. Seven Network was a client of Coventry. In June 2006 Seven Network made a number of employees redundant some of whom were then employed by Global. Global acquired half of Seven Melbourne’s holdings in Coventry as well as entering into a contract with Coventry to manage and promote Coventry studios. Seven Melbourne was not bound by the Seven Network agreement. The MEAA argued that there had been a transmission of business between Seven and Global and that the employees hired by Global should be covered by the Seven Network agreement as they were performing the same work as prior to their redundancy. While the Commission agreed that the employees were performing the same work it found that no transmission of business had occurred. The Commission declined to grant the order sought by the MEAA arguing that while it:

‘... accepted the evidence ... that the duties performed by employees who moved from Seven to Global are the same this does not necessarily mean by itself, on the authority of Gribbles and PP Consultants, that there has been a transmission of business. The business performed by Global is not the business previously conducted by Seven.’ (MEAA – re Seven Network (Operations) Limited Captioners Agreement 2004: 6)

The deciding element in this case was again the character of the business rather than the nature of the work undertaken by employees. The second decision made for an s170MBA
application (Silver Chain Nursing Association (Incorporated) v LHMU, 2006) involved a union seeking to extend coverage of an agreement to a ‘successor’ business. This also was unsuccessful as in this case the Commission found the acquisition of bed licences by Silver Chain from another operator in the area which had closed down, did not constitute a transmission of business.

Transmission cases were also bought under sections of the Act. In making orders the Commission could invoke its discretion. In one case the CFMEU sought to have a union certified agreement apply to a group of employees covered by a non union agreement in the construction industry based on their contention that there had been a transmission of business (CFMEU and Fugen Masonry Pty Limited, 9 November 2006.) Fugen Masonry Pty Ltd was contracted to perform work for Fugen Australia (which was bound by a union certified agreement set to expire in March 2008) in May 2006. It employed several workers who had formerly worked for other companies in the Fugen group, whose work remained largely unchanged upon the transfer to the new company. Fugen Masonry applied to certify a non union agreement in April 2006. The Commissioner applied the three step process outlined by the High Court in PP Consultants and found that there had been a transmission of business from Fugen Australia to Fugen Masonry. Consequently the workers who had been employed from Fugen Australia should continue to have their terms of employment governed by the union agreement. However, the Commission invoked its discretion not to make an order to this effect taking into account that there was a relatively small number of employees affected (40), that the differences between the terms of the two agreements did not create a ‘substantial disadvantage’ and that in making the order the employer would be forced to provide two different sets of employment conditions for its workforce. (CFMEU and Fugen Masonry Pty Limited, 21 December 2006)

The tension between maintaining jobs in a failed business while not undermining the conditions of employment was evident in one instance whereby a company in receivership was purchased with the new owner seeking to minimise redundancy obligations and labour costs by offering employment to transferring employees under an AWA rather than a collective agreement. Feltex Australia Pty Ltd was bought by Godfrey Hirst in October 2006 (Ooi, 2006). The new Godfrey Hirst subsidiary Feltex Carpet Pty Ltd sought to offer employment (recognising continuity of service) to all affected employees, who had previously been covered by the union certified agreement, but with employment terms governed by an AWA. In this instance they argued that this situation would constitute acceptable alternative employment which would release the company from their obligation under the previous agreement to extend redundancy pay to those employees who refused this offer. After consultation with the Textile Clothing and Footwear Union over this arrangement failed to reach a solution a dispute was listed with the AIRC (Feltex and TCFUA. Feltex Enterprise Agreement 2004). The Commission systematically compared the AWA with the Feltex certified agreement and concluded that the AWA did not constitute acceptable alternative employment. It recommended that with some modifications the AWA might be found to be acceptable and recommended the parties negotiate an alternative basis of employment.

The ‘liberalisation’ of transmission of business arrangements which were facilitated by the more general interpretation of this term by the HCA in combination with the amended WRA was curtailed with the passage of the FWA. The FWA dispensed with the terminology of ‘transmission of business’ and its associated reference to ‘successor, assignee or
transmitee’. Instead it refers to ‘transfer of business’. Part 2-8 of the FWA sets out the new transfer of business provisions. Unlike the WRA it expressly notes that the object of this section is to balance the protection of employees employment conditions with the interests of employers in operating their enterprises efficiently when there has been a transfer of business. It also sets out in s311 when a transfer has occurred. Space precludes a detailed examination of the FWA provisions (see Creighton and Shi, 2009-2010; Riley, 2009), however two changes are important to note. First the transfer of business as set out in s311 makes it clear that if the work performed by the employee for the new employer is ‘the same, or substantially the same’ as that performed for the old employer (provided the other criteria are met) then a transfer has occurred. Labour law scholars have suggested that the wording of this particular section reinforces the ‘substantial identity’ notion developed by the courts overturning the ‘character of business test’ developed by the High Court in PP Consultants. Secondly while the new provisions seems to be more prescriptive in determining when a transfer of business occurs, the Fair Work Commission retains its discretion when making orders relating to the coverage of agreements and awards when there has been a transfer of business. However, the FWA also lists (in s318 (3)) the factors that it must take into account when making any order.

Conclusion

The convergence of increased alternative investment fund activity and more liberalised transmission of business regulatory provisions in the late 2000s could have seen an upsurge in employer attempts to reduce employment costs by removing themselves from coverage of awards or agreements. Revisiting the scenario set out earlier in the paper, a hypothetical situation may have involved a private equity fund buying out a corporate asset with the view to increasing the financial value of this asset prior to resale. The financial value of the company could be increased by some combination of expanding revenue and reducing costs. One avenue for cost reduction would be to engage largely the same workforce but with reduced employment conditions achieved by seeking an order from the Commission barring the transfer of existing awards or agreements to the new owner. A review of AIRC cases reveals that, at least in terms of formal applications, this was not the case. Rather, there seems to be continuity in the number of applications made to the AIRC relating to transmission of business, but there is a need for further investigation of this issue. It may be the case that new owners effectively changed employment conditions upon acquiring corporate assets without the intervention of the Commission, particularly in situations where employees were not unionised. Indeed there is some evidence that such situations did occur during the Work Choices era (Sutherland, 2007). It appears, based on the limited evidence captured so far, that the changes to the transmission of business regime promoted by Work Choices had little formal impact with few applications to the AIRC for exemption from an industrial instrument following the transmission of business. However, within the Work Choices bargaining framework new owners may have believed they could change employment conditions without recourse to the AIRC, or alternatively chose to wait 12 months for the existing agreement to expire. Similarly, following the interpretations of the HCA in the early 2000s unions may have been less certain of pursuing a claim that a transmission of business had occurred. Notwithstanding the lack of formal applications to the AIRC the liberalisation of transmission of business regulations in the late 2000s served as a signal that the remedial intent of these provisions had been diluted.
References


A CASE STUDY OF CLIMATE CHANGE ADAPTATION THROUGH CAPACITY BUILDING IN THE UNION MOVEMENT

Suzanne Young and Colin Long
Latrobe University and NTEU

This aim of this research project is to utilise social movement literature and organisational capacity building literature to understand NTEU activities in adapting to climate change. The research questions focuses on exploring why and how the NTEU has engaged in climate change adaptation activities. The paper concludes that despite success in engaging in climate change adaptation activities, there is conflicting legitimacy in terms of the union’s role. Alongside resource pressures there is a need for innovative engagement activities as well as clear and measurable outcomes and definitions of success. This means union re-thinking of how they achieve and measure enlarged capacity and social movement success.
Backsourcing in Health

Suzanne Young and Manuela S. Macinati
La Trobe University and Università Cattolica del Sacro Cuore

This paper aims to provide a richer understanding of the influence of the institutional environment, nature of parties and dynamic interaction between contractual and relational governance in backsourcing in public health. Using a case study approach involving and Italian and Australian hospital, it analyses how the institutional environment and the nature of the parties affected the governance of outsourcing and impacted on backsourcing. It found that the different configuration of contractual governance are a precondition for mobilising cooperation between the parties; and that contractual governance can be used to compensate for the lack of trust although the rigid application of the contract or its variations has a detrimental effect on trust and cooperation. Moreover we have demonstrated that the interaction between contractual and relational governance did not provide adequate levels of cooperation and this led to the relationship becoming undesirable or unnecessary. And importantly the changes in the institutional environment led specifically to backsourcing.
AIRAANZ 2013
NON- REFEREED PAPERS
From security ‘beyond employment’ to security ‘in employment’

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1. Introduction/Abstract

The credibility of “flexicurity” as a bundle of policies simultaneously promoting the flexibility of the labour market and the compensation of its possible adverse effects, has suffered from the financial crisis, which has restricted the fiscal space for costly compensation policies. Furthermore, the crisis has also shown the advantage of adjusting work volume to reduced activity by the variation of working hours rather than by the variation of employment. Strict employment protection, when linked to internal flexibility, seems to be a more efficient means to link flexibility and security than loose employment protection with layoffs and unemployment and costly reintegration. By targeting mainly flexibility and security ‘beyond employment’ in labour market reforms, but not job stability and security ‘in employment’, the European Commission omits a major plank of the European social model.

2. The rise and stumble of flexicurity

The concept of flexicurity was the outcome of a longer process of discussion on the kind of labour market regulation and policies required for modern labour markets in an era of globalisation. This discussion was very much centred on a comparison between the US (and other Anglo-Saxon) labour markets and continental European labour markets in the wake of election victories of Reagan and Thatcher in the 1980s. Europe, which was experiencing high unemployment and low job creation, was considered to be sclerotic and lacking the flexible adaption of the Anglo Saxon countries to the new challenges of globalisation and technological change. As Stephen Nickell and Richard Layard stated in 1999

Barely a day goes by without some expert telling us how the continental European economies are about to disintegrate unless their labor markets become more flexible. Basically, we are told, Europe has the wrong sort of labor market institutions for the modern global economy. These outdated institutions both raise unemployment and lower growth rates (1999:3029)

While this view was disputed by some, others accepted the need for more flexibility on European labour markets and a European answer to the quest for more flexibility on the labour markets without jeopardizing security of workers was emerging around the threshold of the new millennium. The concept was called ‘Flexicurity’ a word coined after a Dutch law (Wet Flexibiliteit en Zekerheid) adopted in January 1999. This law made it easier for employers to use flexible forms of employment while it also provided for better protection of workers on such contracts. The genesis of the concept was much related to some influential reports among which the so called “Supiot report” of 1999 (published in English in 2001 by Alain Supiot and Pamela Meadows under the title ‘Beyond employment’) is of prime importance. For the sake of giving workers rights to exercise their freedom of choice, the report proposed to delink somewhat social protection and employment, as social protection
in the employment relationship would provide protection only for involuntary risks. Thus freedom would be enhanced by granting security rights (called social drawing rights) to individuals ‘beyond’ the employment relationship. This report had a strong impact on European policy making, for example on the European Commission’s “Green paper for modernising labour law”, another antecedent of flexicurity, which stated that “European labour markets face the challenge of combining greater flexibility with the need to maximize security for all” (European Commission, 2006:3).

The concept finally adopted by the Commission in 2007 followed the propositions of the tripartite ‘Expert group on Flexicurity’ which had worked on a set of common principles of flexicurity (2007). The concept adopted was seen as a means to change labour law and labour market institutions in order to maintain European competitiveness and the European social model. Reasons for choosing the word were its appeal as a ‘win-win’ solution accommodating both workers and employers, which fitted well with the emerging governance structure in the EU, based on a soft law approach (the open method of coordination) involving the social partners. It had also much to do with the employment success of several smaller European countries in the 90s and in particular the quite spectacular turnaround in Danish and Dutch labour markets, which were preceded by broad national agreements on labour market reforms and competitiveness (Auer, 2000).

In the mid 2000s flexicurity became the number one labour market reform agenda of the European Union as witnessed by an array of reports, declarations and principles of all European Institutions concerned. Besides the European Commission, the European Parliament also the European Social Partners (Trade Union and Employer Federation) supported Flexicurity at this junction.

However, from its inception, flexicurity was challenged by academia, the political left and trade union rank and file –particularly in the Southern and Central Eastern member states– as a concept without clear definition and a disguised way to introduce more flexibility without delivering on security. In the words of John Monks, General Secretary of the European Trade Union Council, flexicurity became a ‘swearword’ in parts of the trade union movement. And finally the financial crisis and assorted budget austerity policies have rendered the extension of social protection policy for the jobless and new laws for granting social rights ‘beyond employment’ extremely difficult (see below). The idea of a security ‘beyond employment’ influenced those who designed the concept of flexicurity so substantially that security ‘in employment’ was sidelined as there was a belief that stable, long term jobs would soon be a thing of the past. But the crisis shows that countries with quite strict employment protection, but good policies allowing working hours reductions in stable employment relationships, instead of dismissals live better through the crisis than those having opted for more securities ‘beyond employment’. Whether such developments are the death blow to flexicurity or not has yet to be seen, but in European labour market and social policy the concept has lost much of its lustre and drags an adverse political economy (Auer, 2011).

3. Labour market institutions and their impact

Flexicurity was firstly an outcome of a discussion on labour law, but it was also part of the discussion in labour economics on the impact of labour market institutions (LMIs) on
employment and unemployment. In this discussion LMI s, and in particular employment protection legislation, one of the pillars of the stable employment relationship, were blamed for introducing rigidities in the labour market and thus for low employment growth and rising unemployment. The most significant institutions studied besides employment protection were unemployment benefits, minimum wages and the tax wedge. Generally, if benefits were generous and regulation strict, they were seen as causing unemployment to rise and employment to fall. For example, Nunziata (2002) ascribed more than half of the magnitude of rising unemployment in the OECD between 1960 and 1995 to shifts in labour market institutions. Also Bassanini and Duval of the OECD come to similar conclusions and see “changes in policies and institutions appear to explain almost two thirds of non cyclical unemployment changes over the last two decades” (2006:9). The liberalisation of dismissal protection, cutting unemployment benefits and benefit duration or lowering minimum wages became employment policy and substituted macroeconomic policies as Freeman (2009) rightly noted: ‘At the turn of the 21st century, questions regarding labor market institutions replaced macroeconomic policy at the center of much policy debate in advanced economies’ (2009:3). This lead leading International Organisations such as the IMFvii, or the OECD to adopt a deregulation strategy for the labour markets, which during the crisis became even more pronounced

However, reading carefully the quite substantial economics literature on the topic leaves a mixed feeling about the true relationship between LMI s and Labour market performance and it needs a heroic (or rather ideological) attitude to read a policy mandate for a broad mandate for deregulation and liberalisation in such shaky results. For example, in regard to Employment Protection Legislation Layard and Nickel wrote:

...... For social security the key policies are benefit reform linked to active labor market policies to move people from welfare to work. By comparison, time spent worrying about strict labor market regulations, employment protection and minimum wages is probably time largely wasted. (1999:1)

And Blanchard and Wolfers (2000), while finding that strict dismissal protection increases un-employment, are very prudent in regard of their results:

The results notwithstanding three caveats are in order: first the results are preliminary, in many cases we do not have time series for institutions and the series we have may not be very good. Second the results are typically weaker when we allow for time varying than time –invariant measures for institutions. This gives some reasons to worry. Last, the fact that the specifications fit the data does not prove that the underlying theories are right....just that they are not obviously inconsistent with the aggregate data.”(2000:3).

