2020 ANNUAL CONFERENCE

QUEENSTOWN, OTAGO, NEW ZEALAND 11-14 FEB

Doing things differently? IR practice and research beyond 2020

## CONFERENCE PROGRAM

### TUESDAY 11 FEBRUARY

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<td>12.00 - 1.00pm</td>
<td>AIRAANZ Exec Labour &amp; Industry subcommittee meeting</td>
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<td>1.00 - 3.00pm</td>
<td>AIRAANZ Exec meeting (Queenstown Room)</td>
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<td>3.00 - 5.00pm</td>
<td>Post Graduate and Doctoral Students Workshop (Queenstown Room)</td>
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<td>5.00 - 6.00pm</td>
<td>Open access, relevant research, engagement and the games academics play (Erling Rasmussen, Felicity Lamm &amp; Julienne Molineaux)</td>
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<td>6.00 - 7.30pm</td>
<td>Mihi Whakatau and Welcome Reception (Reds Bar)</td>
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<td>8.30 - 10.30am</td>
<td>Kritkorn Nawakitchaitoon. The Moderated Mediation Model of the Relationship between HPWS and Employee Attitudes in China</td>
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<td>Juliane Reinecke, Jimmy Donaghey. Political CSR at the coalface - roles and contradictions of MNCs in developing workplace dialogue</td>
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<td>Annie Delaney, Afreen Huq, Ben Debney. The performativity of entrepreneurialism and empowerment discourses in relation home-based Bangladesh garment workers</td>
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<td>Naron Veung, Seyhah Ven. The contribution of skilled labour development to the Cambodia’s economy</td>
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<td>David Peetz. Remaking institutions for a progressive industrial relations: Can New Zealand’s radicalism teach Australia?</td>
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<td>Michael Walker. Establishing heat and humidity guidelines for manual workers</td>
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<td>Sue Williamson, Meraiah Foley, Linda Colley. Overcoming Barriers: Middle Managers and Flexible Work Arrangements</td>
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<td>Negan Faaliyat, Susan Ressia, David Peetz. Middle Eastern and North African skilled migrant workers in Australia</td>
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<td>10.30 - 11.00am</td>
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<td>11.00 - 11.30am</td>
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<td>Keynote Speaker: Saunoamaali’I Karanina Sumeo - EEO Commissioner - New Zealand Human Rights Commission - Queenstown Room</td>
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<td>12.30 - 1.30pm</td>
<td>Lunch - 6th Floor Restaurant, Bazaar Interactive Marketplace</td>
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<td>Keynote Speaker: Laila Harre - Programme Manager - Indonesia Young Leaders Programme, UnionAID - Queenstown Room</td>
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<th>Clancys Room - General Stream - Collective Bargaining</th>
<th>Wakatipu Room - General Stream - Union</th>
<th>Coronet - General Stream - Gender Policy</th>
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<td>Stephen Clibborn</td>
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<td>Bradon Ellem</td>
<td>Linda Colley</td>
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<td><strong>1.00 - 5.00pm</strong></td>
<td><strong>Morning Tea</strong> - 5th Floor Foyer</td>
<td><strong>Afternoon Tea</strong> - 5th Floor Foyer</td>
<td><strong>Keynote Speaker:</strong> Professor Mark Saunders - Professor of Business Research Methods and Director of PhD Programmes, Birmingham Business School - Queenstown Room</td>
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<td><strong>Stephane Le Queux, Georgina Murray. Browsing mega-trends: IR 4.0</strong></td>
<td><strong>Joshua Healy, Peter Gahan, Andreas Pekarek. On technology, job transformation and the future of work: Bringing industrial relations back in</strong></td>
<td><strong>Jonathan Sale. Collective bargaining systems in Australia, Malaysia and the Philippines: Some recent developments</strong></td>
<td><strong>Alexis Vassiley. Pilbara trade unionism from the establishment of the iron ore industry to the Robe River dispute: examining the sources</strong></td>
<td><strong>Sue Williamson, Lisa Carson, Merviah Foley. Representations of New Public Management in Australian Public Service Gender Equality Policies</strong></td>
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<td><strong>Wayne Lawchuk. Does an expanding economy make employment less precarious and the distribution of income more equal?</strong></td>
<td><strong>Kanchana Liyanapathiranage. The Role of Unions in protecting working conditions of Gig Workers</strong></td>
<td><strong>Marjorie Jenner. Gerlach’s Network Theory as an Explanation for AMIEU Alliances and Breakdowns in Live Animal Export</strong></td>
<td><strong>Daniel Dinale. The inadvertent Female Employment Success of Liberal Economies: Flexible Labour Markets and Employment Protection Legislation</strong></td>
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<td><strong>David Nash, Edmund Heery, Deborah Hann. Employer Responses to the real Living Wage: Evidence from the UK</strong></td>
<td><strong>Thomas Haipeter. New Developments in German Industrial Relations. A Story about Crisis and Revitalisation</strong></td>
<td><strong>Andrew See. Exploring why unfair dismissal remedy applications resolve at the various stages of conciliation and arbitration</strong></td>
<td><strong>Annick Masselot. The right to primary carer leave: a labour of love?</strong></td>
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### Thursday 13 February

**8.00am**
**Registrations with Coffee on Arrival** - 5th Floor Foyer

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<th>Remarkables Room - General Stream - Gig Economy</th>
<th>Clancys Room - Comparative Collective Bargaining supported by Centre for Future Work and the Nordic Policy Centre</th>
<th>Wakatipu Room - Improving Workers Rights Stream</th>
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<td>Michael O’Donnell</td>
<td>Caleb Goods</td>
<td>Alison Pennington</td>
<td>Mark Bray</td>
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<td><strong>8.30 - 10.00am</strong></td>
<td><strong>Karishma Prasad, Katherine Ravenswood, Candice Harris. The undoing of gender by senior female leaders in New Zealand’s ICT industry</strong></td>
<td><strong>Louise Ingersoll. Keeping the dream alive: Surviving ‘gig’ work in the Australian Film Industry</strong></td>
<td><strong>Tom Roberts. Sector-Wide Bargaining: Problems and Prospects in the Australian Case</strong></td>
<td><strong>Cathy Bridgen. Applying an Indigenous lens to industrial relations and workers’ rights</strong></td>
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<td><strong>Sarah Mosseri. In Defense of Downtime: Elite Professionals’ Contestation of Ideal Worker Norms</strong></td>
<td><strong>Caleb Goods, Brett Smith, Tom Barratt, Alex Veen. Consumers as IR Actors: Are consumers for or against workers’ rights in platform-based food delivery?</strong></td>
<td><strong>Avalon Kent. New Approaches to Industry and Sector Bargaining in New Zealand</strong></td>
<td><strong>Meagan Tyler. Does decent work require abolishing unacceptable work? Insights from feminist debates on the sex industry</strong></td>
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<td><strong>Linda Colley, Sue Williamson. Does the APS really want to be an employer of choice?</strong></td>
<td><strong>Penny Williams, Paula McDonald, Robyn Hayes, Andrew Stewart, Damian Oliver. Australian Participation in the Gig Economy: Evidence from a National Prevalence Survey</strong></td>
<td><strong>Erling Rasmussen. Analytical angles on the Danish Model of Employment Relations</strong></td>
<td><strong>Lina AlSaree. What is just? How do today’s workforce perceive organisational justice?</strong></td>
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**10.00 - 10.30am**
**Morning Tea** - 5th Floor Foyer

**10.30 - 11.30am**
**Keynote Speaker:** Professor Mark Saunders - Professor of Business Research Methods and Director of PhD Programmes, Birmingham Business School - Queenstown Room
## FRIDAY 14 FEBRUARY

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<th>Remarkables Room - Workplace Gender Equality Stream</th>
<th>Clancys Room - General Stream - Millenial Workers</th>
<th>Wakatipu Room - General Stream - State/Public Sector</th>
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<tr>
<td>8.00am</td>
<td>Paula McDonald</td>
<td>Linda Colley. Women and superannuation: Time to do superannuation differently</td>
<td>Rae Cooper, Mark Stuart, Tony Dundon. Rethinking the Future of Work: Taking employment relations to the centre of the debate</td>
<td>Andrew Scott. Skills, Technology and Transition: Lessons from the Nordic Countries</td>
<td>Karen Douglas. You can't say, &quot;I'm not going to do a sleepover&quot;: organising labour intensive workforces</td>
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<td>1.00pm</td>
<td>Elizabeth Hill</td>
<td>You can't say, &quot;I'm not going to do a sleepover&quot;: organising labour intensive workforces</td>
<td>Bill Rosenberg. Unions and the Evolution of Trade and Industry Policy under the Ardern Government</td>
<td>Tanya Ewertowska, Katherine Ravenswood, Julie Douglas. Shining a light on young people's experiences in non-standard employment in New Zealand</td>
<td>Alexis Vassilev, Scott Fitzgerald, John Burgess. Organising and union renewal in Australia's agricultural sector: Farm workers fight back</td>
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<td>1.30 - 5.30pm</td>
<td>Karen Douglas</td>
<td>Securing in a workers' world: labor leaders' thoughts on labour standards compliance in the Philippines</td>
<td>Larissa Bambery, Donna Bridges, Stacey Jenkins, Branka Krivokapic-Skoko, Elizabeth Wuff. Addressing the persistent barriers to women's employment in the manual trades</td>
<td>Shirley Jackson, Dan Woodman. Breaking the Silence: Rethinking the strategies young workers employ beyond exit, voice and silence</td>
<td>John Burgess, Peter Waring, Desmond Ayentimi. Is SRI Improving Corporate Behaviour?</td>
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<td>8.30 - 10.30am</td>
<td>Rae Cooper</td>
<td>Vingel Binghay. Security in a workers' world: labor leaders' thoughts on labour standards compliance in the Philippines</td>
<td>Meraiah Foley, Rae Cooper, Sarah Oxenbridge, Sally Hanna-Osbourne. Workplace Gender Equality: Where are we now, and where to next?</td>
<td>Tanya Ewertowska, Katherine Ravenswood, Julie Douglas. Shining a light on young people's experiences in non-standard employment in New Zealand</td>
<td>John Burgess, Peter Waring, Desmond Ayentimi. Is SRI Improving Corporate Behaviour?</td>
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<td>10.45 - 12.00pm</td>
<td>Erling Rasmussen</td>
<td>Paula McDonald, Penny Williams, Robyn Mayes. Please sign here: Means of control used by digital intermediaries in contractual terms and conditions</td>
<td>Lisa Heap. Exploring new regulatory approaches to preventing gender-based violence at work</td>
<td>Tanya Ewertowska, Katherine Ravenswood, Julie Douglas. Shining a light on young people's experiences in non-standard employment in New Zealand</td>
<td>Mihajla Gavin, Karolina Parding, Scott Fitzgerald, Susan McGrath-Champ. Collaborative work and institutional crowdedness: Professionals' work in the context of New Public Management</td>
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<td>12.00 - 1.00pm</td>
<td>Mark Bray</td>
<td>Kate Farhall. The workplace-domestic violence nexus: barriers to workplace responses outside of large cities</td>
<td>Mark Westcott. Women Specialist Business Managers – Where are we now?</td>
<td>Tilly South, Unpaid internships and the employability promise: a qualitative study of Australian intern experiences</td>
<td>Mark Bray. Patterns of labour regulation in decentralised/deregulated industries: The case of Chengdu hotels</td>
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### Lunch

1.00pm  
**Lunch**

1.30 - 5.30pm  
**Afternoon Activities:** Choice of Pub Tour, Jetboating, Gondola & Afternoon Tea, TSS Earnslaw or Bike Ride

6.30 - 11.00pm  
Conference Dinner - Queenstown Room
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<td>1.00 - 2.30pm</td>
<td>Virgel Binghay, Rodessa May M. Marquez.</td>
<td>Job satisfaction and retention elements for millennial employees in an educational institution</td>
<td>John Martin. Case Study of the Ethical Supplier Mandate (Qld)</td>
<td>Carolyn Sutherland. Assumptions and 'common sense' reasoning in judicial decisions about the status of workers</td>
<td>Jiayi (Vivian) Sun, Alex Veen. When you wish an algorithm was your boss: Worker experiences on emerging Australian food-delivery platforms</td>
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<td>Sally Hanna-Osborne.</td>
<td>Women paramedics’ experiences of gender-based harassment and violence at work</td>
<td>Jeane Wells. Regulation: The construction of Paid working time in Australia</td>
<td>Jill Rubery, Philippe Mehaut, Claudia Weinkopf, Damian Grimsbou. Closing protective gaps in part-time and variable hours jobs in Germany, France and the UK</td>
<td>Bradon Ellem, Caleb Goods, Trish Todd. Rethinking power, strategy and renewal: members and unions in crisis</td>
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**2.30 - 3.00pm Afternoon Tea - 5th Floor Foyer**

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<td>Paula O’Kane</td>
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<td>Susan Russis. Employment relations and human resource graduates transition into employment</td>
<td>Russell Lansbury. Unions and Social Benefit Provision: Can Australia Learn from the Ghent Model?</td>
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<td>Susan McGrath-Champ, Rachel Wilson, Mihajla Gavin, Scott Fitzgerald, Meghan Stacey. Education beyond 2020: The 'State of the Nation's' teaching profession</td>
<td>Jim Stanford. The Economics of Union Free-Riding and the Diversity of International Solutions</td>
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<td>Ralyn Cameron, Jacqueline Larkin, Aaron Wijeratne, Ingy Shafei. Independent professionals in online higher education delivery: motivations, choices, satisfaction and organisational support</td>
<td>Andrea Fromm. A Broader Role for Unions in New Zealand?</td>
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<td>Desmond Tutu Ayentimi, Hassein Ali Abadi, John Burgess. What is keeping women out of academic careers in higher education in developing societies?</td>
<td>Timothy Kennedy. New Models of Unionism for a New Economy: Australia's United Workers Union</td>
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**4.30 - 5.30pm Farewell Drinks**
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The Inadvertent Female Employment Success of Liberal Economies: Flexible Labour Markets and Employment Protection Legislation

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The Inadvertent Female Employment Success of Liberal Economies: Flexible Labour Markets and Employment Protection Legislation

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Gendered comparative capitalist literature has been offered as one of the most influential explanations for cross-national variations in female employment patterns. The central argument put forward by gendered comparative capitalist literature is that capitalist regimes that privilege ‘specific’ skills, compared to ‘general’ skills are likely to inhibit female employment, both as an overall rate and the quality of women’s attachment to the labour market. This article revisits the role that public policy responses to different capitalist systems play in influencing female employment. Namely, the interactive effects between the strictness and breadth of employment protection legislation (EPL), comparative capitalist regimes and the cross-national impacts on female employment. This paper used a mixed methodology, with a qualitative policy analysis conducted for four case study nations: the United States (U.S.), Germany, Australia and Denmark. These nations epitomise different examples of comparative capitalist and welfare state settings. A pooled time-series analysis of period 2000-9 using Prais-Winsten regression estimation is used to determine the impacts of EPL strictness and female employment outcomes across Organisational for Economic Cooperation and Development (OECD) nations. This paper finds that the presence of strong EPL hinders the growth of female employment across developed nations.

Introduction

Several social and economic changes that occurred during the 1960s spearheaded unabated increases in female employment throughout developed nations across the world (Esping-Andersen and Billari 2015). Chief amongst these were a transition to a post-industrial economy where the manufacturing sector declined relative to the services sector. Alongside this economic change, women saw increased access to contraception and education, and demand for their skills in the labour market increased. Figure 1 demonstrates the relationship between female labour force participation and the expansion of the services sector. This relationship is likely causal: one advantage of the services sector is that, on average, it is more tolerant of employment interruption due to an emphasis on ‘general’ skills (Iversen and Rosenbluth 2010). This makes it friendlier to the needs of women who face a disproportionate likelihood of interruption on account of household commitments like child and aged care. In the U.S., the services sector employs 91% of women, compared to 68.5% of men (World Bank 2018).
Figure 1 – Service employment and female labour force participation (1960-2018)

Source: OECD, Labour Force Statistics (Paris: OECD, various years)

Historically, these material changes in labour markets matched shifts in women’s social status, albeit with significant lags indicating inertia in social values (Rosenbluth 2007). Whilst women entered the labour market in increasing numbers, there was not a proportional recalibration within households which saw women’s heightened economic participation matched by a significant uptake in household work by men, forcing women to work a ‘double shift’ (Hochschild 1989). Nonetheless, increases in market demand for female labour brought challenges to the dominant male-breadwinner model that nations were primarily based around. Subsequently, the norms surrounding male labour being directed toward economic production whilst women were committed to social reproductive tasks began to be dismantled (Nelson and Stephens 2013).

However, the speed, extent and nature of the shift away from the male-breadwinner model embedded in labour markets differed across developed nations. The national pioneers of female employment growth are to be found in social democratic Scandinavia and the developed English-speaking world (most especially the U.S.) (Esping-Andersen 2009). A telling statistic to illustrate this is the employment rate of mothers with children below the age of 5. In the U.S., the employment rate was below 20% until the 1960s. Remarkably, by 1980 it had doubled, and by 2000 it reached 63 percent. The shift which saw increased female employment outcomes in many social democratic nations was even more remarkable: the employment rates of Danish mothers has exceeded 80% for two decades (Esping-Andersen and Billari 2015). Nonetheless, Scandinavian economies are characterised by high levels of sex segregation: Canada and the U.S., for example, have lower levels of sex
segregation despite less adequate policy supports (Charles and Grusky 2004; Steinmetz 2012). Counter-intuitively, Scandinavian nations have relatively few female corporate managers, especially when compared to developed English-speaking nations (Anker 1998; Iversen and Rosenbluth 2010).

The relative success of many developed English-speaking nations in seeing the relatively heightened inclusion of women in labour markets comes as a policy surprise. Scandinavian economies are renowned for their defamiliarising social policies, including generous provision of day-care spending and gender egalitarian leave arrangements (Kleider 2015). The developed English-speaking world are similarly renowned for limited policy support for working mothers. The U.S., for example, is the only developed nation in the world to lack a paid parental leave scheme (Ingraham 2018). Developed English-speaking nations are also characterised by scarce support for child care, and confront some of the highest costs of raising children, as per Figure 2. This establishes an empirical puzzle about how English-speaking nations have been able to pioneer relatively strong female employment growth in the absence of defamiliarising policies supporting working women.

Figure 2 – Childcare costs (couple, average wages) (2018)

Gendered Comparative Capitalist Explanations for Female Employment Variation

One of the most influential explanations for cross-national variation in female employment outcomes has emerged out of gendered comparative capitalist literature. Proponents of this approach include Estevez-Abe (2005, 2006, 2009), Iversen and Rosenbluth (2006, 2010) and Soskice (2005). The central claim of these authors is that market economies that privilege ‘specific’ skills, such as coordinated market economies (CMEs) like Germany and Denmark,
diminish the employment prospects of women in the market economy. This compares to the disproportionate general skilling system in liberal market economies (LMEs), including the U.S. and Australia. General skills refer to human capital that is created which is portable across firms and industries, that are based around short-term relationships with employers. Specific skills on the other hand are where the demand for these skills is monopsonistic, that is, the value of those skills is attached to the current employer or industry, creating a labour market where there is greater long-term engagement and employees are relatively immobile (Iversen and Rosenbluth 2010). It is argued that general-skills or liberal economies place less significant penalties upon employment interruption which has a distinct gender dimension due to women’s disproportionate likelihood of employment interruption on account of the household division of labour (including child care and aged care). The emphasis on ‘general’ skills systems in developed English-speaking nations is expressed in the disproportionate size of the service sectors in these economies.

Estevez-Abe (2005, 2006, 2009), Iversen and Rosenbluth (2006, 2010) and Soskice (2005) argue that in CMEs, where organisations stress specific skills, women tend to face barriers in accessing promotional hierarchies, due to a greater likelihood of occupational disruption aggravated by specific skilling regimes, helping explain greater instances of female vertical segregation in CMEs. Furthermore, Soskice (2005) contends that CMEs encourage specific-skill development, which tends toward fostering male-domination in the private sector due to the premium they place on continuous employment relative to general skilling systems. Indeed, this analysis is based on a firm-centric rational economic rationale. However, this approach explicitly incorporates the role of gender norms and discrimination that women face regarding their labour market participation. In the context of prevailing gender inequality and a persistent inegalitarian division of household labour, with women continuing to do the bulk of household work in all developed nations (Kleider 2015), firms are likely to view women as more likely to disrupt or interrupt their employment relative to men. This persists alongside the existence of a gendered wage differential, often attributed to differences in on-the-job training and promotion (Grounau 1988). These firm decisions to invest fewer resources in women are often explained by their plans (real or perceived) to disrupt their employment for family reasons (whether child rearing or care for the elderly). The vicious economic cycles for women become obvious, given women’s wage differential to men, a gender division of labour encourages further entrenchment of the gender division of labour (Magnusson 2013).

Nonetheless, comparative capitalist explanations for cross-national variations in female employment outcomes due to the emphasis on rational firm-centric explanations lack attentiveness to variations in welfare state characteristics such as EPL (Mandel and Shalev 2009; Rubery 2009). This shortcoming is acknowledged by the seminal authors that contend that the gendered comparative capitalist explanation “does not account for the adoption of social democratic rather than Christian democratic welfare states across CME” (Estevez-Abe 2006). That is, welfare state explanations are exogenous to the comparative capitalist model. This article revisits these studies by examining the role of employment protection legislation (EPL) as a public policy response to different skill regimes. This paper analyses the role of EPL in shaping national skill profiles, and evaluates the impact of the strictness of EPL on female employment rates and outcomes. This is achieved through a qualitative analysis of four case study nations and statistical analysis of trends across OECD nations.
Public Policy Responses to Comparative Capitalist Structures

EPL refers to regulations surrounding: (i) the protection of regular (permanent) workers against individual dismissal on personal or economic grounds, (ii) regulation of temporary forms of employment (including fixed-term contracts and temporary-work-agency (TWA) employment), and (iii) additional, specific requirements for collective dismissals.

The breadth and strictness of these measures differs across nations with different comparative capitalist and welfare state settings, as evident in Table 1.
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<td>Notification to the Worker</td>
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<td>Germany (CME-C)</td>
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<td>Obligation to provide reasons to the employee for</td>
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<td>termination of employment under Kündigungsschutzgesetz</td>
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<tr>
<td>(Protection against Dismissal Act [PADA] [1969]), last am</td>
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<td>ended in July 2017</td>
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<td>Sec. 1 (2) of PADA requires justifed dismissal on the</td>
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<td>basis that it is socially defensible by reasons relating</td>
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<td>Notification to Third Parties</td>
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<td>Notice Period</td>
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<tr>
<td>Temporary Employment / Use of Fixed-Term Contracts (FTCs)</td>
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<td>Additional Regulations for Collective Dismissal</td>
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Key = CME (Coordinated Market Economy), LME (Liberal Market Economy) (Soskice 2005)  
C (Conservative/Christian Democratic), SD (Social Democratic), L (Liberal) (Esping-Andersen 2009)  
Importantly, differences in the stringency and breadth of EPL varies systematically according to the comparative capitalism type. Significantly, these variations in EPL have not experienced a high degree of volatility, indicating institutional stability, as per Figure 3.

**Figure 3 - Strictness and Breadth of Employment Protection Legislation Index (1990-latest)**

![Graph showing strictness of EPL (OECD 1990-2013)](source: OECD, Labour Force Statistics (Paris: OECD, various years)
Notes: The OECD average was only available for 2008 (2.17), 2009 (2.16), 2010 (2.15), 2011 (2.12), 2012 (2.08) and 2013 (2.04).

Private firms in the coordinated economies of Germany and Denmark are characterised by comparative capitalisms based disproportionately around skill specificity, whereas the liberal economies of U.S. and Australia possess economic institutions that gravitate toward general skills. Once invested in, owners of firm-specific skills necessitate a relatively high level of employment protection in order to encourage firms to invest in these skills (Aoki 1988, cited in Hall and Soskice 2001). This is as these skills are characterised by their lacked transferability to other firms, as well as their procurement through on-the-job skill investments and training that creates a reticence from firms to layoff labour (Estevez-Abe 2005). Given the specificity of skills and the competitive advantages they afford firms in coordinated economies, it can be inferred that employers would be more reluctant than their counterparts in liberal economies to hire women into ‘insider’ positions, due to managerial reasoning made about women’s greater likelihood to terminate or disrupt their employment than men (Estevez-Abe 2005). This would suggest an institutional predisposition which systematically precludes women from obtaining employment security and promotional opportunities (‘insider positions’) within firms in coordinated economies (Vos 2008). Whilst EPL safeguards women against termination on the grounds of pregnancy or leave in Denmark and Germany (ILO 2018) it does not preclude firms from discriminating against women on the basis that they, as women, are disproportionately more likely to interrupt their careers.
EPL is a welfare state institution complementary to the styles of economies present in Germany and Denmark. EPL directly sends signals to workers and employers that investments will be safeguarded (Soskice 2005). Indeed, specific skilling necessitates a high level of EPL in order to incentivise firms to invest in these skills (Aoki 1988, cited in Hall and Soskice 2001). The employment security conferred by EPL in Germany and Denmark fosters “human capital investment in firm-specific knowledge with a positive impact on productivity” (European Commission 2015). This is the inverse situation to liberal economies where strong EPL would undermine the incentives of workers to invest primarily in general skills, and therefore employers with market strategies based on general skills have no incentive to support EPL (Hall and Soskice 2001). Australia and Denmark demonstrate intratypological divergences with mildly stronger and weaker EPL than their ‘archetypal’ counterparts. Given EPL buttresses specific regimes, that raise the premium associated with continuous, uninterrupted and therefore largely masculine employment, it can be expected that strong EPL would exacerbate employers’ discrimination against women.

Given risks associated with firm-specific skill investments, firms in coordinated economies endow ‘insider’ employees with more favourable employment conditions in order to encourage retention and thereby reduce labour turnover costs associated with the replacement of insiders with outsiders, or labour force participants from other firms (Matysiak 2011). Hence, turnover costs in specific skill settings increase the turnover costs associated with employee replacement. This is in contrast to general skilling systems and relatively relaxed EPL in liberal economic settings where labour market participants possess skills that are transferrable between firms, providing a greater degree of flexibility for hiring and firing, and reducing the rigidity of the insider-outsider divide. Conversely, greater levels of uncertainty regarding women’s work patterns and career trajectories increases employers’ real or perceived risk in forfeiting sunk costs associated with training women into specific skills sets in coordinated economies, and thereby inhibiting their inclusion in the firm as ‘insiders’ (Soskice 2005). More importantly, in the context of firm investment in on-the-job training and firm-specific skill investments, firms expect to hire labour for a long period of tenure, in order to actualise specific investments in labour. Hence, EPL and the impact it has on shaping national skill profiles, increases the premium attached to continuous, uninterrupted employment in firms operating in coordinated economies.