In the debate, also interactions with other institutions are analyzed, which may dampen or exacerbate effects noted. For example, union and employer coordination is found to minimise the negative impact of dismissal legislation.

Economists like Howell, Baker, Glynn and Schmitt have thoroughly analysed results data and methods of some of the above mentioned studies and come to the conclusion that while:
‘The main culprits are held to be *protective* institutions, namely unemployment benefit entitlements, employment protection laws, and trade unions. Our assessment of the evidence offers little support for this orthodox view’ (Howell, Baker, Glyn and Schmitt 2007: abstract)

4. **Benefits of stable employment relationships**

Recent work by the International Institute for Labour Studies (IILS) of the ILO has also added to the conviction that the relationships between employment protection, economic and labour market performance is different to what the standard assumption (flexibility pays) predicts.

The relationship found in figure 1 below is not linear and thus forbids any simple generalisation. In particular it is not in support of the common ideological representation of employment protection as the main culprit for labour market problems such as low employment rates.

Figure 1: “Employment protection legislation index” and aggregate employment rates: Standard assumption versus evidence-based relationship

![Graph showing employment protection legislation index and employment rates](image)

Source: ILO/IILS, WOW 2012 p. 42

Figure 1 shows that while the standard assumption predicts high employment to population rates for low degrees of employment protection, the empirically assessed evidence shows that employment rates are lowest with very loose protection, optimal at a middle level of protection but are also higher in countries with very strict regulations (above 2.5 points on the horizontal line) than for countries with highly flexible labour markets (below 1.2 points). The strong point here is that the standard assumption would not apply to about 70 per cent of the countries studied.

Such non-linear relationships may also concern other benefits of stability. In former work we have shown a non-linear relationship between employment tenure (a proxy for EPL indicating stable employment relationships) and productivity, which indicates that tenure ‘pays’ up to a point, but that this point is far above what the standard assumption would predict.
Data are aggregated and should not be used to predict individual productivity per worker and they will also widely differ between economic sectors. However they indicate that any simple conclusions on the benefits of flexibility (productivity increases only through speedy structural change with an ever shifting workforce) are wrong.

As for worker careers such assumption of the ‘strength of the most flexible’ may also be misleading as is shown by Brown, Haltiwanger and Lane (2006). The conclusion of their study based on longitudinal matched employer-employee data for 5 sectors in the US in the 90s support the view that tenure pays. True, it needs something that can be termed “access flexibility” (e.g. job hopping) but rather for landing good jobs with tenure

Two popular perceptions- that workers gain big rewards for jobhopping and that worker’s loyalty to a company pay off- are both accurate. Loyalists tend to be rewarded for staying with one firm....but, in many firms workers must job hop before they get access to a long job ladder that offers career development...(in the end) loyalists begin and stay ahead of the job changers. (2006: 97 and 98)

Goods jobs with tenure rank high in job satisfaction studies and it has also be shown that there is a positive correlation between tenure and workforce training. It needs some job hopping before accessing good jobs with a career and such access flexibility has certainly to be supported. The labour market comes also with what can be called ‘exit flexibility’ which can be voluntary (voluntary quits are usually a predominant cause for company exits, at least in good times) or involuntary quits, which increase in economic crises, and there has to be good protection and reintegration aid for those involuntary dismissed.

Instead of the constant repetition of the ‘flexibility of the labour market is good for all’ mantra one should have a more balanced, evidence based view showing that employment protection is basically an asset, but not all can have it all the time as we reckon ‘access
flexibility’ (e.g. temporary jobs before landing tenured jobs) and ‘exit flexibility’ because of job loss due to business cycle or structural change. Indeed, just like university professors, workers usually prefer tenure to unstable, flexible jobs and unions defend their members in this regard. For workers, as all studies on job satisfaction show, job security is an asset. For employers, retaining people on their jobs is – unless in times of thorough structural change with large scale redundancies- a crucial problem that underlines the importance of long term employment relationships also for employers. Governments should also see that employment protection (even with publicly financed means of internal flexibility such as short time work) is the most important plank of labour market security. It is usually a less costly alternative than lay-offs and labour market intervention after dismissal. And the good message is that average tenure, a proxy for stable employment at the aggregate level, is still at high levels and increasing in most EU (15) countries.

Average tenure EU-15  1992, 2005 and 2010

![Graph showing average tenure EU-15 1992, 2005 and 2010]

Data: Eurostat and OECD data bases; Values for Greece, 2010

5. Learning from past reforms?

Boeri (2005) has analysed 288 labour market reforms (Employment protection legislation and out-of-work benefits) between 1985 and 2003 in 19 OECD countries (14 EU member countries plus Norway, Switzerland, USA, Canada and Australia). He concluded that of these only 5 per cent were radical (concerning permanent employees) but 95 per cent were marginal (concerning temporary jobs). Around 70 per cent of these reforms decreased and a little more than 30 per cent increased generosity and protection.

Radical reforms are thus the exception and political economy effects (interests defending protection of regular jobs and benefits systems) are among the main reasons for this fact. In their paper ‘Redesigning the employment protection system’ Blanchard and Tirole (2003) argue that Employment Protection legislation reforms consistently leads to opposition by labour unions and that any reform must take into account such political economy effects. Boerje (2005) mentions that radical reforms were mostly introduced in economic crisis periods, which forebear more radical changes in the present crisis. This hypothesis is confirmed by data contained in the 2012 World of Work report of the International Institute for Labour Studies. Between 2008 and 2012, in the advanced economies, about 50 per cent of 35 countries for which information was available have changed Employment protection...
legislation of permanent contracts, and in 76 per cent of cases decreased protection. In addition also protection in case of collective dismissals was reduced in 14 of the 29 countries observed (IILS 2012: 39).

Learning from the past thus indicates that labour market reforms, and in particular reforms that concern the legislation of permanent jobs, face opposition. Before the crisis reforms were slow and the permanent employment relationship remained the norm, but ever since the reform speed has accelerated. While these reforms are applauded by the financial system it is not sure at all what their benefits will be except a certain increase in precarious work. It is an irony that the financial crisis, caused by the deregulated financial system, contributes now to deregulate the labour market.

6. Does the European economic and social model hold?

Together with an increase in the shares of flexible jobs we witness constant pressure towards more (external) labour market flexibility in some of the countries most affected by the financial crisis (see for example the Italian and Spanish labour market reforms, which nowadays sometimes come under the name of flexicurity)\textsuperscript{x}. However, it seems improbable that more of flexible employment will solve the employment problems of these countries. To the contrary it can be shown some of the countries having more restrictive employment protection but coupled with ample possibilities of internal adjustment (e.g. Germany and Austria known for their short-time work benefit systems) do better – 4 years after the peak of the crisis- than those known for flexible labour markets like the UK or those known to have adopted flexicurity (in particular Denmark). This is shown by lower total and youth unemployment rates, but also a better job creation and GDP growth records (For unemployment see table 2 below).

Table 1: Unemployment rates in EU 27 countries

<table>
<thead>
<tr>
<th>Country</th>
<th>October 2012</th>
<th>August 2012</th>
<th>September 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT</td>
<td>14.3</td>
<td>13.1</td>
<td>13.0</td>
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<tr>
<td>LU</td>
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<tr>
<td>NL</td>
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<td>DE</td>
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<td>SE</td>
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<td>GB</td>
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<tr>
<td>IT</td>
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<td>FR</td>
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<td>AT</td>
<td>16.3</td>
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</tbody>
</table>

Given the high rates of unemployment (with youth unemployment rates at 23 per cent in average in the EU 27 and over 50 per cent in Spain and Greece) and social security and labour market policies budgets already stretched, for most EU countries expanding social spending to the extent needed to combat “the unintended effects of free market forces” like unemployment and underemployment along the lines of the European social model\textsuperscript{x} is becoming increasingly difficult. This is particularly true as all EU governments (and those hardest hit especially) work under austerity budgets to bring down their public deficits and debt to the targets of the European stability and growth pact, which stand at 3 per cent for deficits and 60 percent of GDP for debt. What does this mean for labour market adjustment
to structural and business cycle change and for the future of the European model? This model was based on the idea that one should not interfere with market forces (or only very marginally so) and let the labour market adjust freely to the requirements of change, but accompany change by (possibly active) social protection policies that insure reintegration into employment of those displaced in the economy. Thus, structural change would be accompanied by dynamic labour markets that are supported by public policies.

While this proposition seems to have worked in the past in some of the most socio-economically developed countries of Europe (at least until the crisis) our results indicate that other countries in Europe (e.g. those hard hit by the debt crisis like Greece, Portugal, Spain and most former “transition” countries) cannot afford or organize such policies. But also the advanced social welfare states (e.g. in Scandinavia) have more and more difficulties in continuing this policy under the impact of the crisis. The dilemma to be faced is: at a time where such policies are most needed, there seem not to be enough funds for their drastic extension in many countries.

Figure 3: Current Labour Market policy expenditure in the EU (2010)

(1) Includes estimates.
(2) Expenditure for EU-27 is based on 2010 data for all EU Member States except Greece and the United Kingdom for which 2009 data is used.
(3) 2008.
(4) Includes provisional data.
(5) LMP services, 2008.
(6) LMP services, not available.
Source: Eurostat (lmp_expsum_m)
Labour market policy (LMP) spending has across the EU 27 between 2008 and 2010 by around 0.6 percentage point of GDP or about 36 per cent to 2.2 per cent of GDP, this is far from enough to stem the rise in unemployment between 2009 and 2010. But with rising unemployment, spending per unemployed tended to decline in most countries. Exceptions are Ireland, where expenditure rose quite dramatically between 2007 and 2010 from 1.6 to 3.9 per cent of GDP in line with the rise in the unemployment rate. Also Spain expanded its LMP expenditure by almost 80 per cent between 2007 and 2010 (from 2.2 to 3.9 of GDP) while unemployment increased also by about 80 per cent (between 2008 and 2010). The same holds true for Greece, but at very low spending levels (0.5 to 0.9 per cent of GDP with the unemployment rate soaring by 63 per cent between 2008 and 2010).

Spending on unemployment benefits explains most of the increases and the share of income protection (passive) benefits rose to 67 per cent. Consequently the share of active labour market policy interventions declined to 25.7 per cent from 28.8 per cent a year earlier while that of LMP services increased slightly to 11.4 per cent.

In light of the spending needs for turning all countries into intensive spenders on LMP in line with "flexicurity" prescriptions, the present efforts of spending (2.2 per cent of GDP) are small. Even before the Economic crisis, which has made things worse, the 2006 Employment in Europe Report of the EU Commission showed the high cost of a framework that would massively use labour market policies (both income protection through unemployment benefits and active labour market policy–ALMP) for coping with unemployment and labour market reintegration and install a basis for security ‘beyond employment’. The report took the average expenditure of the highest spenders (coinciding partially with ‘flexicurity countries like Denmark) as benchmark for the lower spenders and showed that applying a flexicurity framework to the latter would result in very high additional spending of 4 per cent of GDP in average across the EU 27, but up to 12 per cent of GDP in Slovakia and 7 per cent in Greece in order to reach the level of labour market policy spending per unemployed of the highest spenders.

Much more efforts would also have been required for activating labour market policy. These calculations were done on the basis of average spending between 1997 and 2004 and with
an EU wide unemployment rate of around 9 per cent in average (European Commission, 2006 a). Today efforts of spending would be much higher as the EU wide unemployment rate stands now at almost 11 per cent and some countries (Greece and Spain) face unemployment rates of more than 25 per cent.

But under present austerity policies there is no fiscal space for dramatically expanding labour market policies in order to ensure what in Eurospeak is unjustly called ‘employment security, which is defined as employability security for individuals – an increase in the potential to access jobs - but does not imply an effective employment relationship covered by a contract between the worker and the employer. It corresponds in fact to security ‘beyond employment’ but not to security ‘in employment’. But unless there is a guarantee for accessing jobs, which would inter alia mean a concerted and decisive action at the EU levelxi for allowing countries to design job access policies like training and education and job creation programmes for all, a credible policy of flexicurity for all EU countries is condemnedxii. The alternative would be to use all macroeconomic levers to create decent jobs. However, this would mean to revert to policies that target job creation directly through expansionary policies financing preferably investments in the real economy, which is contrary to the austerity speeches and actions of the European leaders.

7. In conclusion: refocusing on security ‘in employment’

Austerity policies put usually less emphasis on expanding social protection systems and the employment stimulating elements within it. Therefore labour market reforms in the context of austerity policies may indeed enhance flexibility rather than security and face therefore increased opposition. Because of reduced fiscal space and this opposition, the entire European model’s “let the market adjust and then repair” policy is in dire straits particularly in the countries hardest hit.

Flexicurity, was mainly a “let the market adjust and then repair” policy proposition that proves now difficult to maintain even in the model country of flexicurity, Denmark. The German (and some other ‘continental European’ countries) way of internal adjustment by hours to maintain employment with public help, seem to have been a more successful strategy for the economies and the labour market. During recessions, employment protection contributes to job maintenance and allows enterprise survival when parts of the wage bill are publicly subsidized. Such a policy option is generally less expensive than the acceptance of full unemployment with difficult reintegration. In such a way tighter employment protection indicates the limits of policies based on labour market flexibility and on securities ‘beyond employment’.

But more general, employment protection and sufficiently stable jobs offer what people want, also in good times: job security, possibilities of qualification, possibilities of forward planning and the possibility of loyalty, voice and exit. Therefore, even more so in austerity periods, the maintenance and creation of decent jobs and access to them should remain at the core of the employment system. Policies for managing access to and exits from the labour market, and in particular reintegration measures for those displaced by the crisis are also required. Flexicurity policies preferred a combination of externally flexible labour markets with security ‘beyond employment’ and not combinations of ‘internally flexible labour markets’ and security ‘in employment’. However, such securities ‘beyond
employment’ are still not in place in many European countries. Today real employment security is still linked to an employment relationship and accessing and holding decent jobs is still the best protection, while all other options are second best. It is stable decent employment that comes most often with all the securities sought for by those supporting securities ‘beyond employment: unemployment benefits, training, sabbaticals, leave for care and more.

A less complex policy approach for employment, based on common sense and evidence rather than on a confusing and contradictory wealth of research in the field of labour economics is required. The first core element of such a package is a job creating macroeconomic policy framework. The second core element is a reasonable degree of employment protection, linked to labour market policies that help firms to maintain employment in recessions and other temporary shocks (internal flexibility and in-work benefits). A third element is a system supporting those out of work and searching for work that has enough active elements for allowing (re)integration into the labour market through effective employment and training policies. The financial markets cheer when a country has achieved some deregulatory reform on its labour market and shiver when this is opposed. But there is nothing to cheer in this for those still believing in the European social model and in worker’s employment security.