Therefore, rather than EPL promoting greater employment security for women in coordinated economies, by shielding female ‘insider’ positions from market forces, it appears to exacerbate firm discrimination against women who cannot credibly offer the same degree of employment certainty as men to make long-term, specific skill investments financially viable for an employer. This is especially the case if women are statistically more likely to disrupt or terminate their employment, with EPL forcing employers into relatively long notice periods in the case of dismissal. In comparison, both men and women are more equally insecure in their employment in liberal settings, with a general skills system and lax EPL provisions allowing women to, with relative ease, re-integrate into the labour market. Hence, it can be expected that women in coordinated economies are less likely to penetrate ‘insider’ positions, and are more likely than their counterparts to occupy ‘outsider’ positions.
Despite appearing counter-intuitive at first, the nations that shield labour from market forces through the stringent provision of EPL appear to exacerbate the division between ‘insider’ and ‘outsider’ employees. Ironically, coordinated economies such as Germany and Denmark that protect and privilege ‘insider’ workers appear to increase the market use of FTCs or temporary employment by increasing the threshold upon which firms are willing to hire new ‘insider’ labour. This is despite the same nations creating barriers to the use of FTCs, through stipulating provisions of duration and the types of work temporary contracts can be implemented at a level above their liberal counterparts.

Nations that have relatively stringent EPL, including Germany and to a lesser extent Denmark, (both of which have EPL indexes above the OECD average)\(^1\) are more likely to express a greater bifurcation in their labour markets, through the insider-outsider divide, as evident in Figure 4\(^2\). Notably, the higher incidence of temporary employment appears to be significantly more feminised for coordinated economies than liberal economies.

**Figure 4 - Gender Dimension of Temporary Employment (2000-15) in Case Study Nations**

As evident in Figure 4, amongst all the case study nations in both datasets, women are more likely to be represented in temporary or ‘outsider’ employment than men. In Figure 4, in the pooled time-series average for 2000-15, the highest incidence of temporary employment was amongst German women at 9.1%. Importantly, variation in the incidence of temporary employment appears to ‘map’ onto different comparative capitalisms and welfare state sub-

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\(^1\) The OECD average was only available for 2008 (2.17), 2009 (2.16), 2010 (2.15), 2011 (2.12), 2012 (2.08) and 2013 (2.04).

\(^2\) Data for Australia was not available for 1990-97, 99-00, and 2002-03. Available data was transposed backward to calculate the pooled time-series average. Data for the United States was not available for 1990-94, 96, 98, 2000, 2002-04, and 06-15. Latest available data, in 2017 at 3.0% was transposed backward to calculated the pooled time-series averages.
types, with coordinated economies being characterised by a higher incidence of temporary employment. In accordance with expectation, the U.S. is characterised by the weakest insider-outsider divide in both datasets, with 3.3% incidence of temporary employment for both men and women in Figure 4, indicating men and women are equally insecure in their employment. Comparatively, Australia has a higher incidence of temporary employment at 6.4% (2000-15) for women.

Hypotheses, Measurement of Variables and Analysis

Hypothesis

Whilst forms of EPL can be found in every country, the breadth and stringency of these measures is disputed (see OECD 1999, as cited in Rovny 2011). The hypothesis to be made about the interaction between EPL and female employment is that in nations with strong EPL with restrictions on temporary and part-time work, a bifurcated labour market emerges, creating a schism between ‘insider’ and ‘outsider’ workers.

Whilst the number of studies interrogating the interaction between EPL and female employment have been scarce, it is generally agreed that laws inhibiting outsiders and that propagate the insider-outsider divide do not benefit women (Rueda 2005). Adsera (2005) finds that rigid labour regulations that favour full-time male employees in European countries hinder female employment. Hence, high-EPL nations like Germany and to a lesser extent Denmark, in the absence of gender friendly policies, can be expected to privilege ‘insider’ workers, providing higher wages and job security to insiders to the exclusion of women, especially young women. Hence, EPL is expected to diminish female labour force participation. The relative absence of EPL in liberal economies like the U.S. and Australia are likely to provide greater levels of flexibility to women in the absence of gender friendly policies. This is likely to aid women in their need for more flexible working arrangements.

Analysis and Measurement of Variables

A pooled time-series analysis of the impact of EPL stringency and breadth is conducted with female labour force participation as the dependent variable, using Prais-Winsten regression estimation. The analysis is implemented using syntax operations of v. 23 of IBM SPSS Statistics.

This analysis is conducted during the 2000-9 time period. The data covers 17 OECD nations, selected according to their capitalist and welfare state type. This dataset includes the four main case study nations: the U.S., Germany, Australia and Denmark. The main data sources are the OECD (2018), the World Bank (2018) and Gauthier’s (2011) Comparative Family Policy Database (CFPD).

The dependent variable is female labour force participation (15-64 y/o), provided by the OECD (2018). The female labour force participation rate represents the section of the working age population in the age group of 15-64 currently employed or seeking employment.

Data on EPL are from the OECD’s (2018) annual time series. The overall summary index variable summarises a number of sub-indices measuring the difficulty of layoff, and the use
of temporary work (Bradley and Stephens 2007). This index is calculated along 18 basic items which can be categorised into three main categories: (1) EPL of regular workers (individual dismissal), (2) specific requirements for collective dismissals, and (3) regulation of temporary contracts. The disaggregated measure for temporary contract EPL is also included.

Other variables to account for other welfare state variation pertinent to female employment are included. This includes active labour market programme (ALMP) measures taken from OECD (2018). Harmonised unemployment rates (HUR) and youth unemployment rates (YUR) are included from World Bank (2018) database. Also, cash benefits paid during maternity leave is included from Gauthier’s (2011) CFPD. These are included in order to assess the influence of EPL compared to other welfare state policy measures.

Table 3 shows the mean values of the key indicators and dependent variables, broken down by OECD county, comparative capitalist regime and welfare state type.
Table 3 – Mean Values of Variables by Comparative Capitalist and Welfare Type (2000-09)

<table>
<thead>
<tr>
<th>Welfare State Variant</th>
<th>FLFP Rate (15-64y/o)</th>
<th>EPL index</th>
<th>Temporary EPL index</th>
<th>Cash Benefits paid during maternity leave</th>
<th>ALMP</th>
<th>HUR</th>
<th>YUR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CME-SD</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>76.1</td>
<td>2.13</td>
<td>1.38</td>
<td>41.3</td>
<td>1.60</td>
<td>4.63</td>
<td>8.37</td>
</tr>
<tr>
<td>Finland</td>
<td>72.9</td>
<td>2.20</td>
<td>1.56</td>
<td>70</td>
<td>0.85</td>
<td>8.34</td>
<td>19.49</td>
</tr>
<tr>
<td>Norway</td>
<td>76.1</td>
<td>2.33</td>
<td>2.88</td>
<td>0</td>
<td>0.64</td>
<td>3.53</td>
<td>9.89</td>
</tr>
<tr>
<td>Sweden</td>
<td>76.9</td>
<td>2.62</td>
<td>1.31</td>
<td>0</td>
<td>1.15</td>
<td>6.66</td>
<td>18.11</td>
</tr>
<tr>
<td>Mean</td>
<td>75.5</td>
<td>2.32</td>
<td>1.78</td>
<td>27.8</td>
<td>1.06</td>
<td>5.79</td>
<td>13.97</td>
</tr>
<tr>
<td><strong>CME-C</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>66.7</td>
<td>2.68</td>
<td>1.35</td>
<td>100</td>
<td>1.09</td>
<td>9.00</td>
<td>12.61</td>
</tr>
<tr>
<td>Belgium</td>
<td>58.4</td>
<td>1.89</td>
<td>2.38</td>
<td>76.9</td>
<td>0.71</td>
<td>7.66</td>
<td>19.54</td>
</tr>
<tr>
<td>France</td>
<td>63.9</td>
<td>2.42</td>
<td>3.63</td>
<td>100</td>
<td>0.98</td>
<td>8.65</td>
<td>19.95</td>
</tr>
<tr>
<td>Austria</td>
<td>65.0</td>
<td>2.48</td>
<td>1.31</td>
<td>100</td>
<td>0.62</td>
<td>4.78</td>
<td>8.39</td>
</tr>
<tr>
<td>Italy</td>
<td>49.5</td>
<td>2.76</td>
<td>2.29</td>
<td>80</td>
<td>0.49</td>
<td>7.90</td>
<td>24.99</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>68.1</td>
<td>2.88</td>
<td>0.94</td>
<td>100</td>
<td>1.19</td>
<td>4.40</td>
<td>7.97</td>
</tr>
<tr>
<td>Switzerland</td>
<td>74.4</td>
<td>1.60</td>
<td>1.13</td>
<td>32</td>
<td>0.57</td>
<td>4.71</td>
<td>7.15</td>
</tr>
<tr>
<td>Mean</td>
<td>63.7</td>
<td>2.39</td>
<td>1.86</td>
<td>84.1</td>
<td>0.81</td>
<td>6.73</td>
<td>14.37</td>
</tr>
<tr>
<td><strong>LME-L</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US</td>
<td>69.6</td>
<td>0.26</td>
<td>0.25</td>
<td>0</td>
<td>0.15</td>
<td>5.53</td>
<td>11.88</td>
</tr>
<tr>
<td>Australia</td>
<td>67.8</td>
<td>1.34</td>
<td>0.88</td>
<td>0</td>
<td>0.34</td>
<td>5.47</td>
<td>11.19</td>
</tr>
<tr>
<td>New Zealand</td>
<td>69.9</td>
<td>1.53</td>
<td>0.94</td>
<td>0</td>
<td>0.37</td>
<td>4.68</td>
<td>11.69</td>
</tr>
<tr>
<td>UK</td>
<td>69.6</td>
<td>1.26</td>
<td>0.34</td>
<td>23.3</td>
<td>0.35</td>
<td>5.37</td>
<td>13.55</td>
</tr>
<tr>
<td>Canada</td>
<td>73.0</td>
<td>0.92</td>
<td>0.25</td>
<td>55</td>
<td>0.34</td>
<td>7.01</td>
<td>12.85</td>
</tr>
<tr>
<td>Mean</td>
<td>70.0</td>
<td>1.06</td>
<td>0.53</td>
<td>15.7</td>
<td>0.31</td>
<td>5.61</td>
<td>12.23</td>
</tr>
<tr>
<td>Japan</td>
<td>60.9</td>
<td>1.60</td>
<td>0.88</td>
<td>60</td>
<td>0.19</td>
<td>4.66</td>
<td>8.90</td>
</tr>
</tbody>
</table>
Results

Table 4 (in appendix) shows the results for a comparison between LME-L and CME-C economies, with Table 5 (in appendix) showing CME-C against CME-SD economies, with respect to the effects of EPL on female labour force participation levels.

As hypothesised, EPL has an inverse relationship with female labour force participation rates when comparing LMEs and CME-Cs: the higher the EPL index, the lower the female labour force participation rate. These results performed using Prais-Winsten regression estimation correspond with hypothesised expectation: that as the level of job protection for the stably employed increases, the employment opportunity available for ‘outsiders’ including women, is diminished.

Nonetheless, in using female labour force participation as the dependent variable, this analysis has not canvassed the impact of EPL on the quality of women’s work. Nonetheless, the high EPL index of a CME-C nation like Germany alongside high rates of female temporary employment would suggest that EPL promotes labour market rigidity that sees women disadvantaged in ‘outsider’ positions. In Table 4, EPL remains the most significant variable and has the strongest effect. The Beta Value for Model (4) in Table 4 suggests that every unit increase in the EPL sees female labour force participation decline by 7.685%. The implications of this are substantial: throughout CME-C economies, the protection of predominantly male skill investments diminishes the female employment outcomes of women.

However, as per Table 5, EPL variation is unable to explain female labour force participation variation between CME subgroups, that is, amongst social democratic and Christian Democratic (Christian) welfare states. Nonetheless, the strong negative significance of the generosity of cash benefits provided upon maternity leave, suggests the ideological commitment to maternity leave in Christian-Democratic nations, as opposed to parental leave in Scandinavian economies can explain lower levels of female labour market participation in CME-Cs.

These results point us to a highly paradoxical conundrum of two ‘welfare state paths’ to higher female labour force participation: the liberal welfare state path, which appears to facilitate relatively high female participation through labour market flexibility leading to men and women being equally insecure in their employment, and the Social Democratic path, which appears to rectify for the rigidity of the labour market through a strong commitment to gender egalitarianism in both government policy and the household (Kleider 2015).
Conclusion

To summarise, these analyses offer support to the hypothesis that labour market institutions designed to shield skills investments can and do have inadvertent gender consequences. ELP by shielding the skill investments of largely male ‘insiders’ diminish the labour market opportunities of ‘outsiders’ that are disproportionately women. This study found that the strength and breadth of EPL diminishes women’s attachment to the labour market, as expressed through the heightened female representation amongst temporary workers. This paradoxical finding suggests that EPL by shielding incumbent ‘insider’ labour away from market forces intensifies labour market discrimination against women, if those women are nonetheless more likely than their male counterparts to disrupt their employment, contradicting the need for continuous employment in a specific-skilling CME economy. Hence, liberal economies such as the U.S. and Australia through fluid labour markets see heightened female labour force participation as these liberal institutions diminish the premium attached to continuous, masculine employment.
Appendix

Table 4 Prais-Winsten models of female labour force participation (LME-L and CME-C)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPL</td>
<td>-5.144***</td>
<td>-7.953***</td>
<td>-7.685**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1.740)</td>
<td>(2.298)</td>
<td>(3.499)</td>
<td></td>
</tr>
<tr>
<td>Temporary Employment</td>
<td></td>
<td>-4.160**</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1.601)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ALMP</td>
<td></td>
<td>13.957**</td>
<td>16.367**</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(6.062)</td>
<td>(7.249)</td>
<td></td>
</tr>
<tr>
<td>HUR</td>
<td></td>
<td>-0.539</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1.137)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>YUR</td>
<td></td>
<td>-0.606</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.370)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maternity Leave Benefits</td>
<td></td>
<td></td>
<td>-0.062</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.058)</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>75.273***</td>
<td>71.266***</td>
<td>83.755***</td>
<td>74.033***</td>
</tr>
<tr>
<td></td>
<td>(3.365)</td>
<td>(2.485)</td>
<td>(3.940)</td>
<td>(3.398)</td>
</tr>
<tr>
<td>N</td>
<td>13</td>
<td>13</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Adjusted R²</td>
<td>0.360</td>
<td>0.284</td>
<td>0.772</td>
<td>0.496</td>
</tr>
</tbody>
</table>

*** p<0.01, **p<0.05, *p< 0.1
Standard errors in parentheses
Sources: OECD (2018), World Bank (2018), and Gauthier’s (2011) CFPD
Table 5 Prais-Winsten models of female labour force participation (CME-C and CME-SD)

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
<th>(4)</th>
<th>(5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPL</td>
<td>-3.438</td>
<td>-4.934</td>
<td>-6.130</td>
<td>-3.124</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(6.708)</td>
<td>(6.288)</td>
<td>(4.559)</td>
<td>(4.691)</td>
<td></td>
</tr>
<tr>
<td>Temporary Employment</td>
<td></td>
<td>-3.430</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3.177)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ALMP</td>
<td></td>
<td>8.556</td>
<td>10.591*</td>
<td>7.370</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(7.422)</td>
<td>(5.571)</td>
<td>(6.158)</td>
<td></td>
</tr>
<tr>
<td>HUR</td>
<td></td>
<td>-0.476</td>
<td></td>
<td>1.097</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.522)</td>
<td></td>
<td>(1.666)</td>
<td></td>
</tr>
<tr>
<td>YUR</td>
<td></td>
<td>-0.227</td>
<td></td>
<td>-0.843</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1.693)</td>
<td></td>
<td>(0.572)</td>
<td></td>
</tr>
<tr>
<td>Maternity Leave Benefits</td>
<td></td>
<td></td>
<td>-0.167***</td>
<td>-0.167***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(0.037)</td>
<td>(0.044)</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>76.568***</td>
<td>74.268***</td>
<td>80.148***</td>
<td>83.731***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>84.606***</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(12.330)</td>
<td></td>
</tr>
</tbody>
</table>

N 11 11 11 11 11

Adjusted R² 0.210 0.083 0.121 0.760 0.773

*** p<0.01, **p<0.05, *p< 0.1
Standard errors in parentheses
Sources: OECD (2018), World Bank (2018), and Gauthier’s (2011) CFPD
References


Gauthier, A.H. 2011, Comparative Family Policy Database, version 3, Netherlands Interdisciplinary Demographic Institute and Max Planck Institute for Demographic Research, available at <https://www.demogr.mpg.de/cgi-bin/databases/FamPolDB/index.plx>


**Pilbara trade unionism from the establishment of the iron ore industry to the Robe River dispute: examining the sources**

Revised version 24 October 2019

**Abstract**

The story of Pilbara trade unionism is a significant one for Australian trade unionism and industrial relations. The region is of continuing economic importance, generating significant export income. Industrially, however, the region has been transformed from a union strong-hold to being largely de-unionised. Pilbara trade unionism from the relaxation of the iron ore export embargo in 1960 to the present day mirrors the Australia-wide fortunes of unionism in exaggerated form. In the 1970s and 1980s ‘hey day’ of unionism, the Pilbara iron ore industry was one of the most ‘strike-prone’ sections of the Australian workforce. Today, by contrast, unions in the industry are so weak they have been unable to gain enterprise agreements for their members.

An explanation of how the current industrial landscape came about will enrich contemporary research on Pilbara industrial relations, including the issues surrounding Fly-In-Fly-Out (FIFO) work, and attempts at re-unionisation. It can also offer insights for union renewal generally in Australia. Bradon Ellem’s (2017) *The Pilbara: From the Desert Profits Come* has gone part of the way, but more remains to be done.

This paper examines the sources about the rise and fall of Pilbara iron ore trade unionism. It finds empirical gaps from the 1960s to the 1980s, and a lack of theoretical depth and analysis.

**Introduction**

The story of Pilbara trade unionism is a significant one for Australian trade unionism, and industrial relations more generally. The region is of continuing economic importance to Australia. Iron ore mining has expanded over many decades and generated significant export income: in 2015 $36.7BN (US) of iron ore was exported from the Pilbara, 90% of Australian and 50% of world iron ore exports (Department of Industry 2016; Workman 2016). Industrially, on the other hand, the region has been transformed from a union strong-hold to being largely de-unionised. The story of trade unionism from the relaxation of the iron ore export embargo in 1960, through to the present day mirrors the fortunes and fall of unionism in Australia more generally, but in exaggerated form. In the 1970s and 1980s ‘hey day’ of unionism, the Pilbara iron ore industry was one of the most ‘strike-prone’ sections of the Australian workforce. For example, the average Pilbara iron ore worker struck for just over 11 days in 1973 (Lovett 1980) whereas the notorious coal miners averaged ‘only’ 7.5 days per worker per year from 1970-1978 (Perry 1979, 45). Today, by contrast, unions in the industry are so weak they have been unable to gain enterprise agreements for their members, who are generally employed on individual contracts (Carig 2019).
The current industrial relations landscape offers further evidence of the significance of the story of Pilbara unionism’s rise and fall. The move to a FIFO workforce – made possible by de-unionisation and simultaneously reinforcing it by atomising workers – has starved Pilbara towns of resources and led to complaints of mental illness and relationship strain from mining workers and their families (House of Representatives Standing Committee on Regional Australia, Parliament of the Commonwealth of Australia, 18, 82). Further, Pilbara industrial relations expert Bradon Ellem (2015b, 324) has asserted ‘that a particular form of neoliberal industrial relations which came to dominate national policy originated in large part in the Pilbara’. Hence the importance of an enquiry into how the current industrial landscape came about, one that is indelibly interwoven with unionism and workers’ struggle.

Gaps in the literature

There are two main gaps in the literature on the rise and fall of Pilbara iron ore unionism. Empirically, very little has been written on the establishment of trade unionism in the iron ore industry. The period of union power in the 1970s and 1980s enjoys more academic attention, but the literature is far from exhaustive. Ellem’s *The Pilbara: From the Deserts Profits Come* (2017) surveys unionism from the establishment of the industry to today, and covers the battle to re-unionise in the 2000s in greater depth. Undoubtedly an important work, and the only comprehensive account of unionism’s rise and fall in the region to date, it still leaves room for a greater examination of the de-unionisation attempts, both successful and unsuccessful, in the 1980s and 1990s, as well as the current attempt by the Western Mine Workers Alliance to re-unionise the industry.

Theoretically, the accounts written suffer from a lack of depth and often lack an analytical approach. While virtually all academic accounts reference the issue of intra-union relations, they do not adequately explore it, nor apply relevant theories such as the Marxist theory of the trade union bureaucracy and rank-and-file (Bramble 1993, 2005; Tierney 2017, Bollard 2007, 2010; Upchurch and Darlington 2012) to the issue. This is a pity as the isolated, militant and rank-and-file-led nature of Pilbara trade unionism makes it especially suitable for a case study.

Ellem’s body of work on the topic has many strengths. He both evokes sympathy with the plight of the workers and their struggles at the local level and demonstrates the importance of Pilbara unionism to industrial relations in WA and nationally. His identification with iron ore miners means Ellem rightly defends ‘work practices’ which Industrial Commissioners, journalists and industrial relations scholars such as Norm Dufty (1986b, 3-11) and Pam Swain (1995, 242-3) axiomatically opposed as outdated and unproductive. Instead, Ellem highlights issues such as work intensity, safety, and the maintenance of jobs which lay behind the practices, as well as the resulting impacts on individual lives. Ellem has also consciously participated in the debate outside academia; *Hard Ground: Unions in the Pilbara* (2004) was published by the Pilbara Mineworkers’ Union. For its geographical remoteness, the Pilbara has often been at the centre of Australian production and industrial relations.
Despite these many strengths, Ellem’s work has empirical gaps and theoretically weaknesses; it should not be the last word on this important topic.

**The establishment of Pilbara unionism: mid-1960s to early 1970s**

A recent article (Vassiley 2018) started to fill a gap in academic research on the rise of trade unionism in the Pilbara iron ore industry. Vassiley argues that the period 1965-72 was important in establishing a lot of the ‘infrastructure of grassroots unionism’ – shop stewards’ networks, committees encompassing the various unions and the closed shop – which would underpin the later union militancy. Drawing on John Kelly’s (1998) mobilisation theory, the article views strong organisation and strikes by workers as important in winning large improvements in pay and conditions and gains around safety, and in eroding some of the power of management and establishing union structures. The establishment of unionism at Robe River, where exports started only in 1972, fell outside the scope of this article, but would provide an interesting comparison.

This period has not been subjected to much research and possibly as a result, a myth has persisted of the inevitability of the later strength of the unions, and relatively high wages and conditions of iron ore workers. However, as Vassiley has shown, this later union strength required agency on the part of union activists and union officials, and the pay and conditions at the start of the industry were very low indeed.

Prior to this, the main sources for this period included three articles in *Papers in Labour History*. Industrial relations scholar Ray Fells and oral historian Stuart Reid (1991) painted a picture of work in the early days of the iron ore industry based on oral accounts. In the authors’ own words the purpose was not ‘to describe or explain the industrial relations’ (Fells and Reid 1991, 16). While the article depicts some of the conditions in the early days, and how these were improved through union action, it does not attempt to answer the question of how trade unionism was established.

Another article by Fells (1993) traces the development of the 1967 Iron Ore Industry Award. It does not examine the actions of workers themselves in establishing union structures and fighting for better conditions, but rather with the negotiations between union officials and the companies for the first industry award. Finally, labour historian Julie Tracy’s (1994) article on “the construction phase” of the Pilbara iron ore industry is written almost entirely from the perspective of the union officials, ignoring that of rank-and-file workers. Despite the article’s aim of answering “how the union movement organised the industry” (15) from 1965-72, it barely mentions the following issues: the setting up of shop committees and combined union committees; power dynamics between management and workers and managerial prerogative; class struggle; union preference; and the changes in workers’ conditions such as improvements to food, air-conditioning in vehicles, and the important issue of dust.

Histories of the unions involved in the establishment of iron ore unionism paradoxically offer little treatment of the subject. The official histories of the Australian Workers’ Union (AWU) (Hearn and Knowles 1996; Dyrenfurth 2017), the largest of the unions with coverage of Pilbara mineworkers, contains barely anything on the establishment of unions in the
Pilbara. Labour historians Bobbie Oliver (2013, 59-60), writing about the predecessors of the Australian Manufacturing Workers’ Union (AMWU) and Linda McLaughlin (2013, 272-3) writing about the Electrical Trades’ Union (ETU), mention epic trips taken by Perth-based union officials to the Pilbara in the 1960s and early 1970s to recruit members and set up shop stewards committees, but do not offer a comprehensive treatment. Studies of the trade union umbrella bodies (Sassine 1985; Oliver 2003) are similarly incomplete in this regard. Former tug master and researcher Murray Shaw (2013) has written an autobiographical account of the industrial action taken against the use of “foreign indentured labour” in the Pilbara in the sixties. The only substantial account of these events, it does not examine the rise of trade unionism in the region more broadly. Ellem’s prolific work on the industry does not cover the establishment of unionism in great detail (Ellem 2017). Despite his general approach celebrating human agency, his account of this early period implies predestination regarding some union gains. For example, Ellem (2017, 38) attributes one hundred per cent union membership – one of the structural factors giving unionists their later strength – to the union preference clause in the 1967 Iron Ore Award. In fact, universal union membership had to be won, enforced and even re-won from the ground up, including by withdrawing, or threatening to withdraw, labour. Some companies and contractors actively resisted unionisation.

Union power: 1970s and 1980s

‘Union power’ (Gall 2008; Luce 2014) characterises Pilbara industrial relations from the early seventies to the late eighties. The four mining companies were well-organised, with one hundred percent membership, shop stewards for every work section and conveners for every ten or so shop stewards. Grassroots action won decent pay and conditions, improved safety standards and encroached on managerial prerogative.

Political economist Herb Thompson, utilising a Marxist theoretical framework, has contributed an important body of work which examines the years 1978-1987. Thompson periodised the capital-labour relationship in the Pilbara from the sixties to the eighties taking into account the state of the world iron ore market, the labour market, and the political and industrial context as well as examining the interaction between multinational corporations and the state (Thompson 1983b; Thompson 1983a). Thompson was an academic-activist or participant observer for a lot of this research, often conducting research and publishing shortly after events unfolded (Thompson 2017). Examples include an analysis of the twelve-week 1979 Hamersley Iron dispute (Thompson and Bartlem 1980), co-authored with union convenor Don Bartlem, and an investigation into the impact of gender on employment and unionism (Thompson 1984). In this latter article, Thompson shows how union’s industrial power was used to stop an iron ore company discriminating against a woman blue-collar worker on the issue of housing. Other journal articles explored working-class consciousness and, inter and intra-union conflict, especially on the issue of redundancies (1980), as well as discussing the issues surrounding company towns and the so-called ‘normalisation’ of these towns (1981).

Sociologist Norm Dufty (1986b, 1986a; Dufty 1981b, 1981a, 1982, 1984) employs a more traditional industrial relations approach. He is neither sympathetic too, nor openly
antagonistic towards, the unions, though does hold the view that grassroots union leaders hold too much power. His approach is pluralist, and utilises Dunlop’s systems theory (1958).