References

Freeman, R.B (2009) ‘Labor Regulations, Unions, and Social Protection in Developing Countries: Market Distortions or Efficient Institutions?’ NBER working paper 14789
To sum up, reductions in replacement rates, lower tax wedges, liberalized employment protection regulations, and improved active labor market policies remain essential ingredients of a comprehensive labor market strategy geared to reducing Europe’s high structural unemployment rate’ (IMF, 2003:141).

Agell (1999) is one of the few ‘mainstream’ labour economists, who considers rigid labour markets (for example stricter employment protection) as an insurance in tough times.

Marco Giuli, Flexicurity-not for Italy. in ‘ Europe’s World 23/3/2012’

Schematically opposed to the US LM model, which counts on spontaneous adjustment of labour markets to economic change.

This would also require that social policies became a common European matter (and not a national policy concern as now) which is not in the books of European policy planners as witnessed by the adversarial discussion on a European wide unemployment benefit system.

See also Sapir, 2009 , who sees Flexicurity in danger because of the restrictive stance of fiscal policy as a consequence of the GFC and austerity policies.
An historical perspective on precarious work

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An historical perspective on precarious work promises to sharpen our description of current trends, uncover new paths of explanation and clarify the range of possible political responses. However, such discussion remains undeveloped in Australia, often confined to descriptions of parallels between nineteenth century and twenty-first century labour markets. This paper seeks to push the discussion a bit further, drawing on a re-reading of existing historical research that focuses on issues of labour security. It argues that beyond the parallels between the two periods, two crucial differences concern the changed labour market structure in the present and the continued functioning of labour regulation and social welfare systems.

Recent research has been effective in describing the spread of insecure or precarious work in Australia and starting to analyse its causes and consequences (eg Burgess and Strachan 1999; Watson et al. 2003; Campbell et al. 2009; Johnstone et al. 2012). Partly as a result, the topic of precarious work has simmered away in public debate for the last ten or so years. However, there is little sign of any leap from talk to action. The social movements that help to drive the debate in Europe (Standing 2011) are missing in Australia, and none of the major political parties show much appetite for legislative action, though trade unions have experimented with a few interesting initiatives at industry level (Campbell 2010).

The latest effort to bridge the gap between research and policy is the Independent Inquiry into Insecure Work, sponsored by the Australian Council of Trade Unions (ACTU) and chaired by Brian Howe, which gathered evidence in a series of public hearings through 2011-2012 and then released an important report in May 2012 (Howe et al. 2012). The inquiry can boast several achievements, but one of the most useful is its initial definition of insecure work:

Insecure work is poor quality work that that provides workers with little economic security and little control over their working lives. Indicators of insecure work include:

1. Unpredictable, fluctuating pay;
2. Inferior rights and entitlements, including limited or no access to paid leave;
3. Irregular and unpredictable working hours, or working hours that, although regular are too long or too few and/or non-social or fragmented;
4. Lack of security and/or uncertainty over the length of the job; and
5. Lack of voice at work on wages, conditions and work organisation.

Insecure work can be experienced by all workers. However, it is often associated with certain forms of employment, including casual work, fixed-term work, seasonal work, contracting and labour hire. (ACTU 2011: 3)

This definition chimes well with academic conceptualisations of labour insecurity (Standing 2002) or precarious work (Burgess and Campbell 1998; Vosko et al. 2009), which recognise
multiple dimensions of insecurity. The definition used by the Inquiry encompasses what researchers would call: i) income insecurity; ii) benefit insecurity; iii) working-time insecurity; iv) employment insecurity; and v) representation insecurity (Burgess and Campbell 1998; cf Standing 2002). This does not exhaust the list of insecurities, but it is an excellent starting point. It helps to avoid some common misconceptions that bedevil debate in this area, for example that insecure work is just to do with fear of losing a job or that insecure work is confined to special forms of employment such as casual work.

The value of an historical perspective

From an historical perspective, precarious work is not of course new. It was dominant in Australia in the nineteenth century and early twentieth century, when it was associated with widespread misery for large parts of the labouring population. Precarious work receded in the middle decades of the twentieth century with the consolidation of reasonably comprehensive social protection systems, before appearing to spread once again in the current period. Thus, when we talk about the spread of precarious work in contemporary labour markets, it might be better to refer to a ‘resurgence’, a ‘return’, or a ‘re-invention’ of precarious work. Several researchers stress this point and note the strong parallels between nineteenth century and twenty-first century labour markets (Quinlan 2009). Most of the parallels are descriptive, but some scholars frame the historical movement in more theoretical terms by referring to Karl Polanyi, who argues that the rise of market fundamentalism in the nineteenth century required a counter-movement of regulation in order to rescue capitalist society from the devastation caused by the ideology of the self-regulating market (Polanyi, 1957). From this perspective, the return of precarious work could be seen as part of a more general return of an Age of Insecurity that could, as in the nineteenth and early twentieth century, give rise to a new counter-movement (Webster et al. 2008; see Burawoy 2010).

Discussion of parallels is stimulating, but in our judgment the historical perspective needs to be pushed further. If we want to define accurately the research and policy challenge in the present we need to examine not only the parallels but also the differences between the two periods. The historical perspective, here as in other areas, promises to sharpen our description of current trends, uncover new paths of explanation and clarify the range of possible political responses (Markey 1997; Patmore 2002; Frances 2002). But to fulfil this promise we need to identify elements of change as well as continuity and to determine the implications of changes. What are the main dimensions of insecurity in the two periods? How do we assess and compare the extent of precarious work? How do we assess its intensity? What exactly are the similarities and differences in types of work? How do we compare the effects on workers and households? Also important, though not considered in this paper, are the implications of an historical perspective for political debate. If we want to develop an adequate political response in the present, we need to focus more directly on that phase when precarious work was pressed back in the middle decades of the twentieth century. In effect we need to know: can this success be replicated? Is it possible to rely on similar principles, similar agents and similar tactics?

Unfortunately, answers to such questions do not easily leap out of the current historical literature. Much labour history is relevant to the topic of precarious work, but the
connections to the contemporary research and policy debates are rarely seized upon and made explicit. Only a few studies are framed in terms of current debates (e.g. Waite 2004). There are one or two reviews, especially in the area of workplace illness and injury, which start from contemporary discussion of insecurity or precariousness (Quinlan et al. 2001; Quinlan 2009). Some union or industry studies offer valuable detail on efforts to regulate forms of insecurity or even to ‘decasualise’ entire industries (Markey 1996; Quinlan and Goodwin 2005; Sheridan 1994, 1998). More broadly, valuable material can be found in historical surveys of labour regulation (Howe and Mitchell 1999; Anderson and Quinlan 2008; Quinlan and Sheldon 2011; Goodwin and Maconachie 2011; Johnstone et al. 2012). Perhaps the most directly relevant research looks at the historical development, especially in the deliberations of the industrial tribunals, of key employment categories such as unemployment (O’Donnell 2003), casual employment (O’Donnell 2004) and fixed-term employment (O’Donnell 2010). But otherwise the basket is surprisingly bare.

Dipping into labour history

This paper aims to push the historical perspective on precarious work a bit further, with the intention of moving beyond a simple listing of historical parallels. We do not bring to bear any new historical research; instead we limit ourselves to a rough sketch of historical developments, drawn from a (selective) reading of the existing literature that focuses on the varied dimensions of labour insecurity.

Nineteenth century labour markets
If we cast our eyes back one hundred and fifty to one hundred years ago, we see labour markets in Australia that were largely unregulated, at least in the sense of protective regulation, and that lacked formal social welfare supports. Master and Servant legislation represented the dominant form of labour regulation, acting to subordinate individual workers to the needs of employers (Howe and Mitchell 1999; Quinlan 2004). There was little chance of collective representation. In good times, trade unions, starting with skilled crafts, miners and seafarers, were able to secure a foothold, but in bad times, as in the 1890s, many fledgling unions crashed and disappeared (Bowden 2011). It was a world in which it employers appeared to be fully in charge and labour appeared as a commodity to be treated at the workplace in much the same way as other commodities (Buckley and Wheelwright 1988).

Colonial societies were marked by a distinctive occupational structure and workforce composition. Though self-employment was prominent, the majority of workers were wage workers. Partly as a result of factors such as small-scale production and reliance on manual skill, labour markets were dominated by unskilled and semi-skilled occupations, often involving arduous manual labour. Included here were many occupations that have either disappeared completely in the course of technological change or been radically transformed. Much of the paid work was done by men. Female workers, predominantly single women, made up some 20 per cent of the workforce in the 1891 Census (Buckley and Wheelwright 1988: 144) and were employed mainly in domestic service but with some in the clothing trades and others working as shop assistants, nurses, teachers and governesses.
In this context insecurity was a prominent feature of employment. Insecure work was everywhere, though in different forms. We know something about the sweated trades and child labour, which attracted special concern at the time. We increasingly know more about the poor conditions of unskilled workers, such as dock workers in the cities and farmhands in the countryside. Higher hourly wages and stronger demand for their skills placed craftsmen in building and engineering trades in a so-called ‘labour aristocracy’, but they were by no means immune to many of the same pressures that affected less skilled workers. They remained vulnerable to harsh employers, economic downturns, and personal plights such as age and sickness.

Most dimensions of labour insecurity were in evidence. As noted above, the workplace was marked by representation insecurity, which entails lack of collective representation and vulnerability to the whims of the employer. In addition, there was extensive work insecurity, which refers to the risks to the ability to continue at work because the work environment is polluted or dangerous in some way (Quinlan et al. 2001).

Employment insecurity was a prominent characteristic of most jobs. From the point of view of the labour market as a whole, employment, even in the so-called boom times, co-existed with large pools of workers seeking work, constituting different layers of what Marx (1976) described as a ‘reserve army of labour’. Employment insecurity was associated with intermittency of employment, often linked to seasonal activity. This affected many occupations, especially the unskilled both in urban and rural areas (Lee and Fahey 1986; Fahey 1993). But skilled workers were also exposed to similar pressures, most obviously in the example of shearers (Buckley and Wheelwright 1988: 141). Skilled craftsmen in construction and engineering, as well as clerical and supervisory staff, enjoyed better conditions, but this was still unstable work. Intermittency does not necessarily imply that workers are moving in and out of occupations. Nevertheless, even when workers remained in the one occupation, intermittency clearly inhibits the building up of skills. It thereby fosters what can be called skill reproduction insecurity, which refers to situations where the ability to gain and retain skills through access to education or training is impeded.

Product market fluctuations readily penetrated into the core of working-time arrangements within the job. Intermittency can be seen as related to fluctuations in hours within a job, ranging from extremely long hours in good times to short-time work in bad times. In this way, employment insecurity overlapped with working-time insecurity or work insecurity. For many workers, hired by the hour or the day, and lacking any mechanisms of employment insecurity, the precise boundaries of a job could be uncertain, dependent on the grace and favour of the supervisor. Waterside workers, for example, who might secure a shift only two days in five, could with equal justification see themselves either as intermittently employed or as subject to short-time working.

Insofar as there was stable work it existed mainly in pockets, generally with larger employers who were either insulated from fluctuations in activity or could afford to hoard labour over cycles of fluctuating activity. However, even here workers could be exposed to fluctuations in hours, including short-time work when economic conditions were poor. Recent research points to the significance of long-term employment and internal labour markets in large enterprises such as banks and railways (Seltzer and Sammartino 2009).
Stable employment was generally offered to the more highly skilled, but in favourable circumstances it could apply even for the unskilled, for example shunters in the railways. Of course, in this context other insecurities could come to the fore. Peter Sheldon (2007) writes of sewerage workers in Sydney (Water Board) in the period from 1890 to 1910. He points out that these jobs offered employment stability for the unskilled and even a modicum of autonomy in how they did their work, with the result that workers pressed to be hired. But it was “grindingly heavy, dangerous and nauseatingly foul work” (2007: 127).

Perhaps the most striking feature of colonial labour markets was income insecurity, broadly defined in terms of inadequate income. Income can be made up of different components (Standing 2002). Workers and their families were overwhelmingly reliant on a money wage, perhaps supplemented by self-production and sporadic assistance from family, kin and community. State benefits that could supplement the money wage did not exist, benefits from the enterprise were absent, apart from occasional experiments in welfare capitalism such as at the Yarraville CSR refinery (Fahey and Lack 2011) and there was little chance of any normal worker developing private income through savings and investments.

With respect to the money wage, inadequacy was bound up either with low wage rates or with instability in wages (or frequently both elements together). Poverty-level earnings as a result of low hourly wage rates played a part in some occupations, and indeed we can also observe how the prevalence of piecework in areas such as clothing outwork, building trades, printing and coalmining functioned to amplify pressures of low earnings, adding in problems of long hours and intense work. But inadequate earnings are also strongly shaped by the instabilities in employment and hours noted above. Recent research points out that it is necessary to look beyond evidence of hourly wage rates in order to take account of the various forms of lost time (Lee and Fahey 1986). With little cushion from social security or savings, seasonal work, intermittency and fluctuating hours within a job could wreak havoc on living conditions.

As this discussion indicates, the different dimensions of insecurity were tightly interconnected in colonial labour markets. Employment insecurity overlapped with working-time insecurity, and both overlapped with income insecurity. Representation insecurity underpinned much of the overall fabric of insecurity.

The retreat of labour insecurity

Much of the insecurity found in colonial labour markets receded over the course of the twentieth century. This was linked with the effects of a wave of worker mobilization and raft of protective legislation that was introduced over the period 1880 to 1930 (Johnstone et al. 2012), as well as more favourable economic conditions in the post-World War II period. Legislation centred on new labour regulation, oriented to worker protection by setting minimum labour standards and establishing a floor for working conditions (Quinlan and Sheldon 2011). Australia was by no means alone in this development, though it chose a particular path in labour regulation, oriented to regulation through ‘awards’ set down by quasi-judicial tribunals (Campbell 2008). Protective labour regulation, replacing the old Master and Servant laws, was in turn supplemented in many sectors by active trade unions, and supported by welfare state provision of pensions and benefits and policies of full employment. Employers continued to enjoy extensive rights at the workplace, but managers
generally had to work within the rules set by the labour regulation system in their treatment of workers. We can see here what has been aptly described as a consolidation of specific labour securities for most workers (Standing 2009) or a partial de-commodification of labour (Esping-Andersen 1990).

Let us just make three basic points about the retreat of labour insecurity. First, it was not a sudden, one-off achievement, but the result of a rather jagged, staccato process. This is particularly evident when we consider not only wages but other aspects such as occupational health and safety legislation (Quinlan and Sheldon 2011), weekly hire (O’Donnell 2010) and working hours and leave arrangements (Chapman 2010). Second, this process incorporated some workers quickly and well but not all workers. Aboriginal workers (Curthoys and Moore 1995; Castle and Hagan 1998) and women (Whitehouse 2004) tended to fall into the gaps within the regulatory system. Third, the retreat of labour insecurity was not an automatic process. It was driven by specific historical and social forces. Apart from industrial tribunals, we can cite the influence of technological change, which favoured mass production and larger establishments, and the relative labour shortages of the period of the long boom after 1945 (O'Donnell 2003: 345, 370). But a decisive factor was the struggle by individuals, informal groups, political parties and in particular trade unions against insecurity and against the treatment of labour as a commodity.

Most dimensions of insecurity were forced back in the course of this process. We can see a substantial retreat of intermittent employment, partly as a result of the introduction of assumptions around weekly hire and rights to notice. Similarly, regulation of working hours, based on the notion that a living wage was tied to normal full-time weekly hours, helped to reduce the frequency of fluctuations in hours within a job and chronic underemployment. Paid leave entitlements, including public holidays and paid annual leave, established the important principle that a wage could cover hours of non-work as well as hours of work, thereby protecting the worker and not just work. In this way it pushed back the pernicious idea that labour could or should be treated as a commodity. Income insecurity is perhaps less clearcut. Minimum wages led to the extinction of piecework in most industrial areas, thereby helping to shrink both income insecurity and other insecurities associated with this form of payment. Nevertheless, though the principle of a living wage helped put a floor under wage rates, and a rising tide of real wages underpinned prosperity, persistent wage inequalities meant that many households continued to feel pressured.

**Lessons for the Present?**

This rough sketch is useful for an analysis of precarious work in the present. We focus here how it can help sharpen the description of contemporary trends.

Talk about a return to nineteenth century conditions seems exaggerated. Though some parallels are evident, there are also major differences. This goes beyond the obvious differences in the types of work, associated with the decline of much heavy manual work and the rise of service sector occupations, to include the extent and intensity of labour insecurities. As casual work has expanded, for example, we see a resurgence of employment insecurity, marked by intermittent work. Watson (2011: 21-24) rightly draws attention to the way in which transitions in and out of casual work reproduce the mechanisms of a
reserve army of labour. But the phenomenon primarily concerns one segment of casual work and it is not as widespread as in the nineteenth century. Indeed Watson rightly points to the novelty of some of the new flows into casual work, linked to the increased participation of women and the increased importance of part-time schedules in the employment structure. Similarly, we can see a slow but significant increase in forms of time-related underemployment and long hours work, though these are now connected less to fluctuations in product markets and more to distinctive employer strategies oriented to particular types of labour. And again these forms are more limited in extent than in the nineteenth century. As in the case of intermittent work, underemployment is associated in particular with part-time work and new forms of participation in the workforce. It is more difficult to judge changes in the extent of work insecurity, since new hazards have replaced those dominant in earlier periods, but dangers to health and safety do not seem as widespread as in the nineteenth century. Income insecurity is a substantial problem. This is only partly to do with low wages, and instead, as in the nineteenth century, it is often linked to the resurgence of intermittent employment and underemployment. This is cushioned, however, by access to sources of income beyond wages, in particular a social welfare net.

The continued presence of labour regulation and social welfare as buffers for individual workers and households represents a crucial difference between the nineteenth century and today. It is true that both systems are subject to erosion, which widen gaps and reduce access to minimum conditions and benefits, and both can appear rather tattered at times. Moreover, both can be applied in a fashion that favours the already privileged and amplifies class disadvantages. But erosion processes remain contested, and it is also possible to point to counter tendencies that promise consolidation, as in the development, albeit very late in Australia, of comprehensive, government-funded paid parental leave. This in turn reflects the effectiveness of institutions of representation such as trade unions. The continued existence of buffers means that precarious work, even where it is present, tends to have a lesser impact than in previous periods. Precarious work does not lead so directly or so immediately to precarious lives.

Our rough sketch points to at least two major differences between the nineteenth century and the present. First, we are dealing with a changed labour market structure, with a more diversified workforce and more diversified patterns of participation in paid work, often structured according to different phases of the life course (Watson et al. 2003). Second, we are still operating within a framework of twentieth century labour regulation and social welfare systems. These differences affect even the elements of precarious work that appear parallel to earlier periods. Nineteenth century labour markets are often described as highly casualised. Certainly, these were labour markets with high levels of employment insecurity for most workers, fostering instability in jobs and high levels of intermittency. As a consequence there was no strict line of division between employment and unemployment; many workers occupied instead a kind of grey zone in which they moved uneasily from one job to the next (O’Donnell 2003). Casual work is a significant and highly problematic phenomenon in Australia today, comprising over 20 percent of the workforce and affecting millions of households. But its meaning today is different to its meaning in the nineteenth century. The workers currently incorporated in casual work are more likely to be women and young workers. At the same time, only some contemporary casual workers are intermittent workers; many are in stable jobs with regular rosters – so-called ‘permanent
casuals’ (Owens 2001). The meaning of casual work today is derived from the contrast with the dominant standard employment relation; in this framework casual workers are rightly defined in terms of a common lack of most of the standard rights and benefits that have become part of on-going employment contracts (O’Donnell, 2004; Tham 2007).

These differences mean that the political challenge of resolving the problems of casual work, or indeed precarious work in general, is somewhat different today to what it was in earlier periods.

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The Monitoring and Enforcement of Labour Standards when Services are Contracted-out

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This paper demonstrates that by contracting-out government services, the employment relationship is changed: workers’ labour standards are now regulated through the combination of traditional labour law mechanisms and lesser understood contract law mechanisms. This has changed the regime of regulation and enforcement of labour standards. Evidence is drawn from a case study of NSW government school cleaners, conducted between 2010 and 2012. The result is that rather than the traditional labour law mechanisms and the contracts for services reinforcing each other, the cleaners’ labour standards are regulated predominantly through commercial contracts for services. Commercial contracts for services are designed to facilitate commercial objectives like competition and efficiency and are poorly designed to protect labour standards. This is evidenced in the emphasis on ‘best value for money’ and problems with the one-size-fits all contract, which ultimately lead to augmented workloads for the cleaners.
Industrial Relations and the Politics of Colonial Subordination in French Pacific Territories: A Research Agenda

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This short paper is a synoptic account of a still embryonic research program on industrial relations in French Pacific Territories; a region where labour relations have not been the focus of academic attention. Field work started in 2011 and is ongoing. The first step of the research was inductive and essentially aimed at identifying what would be the relevant research questions to be raised. I will discuss emergent research questions after presenting initial observations stemming from the first round of interviews conducted in New Caledonia and Polynesia.

Travel to Europe in less than two hours by plane from Brisbane: an impossible prospect? Not really; you have just landed in New-Caledonia. Further afield your reach Tahiti, epicentre of Polynesia, a French Pacific territory covering an area of roughly a third of Australia. Yet, what do we know of our neighbours? New-Zealanders might recall the infamous sinking of the Rainbow Warrior right in their backyard and Australian seismographs, of course, have recorded 30 years of French nuclear bombing (1966-1996, a total of around 180 A-bombs) in Mururoa, Southern Polynesia. Aside from tropical cocktails and the iconic lubricious vahine, are our neighbours too ‘exotic’ to matter? Who remembers the history of indented Kanak labour in the Queensland cane industry? Their descendants certainly do and held their very first assembly organised in Bundaberg early in 2012.

A random search of English-speaking industrial relations journals shows no hit on either New Caledonia or French Polynesia (AJIR and NZJIR included). There are indeed valuable academic accounts of labour relations in the South Pacific – Samoa, Tonga, the Cook Islands, Kiribati, Solomon Islands, Vanuatu and the Fiji Islands (Prasad & al. 2003; see also Bamber & al. 2000), but with the notable omission of the French speaking Pacific world. Beyond government and union websites, albeit a few rare exceptions, there is not much specifically dealing with labour issues on the French speaking side either, and certainly not in mainstream French metropolitan industrial relations. Contacts with the ILO-Asia Pacific confirmed too that the region was off the radar, mostly, one might assume, because of being behind the French screen.

This presentation outlines preliminary observations of a research program (still in progress) aimed at addressing this knowledge gap. The fieldwork was conducted in 2011 in both New Caledonia and Polynesia, where interviews were conducted with major trade unions, including (anti-colonial) indigenous trade unions – USTKE (Kanak and Exploited Workers Unions) and O Oe To Oe Rima Union respectively –, and employer associations (MEDEF). Further data were collected with regional government agencies, Chambers of Commerce and similar organisations. This first round of field work was essentially exploratory. At a basic level, it was about discovering what is actually happening on the ground? At a more fundamental level, the objective was to identify research avenues and generate questions.
and hypotheses for further research. I shall return to these after a brief overview of the preliminary empirical observations gathered in 2011.

**Preliminary findings: The ‘Curse of Wealth’ and The ‘Cage of Beauty’**

To start with, it must be noted that we are talking about highly complex social and multi-cultural microcosms and that the observations listed below would deserve much more refinement.

First, as expected, the so-called ‘conflictual pluralism’ that is characteristic of French trade unionism has been replicated in both colonies. However, beyond traditional divides in trade union ideologies, the division within the labour movement in New Caledonia and Polynesia alike (but much more so in New Caledonia) is exacerbated by indigenous issues. In short, French affiliated trade unions are accusing indigenous trade unions of being a ‘divisive’ force and blame them for diverting trade unionism from what ‘it should be’ in order to advance their own political agenda (or merely their self-interest in the case of indigenous trade union leaders), that is to advance the cause of indigenous people. It is true that while indigenous people are represented by both trade unions, indigenous trade unions pursue their anti/counter colonial agenda through politics, notably in New Caledonia. And in the eye of the French this is neither right nor acceptable. Resentment was indeed expressed in relation to the fact that the political wing of the indigenous pro-independence movement was successful in placing New Caledonia on the UN list of countries to be decolonised, while that their Polynesian counterparts are attempting to. This issue remains highly controversial among Polynesians.

Second, the two territories evolved under contrasting processes of colonial subordination. The ‘Curse of Wealth’: New Caledonia is home to around (or above) an estimated 15% of the world reserve of nickel – the French call it the ‘caillou’, the rock – and there is not much hope for indigenous people that multinational corporations will leave a place where there is so much to exploit. SMSP and Xstrata have recently invested US$3.8 billions in what is to become one of the biggest nickel mining operations in the world.

The ‘Cage of Beauty’: Polynesians have been constantly told throughout their colonial history that they were a ‘blessed’ people living in paradise (‘Le mythe du bon sauvage’... from Rousseau to Gauguin) with no need to worry or complain because they had the best of what the world had to offer. For instance, such symbolic manipulation can be illustrated in the case of French nuclear experimentalations. Unlike other A-bombs, the French ones were allegedly ‘clean’. Today the health bill linked to past nuclear related activity is rocketing, which left Polynesians heavily dependent on medical assistance and expertise from the French government beyond the financial compensations already paid by French authorities.

Third, although the context of colonial dependency differs, the conditions of social discrimination are rather similar. Both islands face dramatic challenges in terms of social integration, with a clear divide between the ruling class, stemming from the French, Territorial administrations, and the ‘others’, including a significant proportion of urban unemployed and working poor. This has given force to a parallel campaign against the high cost of life (‘campagne contre la vie chère’) concerning those who are not reaping the
benefits of being part of the politico-technocratic apparatus. Both also face a daunting problem of economic and environmental sustainability, whether because of the abundance of resources (New Caledonia) which poses the question of preservation of native habitats in the context of mining extension; or in the absence of resources (Tahiti), which heightens the dependency on welfare provisions. Further, a common issue of social exclusion and deculturation is particularly acute along the urban/rural divide (or core/periphery in the case of remote islands), and especially for young native people cut off from their traditional way of living and lured by a Western like consumption society.

Fourth, despite having to deal with common social issues (and a common colonial ruler) New Caledonian and Polynesian trade unions (including indigenous led trade unions) are acting in relative isolation from each other. Insular dynamics also evolve in isolation from English-speaking countries of the Pacific. This is less so for Kanak people gaining access to external political representation in their quest for decolonisation (Graff 2012). This can be explained by two factors: Melanesians and Polynesians are quite distinctive peoples with exclusive cultures. The lack of English proficiency is definitely a major obstacle for both communities. Noteworthy though, both Polynesian and Kanak trade unionists were expressing concerns about indigenous Australians while being unaware of, but overwhelmingly interested in hearing about, Australian labour politics and industrial relations broadly.

**Research avenues**

Beyond the need to document employment relations in French Pacific Territories, three avenues for further research can be identified.

Considering the highly endogenous character of the dynamics at play in each context and their unique internal complexity, the first question that comes to mind is whether it is relevant to conduct a comparative analysis? Are we comparing apples with oranges? This is certainly the case, in my opinion. However, identifying commonalities among differences may help reveal the very determinants of colonial subordination. In other words, a ‘contextualised’ comparative exercise (Locke and Thelen 1995) would provide a ‘structural’ dimension to the analysis.

The first research avenue would then be to identify and analyse the major ‘fault lines’ and ‘sticking points’. For instance, ethnographic singularities and the degree of industrialisation and economic development (which explains much of the rich Caledonian labour history) constitute two principal fault lines. Mechanisms of colonial governance and the politics of cooptation – e.g., the promotion of a ‘common destiny’ in New Caledonia – are common ‘sticking points’. This would include giving attention to both objective and subjective forms of subordination and accommodation.

The second research avenue would relate to the impact of wage labour, consumerism and property, all of which are at odds with traditional values, social organisation and modes of organic solidarity. Such research should place emphasis on the issues of economic and environmental sustainability and well-being. It could be argued that the more distant people are from capitalism, the better off they are. This parallels the latest call from the Global South indigenous social movement: ‘we don’t want to live better, we want to live well’.
The third research avenue would be to provide a specific focus on indigenous dimensions of labour issues. For instance, to what extent trade unionism is a vehicle of emancipation or an instrument of social control? As much as wage labour is ‘unnatural’ (especially for the ‘nature-men’ as Polynesians like to call themselves), unionism as an institutional by-product of capitalism is itself not a native species. So can liberation from colonial (capitalist) rule be fought for through trade unionism? What are the repertoires of contention? How are the notions of sovereignty, autonomy and independence to be conceived, politically articulated and contested (internally as well as externally)?

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Before and beyond the Great Financial Crisis: Men and education, labour market and well-being trends and issues in New Zealand.

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This paper provides an overview of a research area which has generated limited research or impact on public policy: men and their educational, labour market and well-being issues and trends in New Zealand. Males have had lower levels of educational achievements than women across primary, intermediate and secondary schools and this has become a long-term embedded pattern. This has subsequently influenced tertiary education where the current dearth of domestic male students has become noticeable in several fields (including some concerning ethnicity patterns). The labour market trends have recorded two rather contradictory patterns: on one hand, some traditional occupational and industry gender patterns have been remarkable slow to change while other gender patterns – particular in service and professional occupations - have recorded a dramatic transformation in recent decades. Finally, male well-being and particular well-being amongst younger males need to become a public policy concern with their high rates of suicide, incarceration and work-related deaths and sickness.