Ellem’s work does not cover the period of union power in significant depth, and his account relies mainly on secondary sources. He alludes to tensions in the relationship between the full-time union officials, especially those based in Perth, and the shop stewards and convenors, arguing that local unions ‘...became as problematical for full-time leaderships in Perth as for local managers’ (Ellem 2015c, 14). However, the dynamics of this relationship are not fully explored or analysed, and their significance is not integrated into the argument regarding the decline of Pilbara unionism.

These three authors, the foremost authorities on Pilbara unionism in the era of union power, raise the following key issues, without adequately analysing them. These include: the grassroots nature of Pilbara iron ore unionism; the importance of networks of shop stewards, convenors, and combined union committees; the relationship between the union rank-and-file and officialdom, especially Perth-based officials; the effect of the Pilbara’s remoteness on union organising, and worker militancy.

Other useful articles include those by industrial relations scholars Ray Fells and Rob Lambert (Fells and Lambert) on the corporatist industrial relations approach taken by Goldsworthy Mining from 1978. Research student Errol Lovett (1980) focussed on negotiations for industrial relations agreements. The account provides important details on these quite extraordinary negotiations and provides insights surrounding management strategy, so is successful within its intended scope. However, his pluralist approach, in not drawing out or explaining the conflict between union members and union officials, or in integrating the struggles ‘from below’ of workers means that it does not encapsulate the story of unionism for these years. Finally, Helen Court’s (1976) thesis provides useful empirical detail on unionism in the years 1969-1973.

The Robe River dispute 1986-7

The new Peko-Wallsend management at Robe River defeated union power in 1986-7. The dispute did not suffer from a lack of attention at the time, or academic research since. However, the two main accounts of the Robe River dispute from a pro-union viewpoint – those of Ellem (2015a; 2017) and Thompson and Smith (1987) – do not sufficiently address the question of union strategy. Such a catastrophic defeat with significant future repercussions for iron-ore unionism, and Australian unionism generally, requires an analysis of union strategy. The significance of the Robe River dispute is not only apparent in hindsight but was apparent to actors at the time. Why then was such a disastrous strategy adopted?

Ellem’s accounts (2015a; 2017) do not fully analyse and evaluate the union strategy. This has the effect of making the defeat seem inevitable. The weaknesses of the company and the broader economic, political and industrial situation, and their interaction with the dispute are not addressed. He mentions only very briefly the fact that an alternative strategy based on industrial action was argued for by some militants, writing: ‘The more militant section of the Robe workforce favoured an all-out counter-attack on employers.
This was the “POP” strategy (“pull out the Pilbara”), much derided by most union leaders’ (Ellem 2017, 89). Simply mentioning this alternative strategy without addressing its strengths and weaknesses effectively dismisses it. Thus, the options open to actors during the dispute are not adequately canvassed.

A related issue is that Ellem (2017, 88) elides the difference between the officials and the rank-and-file, grouping them together in one union ‘side’. This is problematic given the history of tension and conflict between the officials and the rank-and-file (Duffy 1984, 91), and the unusually high level of power and authority Pilbara convenors and shop stewards possessed, something that Ellem (2017, 58) and others have recognised (Duffy 1986a, 85; Lovett 1980, 85; Thompson 1987, 70) Yet this isn’t integrated into his account.

Thompson and Smith’s article (1987) on the Robe River dispute overall (as distinct from their article of the same year focussing on possible legal implications of the dispute. has similar issues to Ellem’s work. The article contains only one paragraph analysing why the unions offered the strategy they did (90). The authors correctly characterise the union strategy as one of ‘passive resistance…very much out of character for Pilbara unions in general and Robe River unions in particular’. Their thesis is that the unions responded the way they did out of fear of the New Right’s recourse to legal sanctions on unions, in the wake of recent union defeats such as SEQEB and Mudginberri. Like Ellem, they don’t explore the likelihood of success of an alternative strategy. Regarding intra-union relations, they mention the distinction between officials and rank-and-file with respect to the initial rejection by workers of the Crean-Copeman deal, but do not explore this further. The union official/rank-and-file distinction is not used to frame the article.

Other pro-union accounts are also problematic. Larry Graham’s account in Papers in Labour History (1988) echoes the line of the union officials, without serious analysis. This is unsurprising given that Graham was a union official involved in the dispute. There is much to disagree with in shorter summaries of the dispute as well. For example, Tom Bramble’s one-page account in Trade Unionism in Australia (2008) portrays the approach taken by Robe River as a strategic mistake from a business point-of-view, writing that the dispute ‘confirmed in the minds of many employers the risks of New Right tactics’ (144). While the other iron ore companies viewed Robe River’s actions as extreme during the dispute – suggesting that a harder line by the unions could have yielded results – after the successful conclusion of dispute, the other iron ore companies were emboldened and followed suit. BHP (Mount Newman) attempted to defeat union power in 1988, but lost due to strike action by unions (Ellem 2017, 41-2). They eventually de-unionised in 1999. Hamersley Iron de-unionised in 1992.

Conclusion

This examination of the sources has attempted to show that there are both empirical gaps and theoretical weaknesses in the existing literature on this important topic. Future research would be strengthened by incorporating theoretical tools relevant to worker mobilisation and intra-union conflict. There was an extraordinary level of grassroots involvement and even control over industrial disputes, and high levels of tension and
conflict with between the rank and file, and trade union officials in the 1970s and 1980s. Powerful union structures operated from the bottom up. Every work area at an iron ore mine or port in the Pilbara had a shop steward for the relevant union, and for every ten or so shop stewards there was a convenor (Dufty 1984, 99). In many cases convenors worked full-time on union affairs, and had an office at the workplace (Dufty 1984, 97). Most union officials were well over 1000 kilometres away in Perth and the handful of union organisers based in the Pilbara were often hundreds of kilometres away themselves. Grassroots control was fiercely guarded. For example, in 1975 these tensions boiled over and workers at Mount Newman Mining struck to demand more representation for shop stewards’ conveners on the negotiating committee (West Australian 1975, 3). Effectively this was a strike against their own union officials, with the company as collateral damage. Thousands of dollars in funds were collected in regular levies by grassroots leaders, enabling them to organise strikes regardless of the wishes of Perth union officials (Beales 1990).

While most if not all research has noted the division between Perth union leaders and grassroots representatives in the Pilbara – that is, shop stewards and convenors – these studies have not had a theoretical framework suitable to explain this. The Marxist theory of the trade union bureaucracy and rank and file is has explanatory power in this regard. In addition, more theoretical work needs to be done regarding the role of union convenor, best seen in this context as part of the rank and file, but nevertheless in a grey area between workers/shop stewards and full-time union officials not based at the workplace and paid by the union. Mobilisation theory (Kelly 1998, 2018) is another possible theoretical lens to analyse a strike-prone period. This theory explores the mechanics of workplace mobilisation.

While this paper has focussed on the period from the 1960s to the 1980s, before the rise of FIFO work, the period of union power provides important context for contemporary employment relations in the Pilbara iron ore industry, and its associated issues. FIFO was only made possible by the destruction of union power, and in turn makes it harder – though by no means impossible, as efforts by the Western Mineworkers Alliance show – to re-unionise. Arguably the corporate memory of the “bad old days” of union militancy, aided by the company town structure (Ellem 2015), has driven the iron ore companies’ race to FIFO. This remains an important research area.

Unionism in the Pilbara iron ore industry is currently in a dire state. Workers are not covered by enterprise bargaining agreements, and unions have little influence. Nevertheless, the difficult conditions faced by mining workers – both FIFO and residential – provide a basis for union organising, a task the Western Mineworkers Alliance is attempting. Research into industrial relations in the Pilbara today will be enriched by an analysis of what came before. There is also a broader significance. More research into Pilbara industrial relations can offer insights for union renewal union renewal (Heery 2015; Hickey, Kuruvilla and Lakhani 2010; Ellem, Goods and Todd 2019), more broadly than the Pilbara itself. The high level of organisation, and militant, grassroots-led campaigns, resulted in enviable pay and conditions, changed the frontier of control, and improved mining communities. Unions today need to increase their membership numbers, influence and results. That is, they need
to re-evaluate their strategy. While circumstances differ, it is time to re-examine more
successful times in Australian unions’ past.

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Job satisfaction and retention elements for millennial employees in an educational institution

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Abstract

The Philippines is experiencing an influx of millennial employees in the industry in that employers must navigate through the paradigm shift to attract and retain their millennial talents in the organization. This research aims to investigate employee attraction and retention among millennial employees working in the public sector. The study selected a sample of millennial employees from a leading public-run university based in the Philippines. A survey form for 212 millennial employees was distributed to collect their demographic data. A series of focus group discussions with a total of 18 employees from pre-selected campuses was conducted to verify the data. The results revealed that millennial employees were satisfied with their "Job in General." In addition, millennial employees look for flexibility and freedom compared to the previous generation that looked for the stability of work and retirement benefits. However, Opportunities for Pay and Promotion were seen by employees as a point of improvement that the organizations can focus on for their millennial employees.

Keywords: Millennials, Job Satisfaction Facets, Employee Retention, Attractors, Preventers

Introduction

Millennials are set to take over the labor force in the next decade. In the Philippines alone, they make up a third of the country's population. In fact, in a 2015 survey by the Philippine Statistics Authority (PSA) says that 50% of the Philippine workforce is comprised of millennials (Cullimore, 2017). Besides, globalization and technology bring considerable opportunities in the grasp of the millennial population. Job opportunities and other ventures are much more accessible, thus incentivizing job-hopping and turnover in the workplace. A survey by Deloitte Southeast Asia Ltd. revealed that millennials consider resigning from their current work by 2020 (Mariano, 2017). Therefore, the need to examine millennials in their workplace can provide an understanding of the Philippine workforce in the near future.

The public sector faces extreme challenges in maintaining its millennial public servants. Organizations face much competition in ensuring the attraction and retention of employees to their workforce. Although millennials may appear different from other generations, the need to provide for themselves and family still drives them to look for jobs with substantial pay. The public sector struggles to compete with their private counterpart's high compensation packages, better work facilities, and advanced systems, despite millennial public servants' positive feedback with regards to satisfaction (Remo, 2016). Lastly, globalization and technological innovations allow the millennial workforce with access to vast opportunities to work abroad because of their high pay and career aspirations. Filipino millennial workforce is mostly driven by the need to provide for...
themselves and their families. Thus, public servants have the motivation and orientation towards public service as economic opportunities expand (Tjiptoherijanto, 2008).
In this analysis, a state university serves as a focus of investigation as it dictates the employment policies that shape the public sector workplace. The university, to be exact, maintains the autonomy of management while simultaneously cultivating the next generation of the managerial working force in the country. Although the research recognizes that reward systems increase job satisfaction, other factors in the university workplace such as employee relations and working environment modify their experiences. This research aims to identify factors that increase turnover rate and lowers employee engagement in the millennial workplace.

Job satisfaction is an exciting sub-field in the realm of human resource management and organizational behavior studies. It is believed that improving employee performance is directly caused by their satisfaction at work (Cranny, Smith, & Stone, 1992). It is also thought to decrease employee turnover and ensuring that they remain in the organization (Mete, Sokmen, & Biyik, 2016). Improving job satisfaction in the workplace entails improving employee desirability to work, often through compensation or other related factors. Investing in the economic value of comfort can reshape the millennial’s work experience, provide them with their desired flexibility, and increase cooperativeness in the organization.

Generational theory

Generational Theory states that members of a generation are linked through their shared life experiences of their formative years—things such as culture, economic conditions, world events, politics, and technology (Smith and Clurmann, 1998 as cited in Murphy, 2000). The current workforce is composed mostly of those of the Baby Boomers, who were born in the period between 1956 and 1964, Generation X, who were born between 1965 and 1980, and the millennial generation, who were born between 1981 and 2000 (Ozcelik, 2015). While most of those from previous generations are retiring, millennials are slowly taking over the lead in the industry. Millennials are typically categorized as purpose-driven and impact-oriented. They approach work differently because of their educational background, collaborative thinking, tech-savviness, and multi-tasking skill (Gilbert, 2011). Millennial employees thrive in interactive, employee-centered, social environments (Marston, 2007; McManus, 1999; Chester, 2005 as cited in Pasieka, 2009). Millennials are considered the most significant age group since the baby boomers to influence the country’s future economic direction. The generational theory provides a model that allows us to have a deeper understanding of the evolving functionality and skillsets of the differing generations. This can be used to predict the millennials’ behavioral patterns, especially in the workplace. Organizations must now use knowledge of this generation’s work behavior, attitude, and characteristics to make necessary adjustments in the workplace to attract and to retain their millennial employees.

Millennials in the workforce are likely to job hop

The rate of turnover among millennials is significantly higher than in previous generations. This may be attributed to the readily available job opportunities outside of the organization. Millennials have unrestricted access to new opportunities because of technology and the Internet compared to previous generations. This means that they are exposed to innumerable work opportunities. In the digital age, finding opportunities outside the company is easier than ever. This, and the restless tendencies of millennial employees, can be a source of high attrition and high turnover rates. According to Cranny, Smith, and Stone (1992), job satisfaction could be a good
predictor of turnover. In the past, employees are more likely to stay in the current company because of the career path and would reward employees for their loyalty.

On the other hand, millennials these days are getting poached by outside organizations, and are necessarily being rewarded for leaving the company. As a result, the exploration of new job opportunities became simpler, to an extent, almost effortless. The organization, therefore, do not only need to attract the best talents, but also retain them on the job for a long term (Kossivi, Xu, & Kalgora, 2012; Simmons, 2016). Otherwise, it will be costly for the company to replace continually millennial employees who voluntarily leave the job. Hence, there is a pertinent need to assess the current level of job satisfaction and employee retention.