Introduction

There have been considerable changes in gender participation patterns in education and paid employment for several decades and these changes have had widespread economic, social and well-being effects. While most of the literature contributions have focused on women and their situation, this paper will predominantly focus on trends and issues associated with men. This is partly because there have been considerable changes in male education and labour market trends, partly because these changes will have wide-ranging impacts, and partly because the education, labour market and well-being issues associated with men have often been bypassed or downplayed in the gender literature.

While some of the literature take a rather inflammatory or hostile approach to new gender participation patterns, this paper will take a more descriptive approach since there is still – even amongst gender researchers - a considerable lack of understanding of basic trends and issues associated with men. In particular, the paper will focus on New Zealand trends and debates. It will also raise concerns when it comes to the dearth of thinking and research into practical ‘solutions’ in New Zealand. These concerns are probably even more alarming when considering the treatment of some males (particularly groups of boys and young men), the associated lack of education and work opportunities, and the many dire male well-being statistics. There are major implications for our society, not to mention the personal sufferings which are indicated by some of the well-being statistics.

While this paper focuses on men, it is important to acknowledge that there are still considerable educational, labour market and well-being issues for females (Dye et al. 2012). The very slow adjustment in gender patterns amongst highly paid jobs and board positions
has been a mainstay in recent research and media reports (eg. Black 2012, Human Rights Commission 2012) and it is an indictment of the current New Zealand society. While these powerful and well-paid positions are important, they only represent a fraction of overall jobs and positions and there are many more women clustered in traditional and/or low paying occupations and in atypical employment arrangements. As with male labour market trends and issues, until recently there has been too little research into the work experiences of these groups of women. Finally, many men and women will be affected by the post-2008 punitive changes to social welfare benefits, statutory minima and employment rights in New Zealand (New Zealand Journal of Employment Relations 36(3), Fletcher et al. 2012, Rasmussen & Anderson 2010).

The paper will first address the educational gender patterns which show that, although both sexes have increased their level of educational participation, the educational achievements of women have leaped that of men. Although this is not the case across all forms of education, there are many forms of education where traditional gender differences have reversed and/or the gender imbalance in favour of women has increased over the last decades. Then the paper overviews labour market trends which show two rather contradictory patterns: on one hand, some traditional occupational and industry gender patterns have been remarkable slow to change while other gender patterns – particular in service and professional occupations - have recorded a dramatic transformation in recent decades. Finally, the paper presents some well-being trends and issues which show some rather disturbing gender patterns in terms of suicide, incarceration and work-related deaths and sickness.

Educational gender patterns

There is no doubt that females are doing better overall than males in schools. Female students are doing better across primary, intermediate and secondary schools. An important point to make is that this has been the case for a very long time! It was already well established in the 1980s though Barker (2006) argues that there was already a small gender gap of around 2.3 in 1970, with girls leading in 12 School Certificate subjects and boys in nine subjects. While it took some time to really become a manifest trend there was already a significant gender gap of 6.1 in 1993. At that time, boys were ahead in only four of 21 School Certificate subjects (Barker, 2006).

Why is it important that there has been a gender gap in school achievements for a long time? Because it puts the current debate and its inability to foster practical interventions into perspective. There has been an inexplicable reluctance to react to the growing gender gap and there are even today very few suggestions of how to deal with the growing gender gap in school achievements. There have been a considerable bias for several decades and it is only recently that this gender imbalance favouring women has become a focus for research amongst a selected, limited band of researchers. This considerable time-lag and the continuous lack of focus on countering gender imbalances and opening of educational and labour market opportunities appear driven by an embedded research bias which highlights areas where a gender imbalance favours men but overlook areas where a gender imbalance favours women. Being part of a business school, it is also necessary to acknowledge a well-established research bias in favour of focusing on well-paid, high level jobs amongst professionals and managers (McLaughlin 2000).
The fundamental shift in gender patterns amongst teachers has been remarkably swift. While teaching has attracted women for a long time it was a male-dominated profession (especially when it came to senior positions) for a long time. Most observers appear to have forgotten that males constituted 42% of all primary school teachers in 1956. These days, the picture is totally different. In some primary schools, boys will seldom or not at all be taught by male teachers. This trend will be influenced in the future by the low proportion of new primary school teachers joining the profession in the new millennium. With just around 10% of new primary school teachers being males and with a considerable number of new teachers leaving the profession, it is expected that male primary school teachers will become a rarity in most primary schools in the coming decades.

Similar trends can be found amongst secondary school teachers. In 1971, nearly two-thirds (59%) of secondary school teachers were male. In recent years, this has become around 40% and, as older male teachers start to retire, there will be a strong decline in the proportion of secondary school teachers who are males. This could be very problematic since recent studies have highlighted that secondary schooling has become less attractive to teenage boys and they are now leaving secondary schools in droves. Many of these boys are not participation in other form of education and vocational training and thus become part of the NEET (Not in Education, Employment or Training) statistics. The ‘young NEET people’ has become a key focus for the government’s employment and social welfare policies with an emphasis on ‘encouraging’ them into either education or (often low-paid) employment (Fletcher et al. 2012).\(^1\) On a positive note, many other teenage boys, who leave secondary schools early, are participating in some form vocational training which still has a gender imbalance favouring males (see below).

It has been discussed whether the gender of school teachers really matters. This has been now become a key question though many gender researchers were concerned previously (and some still are) about the lack of suitable role models for women. It has also been suggested that how we construct classes and subjects and, in particular, how subjects are taught and assessed will have a strong impact on student interest. Currently, the wider impact and acceptability of the new assessment system – NCEA or the National Certificate of Educational Achievement - are heavily debated. Several schools have decided to either run with two assessment systems (giving students a choice of which assessment system they prefer) or offer another standard assessment approach (eg. the Cambridge International Examination). Leaving these wider considerations aside, it has been argued that the NCEA system is better suited to how female students like to learn and be assessed.\(^2\) Thus, the NCEA system has been associated with the further increase in gender balance. Whether this is really the case is far from certain and this debate is still unfolding. What is certain is that the gender imbalance has not narrowed since the introduction of the NCEA system.

When it comes to overall gender patterns in tertiary educational achievements the picture is fairly similar to educational achievement in schools. There has been a gender imbalance for a long time and it has continued to grow over the years and the gender imbalance gap favouring women will continue to grow, based on gender patterns in NCEA results. There

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\(^1\) Recent controversial changes to legislative minima have curtailed employment protection (personal grievance rights) and allowed for payments below the statutory minimum wage for unemployed young people.

\(^2\) An example of such a position is: “Auckland Grammar headmaster John Morris said the NCEA curriculum had contributed to the gender gap, as the internal assessment system favoured girls. He said boys succeeded better in exam-based schooling.” (Davidson, 2009: 2).
were already 75,000 more women than men graduating in 2004. Interestingly, there was a
fall in the sheer number of male students enrolled in bachelor degrees during 2006-2008
while female students increased their enrolments. While there is no doubt that women
generally have higher enrolments, higher average pass rates and obtain more degrees than
men, there are considerable differences when one considers particular degrees, subject
areas as well as under-graduate versus post-graduate studies. There are still three areas –
engineering, information technology, architecture and building - where men constitute the
majority of students. In many of the other traditionally male-dominated professions –
medicine, law, accounting and management – women have higher enrolments than men. In
some areas, men have become a very small minority – for example, education and human
resource management – and their overall numbers will probably decline further as NCEA
results start to influence future enrolments.

In terms of gender patterns amongst tertiary education staff, there has been a
predominance of men in most fields until recently. In that light, what is of considerable
interest for current and future trends, is the age distribution of male and female faculty staff
and what type of positions and employment arrangements male and female staff are
working under.

As men have dominated trades occupations for a long time these jobs are of particular
interest for the future of male labour market participation. There have been attempts to
make trades education more attractive to women but the participation levels are still very
low. Trades education is very important for the country as a whole since it underpins major
industries, housing and most people’s daily life. It is also an area which males have
succeeded. However, there are some warnings signs. In 1992, the National Government
introduced a new approach to vocational training – the Industry Training Act 1992 - as the
previous approach was considered unsuitable for the post-industrial society and it provided
insufficient flexibility, portability and continuous upskilling (for an overview, see Rasmussen

However, there have subsequently been considerable skill shortages – also influenced by
volatile economic trends and insufficient investments in skills – as several factors have
influenced negatively on young people’s training and job opportunities. There appears to be
at least three types of systematic problems. First, the underfunding of technical schools has
been conflated by these schools sometimes taken rather short-term and financially driven
decisions which have not favoured ‘expensive’ vocational programmes. This was definitely
the case during the late 1980s and throughout the 1990s but it is also a current concern.
Second, most vocational programmes rely on an apprenticeship type of training and this
relies again on employers providing a ‘public good’ type of service where they develop low
skill employees into high skill trades people. To make these employer driven schemes
function well in a volatile, open economy can be difficult (Rasmussen & Barry 2011) and,
while it is attuned to prevailing business conditions, it can lead to considerable skill
shortages and timing issues. Third, time-lag issues have been and are currently rampant in
vocational education and training. At the moment, New Zealand is faced with massive pent-
up building demands as the fall-out from the Christchurch earthquake, leaking build
syndrome (affecting 1000s of buildings) and insufficient housing development start to
influence future job opportunities. However, the investment in vocational programmes is
still flat and young people have great difficulty in finding apprenticeships and training
places. This has clearly been bad news for a cohort of young men who were interested or
could have been made interested in vocational education and training. It also indicates that it is time to reconsider how we manage the flow and ebb of vocational opportunities and investments.

Besides vocational/trades education, the above discussion leaves us with one important question: What is being done about this long-term, well-embedded gender gap in educational achievements? The overall answer is: not a lot!

The attempts to reconsider traditional policies and practices must be applauded. The blanket support of female students is no longer in place in most New Zealand universities, Victoria University (Wellington) has quietly dropped its general policy preference favouring female staff, and there are questions being raised about areas where the gender imbalance favouring women has become very large. However, in the latter areas, there needs to be some new thinking since there has been limited long-term success associated with traditional interventions in male-dominated areas. For example, targeted attempts to shift the gender balance in the engineering programmes at Auckland University did lead to higher number of female students but they still stayed below 30 per cent of all engineering students. One can only wonder what it would take to shift the low male enrolments in, for example, tertiary programmes in education with the current gender bias in educational achievements in schools.

There also seems to be a lack of willingness to debate the issues and trends. The problem appears to be that the underlying thinking seems to be biased in two ways. There has been limited debate generally of the gender imbalances in educational achievements and/or there are attempts to fit issues and trends with the classical notion of female disadvantage. An interesting example can be found in the various reports on equal opportunities from the Human Rights Commission (HRC) where the focus tends to be firmly on female disadvantages. As Callister, Leather and Holt (2008: 31) point out:

“A 14 percent difference in pay, in favour of men, is seen as a ‘wide’ gap by the HRC, but the same 14 percent gap in tertiary participation, in favour of women, is seen by the HRC as a ‘slight’ gap. This suggests that the perceptions of the observer rather than the actual data are often important.”

Similarly, the HRC has also defended women-only scholarships when it was questioned whether such scholarships were discriminatory (see Callister, Leather and Holt 2008: 31-32). While there is an overhang amongst older women (50+ years in the latest 2006 Census) where education and skills are below average, this is no longer the case across the working population and, as shown above, the gender imbalance favouring women in educational achievements is gaining traction and the gap is widening amongst younger cohorts. If one was concerned about female disadvantages then it would probably be more fruitful to focus on the educational choices of females and whether their choices are aligned with high-paying job opportunities. This could, for example, also be aligned with targeted encouragements in areas such as engineering and IT (despite the associated issues/failures mentioned above). However, as discussed below, having high-paying job opportunities are not enough; there needs to be wider career considerations.

In short, overall, there have been few attempts to tackle the gender gap in educational achievements in a comprehensive fashion in primary, intermediate and secondary schools, the gender gap continuous to widen, the gender bias in tertiary education is also growing, and the large gender imbalance found amongst school teachers continues to grow. There
appears to be very strong forces at play which keep these trends and issues off the political agenda and we have personally been surprised at the unwillingness of professional and union associations to discuss these issues and to present comprehensive, viable plans.

“It is telling that when the 2006 figures of graduates were published, Massey University’s Pro Vice Chancellor in Education, Professor James Chapman pointed to the long-term consequences for education of having fewer male teachers but he also commented on the disappointing response by Ministry of Education officials when these concerns were raised. While other countries are considering ways of evening up the gender imbalances, there have been hardly any suggestions of how this growing gender imbalance is going to be tackled in New Zealand.” (Rasmussen 2009: 230).

Labour market gender patterns

There are several issues which are important to discuss when it comes to gender patterns in the labour market. First, the labour market participation rates have changed considerably since the 1960s where paid employment amongst women started to become more of a norm. This has probably been the most important change in terms of modern labour markets. What has happened with men’s labour market participation is highlighted in figure 10, presented in Dye et al. (2012: 284). There are probably three outstanding trends illustrated by Figure 10. There has been a dramatic drop in male participation rates over the measured period. The rise in female participation rates is very strong, particularly in the age cohorts beyond 25 years of age. There is still a difference between male and female participation rates and this is marked in the crucial ‘career years’ from the mid 20s to the mid 40s. The latter point needs to be investigated further.
There are some countries where this traditional gender pattern has started to evaporate, as discussed in Rasmussen et al. 2004, Lind and Rasmussen 2008.


Second, while labour market participation and working time patterns have changed considerably in recent decades, it is still possible to observe distinct gender patterns. For example, traditional job patterns still dominate and that means that there are gender imbalances across a number of occupations and job types. Thus, men are still dominating in trades, engineering, and manual labour while women can be found in nursing, education, retail, hospitality and cleaning. Part-time employment is still predominantly taken up by women and women’s labour market participation and working time patterns continue to be influenced by child-rearing.³

Third, there has been considerable change within professional and service sector jobs where the increase in female educational achievements has had significant influence. It has started to be asked: “where are the young male doctors, lawyers and accountants?” While this is a bit of an exaggeration it indicates that the pre-dominance of males amongst new entrance to these professions is now becoming a thing of the past. In New Zealand, there are also clear ethnicity patterns and this has meant that fewer young male professionals are of European decent.

Fourth, the notion of ‘mancession’ has become popular in the USA media debates (Laurence 2011). This implies that this and future recessions will mainly affect men as they are employed in industries and job roles which are recession ‘sensitive’. Whether this argument

³ There are some countries where this traditional gender pattern has started to evaporate, as discussed in Rasmussen et al. 2004, Lind and Rasmussen 2008.
really applies in the USA as well as in other OECD countries is yet to be determined but it fits with the decline in blue-collar and low skilled manual jobs. It also fits with the rise of women becoming the main ‘breadwinner’ in many US households. There are some indications that the New Zealand labour market has experienced something of a ‘mancession’ during the current Global Financial Crisis:

“Between the December 2007 and September 2009 quarters the economy shed 34,000 jobs; 80 percent of these jobs were held by men. Since the December 2007 quarter, women’s employment has declined by 0.7% compared to a 2.3% fall for men. As a result, there has been a larger increase in men’s unemployment rate compared with women.” (DoL, 2010)

One has to be careful not to over-estimate the short-term changes as recent research has indicated that the severe downturn in construction post-2008 has also influenced negatively the manufacturing sector (Fallow 2012). These two sectors have lost a lot of jobs and most of these jobs were occupied by men. It is clear that the upturn in construction will favour men and the associated effects could be even more beneficial for male employment.

Fifth, there have been some interesting changes in working time gender patterns. The Time Use surveys have indicated that there is generally little difference in the amount of work that both sexes do. But there is a stark difference between the amount of paid and unpaid work done by males and females. While the stereotypical lazy man is often used in connection with housework men put in a considerable number of paid working hours. In fact, New Zealand men score very high, compared with men in most other OECD countries. This has prompted concerns about long working hours and, while this concern is mainly directed at males, this is another area where women may be ‘catching up’. In fact, Rasmussen et al. (2005) suggested that there was a convergence of male and female long working hours; this is still to be analysed in-depth. The growing number of women employed in professions is seen as part of this growth in females working long hours. As Callister (2005) has pointed out, many well-educated women marry other well-educated men and this tends to lead to ‘working rich’ households. Callister found that many couples with kids – nearly a fifth - were working more than 100 hours per week.

Sixth, the debate about women’s access to senior jobs and particularly the low level of female board directors has featured strongly in the recent New Zealand media stories (as it has in many other OECD countries). The annual reports from the Human Rights Commission have focused on the very, very slow progression of women into executive and board positions. This has now become part of a long-running media campaign which has prompted some firms to take more proactive steps to lift the number of women in senior positions. These proactive steps are still very timid and there needs to be wider considerations or organisational and career approaches. However, the current debate about board directorships is not a problem for the vast majority of men in the workforce since they would never have been considered for these positions anyway. These senior positions only constitute a fraction of the labour market and their media coverage is out of all proportion.

4 This has prompted questions about ‘missing men’ and ‘man drought’ as well as a number of popular media articles about the difficulties of finding a ‘suitable’ man. “In 2005 Australian demographer Bernard Salt coined the term ‘man drought’. Based on census data, he described how in Australia there was a shortage of men in the prime labour market and couple forming age groups. But at the time he noted that that man drought was more severe in New Zealand stating the reason for the imbalance being “…32-year-old men are not in New Zealand. They’re in Australia, they’re in the UK, they’re in Europe”. (Callister & Lawton 2011: 12)
It is, therefore, very positive that the Human Rights Commission has also started to look at female-dominated occupations in low paid sectors such as age-care.

**Well-being gender patterns**

A recent article by Dye et al. (2012) has shown that there are number of concerning well-being trends amongst women (for example, high level of self-mutilation, depression and domestic violence). It becomes an even more depressing picture when we consider the male well-being trends/levels for most of the classical well-being indicators. It is well-known that males tend to have a much shorter average life span than women and it also appears that generally, women keep fitter for much longer. Being in the workforce, working long hours in paid work and having unhealthy lifestyles are all ingredients in the shortening of the life of many males. What have really upset us during this research are the continuous high rates of youth suicides. Again males score much higher than females. This is a disturbing trends and it can only be countered if further research is done focussing on the time period before the suicide and the reasons why such a drastic step is taken.

“...the rise in the suicide rates for males in the late 1980s was driven by a sharp rise in youth (15-24 year olds) suicide deaths. This age group also tends to have the highest suicide rates across the years, compared with older members of the population. It is a worrying fact that, in 2007, male youth had the second highest suicide rate amongst the 13 most comparable OECD countries.” (Dye et al. 2012: 292).

Men also dominate the prison population (over 90%) and New Zealand has a relatively high number of men in prisons. There is also a strong ethnic skew and, for example, the high proportion of Maori men being imprisoned is a sad record. It does remind us of the USA where the high number of prisoners means that integration and upskilling of ex-prisoners become part of labour market development plans (eg. Fischer & Reiss 2010: 36-37). Finally, the high rate of work-related deaths and injuries amongst men is currently in the spotlight after the Pike River disaster and the Government’s attempt to cut accident compensation costs. Again, men constitute more than 90% of all workplace deaths as they are often employed in high risk industries such as mining, forestry, agriculture and construction.

**Conclusion**

This paper has focussed on issues and trends associated with men in New Zealand. The overall finding is that many New Zealand men get a ‘raw deal’. This is particularly so for men which have limited success in schools and in gaining a firm position in the labour market. The prevalence of suicides amongst young men should be a major warning sign and it will hopefully make more researchers interested in gender research which also includes men and their educational, labour market and social position.

The widening gender gap (favouring women) in educational achievements signal that something is not working in New Zealand schools when it comes to boys and young men. This has been the case for a rather long time and the gender gap is growing every year. It has been extremely difficult to get this issue on the public policy and education agenda. It has been even more difficult to get some sensible ‘solutions’ suggested from the professions and researchers. As the underperformance of boys and men has wide implications as well as serious well-being impacts, one really has to wonder why there has been this resistance and when the issue will be addressed.
While the lack of significant progression of females at senior managerial and board levels is a ‘hot’ media topic there is still too little research looking into the low paid, and often atypical, employment done by many women and men. The lack of educational achievements has become a burden for many men and the debate of so-called ‘missing men’ and a limited choice for women has become part of popular media stories. Men also constitute a large proportion of the NEET figures and amongst those who drift in and out of the job market. This has become a serious public policy issue subsequent to the 2008 Global Financial Crisis and the current National-led government is determined to make radical changes in terms of social welfare and employment protection. At the same time, it appears that the underlying reasons for systematic biases and inferior labour market outcomes will not be addressed sufficiently (if at all).

References
Industrial Relations: Moving the Fences?

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Industrial Relations as a discipline is facing many challenges linked to fundamental changes in work, the context and institutions supporting work and its place in University programs. A key question arises: does IR as a discipline have a future? What factors will shape this future? What are the factors that are currently shaping the discipline? This article reflects on these issues and challenges.

Introduction

For most of the life of industrial relations (IR) as an academic discipline, or field of study, the principal institutions have provided the foundation (Dunlop 1958). They existed before the discipline was established and seem destined to continue even if it ceases. Stimulus for examining the efficacy of the institutional framework (Purcell 1993) has come from the decline in membership of unions in developed economies, and to a lesser extent the slow growth of membership in developing economies, particularly those with relatively high economic growth in the first decade of the twenty-first century. Other factors conventionally associated with institutional IR (IIR), particularly industrial conflict (mainly strikes, lockouts and bans) and the process of collective bargaining at national, industry and workplace levels have also been in decline or threatened by government and managerial prerogative. Regardless of the debates as to the future of IIR, research and theorizing have established a broader view of IR beyond the established institutional approach. This gives rise to questions as to how IIR and this broader view can be related.

Within workplaces, this broader view encompasses the power of management, the ideas of labour process theory, the links between IR and life and the community beyond and psychological contracts between employer and employee. In the wider society there are symptoms of an intimidating context for IIR: the continuing power of international capital and attendant economic crises; political restructuring at regional levels; insecurity from networked terrorism and climate change; emphasis on the individual and the consumer; and, the general malaise in addressing problems within the gulf between markets and the regulation of them.

The literature, both IR in general and that which may be reasonably related or tangential to it, is presently reflective of theoretical and empirical directions which are fragmenting IR. There is work on new occupations and their identities, forms of employment and near-employment, types of work (e.g. knowledge work), types of labour (e.g. emotional and aesthetic labour), forms of control and resistance, new actors, neo-pluralism, revitalized unionism and varieties of or variegated capitalism. The world beyond IIR is interesting in its own right and for its own sake, regardless of its attachment to other disciplines, but it is more interesting, revealing and useful when it is connected to IR. In short, the emergence and spread of forms of IR (organisations and processes) partially or largely outside the established institutional mainstream (unions, employer associations, courts, tribunals and government departments) could be addressed in a more strongly theoretical and empirical
way. To some extent, such change challenges or threatens to compromise the established institutions and the theoretical foundation of IR. What appears to be warranted is an exploration of current theory, research and practice with a view to a more extensive scrutiny of the implications for future IR. This is a reflective paper than poses some of the challenges without providing substantive answers.

The IR Core and Surrounding Elements

If the main indicators are, or at least approximate, an accurate picture of IIR, there continues to be a shift and probably a decline. These include a decline in collective conflict (strikes, bans, lockouts), collective bargaining, the efficacy of government institutions as regulators of labour markets and crucially of union membership (as a percentage of employees), demonstrated effectiveness in improving wages and conditions through collective bargaining and union access to and effectiveness of policy though attachment to political parties, particularly when in government (IR, social wage). What we have witnessed is a removal of traditional IR institutions and an inability of “Labour” governments to proceed with progressive agendas (Waring et al, 2010). Overall, in Australia, there is a gradual replacement of institutions by markets as the principal determinants of wages and working conditions.

What remains is a more general framework of IIR which provides minimum levels of wages and conditions, leaving anything above to be negotiated by workers. Legislated IR systems continue to provide for bargaining mechanisms and enforcement of legislation. However, the low levels of traditional IR activity and breadth of the framework do not allow for workplace, sub-workplace and job-specific protection from problems associated with managerial systems, job design and addressing changes when balancing work and non-work time. Such features of contemporary work were reasonably assumed in the past to be protected by union delegates who were the monitors and guardians of prevailing agreements and applied industrial legislation.

The most important debate is the extent to which and how unions respond to institutional decline and external change (Kelly 1998). This is because unionism in its broad political has been the most important institution within IR and the greatest stimulus to the evolution of other institutions and their principal roles, particularly state regulation and collective bargaining. Unionism is the cornerstone of the institutional centre of IIR and IR theory and is more likely than any of the other institutions to build bridges to IR beyond the institutional centre. This is a question of IR practice but it will influence the direction of IR theory and any shift in the boundaries and definition of IR.

As a discipline in its own right, IR developed from the 1950s, as reflected in expanding training and university courses, research, scholarly and other publications and as a collection of occupations within government regulatory organization and the judiciary, unions, employer organisations and individual workplaces. It has also been reflected in legislated national systems and international organisations. That it is in decline is evident but a continuation of this is not inevitable. This is because the core remains and does so because key questions continue to arise: the distribution of income, working time, safety, effort, power, status and convenience which continue to reveal problems of efficiency and fairness within workplaces, IR systems and wider political, economic and social contexts. These lead to conflict and bargaining, albeit in new and different forms within the employment relationship.
In building a wider IR, changes taking place in the context and which have been absorbed into workplaces reflect the need to ask and pursue a series of questions about how IR is influenced. The key question is: how can current IR as a discipline become more relevant to these changes in terms of theory, policy and practice? In particular, what are the relationships between the changes and IR? How can the changes be included in IR in ways which strengthen it as a discipline? As a starting point only, the following list of changes, which we call surrounding elements, include: work, management and human resource management (HRM), new actors, psychological contracts and identity. It is possible to identify surrounding elements of IR beyond the core. These are not, of course, new and have been the subject of analysis in the past but neither have they been demonstrated to be critical to IR, primarily because they have tended to have been viewed as peripheral to the institutional core. The list is not exclusive but merely used here to indicate some current directions in the IR, and related, literature and which also suggest the potential of IR to contribute to other disciplines from which it has become peripheral.

**Work**

The spread of labour process theory (LPT) in particular has tended to stand beside IR, occasionally experimenting with cooperation and merger, but often not wishing to get too involved. Despite the inclusion of sociology (industrial and more general) in the development of IR theory since Dunlop (1958), the rapid and extensive expansion of sociology as it relates to work constitutes one of the main sources of influence on IR. The LPT literature itself and derivatives of it have cast light on new or largely under researched types of labour (e.g. emotional), work (e.g. knowledge) and occupations (e.g. call centres). At the core of labour process are traditional IR issues: control, appropriation, ownership, identity and conflict.

A number of challenges and new areas of inquiry are emerging. First, work at or near the point of production, in particular how it is designed, controlled, resisted and changed, is important to working people and their employers on a day-to-day basis. Much of each working day for most of us is taken up with what we have to do and how we have to do it; what we can and can’t do and change; how we are supported and ‘treated’ by others including managers, workers doing the same, similar and different work, suppliers and customers. All this goes on within an IR framework which is largely dominated by institutions and the decisions coming from them. In other words, this is the institutional context for work and sets the scene for influencing it, particularly the ‘when’, the ‘where’, the rewards for working, how safe it is and what benefits and costs we bear when work ends. But the two are different: the work itself and the IR context for it. To connect the IR centre to this world of work on the edge is a test which undertaken, even if it fails, will change IR. Earlier work by Behrend (1957) on the wage-effort bargain, a relationship with potential to explore the relationship between the employment relationship and the organisation of work, could usefully be rekindled.

As to the second theoretical question, it could reasonably be argued that the act of work derives from and influences IR decisions either by the institutions or management. In other words, institutional IR has tended to enshrine managerial prerogative rather than significantly dilute it when it is used to decide where, when and how work is to be conducted, and by whom. Thus, how work is constructed, particularly controlled, is sanctioned by the legitimacy entrenched in IR systems. It is possible for control of workface aspects of managerial prerogative and conditions of employment derived from bargaining to
be changed. Change may come from institutional activity or workforce activity, importantly including resistance to control (Frenkel, et. al. 1995). Theoretically, these are different conceptually and different in terms of how change occurs (or doesn’t) but the line between them is a fine one in both theory and practice and the connections and ‘blurriness’ would seem to be in need of further exploration.

Third, recent empirical work reflects a change in the economic and social context in which IR has operated. Disparate though the contextual forms may be, they include changing attitudes to work and authority by young generations of workers, the takeover of the notion of job by the notion of career, the extension of mobility and diversity of occupations and employment within labour markets, the notions of work and occupational identity, the more general adoption of individualism as the prime source of identity (Giddens 1991), the replacement of production by consumption as a source of social differentiation (Burrows and Marsh 1992) and the segmentation of societies in lateral, overlapping hierarchical terms. It is a matter of debate to what extent and in what forms such changes infiltrate IR but together such changes would seem to be at odds with the usual assumptions of IR. In particular, the framework of institutional IR systems houses pluralist, and to a lesser extent unitarist elements which assume a continuity, efficiency, equity, efficacy, rule orientation, authority and collectivism which is being ignored or damned with feint praise. The world of work has changed at a pace with which IR has found it difficult to match.

Fourth, the identity and relationships are being challenged. Ambiguous and new employment arrangements (eg contracting, agency work); the cloaking of employers (eg sub contracting), the ambiguity of the workplace (eg telework) and the relationship between workplace and community (eg fly in fly out) question the very foundations on which IRR was developed (Rubery et al, 2003). This is also being supported by technological change where ITC has created new forms of work; has removed workers from the workplace, supported new service delivery and new service work and introduced ambiguity into the employment relationship (Castells, 2000).