Total rewards strategy

According to Binghay (2017), new developments in the workplace stem from the evolution of employer-employee relationships. Concepts such as “better workforce deal” and “total rewards” are now becoming the basis in engaging and managing employees. Understanding “total rewards” and how it works for employees can be done by looking at Herzberg’s Motivation-Hygiene theory on human behavior in the workplace. According to him, employee satisfaction can be attained by considering two major factors: hygiene and motivators. Hygiene is what keeps employees comfortable in their work environment, allowing them to focus on their job. Motivators, on the other hand, are the factors that lead to positive job attitudes and come about because they satisfy the individual’s need for self-actualization in their work (Herzberg, Mausner, & Snyderman, 1959). While organizations must look periodically at tangible rewards such as compensation, it must also invest in intangible rewards such as the creation of opportunities for employee growth, as well as cultivating a fair work environment and designing ways to recognize an employee’s role in the organization’s success. This reduces an employee’s job-related stress and increases job satisfaction (Rad & Moraes, 2009). Human resource practitioners play a crucial role in ensuring that these rewards are targeted to engage and retain millennial employees.

Employee value proposition (EVP)

Recruitment, selection, and orientation are the foundations of retention and begins as soon as companies plan their organizational structure down to determining job descriptions to fill the positions needed (Dribble, 1999). EVP must be critically considered by HR and the top management during times like these. It can be described as a trade-off between the employer’s offers with an employee’s contributions within the company (Sejen & Yates, 2011, as cited in Binghay, 2017). A well thought out EVP provides prospecting employees with information about the company benefits and involves creating a unique brand for the employers (Binghay, 2017). This employer branding must be communicated effectively outside the organization and must be instilled in the employees. Companies with good EVPs focus on non-financial factors such as work-life balance and opportunities for professional and personal growth. Having an EVP that caters to the needs of the millennial generation will prove useful in engaging and retaining them as employees.

Research Framework

An Industrial Relations System (IRS) process that happens at the firm level is called Human Resources Management (HRM) (Sibal, 2009). This research tackles the employee-employer relationship at the firm level with the university as the firm (management) and the millennial
employees (aged between 20 and 36 years old) as the workers. This study aims to identify the impact of millennials in a workplace setting by assessing their work attitudes, specifically their level of satisfaction, and by identifying the factors that influence their decision to stay as employees in their present organization. The identified factors are: "Coworkers," "Opportunities for Promotion," "Pay," "Supervision," "Work itself," and "Job in General." These will be analyzed concerning employee job satisfaction.

Demographic variables will also be analyzed in this respect (Rad & Moraes, 2009). Among these variables are age, sex, and educational background. Further categories are supplemented, such as Educational background providing a distinction between employees who graduated from public and private universities, as well as identifying which campus (Luzon, Visayas, and Mindanao) the employee graduated from. It also considers the current employment status of the employee, whether contractual or regular, their nature of work (Administrative, Faculty, or Research) as well as their corresponding salary grade.

The focus of this research is to identify employee retention and job satisfaction in the government workplace. Job satisfaction is defined as the overall satisfaction of millennial employees. Employee Retention is defined as total satisfaction based on the identified facets, and what employees consider valuable in their current workplace.

Conceptual level

**Independent variables** - the following job facets are utilized in this study as control variables in assessing the job satisfaction of millennial employees in the university.

1. Coworkers
2. Opportunities for Promotion
3. Pay
4. Supervision
5. Work Itself
6. Job in General

**Intervening variables** - the following demographic characteristics are used in this study to assess how these characteristics affect millennial employee’s level of satisfaction per job facet. Demographic variables play an essential role in determining an employee’s job satisfaction (Rad & Moraes, 2009). The following will be used as intervening variables in assessing the level of job satisfaction of the respondents.

1. Age
2. Sex
3. Highest Level of Education
4. Educational Background
5. Campus
6. Employment Status
7. Salary Grade
8. Nature of Work

**Dependent variables**
Job Satisfaction – This study defined job satisfaction as the overall level of satisfaction of millennial employees on their work. This is also used as one of the critical indicators of employee retention in the study.

Employee Retention – is described in this study as the outcome of the two central job aspect:

1. The overall level of job satisfaction of millennial employees based on the satisfaction per job facet.
2. Employee retention factors that affect their decision to stay in the organization. What employees consider valuable in an organization varies individually? This study aims to identify the common factors that millennial employees consider to be important when thinking in the organization.

HRM Concepts

1. Total Rewards Strategy – A strategy utilized by employers to attract and retain employees. This includes assessing the compensation and benefits package offered to employees as well as the growth and development opportunities that an employer can provide to its employees to ensure the employee-employer relationship remains beneficial to both parties.
2. Employee Value Proposition – A unique set of rewards, benefits, and work environment an organization develops as an employer 'brand' to attract and retain employees.

Research Questions and Scope

The research asks the question of “How do various aspects of work affect the decisions of millennial employees at the university to stay in the organization?” Also, these specific questions were asked.

1.) What is the perceived level of job satisfaction of millennial employees in the university?
2.) Which areas of the job and the work environment do university millennial employees consider being most satisfying? In contrast, what aspects do they find most dissatisfying in the job and work environment?
3.) How do demographic characteristics affect the level of job satisfaction of millennial employees in the university?
4.) What are the main factors in the workplace that motivate university millennial employees in staying, and what prevents them from leaving?

While there are many institutional and structural reasons why millennials change jobs. This inquiry, however, focuses only on the employee’s reasons, within the realm of the prevailing work climate and context.

Methodology

The research utilized both quantitative and qualitative methodologies to provide a descriptive account of millennial employee job satisfaction and retention in the university. A millennial employee is described to be an employee born from the year 1982 to 2000 whose age
ranges from 18 to 36. The university campuses of Luzon, Visayas, and Mindanao were selected from which samples of 212 participants were drawn for the survey.

The survey gathered the participant’s demographic profile, satisfaction levels on several facets using the Job Descriptive Index by Bowling Green State University (2009) which was based on Smith, Kendall and Hullin’s (1969) original work to measure the level of job satisfaction, and determined employee retention factors utilizing the Assessment of Retention Factors in the Workplace Questions following the format by (Dribble, 1999). The collected data were subjected to descriptive statistical analysis as well as Analysis of Variance (ANOVA) and Tukey’s HSD for the post hoc test. Also, a series of focus group discussions (FGD) was utilized to cross validate the results and gather employee’s subjective interpretation.

The FGD was composed of three (3) sessions, which were conducted in Visayas, Luzon, and Mindanao campuses of the university. Each session has six (6) millennials – two (2) participants each from administrative, faculty, and research staff groups. The FGDs were done to cross-validate the results of the survey and provided a subjective interpretation of the critical areas of the study.

To protect the interest of the university, its name is withheld. For this write-up, it would be called university. In like manner, its campuses’ name would be withheld – pseudonyms like Luzon, Visayas, and Mindanao would be used instead.

Results and Discussion

Respondents

A total of 212 Filipino millennial employees working at the university from different campuses (Luzon, Mindanao, and the Visayas) participated in this study. Table 1 summarizes the distribution of the participants based on their respective campuses.

<table>
<thead>
<tr>
<th>University Campuses</th>
<th>Number of Respondents</th>
<th>% of Total Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luzon</td>
<td>92</td>
<td>43.4</td>
</tr>
<tr>
<td>Mindanao</td>
<td>57</td>
<td>26.9</td>
</tr>
<tr>
<td>Visayas</td>
<td>63</td>
<td>29.7</td>
</tr>
<tr>
<td>Total</td>
<td>212</td>
<td>100.0</td>
</tr>
</tbody>
</table>

The demographic characteristics of the respondents are presented in terms of age, sex, educational background, and employment characteristics like the nature of work, employment, and employment status.

The respondents are comprised employees born from 1982-2000. A small part (n=3) of them belonged to 18-20 years old age group. More than a third belonged to the age group of 21-25 years old. The majority (n=87) of them were aged 26-30 years old. Less than a quarter (n=48) were in the range of 31-36 years old. About the sex of the employees, more than half were female (n=115), while more than 40% were males (n=97).

Most of them were college graduates of public educational institutions. 99% of the respondents have a bachelor’s degree with 16 and 38 of them having doctorate and master’s/professional’s degrees, respectively, while 110 have obtained a bachelor’s degree. Two
were able to attend 1-2 years in college. The majority of them came from public state universities/colleges.

More than half of them were regular (n=116) in employment status, while a big chunk of them are in contractual (n=94) status. Almost 80% were involved in faculty related function (166); more than 10% were involved as research staff (n=29), and more than 6% (n=13) were involved in administrative works.

**Job satisfaction of millennial employees**

The study analyzed the level of satisfaction of millennials working in the university based on six (6) facets. These facets were identified to be: coworkers, pay, opportunities for promotion, supervision, work itself, and job in general, utilizing the format of the Job Descriptive Index Survey.

Table 2 below shows the ranking of satisfaction regarding the different facets from highest to lowest, while Table 3 immediately after shows a summary of job satisfaction in terms of the average score and standard deviation (SD). The gap between the mean score and the maximum score was taken and is called the gap score. A smaller gap score would indicate a higher level of satisfaction, while a higher gap score would mean a lower level of satisfaction.

<table>
<thead>
<tr>
<th>Facet</th>
<th>Mean Score</th>
<th>Maximum Score</th>
<th>Gap Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job in General</td>
<td>47.09</td>
<td>54</td>
<td>6.91</td>
</tr>
<tr>
<td>Work Itself</td>
<td>44.29</td>
<td>54</td>
<td>9.71</td>
</tr>
<tr>
<td>Pay</td>
<td>16.65</td>
<td>27</td>
<td>10.35</td>
</tr>
<tr>
<td>Coworkers</td>
<td>43.31</td>
<td>54</td>
<td>10.69</td>
</tr>
<tr>
<td>Supervision</td>
<td>40.59</td>
<td>54</td>
<td>13.41</td>
</tr>
<tr>
<td>Opportunities for Promotion</td>
<td>11.74</td>
<td>27</td>
<td>15.26</td>
</tr>
</tbody>
</table>

Table 3. Summary of Job Satisfaction Mean Score and Standard Deviation

<table>
<thead>
<tr>
<th>Facet</th>
<th>Mean</th>
<th>Std. Deviation</th>
<th>95% Confidence Interval for the Mean</th>
</tr>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Lower Bound</td>
</tr>
<tr>
<td>Coworkers</td>
<td>43.31</td>
<td>9.070</td>
<td>42.08</td>
</tr>
<tr>
<td>Opportunities for Promotion</td>
<td>11.74</td>
<td>7.577</td>
<td>10.71</td>
</tr>
<tr>
<td>Pay</td>
<td>16.65</td>
<td>7.878</td>
<td>15.58</td>
</tr>
<tr>
<td>Supervision</td>
<td>40.59</td>
<td>10.439</td>
<td>39.18</td>
</tr>
<tr>
<td>Work Itself</td>
<td>44.29</td>
<td>8.425</td>
<td>43.15</td>
</tr>
<tr>
<td>Job in General</td>
<td>47.09</td>
<td>7.318</td>
<td>46.10</td>
</tr>
</tbody>
</table>

The maximum score for the facets of Coworkers, Supervision, Work Itself, and Job in General, is 54, while the maximum scores for the facets Opportunities for promotion and Pay are 27. Out of the six job facets, university millennial employees are most satisfied with the facet of Job in General, with a gap score of 6.91. This supports the findings of Schneider et al. (1992) that Job in General highly correlates with the overall job satisfaction of employees. On the other hand,
Opportunities for Promotion is the facet that university millennial employees are least satisfied with, with a gap score of 15.26.

As for Job in General, it garnered the highest mean score of 47.09 (CI=95%). According to Schneider et al. (1992), these results are indicative that overall job satisfaction of millennial university employees is satisfactory since, at 95% CI the mean score for Job in General ranges from 46.10 and 48.08. These results support Remo’s (2016) report that Filipino workers, particularly those in the public sector, are the most satisfied compared to those coming from other sectors of the Philippines.

Meanwhile, the mean scores for Coworkers, Pay, Supervision, and Work Itself are 43.31, 16.65, 40.59, and 4.29, respectively (all at 95% CI). These results imply that millennial university employees are highly satisfied with their current job. These findings support the study of Mariano (2017), which showed that supervision or leadership has a significant influence on the job satisfaction of Filipino employees. The same results of this inquiry counter Avila’s (2011) claim that public unsatisfied with their pay. On the other hand, the lowest score was 11.74 with a gap score of 15.26 is attributed to Opportunities for Promotion facet, and is the factor that they are least satisfied in.

Analysis of Variance (ANOVA), along with Tukey’s HSD post-hoc test, was done to find if there are any significant differences among groups using their demographics as intervening data. This is shown in Table 4 below.

**Table 4. Significant differences in various job facets between different demographic groups after statistical analysis.**

<table>
<thead>
<tr>
<th>Job Facet</th>
<th>Significant differences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coworkers</td>
<td>1. Highest level of education (p-value = 0.014),</td>
</tr>
<tr>
<td></td>
<td>2. Education or institution attended (p-value = 0.034), and</td>
</tr>
<tr>
<td></td>
<td>3. Nature of work (p-value = 0.005).</td>
</tr>
<tr>
<td>Opportunities for</td>
<td>1. Sex (p-value = 0.019),</td>
</tr>
<tr>
<td>Promotion</td>
<td>2. Highest educational level attained (p-value = 0.043),</td>
</tr>
<tr>
<td></td>
<td>3. Education or institution attended (p-value = 0.036),</td>
</tr>
<tr>
<td></td>
<td>4. Employment status (p-value = 0.008), and</td>
</tr>
<tr>
<td></td>
<td>5. Nature of work (p-value = 0.000).</td>
</tr>
<tr>
<td>Pay</td>
<td>1. Highest level of education attained (p-value = 0.042),</td>
</tr>
<tr>
<td></td>
<td>2. Campus (p-value = 0.030), and</td>
</tr>
<tr>
<td></td>
<td>3. Salary grade (p-value = 0.010).</td>
</tr>
<tr>
<td>Supervision</td>
<td>1. Highest level of education attended (p-value = 0.001),</td>
</tr>
<tr>
<td></td>
<td>2. Campus (p-value = 0.000).</td>
</tr>
<tr>
<td>Work Itself</td>
<td>1. Campus (p-value = 0.001)</td>
</tr>
<tr>
<td>Job in General</td>
<td>1. Sex (p-value = 0.039),</td>
</tr>
<tr>
<td></td>
<td>2. Highest educational level attained (p-value = 0.042),</td>
</tr>
<tr>
<td></td>
<td>3. Employment status (p-value = 0.028), and</td>
</tr>
<tr>
<td></td>
<td>4. Nature of work (p-value = 0.025).</td>
</tr>
</tbody>
</table>

* - statistically significant at 0.05 level of significance at a 95% confidence interval

The ANOVA revealed what demographic factors are significant at a 95% confidence level among the describe job facets. The results of the analysis show that job satisfaction under the following job facets statistically differs between different groups. For coworkers, highest level of...
education, education institution, and nature of work are significant. For opportunities for promotion, five categories including sex, Highest educational level, education institution, employment status, and nature of work are significant. For Pay, highest level of education (p=0.042), campus (p=0.030), and salary grade (p=0.010) are significant. For Supervision, Highest level of education (p=0.001) and campus (p=0.000) are significant. For work itself, only campus university (p=0.001) is significant. Lastly, Sex (p=0.039), Highest educational level attained (p=0.042), employment status (p=0.028), and Nature of Work (p=0.025) is significant for the facet of Job in General. The results on the facet Job, in General, agree Li et al’s (2013) conclusion that sex and educational background significantly influence the job satisfaction of public employees, particularly those who work in the public university. Among all six categories, highest level of education appeared to be significant to all except for work itself.

There are different factors that can affect a company’s employee retention. These factors may be classified as Attractors and Preventers. The attractors are the factors that would attract the employees to work as a university employee, while the preventers are the factors that would make these employees stay and prevent them from leaving the company. Both factors help in employee retention. Tables 5 and 6 below show the results of the survey for attractors and preventers, respectively.

**Table 5.** Attractors

<table>
<thead>
<tr>
<th>Factor</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flexibility in hours</td>
<td>163</td>
<td>76.90%</td>
</tr>
<tr>
<td>Coworkers are good</td>
<td>149</td>
<td>70.30%</td>
</tr>
<tr>
<td>Belief in the organization’s mission</td>
<td>146</td>
<td>68.90%</td>
</tr>
<tr>
<td>Friendships</td>
<td>143</td>
<td>67.50%</td>
</tr>
<tr>
<td>Location is convenient</td>
<td>139</td>
<td>65.60%</td>
</tr>
<tr>
<td>Skills development opportunities</td>
<td>139</td>
<td>65.60%</td>
</tr>
<tr>
<td>Challenging work</td>
<td>136</td>
<td>64.20%</td>
</tr>
<tr>
<td>Work is interesting</td>
<td>135</td>
<td>63.70%</td>
</tr>
<tr>
<td>Pride in organization</td>
<td>125</td>
<td>59.00%</td>
</tr>
<tr>
<td>Benefits</td>
<td>122</td>
<td>57.50%</td>
</tr>
<tr>
<td>Career opportunities</td>
<td>122</td>
<td>57.50%</td>
</tr>
<tr>
<td>All-around good employer</td>
<td>112</td>
<td>52.80%</td>
</tr>
<tr>
<td>Autonomy</td>
<td>106</td>
<td>50.00%</td>
</tr>
<tr>
<td>Industry is interesting</td>
<td>105</td>
<td>49.50%</td>
</tr>
<tr>
<td>Long-term incentives</td>
<td>103</td>
<td>48.60%</td>
</tr>
<tr>
<td>Feel appreciated</td>
<td>101</td>
<td>47.60%</td>
</tr>
<tr>
<td>Feeling needed at work</td>
<td>96</td>
<td>45.30%</td>
</tr>
<tr>
<td>Boss is good</td>
<td>95</td>
<td>44.80%</td>
</tr>
<tr>
<td>Contribution is recognized</td>
<td>94</td>
<td>44.30%</td>
</tr>
<tr>
<td>Sociable workplace</td>
<td>86</td>
<td>40.60%</td>
</tr>
<tr>
<td>Salary</td>
<td>83</td>
<td>39.20%</td>
</tr>
<tr>
<td>Organization is growing</td>
<td>60</td>
<td>28.30%</td>
</tr>
<tr>
<td>Feedback is given regularly</td>
<td>57</td>
<td>26.90%</td>
</tr>
<tr>
<td>Technology is state-of-the-art</td>
<td>43</td>
<td>20.30%</td>
</tr>
<tr>
<td>Contractual relationship</td>
<td>14</td>
<td>6.60%</td>
</tr>
</tbody>
</table>
The survey revealed that millennial employees are satisfied with their flexible working hours (76.90%), coworkers (70.30%), and belief in the organization (68.90%), which are the highest attractors. These results appear to concur Adkins (2016) who implied that attachment to the organization and its members make millennial employees want to settle to an organization. The provision of their needs, such as flexible working hours, persuades them to commit to an organization (Boeve, 2007; Shih and Allen, 2007). Meanwhile, the contractual relationship (6.60%), state-of-the-art technology (20.30%), and feedback is given (26.90%) least attracted to the employees. The results on contractual relationships as the factor that millennial employees are least attracted to confirm the statement of Adkins (2016) that millennial employees tend to be unattached to organizations and institutions. Therefore, contractual relationships between them and their employers might result in job-hopping behavior.

On the other hand, millennial employees are persuaded by leaving the organization by the benefits (43.30%), waiting to finish education (31.50%), and the loss of better options (30.50%). This supports the study of Simmons (2016), who discovered that job opportunities are wide spread such that better choices can be inevitably found, and consequently, the lack thereof can be considered a preventer for millennial employees. On the other hand, family ties within the organization (4.90%), availability of childcare services (3.40%), and retirement (1.00%) are not as

<table>
<thead>
<tr>
<th>Factor</th>
<th>Count</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>88</td>
<td>43.30%</td>
</tr>
<tr>
<td>Waiting to finish my education</td>
<td>64</td>
<td>31.50%</td>
</tr>
<tr>
<td>Do not believe I can find a job as good as mine</td>
<td>62</td>
<td>30.50%</td>
</tr>
<tr>
<td>Loyalty</td>
<td>62</td>
<td>30.50%</td>
</tr>
<tr>
<td>Loss of work relationships</td>
<td>61</td>
<td>30.00%</td>
</tr>
<tr>
<td>Mentors are here</td>
<td>61</td>
<td>30.00%</td>
</tr>
<tr>
<td>Afraid to change</td>
<td>53</td>
<td>26.10%</td>
</tr>
<tr>
<td>No time to look elsewhere</td>
<td>51</td>
<td>25.10%</td>
</tr>
<tr>
<td>Transportation</td>
<td>50</td>
<td>24.60%</td>
</tr>
<tr>
<td>Feel locked in the job</td>
<td>46</td>
<td>22.70%</td>
</tr>
<tr>
<td>Would have to relocate</td>
<td>43</td>
<td>21.20%</td>
</tr>
<tr>
<td>Other rely on me</td>
<td>37</td>
<td>18.20%</td>
</tr>
<tr>
<td>Give up too many incentives if I leave</td>
<td>26</td>
<td>12.80%</td>
</tr>
<tr>
<td>Unable to find a job elsewhere</td>
<td>25</td>
<td>12.30%</td>
</tr>
<tr>
<td>Unable to find a match my pay elsewhere</td>
<td>25</td>
<td>12.30%</td>
</tr>
<tr>
<td>Do not believe I can match my pay</td>
<td>23</td>
<td>11.30%</td>
</tr>
<tr>
<td>Health</td>
<td>14</td>
<td>6.90%</td>
</tr>
<tr>
<td>Lose seniority</td>
<td>14</td>
<td>6.90%</td>
</tr>
<tr>
<td>Family ties in the organization</td>
<td>10</td>
<td>4.90%</td>
</tr>
<tr>
<td>Childcare services are not available elsewhere</td>
<td>7</td>
<td>3.40%</td>
</tr>
<tr>
<td>Close to retirement</td>
<td>2</td>
<td>1.00%</td>
</tr>
</tbody>
</table>

Table 6. Preventers
relevant to them. Retirement as having little to no relevance in making the millennial employees stay in their workplace appears to agree with Pasieka (2009), who claimed that millennial employees are not as attracted to climbing the organizational ladder as those in previous generations.

The retention factors can also be broken down based on the nature of the work of the respondents. For comparison, this part is included to present the contrast between the categories. Tables 7 and 8 summarize the Attractors and Preventers based on the nature of work of the respondents, respectively.
### Table 7. Attractors Based on the Nature of Work of the Respondents

<table>
<thead>
<tr>
<th>Attractors</th>
<th>Administrative</th>
<th>Research</th>
<th>Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>All-around good employer</td>
<td>8</td>
<td>17</td>
<td>85</td>
</tr>
<tr>
<td>Autonomy</td>
<td>3</td>
<td>6</td>
<td>93</td>
</tr>
<tr>
<td>Belief in the organization’s mission</td>
<td>9</td>
<td>17</td>
<td>116</td>
</tr>
<tr>
<td>Benefits</td>
<td>10</td>
<td>15</td>
<td>96</td>
</tr>
<tr>
<td>Boss is good</td>
<td>11</td>
<td>18</td>
<td>64</td>
</tr>
<tr>
<td>Career opportunity</td>
<td>6</td>
<td>16</td>
<td>98</td>
</tr>
<tr>
<td>Challenging work</td>
<td>6</td>
<td>15</td>
<td>111</td>
</tr>
<tr>
<td>Contractual relationship</td>
<td>1</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Contribution is recognized</td>
<td>3</td>
<td>15</td>
<td>76</td>
</tr>
<tr>
<td>Coworkers are good</td>
<td>11</td>
<td>26</td>
<td>109</td>
</tr>
<tr>
<td>Feedback is given regularly</td>
<td>5</td>
<td>10</td>
<td>41</td>
</tr>
<tr>
<td>Feel appreciated</td>
<td>6</td>
<td>14</td>
<td>79</td>
</tr>
<tr>
<td>Feel needed at work</td>
<td>8</td>
<td>15</td>
<td>71</td>
</tr>
<tr>
<td>Flexibility in hours</td>
<td>8</td>
<td>17</td>
<td>135</td>
</tr>
<tr>
<td>Friendships</td>
<td>7</td>
<td>22</td>
<td>111</td>
</tr>
<tr>
<td>Industry is interesting</td>
<td>7</td>
<td>14</td>
<td>80</td>
</tr>
<tr>
<td>Location is convenient</td>
<td>6</td>
<td>17</td>
<td>112</td>
</tr>
<tr>
<td>Long-term incentives</td>
<td>3</td>
<td>10</td>
<td>89</td>
</tr>
<tr>
<td>Organization is growing</td>
<td>4</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>Pride in organization</td>
<td>5</td>
<td>15</td>
<td>101</td>
</tr>
<tr>
<td>Salary</td>
<td>6</td>
<td>15</td>
<td>61</td>
</tr>
<tr>
<td>Skills development opportunities</td>
<td>7</td>
<td>19</td>
<td>109</td>
</tr>
<tr>
<td>Sociable workplace</td>
<td>5</td>
<td>11</td>
<td>66</td>
</tr>
<tr>
<td>Technology is state-of-the-art</td>
<td>5</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>Work is interesting</td>
<td>7</td>
<td>20</td>
<td>104</td>
</tr>
</tbody>
</table>

* a – top 1 attractor concerning the nature of work
* b – top 2 attractor concerning the nature of work
* c – top 3 attractor concerning the nature of work

### Table 8. Preventers Based on the Nature of Work of the Respondents

<table>
<thead>
<tr>
<th>Preventer</th>
<th>Administrative</th>
<th>Research</th>
<th>Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afraid to change</td>
<td>3</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>Benefits</td>
<td>4^e</td>
<td>11</td>
<td>72</td>
</tr>
<tr>
<td>Childcare services are not available</td>
<td>1</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>elsewhere</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Close to retirement</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Close to vesting</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Do not believe I can find a job as good as mine | 1 | 5 | 56
Do not believe I can match my pay | 3 | 1 | 19
Family ties to the organization | 2 | 0 | 8
Feel locked into the job | 3 | 10 | 33
Give up too much in incentives if I leave | 1 | 3 | 21
Health | 1 | 2 | 11
Lose seniority | 0 | 0 | 13
Loss of work friendships | 3 | 8 | 49
Loyalty | 4 | 7 | 50
Mentors are here | 1 | 6 | 53
No time to look elsewhere | 6 | 3 | 42
Others rely on me | 1 | 8 | 27
Transportation | 6 | 8 | 35
Unable to find a job elsewhere | 3 | 0 | 15
Unable to find a match my pay elsewhere | 3 | 4 | 18
Waiting to finish my education | 10 | 52
Would have to relocate | 1 | 3 | 38

a – top 1 preventer concerning the nature of work
b – top 2 preventer concerning the nature of work
c – top 3 preventer concerning the nature of work

The mean number of years respondents have in their current job, employer, and career is 4.18, 4.51, and 5.10, respectively. The median number of years is 3.75, 4.00, and 4.25. This suggests that at least half the respondents have worked for 3.75 years in their current job, 4.00 years in their current employer, and 4.25 years in their current career track. The modal number of years for all is 3.00 which means that most of these respondents have worked for 3.00 years in their current job, employer, and career.