Finally, the full time male breadwinner model of work and social welfare has been supplanted by the growing feminization and diversity of the workforce; the continued growth in contingent employment arrangements; the expansion in working time and the growth in dual income earning families (Strachan et al, 2010).

Management and Human Resource Management (HRM)

Management has always been a necessary actor in IR, either because of its strategic role in bargaining (Thurley and Wood 1983) or setting the agenda in the workplace (Winkler 1974). This role was elevated through the application of strategic choice in IR by Kochan, et al. (1986). However, the role was largely played within the paradigm of the other IR actors, including when employers operated through their institutionalized employer organisations. There is overall compliance by managers as the agents of employing organisations, voluntary and involuntary, with legislated regulatory IR frameworks but the intrusion of those frameworks into strategic, operational and cultural decision-making is not significantly inhibiting. The fluidity of asset ownership which makes company (and some public sector) ownership more transient and dispersed through share-trading and organisational identity ambiguity through takeover and merger activity means employees (including managers) and unions cannot always be sure who the enemy is. Research has raised the prospect of
developing the management factor and IR more generally in different contexts and in relation to corporate governance (Goergen, et. al. 2009).

Provis’ (1996) argument that there is a shift from pluralism with its emphasis on interests to unitarism with its emphasis on values pointed to a theoretical problem for IR. Pluralist assumptions, particularly procedural rules, were white-anted in the name of an extended focus on culture as strategy. This appeared to open the door to an expanded role for HRM (Lundy and Cowling 1996) and an extension of the strategic choice argument of Kochan, et al. (1986) that reactive management had been replaced by proactive deliberate strategy to consolidate moves towards an unfettered basis for IR and production decisions. While management focus had shifted from group to individual (in a job design and satisfaction sense) to whole-of-organisation culture, the use of strategy was compatible with a culture emphasis but also made the assumption that unitarism was becoming the underlying IR perspective. However, at least to some degree, this relied upon managers choosing Legge’s (1995) ‘soft’ HRM over ‘hard’ HRM. To the extent that more participative managerial styles came to spread this perspective through workforce supervision and near-point of production HRM systems such as training, it could not cater for increased market competition which placed strain on costs, particularly in times of economic recession.

Over time, the market imperative was extended from production to market share through quality (of goods and services), sometimes as a point of product differentiation with competitors. The consequence was a shift to performance, cascading from business objectives (e.g. return on investment, market share, productivity growth) to business units and workers. HRM systems and techniques were developed and applied which would measure team and/or individual manager and worker performance. In part, these were used to align with rewards and work systems. The implication of Harley, et al.’s (2007) study of high performance work systems in an aged care industry being applicable to high and low skill levels was that performance measurement could increase output, quality and job satisfaction through performance. More generally, alignment of organisational and individual objectives was developed, rewarded through remuneration packages and buttressed by status rewards (e.g. awards for performance) and monetary bonuses and prizes (e.g. movie tickets, shopping vouchers and holidays) differentiated organisational IR systems from those emanating from the IR system. This extended to games, fun, and developing organizations with family culture (Kinnie et al, 2000).

Managers in such an environment appear to be less constrained by IR systems and yet more managed themselves by higher order systems (e.g. budgetary). They are more removed from IR in general where this is located in strategic managerial arenas. Their importance lies in the shift from initiating, interpreting and enforcing IR policy to operationalising HRM policies and systems, particularly where these have to contribute to the performance of work systems. The IR role of managers is increasingly narrow and specialised but it is crucial in terms of managing the organisation of work. Moreover, there has been a shift towards a particular disciplinary view of IR by HRM (Boxall and Dowling 1990). It is reasonable for this to be reversed, such that an IR view of HRM is expanded.

New Actors

Following Bellemare’s (2000) identification of one source of new actors and his construction of a framework for identifying other, there has been a growing interest in different types of new actors (e.g. Michelson, et. al. 2008). Legault & Bellemare (2008) argue two important
points in relation to further conceptualisation of new actors. First, the context is important for their role in IR and this may be direct or indirect. Second, new actors reinforce the notion that IR is dynamic which implies that established structures and processes, particularly those housed in existing institutions, can be no longer assumed.

The work on new actors to date is clear that they are different from but have similarities with the established IR institutions because of their intrinsic characteristics (e.g. customers, paid agents, community organisations). They are on the edge of IR in both theory and practice at present but their roles may well expand and diversify if IR is perceived to be less relevant and unable to be identified with people who are presently on the edge of IR systems themselves. A number of key questions remain to be addressed. First, to what extent and how can new actors perform a representative function in relation to workers, particularly a continuous function as part of an IR system? Second, to what extent do they act as substitutes for existing actors, particularly unions and those agencies of the state which perform advice and protection roles (e.g. for small business and monitoring and prosecuting organisations which have breached legislation)? Third, what does the emergence of identified new actors do to the boundaries of IR and the disciplinary nature of IR itself?

In the future, new actors may play a more extensive role in IR where existing actors, particularly unions, lose membership and bargaining and/or regulatory power. It is clear that the decline in union density rates in the developed Western societies does not mean the end of conflict or the sources of it. To the extent that this situation persists, a power vacuum will widen and be filled. Where external labour markets are less influenced by institutional processes and internal labour markets are eroded, it is more likely that market factors will influence wage levels, conditions, the labour process and employment outcomes.

Identity

Taken together, the problem for IR has been its inability to come to terms with an increasingly individualistic career-oriented labour market. Competition will result in conflict at work but it will be less collective and more individualistic. However, where this occurs, individual conflict will supplement the failures of agreements over terms and conditions of employment but will be more directed at individual gain and loss through HRM systems and policies and through the organisation of work. Such sources of conflict cannot be explained by personal competition and conflict, or at least not alone. Rather, if IR is to be the discipline to build theory, research and practice out of such workplace change, it must not only retain the tenet that conflict at work remains the cornerstone of IR, but also accept that the nature of conflict has changed.

The evolution of identity, particularly individualism at large but also in terms of work and occupational identity coming from the fragmentation of collective dimensions of society and decline of, or at least shift in, social capital suggests that social and institutional cohesion is more problematic (Giddens 1991). In product markets, particularly for leisure and consumption more generally, the segmentation apparent in post-Fordist lifestyle patterns which is evidenced by and promoted through niche marketing is prima facie evidence of a melting of ‘the glue’. Where this occurs in society in general, it is reflected in workplaces. On the basis of evolving instrumental values at work where individual interests are glorified and competition accepted, any collective activity, belief and commitment in the form of alliance
is mobile, pragmatic and temporary. Conflict takes more subtle and organisational political forms than do strikes and lockouts. Attempts at resolution have yet to be tested, even designed, but unless there are forces to bring about a reversion to collective forms of resolution in some form or other, IR as it presently stands seems ill-equipped to cope with an analysis of such change.

**IR and the Human Condition**

The rise of globalization as a focal point for economic and sociological debate and analysis points to another problem for IR. Beyond problems of conflict and inequality which IR was designed to address was an underpinning of the use of western politics and political institutions to address problems of injustice, poverty and degradation within developing countries, particularly where autocratic, incompetent and corrupt regimes exploited their own populations for the continuous entrenchment of power and the rewards which flowed from it. This was, and remains, a difficult expansion, in large part because it necessitated international IR institutions, particularly international unions and a strong role for bodies such as, and particularly, the ILO. The connections to the wider world outside nation state boarders and national IR institutions reflected a perspective more representative than one’s own narrow interests and a moral humanitarian foundation. National unions and employer associations could and did become incorporated under the umbrella of the NGO patchwork. Government aid, bilateral and through international institutions, particularly the ILO, was directed at more effective functioning of IR institutional processes such as inspection systems to address unjust and inhumane problems such as child labour, migrant workers, working conditions which lead to terminal illness and the human costs when working time and non-working time lack sufficient balance for social cohesion. Increasingly labour is mobile, not fixed, production is integrated and global, not local, and as such this challenges local labour conditions and standards, and the reach of labour institutions and regulation. (Dicken, 2000)

While IR has become a collection of mainstream disciplines, the various attempts to integrate these in some form to create a new discipline in its own right have always struggled to make theoretical distinctions between itself and other disciplines. That said, a key to understanding IR has always been its potential to influence these disciplines, in theory and practice to use IR as a stimulus for economic and social change primarily through political change. The battle over ideas continues to have the potential to move from the journal article to the political meeting and the streets.

The wider, albeit competing, political goals of IR having a role in political change, economic development and social justice have been always present. This is now receiving mainstream legitimacy through social reporting codes and corporate social responsibility (Anonymous, 2012a).

**Business Degrees and Business Schools**

IR is increasingly marginalized in universities. Dealing with such issues as conflict, collectivism, distribution and equity sit uncomfortably with individualism, managerialism and efficiency. The US business school model emphasizes managerial and unitarist views of the organization, more critical, pluralist and views that engage with institutions are generally dismissed. In turn the push for accreditation of programs tends to be dominated by US business school models, even though these models have been heavily criticized as being irrelevant and removed from reality (Mintzberg, 2004). There is also the pressure
from Australian business schools that see Australian institutions, laws and policy as not being suitable for “international” business programs. In this context IR becomes marginalized to an option or is subsumed into International HRM programs. The disconnection between these views and the almost daily discussion of IR as a national priority for “reform” in the media is astounding. However, there does remain a strong push for business programs to encompass sustainability, CSR, workplace diversity and business ethics (Anonymous 2012b); surely there is an opportunity for IR to embrace these issues?

Conclusion

There is now sufficient evidence and theorising to alert IR to the dangers inherent in changes taking place on the edge of and beyond its current boundaries, particularly on the roles of its institutions and the theoretical platform which has served IR so well in the past. It is reasonable to conclude that unless the edge becomes moribund or the centre itself changes, IR as a field of study will continue to shrink to a point of marginal relevance, not only to the theoretical and conceptual capacity within social science but in terms of policy and practice. The institutional decline may not significantly affect the academic IR sphere in terms of research and publication but the decline of job opportunities for specialist IR practitioners and the associated implication for IR courses and student numbers will ultimately find its way into pushing all aspects of IR to the point where it simply gets old, with all the costs and few of the benefits that that entails.

Alternatively, there is an optimistic scenario that involves extending the boundaries of IR research, incorporating different contexts and institutions, addressing different issues (eg CSR, social reporting) and considering different career domains for IR graduates. The strength of IR, regardless of the perspectives within it, remains its emphasis on critical evaluation, connections to wider contexts, the emphasis on different forms of interests differences (particularly ingrained in stratification, institutions and cultures), its connections to a fundamental aspect of life and income generation (work), and the preparedness of IR teachers and researchers to pursue public policy and seek “relevance” of the research agenda to contemporary public issues.

References


Line Managers and Employee Voice: Extending the research agenda

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Employee Voice is a commonly used term within academia and practice. Historically in industrial relations, the term has focussed on collective forms of voice, however, the last two decades has seen a substantial opening of the research agenda to consider more direct forms of voice in the workplace. Similarly, line managers are well considered within the broad field of research and it is well recognised that line managers play an important role in workplace employee voice. However, the research is far from saturation point – there are a great deal of areas where our knowledge of line managers and employee voice is decidedly underdeveloped. This paper selectively outlines the existing research and provides and agenda for future research.
Working with chronic illness: a new perspective

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Abstract
The ways that individuals manage their behaviours in the workplace has received increasing amounts of attention since Hochschild’s initial work on emotional labour (1983). Since that time aesthetic labour has been explored (Warhurst et al. 2000) and varying forms of emotional labour or emotion work have been researched (Bolton & Boyd 2003). Progressing this area of research into the working circumstances of individuals with chronic illness, has unearthed a new mode of working which is based on similar principles to emotion work and aesthetic labour. Adaptive work involves engaging with others in the workplace in order that they, or the organisation, adapt in some way to meet the needs of those with chronic illness. Working with chronic illness is a unique experience and requires the use of skills beyond that normally utilised in the deployment of emotion work or aesthetic labour. This paper will discuss adaptive work and relate it to the workforce experiences of women with chronic illness.

Introduction
Adaptive work, as a distinct concept, emerged from a study on the experiences of women with chronic illness in their places of work. Individuals with on-going or chronic illness have been identified as a group with stigmatising characteristics (DeJordy 2008). After an illness has been disclosed in a work situation, the individual may then seek some form of adaptation which would enable them to continue working while managing their illness. Adaptive work is defined as engaging with others in the workplace in order that they, or the organisation, adapt in some way to meet the needs of those with chronic illness. These adaptations may take the form of social accommodations such as achieving understanding or a change in attitude from others at work, or formal accommodations which might consist of general or contingent flexibilities such as sick leave, adjusted hours of work or a physical adjustment within the workspace.

Literature
There are a number of behaviours in the literature relating to the workplace which pertain to managing illness in social settings. Passing, covering, emotion work amongst other concepts each contribute to the discussion on the normalisation of behaviour of those with potentially discrepant identities, this includes those with chronic illness. Goffman first identified the concept of passing and defined it as ‘the management of undisclosed discrediting information’ (1986: 42). Since then other writers have explored the concept and found the range of behaviours involved in passing may include: deliberate concealment (Myers 2004), misrepresentation of the self to project conformance (DeJordy 2008),

1 *Thanks go to David Peetz and Kaye Broadbent for their assistance with this paper.
discretion (Herek in Clair et al. 2005), or simply the avoidance of the revelation of any ‘discreditable invisible identity’ (DeJordy 2008: 508).

Goffman also pioneered thinking on the concept of covering and commented, ‘it is a fact that persons who are ready to admit possession of a stigma [such as a chronic illness] may nonetheless make a great effort to keep the stigma from looming large’ (Goffman 1986: 102). DeJordy added to this, commenting that covering is ‘engaging in normalising behaviour despite having revealed a stigmatized identity’ (2008: 513). Myers used covering to mean ‘an attempt to downplay a condition’ after disclosure’ (Myers 2004: 261). According to Hochschild, emotional labour ‘requires one to induce or suppress feelings in order to sustain the outward countenance that produces the proper state of mind in others’ (1983: 7). DeJordy explores emotional labour in relation to invisible social identities including chronic illness. He lists emotional labour as one of a number of constructs which may be used to misrepresent the self in order to project conformance and shows that it forms part of the behaviours deployed by those with chronic illness (DeJordy 2008). Another related construct, sometimes used interchangeably with emotional labour but generally treated as distinct, is emotion work. Bolton and Boyd describe emotion work as ‘presentational emotion management’ (2003: 291). Emotional labour most commonly refers to the type of labour which is required as part of a paid work role, while emotion work appears to align more closely with the type of work undertaken by those with chronic illness.

Often individuals with chronic illness also need to disclose their illness within their workplace due to treatment options or because they need to access flexibilities at work to cope with the circumstances of illness. It may not be a positive experience because they then have to manage the perceptions of others in terms of their capability at work. They may be considered to be ‘not suitable’ in their line of work or they may be told that they need to find work more suited to their abilities. Chronic illness has the potential to influence an individual’s ability to do their job in organisationally expected ways, however allowances could be needed from time to time to allow for the contingencies of an individual’s illness.

**Methodology**

This research focuses on the working lives of 24 women whose positions include a town planner, an engineer, waitstaff and managers with varying levels of responsibility. Individuals with chronic illness form at population which is largely invisible and difficult to access, for this reason a snowballing technique was used to find participants (Atkinson & Flint, 2001). The project was advertised through chronic illness support groups, United Voice (then the LHMU) and through personal contacts. This was effective in finding participants from regional and non-regional areas, it was also useful in accessing a variety of illnesses, including various forms of arthritis, diabetes and mental illness. They had undertaken casual, part-time or full-time, paid or unpaid work. The interviews took about one hour, they were recorded, transcribed and themed using NVivo8. Identifying features have been removed from the data and pseudonyms have been used to preserve the anonymity of participants.

**Adaptive work: the concept**
Adaptive work is how individuals with chronic illness engage with others in the workplace in order that they, or the organisation, adapt in some way to meet the needs of women with chronic illness. It may be undertaken by those who require some adaptation or accommodation from their workplace to assist with managing their work and their illness. Workers with chronic illness may, after disclosure, seek understanding as well as social and formal accommodations to assist with their circumstances of illness at work. Understanding refers to the positive attitudes to their illness which occur separately from the receipt of any accommodations. Social accommodations are adjustments made by colleagues and management in their attitudes and social interactions with people with chronic illness. Formal accommodations consist of contingent or general flexibilities and are associated with an organisation’s rules. As disclosure is often facilitated by an exacerbation of illness, seeking understanding and some form of social and formal accommodations is likely to follow. The flexibility or accommodations that these workers seek are employee friendly flexibilities, not the flexibility that employers seek from their workforce for the sole benefit of the organisation. However, the flexibilities referred to here are those which allow individuals with illness to continue working despite their illness, these flexibilities which may also benefit the culture of the organisation.

Those with chronic illness may be concerned about the degree to which they are able to access accommodations at work to assist them in achieving work related outcomes. Managers may prefer to demand that individuals take sick leave and not return to work until they are well (Parsons 1970), which creates difficulty for individuals with chronic illness who cannot be sure when they will improve (Myers 2004). Employers have the potential to present a more compassionate response to the circumstances of their staff, however research has shown that this type of understanding cannot always be expected (Vickers 2009). Disadvantage may be experienced by workers through the perceptions of others which...

...include assessments of the [chronically ill] individual’s ‘deservingness’ of accommodation and implications of the visible symptoms of the disease, predictions of whether or not chronically ill women will be capable of full employment in the future, and appraisals of their suitability for their chosen professions (Jung 2002: 193).

The social influences experienced in the workplace significantly impact on the successful deployment of adaptive work.

To achieve accommodations for illness, those with chronic illness will attempt to adjust their circumstances at work. Illness and subsequent work outcomes become catalysts for ‘decisions, tactics and organisation of work carried out over the trajectory of the illness’ (Gerhardt 1989: 147). Individuals may request from their supervisors, assistance with their circumstances of illness. These requests may be straightforward sick leave requests which do not require particular consideration for the chronic nature of the illness, known as general flexibilities and which are available to all workers. They may also take the form of requests for ongoing flexibility which might not fall within the normal guidelines for provision of leave, known as contingent flexibilities. Adaptive work requires agency for women to put forward their case. Labour market power contributes to the success of adaptive work. The ability of women to successfully negotiate for contingent flexibilities is, at least in part, dependent on their labour market power. Labour market power is
influenced by the employer’s ability to access alternative workers (Peetz 2007), level of position, length of service with the employer, permanence of position, education and skill level of the employee. While internal labour market power is influenced by specific skills and abilities associated with a particular organisation or position, these are contributing factors to the success of adaptive work.

High levels of external or internal labour market power help to mitigate the difficulties associated with working with illness. Pinder highlights some of these difficulties of managing the way individuals with disability (including chronic illness) appear at work:

> What disabled people are faced with at work is the task of establishing trust or repairing trouble, which in turn highlights the differential ability of individuals to persuade employers to ‘run with’ ambiguity and disturbance, and of organisations’ [ability] smoothly to dispose of it: one of the classic tensions of contemporary life (1995: 607).

Adaptive work is underpinned by the fact that organisations and supervisors may have particular expectations to the employment of individuals with chronic illness. Bury makes reference to the disruptive nature of illness and ‘the issues involved in the active responses people fashion in social interaction’ (2002: 12). However, adaptive work goes further and provides a framework for the type of work required when seeking the accommodations or adaptations needed by the individual in their workplace. Adaptive work is composed of a selection of deliberate behaviours and the success of requests for adaptation may be influenced by a variety of factors including labour market power, social rules and organisational policy. Adaptive work will be further discussed as it relates to the data.

**Adaptive work and women in their workplaces**

Mary disclosed her illness to the Board of her organisation in order to gain their support for her unusual working situation. Due to the expensive nature of the treatment that Mary undertook a number of times each week, it was important that she was able to retain her Health Care Card. A change in legislation decreased the number of hours she was able to work and still keep her Health Care Card. Mary negotiated with her Board to undertake part of her employment as paid work and the remainder of her full-time position was unpaid work. The Board agreed and, as a result, Mary worked full time but was paid for 29 hours per fortnight. She commented that:

*There were several [Board] members who said, ’It’s too much.’ But I came on board here to rejuvenate the Centre, which is what I do in my positions, I move them forward and this one was in big need of it.*

The adaptive work that Mary utilised to request adaptations was quite extraordinary. It was based on her professional competence, her personal preference for full-time work and goal oriented personality as well as the internal labour market power associated with her role as Manager of the Centre and external labour market power derived from her previous working experience. The combination of these factors meant that she had the confidence that she needed to successfully negotiate with her Board for the adaptations she required.

Heather used adaptive work in her employment. She was diagnosed with rheumatoid arthritis when she had an initial flare which required her to take time away from work in order to stabilise her condition. Heather described her negotiations with her boss regarding her return to work thus:
It was a bit of an effort to try and convince him that all I needed was a bit of patience with the physical. I didn’t need to be pitied and pandered to in terms of anything else. Just needed a little bit of time to get my body back into action.

She felt that his concern related to her ability to manage her job at senior management level on reduced hours, in order to stage her return to full-time work.

I initially came back three days a week and I lasted doing that for about a month and a half and then I went four days a week. And I think there was some concern that I wouldn’t be able to perform the duties of the task in that period of time, that in three or four days a week I wouldn’t be able to achieve what needed to be achieved. So it took a little bit of convincing to assure him that I’m a hard worker. [I said to him] ‘You get more out of me three or four days a week than you’d get out of the average Joe Blow in five days a week. So just let me prove that I’m up for this and we’ll go from there.’

Heather’s negotiations regarding her return to work were extensive and showed how she used adaptive work in her arguments for a change of her working hours and of the work itself. When Heather was working three days each week her role was shared by someone else, but when she returned to work four days each week she undertook sole responsibility for her whole job.

I did most of [the job] on three days a week, but what I didn’t do was the staff management responsibilities... What I took on was all of the complex and controversial decision making responsibility and one of my colleagues took on the supervision of staff responsibilities. But when I went from the three days to four days I took on everything. So, I was essentially doing 10 hours a day for the four days a week. So I was for all intents and purposes working full-time. It just gave me that extra day for recovery I suppose.

Heather continued to use adaptive work after her return to work. She negotiated with her boss for periods of ‘timeout’, when she needed a break if she was not feeling particularly well. She also had strategies in place for managing the reactions of her staff when they were less than understanding. To do this Heather exhibited agency through self-reflectiveness in her adaptive work through her ‘ability to construct appropriate courses of action and to motivate and regulate their execution’ (Bandura 2006: 165). Heather adjusted her work according to her symptoms and was able to construct and execute appropriate courses of action which enabled her to manage her work, her boss and colleagues. Heather also showed intentionality when she developed a strategy for her periods of time-out and when she staged her return to work. The success of the adaptive work displayed by Heather was influenced by the level of her position, the credibility she had in her workplace, due to previous employment in her department, and her negotiation skills. Joy had little labour market power which influenced the adaptive work she employed.

Joy found that she needed to use adaptive work in order to achieve accommodations in the form of a short break in the middle of her shift so that she could eat. This was important because she had diabetes and her job required her to expend large amounts of energy, and so eating at strategic times throughout her shift was imperative to prevent her from becoming ill.

They weren’t going to let me have a lunch break because I’m on the middle of the day shift and I’m on lunch cover. I’ve tried to make it through to 3pm, but I need to eat, I
can’t do it. I’m sick and it’s just wearing me down. So I have a two minute lunch break, sometimes I stretch it to five minutes. I don’t think she [my boss] really understands, she doesn’t want to know, she doesn’t talk to me. It’s almost as if they’re looking at you as if you’re making up an excuse not to work.

Joy negotiated to have the break she needed for health reasons, and was successful, not because she possessed labour market power, but because her request was important to her ability to continue working. Joy displayed adaptive work through agency and intentionality and was able to access the accommodations that she required. The importance of the issue may have given Joy greater power in negotiation and increased her agency to seek the adaptations that would enable her to continue working. Joy did not comment, but it was possible that her supervisor knew of her legal obligations that required her to allow Joy to have the break she needed. Joy also made the point, in another part of the interview, that she was a member of the union. However, if membership provided her with some additional bargaining power, she was not aware of it.

Adaptive work, as utilised by Samantha in her position as a waitress in a coffee shop, was used in one circumstance where she and her flatmate were encouraged to find other work because of their illnesses. The adaptations they sought were concerned with receiving understanding for their illnesses.

A friend of mine also had type 1 diabetes and we lived [and worked] together at the time. They pulled us up one morning tea on an eight hour shift when there was a break in the customers coming in. The duty manager sat us down and said, ‘Look we’re not happy with your work. Both of you are unreliable and we’d like you to find positions more suited to your needs.’ After that they dropped our hours. My friend’s Mother got two solicitors and dragged them down to the [Company] and they said [to the owners], ‘There’s no need for this, they’ve always told you that they’ve had these problems. When they’re sick they’re sick, they’re not hungover, they’re trying.’ We were doing seven days straight. And what they were meant to be doing was giving us 12 hours notice of a change of shift, but they didn’t. They were just ringing us up five minutes after we finished a shift and saying ‘Can you come in tomorrow morning?’ So we’d finish at 11pm and have to be there at 7am the next morning, after an eight hour shift [the previous day]. It was highly strenuous work, the conditions at the store at the time weren’t great... So we got our shifts back and got our hours back, much to their disgust.

Samantha did not, individually, have the labour market power to ensure that she would be successful if she sought adaptation in her work environment, particularly one where there was no understanding or allowances made for the specific difficulties of her diabetes. Individual agency and power in negotiation did not have any significant influence on her employers. The adaptations were achieved through legal assistance from outside and the support of friends. The power relationships that Samantha had through her friend’s Mother enabled her to access adaptation, an adaptation that was legally required of her employer.

Adaptive work may not meet with success initially and might require on-going agency and negotiation in order to achieve some accommodations. Melissa needed to reduce her number of days at work because of a health condition, which if not well controlled could be life threatening. She made a request to job share her position, but it was declined because job sharing was not permitted at her level of responsibility within the organisation.
I basically know I will never go upwards [be promoted] at all. There’s no scope. At our [organisation] there’s this thing, you couldn’t [work at my level] and work less than three days per week. So I was trying to seek clarification for that as well, which they also blocked, and wouldn’t actually answer me.

However, the return of a colleague from maternity leave resulted in Melissa’s request to job share being approved.

I was very lucky when this girl came back from maternity leave and only wanted to work two days and they, of course, had to let her do that. So, all of a sudden it became convenient for me to work three days.

Melissa subsequently had a supervisor who was ‘lovely and very flexible’, who considered Melissa’s requests more favourably. This highlighted the influence that social rules, organisational policy and the individual characteristics of supervisors have on the type of adaptive work that is required and whether the adaptations requested are likely to be approved.

Discussion

Melissa, Joy and Samantha all needed accommodations or understanding in order to stay well. Melissa’s health condition needed to be well controlled so that she could avoid becoming extremely ill. It was a requirement that Joy ensure that she had regular breaks to eat so that she could avoid collapsing at work. Sufficient rest between shifts was important for Samantha and this was also difficult for her to access, but a more significant issue was the discrimination she experienced because of her illness. Denial of the requests of these women could have resulted in an exacerbation of illness and they could have brought a case, under occupational health and safety legislation, against their employers. These examples of the way social rules and organisation policy were applied to the requests for adaptations show how women with illness at work continue to be subjected first to normative social expectations of what it means to work with an illness before their employers’ legal requirements were considered.

The need for individual women to access basic adaptations required increased agency. These might include the ability to take breaks or holidays, or be allocated a reasonable workload in order to prevent illness. Most of these basic requirements should be provided as a matter of course as they are legal rights of workers. Women who have a lesser amount of labour market power are more vulnerable and more likely to be denied their basic rights. However, it also seems that even women who have a reasonable amount of labour market power may also be disadvantaged because of the attitudes of supervisors, particularly related to social rules, and even where there are policies in place to protect them, they might choose not to complain. Samantha, at times, chose to leave positions rather than ‘fight’ the disadvantage she experienced at work. And even if these women were willing to argue the case, they also needed to consider the impact it would have on their health. Alternatively, Mary and Heather who were both very senior within their organisations were able to argue for the accommodations they wanted and were successful. Employees with the highest level of labour market power were able to seek adaptations that assist them in the management their work and their illness.

The key function of adaptive work is to seek adaptation which allows for illness in the workplace. For some women the adaptations they sought should have been legal right, but
these were not always made available. Adaptive work may also be used to access contingent flexibilities for making their work more manageable and accommodating for the circumstances of illness. Labour market power proved to be important to women with chronic illness in the success of their requests for adaptation. The main focus of those deploying adaptive work was to protect their employment and to provide them with a good working environment. The main focus of adaptive work was to request accommodations which enabled women with chronic illness to better manage their illness in the workplace. Adaptive work is a significant concept as it describes the range of behaviours deployed by those with illness in an attempt to manage information, appearances and reactions of others when attempting to access accommodations.

**Conclusion**

Focus on chronic illness and its cost to the labour market has increased in the last decade. Research has been undertaken to ascertain reasons for this and recommendations have included such ideas as the introduction of flexible workplace advisors who would be able to support those with chronic illness, or they have found that alleviation of the labour force disadvantage of this group should be a priority (Australian Institute of Health and Welfare 2009; Australian Network on Disability 2011; Chronic Illness Alliance 2009; Council of Australian Governments 2011). Since the first activists advanced the cause of those with illness or disability in the 1960s and 1970s, the blame for the disadvantage experienced by these groups has been laid at the feet of society, the illness or impairment itself or a combination of both. Throughout this time those with illness have found ways to ‘get on with the job’, and what is evident from this data is that they deploy adaptive work to manage their illness as well as the social expectations of their workplace.

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Work, employment and employment relations in an uneven patchwork world