The average length of years of service of the respondents in the university is 4.67, while the median duration is four which entails that half of them have served the university for at least four years and at least half the respondents have served the university for less than or equal to 4 years. Table 9 below summarizes the statistics of this data.

<table>
<thead>
<tr>
<th>Survey Question</th>
<th>Number of Respondents</th>
<th>Mean</th>
<th>Median</th>
<th>Mode</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Valid</td>
<td>Missing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How long have you been in your current job?</td>
<td>205</td>
<td>7</td>
<td>4.1826</td>
<td>3.7500</td>
</tr>
<tr>
<td>How long have you been in your current employer?</td>
<td>202</td>
<td>10</td>
<td>4.5124</td>
<td>4.0000</td>
</tr>
<tr>
<td>How long have you been in your</td>
<td>203</td>
<td>9</td>
<td>5.1048</td>
<td>4.2500</td>
</tr>
</tbody>
</table>
FGD key findings

The following factors emerged from themes and patterns that, for the participant’s point of view, are critical in what university millennial employees value in the workplace. If these factors are present in the organization, millennial employees consider themselves overall satisfied.

Career development

Millennial employees thrive in a workplace that is abundant in opportunities for training and improving their skills, as providing career opportunities and providing both challenging and meaningful work are perceived to be more important to them more than life-long employment (Shaw and Fairhurst, 2008). For millennial employees in university, they are generally satisfied with this factor. However, career development can only be useful as a total reward when an employee’s interest is aligned with the career track available in the organization. This showed up as a lack of opportunities for promotion facet where they were least satisfied. The management should track the career development of the employees; otherwise, it can be a source of dissatisfaction and resignation.

The discussion revealed that university millennial employees show satisfaction in their current workplace because of the opportunities through skills development and mentorship. However, opportunities for promotion are identified as potential sources of dissatisfaction, which can be found available to other organizations.

Flexibility in hours

The discussion revealed that university millennial employees are delighted with the freedom and flexibility that working in the university offers. They noted that managers are lenient on monitoring the 40-hour workweek, as they put more premium on output and results. This allows the employees to leave early to pursue their graduate requirements while working. These results highlight how millennial workers, according to Özçelik (2014), desire for freedom and flexibility in their respective jobs.

Healthy relationship with colleagues

The discussion revealed that university millennial employees thrive with working collaboratively with their colleagues in the workplace. It is described as one of the reasons that employees stay within the organization. They maintain close and smooth working relationships with their coworkers, mentors, and professional network. The findings support the notion of Shih and Allen (2007) that millennial employees are socially active and are eager to work in groups.

Professional and personal growth

In the FGD, it was found that millennial employees dislike repetitive tasks and get frustrated with work that does not challenge their intellectual capabilities. The university maintains an impressive EVP through its motto of “Honor and Excellence.” In response, millennial
employees fully subscribed and adhere to the university’s organizational values. In cases where opportunities are not met, millennial employees are most likely to leave that organization (Reisenwitz & Iyer, 2009 as cited in Özçelik, 2015).

**Work-life balance**

Previous generations may have favored career stability. However, millennials put a prime on having work that allows them to pursue other interests, hence the favorability in the factors of flexible work hours and enjoyable work environment. For millennial university Employees, a common interest would be pursuing graduate studies. The flexible work hours are a boon for them. Thus, organizations must continue cultivating a strong EVP to minimize turnover (Binghay, 2017). It is a common interest among the university millennial employees to pursue graduate studies while working as such flexible work hours and a favorable environment provided by the University well suited their career choices.

Consistent with the previous analysis, millennial employees are more likely to remain when opportunities for personal development exist for them (Pasieka, 2009). Since millennials are marrying at later ages compared to previous generations, they do not have to provide for their families, and therefore salaries are not as important to them as career development and self-growth. Benefits, especially when it comes to being able to pursue graduate studies, is a common reason for working in the university for millennial employees. It also promotes a culture of independence. These can be two things the organization can focus on and pursue higher studies to strengthen their EVP.

This reflected with the analysis of themes generated from the in-depth interview that millennial employees value professional development and independence more than stability or tenure. Most of the interviewees also suggested the benefits of working in the institution as their reason for staying. The benefits referred to being able to pursue graduate courses to the culture of independence in the university. This result is closely associated with organizations developing their EVP to attract employees to stay for their organization.

**Moving Forward**

This research aims to identify what attracts and retains millennial employees of the university. The respondents of the study responded positively to the “Job in General” of working at the University. Moreover, Flexibility in Hours, Good Coworkers, Belief in the Organization’s Mission, along with Benefits of pursuing higher degrees keeps millennial employees working for the organization. However, Pay and Promotion is identified by the research as a source of dissatisfaction because of career stagnation and the comparatively low government salary. Alongside it, better facilities and contractual relationships are points for improvement. Millennial employees consider opportunities for professional and personal development paramount in the work that they look for. Overall, the results show that the respondents fit in well with the organization. However, actions must be taken to address factors that they are least satisfied in, such as Better Facilities and Contractual Relationships are the least Attractors.

On the other hand, Pay and opportunities for promotion are the least preventers in leaving the organization, so these should be addressed as well. The study shows that Professional growth and Personal Development are critical factors for millennials; however, in the factor of promotions,
it can lead to career stagnation as it is currently limited. This is the likely reason for leaving the university, as organizations outside can offer better career growth.

The following courses of actions are hereby proposed:

The university should design and implement a robust career development system that is comprised of three tracks: teaching, non-teaching, and research. It is best if that system is anchored on a competency framework that serves as the fundamental basis for crafting the content of the learning interventions and the choice for the appropriate methodology. The said system should likewise incorporate interventions in the areas of career planning, career management for the high potential employees, career counseling, coaching and mentoring, performance management, career-pathing and cross-pathing, determination of critical positions, and a succession program, especially for the leadership positions.

Since upward career movement usually entails pay increment, it is wiser if the university comes up with a competitive pay and benefits package, at par, at least, with the best in the SE Asian region. This entails regular benchmarking and a thorough review of the packages for faculty, researchers, and administrative personnel. The employees would find the package meaningful if such addresses their needs. Inputs from HR data analytics are crucial in the crafting of the said packages.

Professional growth and development programs should be on a continuing undertaking since millennial employees much crave new learnings and challenges in their chosen workplace. This could be accomplished by providing more scholarships, both local and international, which are easily accessible to the workforce. The university should also explore the other modalities of employee up-skilling, retooling, and re-skilling to ensure that they are equipped with the right knowledge, skills, and attitude.

The university should study the possibility of implementing a flexible working schedule for positions that can utilize such a scheme. Such scheme proves to be a beautiful feature in jobs for millenial employees. An example is to adapt teleworking, which, by the way, is already part of the Philippine laws. The institution should explore how to apply telework for employees that would greatly benefit from that work arrangement, and consequently, the university would benefit from, as well. This approach emphasizes the veering away from attendance-based evaluation to a more of an output-based preference. Also, it should highlight that work outside the confines of the institution could still be productive given the right implementation of the scheme. Besides, the university administration should provide the necessary tools for its teleworkers such as Internet connectivity and the attendant gadgets and technologies that they could use for their work assignments.

As a relationship with coworkers is a great preventer considered by university millennial employees, working towards maintaining a healthy relationship with colleagues is an advantage. This can be done by having more teambuilding programs that would nurture the relationships within department, across departments and colleges, satellite campuses, and the entire university. A continuing management development program must be instituted to equip the leaders with more competencies in promoting a more harmonious relationship at the worksite. A workable grievance machinery and resolution mechanism must put into place to address conflicts and issues that might ensue amongst the employees.

It is essential to understand that work is a significant aspect of one’s life, but it should never be the center of it. Since millennial employees, in general, are attracted to jobs that would not hinder them from living their lives outside work, HR should develop and implement programs that would engage not just the employees but their families as well. There should be more HR programs cater to holistic employee wellness – physical, mental, spiritual, financial, rest, recreation, etc. These programs should be inclusive and engaging.
The unions of the university are active, and they focus more on issues relative to salary increases and on stopping the contractual work arrangement, which is good. However, it is high time they also lobby to the university leadership the provision of work-life balance and workplace flexibility, among others.

The university, as an institution, must re-evaluate its value proposition as an employer to attract millennials into joining and staying in the organization longer. Its excellent reputation as an employer should be turned into an employer branding strategy to attract millennials into service. Thus, the university should develop a coherent and well-communicated employee value proposition. The findings of this research work could help serve as inputs in the crafting of such.

The above recommendations require resources, particularly money. Unfortunately, the university is experiencing budgetary cuts. The university leadership should negotiate for a bigger budget. The university leadership should be more resourceful. For instance, the university’s vast tracks of land could be used in a more economical pursuit. Tapping the generosity of the affluent alumni could be another source of income. Likewise, the patents from the university outputs could be another source of revenue to augment and help sustain the above-mentioned recommended HR actions.

References


SECURITY IN A WORKER’S WORLD: LABOR LEADERS’ THOUGHTS ON LABOR STANDARDS COMPLIANCE IN THE PHILIPPINES

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Abstract

Labor standards exist in the form of labor laws promulgated both locally and internationally. They set objective standards that companies must comply with to ensure that their workers are given their rights. Since the worker is the entity under the protection of these standards, it is, therefore, essential to know the worker’s perspective regarding this issue. This research aims to answer the following general questions: How do labor leaders find the state of labor laws compliance in the Philippines? What are their views to further strengthen compliance to protect the interests of the workers? Upon employing a qualitative exploratory methodology, it was found out that labor leaders expressed dissatisfaction with the state of labor compliance in the country, with their reasons being a weak labor inspectorate, lack of education regarding workers’ rights, and a weak LLCS, all of which they recommended changes to.

Keywords: Labor standards compliance, reforms, Philippines, union leaders perspective

Introduction

The second-worst disaster in the Philippines happened – the sinking of MV Princess of the Stars in Romblon in 2008. Even though typhoon Frank signals were raised, the ship still sailed from Manila in June, leaving only 58 survivors out of the 850 people on board. Hundreds are still missing (Rey, 2015). The ship was allowed to sail because an alternate route was presented. However, it was not implemented. Sulpicio Lines, Inc., the shipowner, is the same company responsible for the other 45 sea accidents. Some of these include the collision of the Dona Paz that killed 4,300 in 1987, the Dona Marilyn and Princess of the Orient accidents (‘Flashback in history,’ 2016).

Semirara Mining and Power Corporation (SMPC) had another tragic incident in May 2018 when a worker died, and two others were injured in Panian open-pit mine in Antique. Similarly, five workers died when the pit collapsed in February 2013. Two years after, nine workers were buried alive when a landslide hit the area (Petinglay, 2018).

When establishments gamble with safety, it is the lives and workers’ families, and they are betting — going back to the question: Why is the safety of workers still at risk? Is it because of commercial interest? Is it because of insufficient budget to comply with the laws or merely ignorance? Ironically, security does not happen by accident. Hazards on the physical, mental, and social well-being of workers do not cost any amount and are not equivalent to any reparations.
Will the time come when news on health and safety violations no longer exist because genuine concern will win over its numerous causes?

The statistics show us a bleak picture. It has been a trend throughout recent years that only a small percentage of the total number of establishments nationwide undergoes inspection for compliance
with the General Labor Standards and Occupational Safety and Health Standards. In 2015, only 4.9% of total establishments underwent an inspection, with only 44,524 out of 900,914; in succeeding years, the situation has not improved much: in 2016 only 6.5%, and in 2017 only 6.4%. Another alarming aspect of this is that the incidence rate of violations has been consistently high: for GLS violations, around 51-54%, and OSHS violations, approximately 57-61%.

Table 1. Statistics on Labor Inspections and Violations in the Philippines

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Establishments (Nationwide)</td>
<td>900,914</td>
<td>915,726</td>
<td>937,000</td>
</tr>
<tr>
<td>Establishments Inspected</td>
<td>44,524</td>
<td>60,376</td>
<td>60,732</td>
</tr>
<tr>
<td>Number of Establishments Violating General Labor Standards</td>
<td>20,369</td>
<td>29,017</td>
<td>28,366</td>
</tr>
<tr>
<td>Establishments Violating Occupational Safety and Health Standards</td>
<td>19,119</td>
<td>23,613</td>
<td>22,555</td>
</tr>
</tbody>
</table>

Source: Philippine Statistics Authority, 2018 & Department of Labor and Employment, n.d.

Table 2. Violations of Selected Standards (%)

<table>
<thead>
<tr>
<th>Standards (%)</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frequency of Payment</td>
<td>42.4</td>
<td>47.8</td>
<td>1.4</td>
</tr>
<tr>
<td>Underpayment of Minimum Wage</td>
<td>12.2</td>
<td>15.3</td>
<td>15.6</td>
</tr>
<tr>
<td>Underpayment of COLA</td>
<td>5.8</td>
<td>6.1</td>
<td>5.8</td>
</tr>
<tr>
<td>Underpayment of 13th Month Pay</td>
<td>5.8</td>
<td>7.1</td>
<td>9.1</td>
</tr>
<tr>
<td>Underpayment of Overtime Pay</td>
<td>5.6</td>
<td>8.0</td>
<td>9.5</td>
</tr>
<tr>
<td>Underpayment of Regular Holiday Pay</td>
<td>7.6</td>
<td>8.6</td>
<td>10.2</td>
</tr>
<tr>
<td>Underpayment of Special Holiday Pay</td>
<td>6.1</td>
<td>7.7</td>
<td>9.4</td>
</tr>
<tr>
<td>Underpayment of Rest Day Pay</td>
<td>3.9</td>
<td>4.4</td>
<td>5.5</td>
</tr>
</tbody>
</table>
When we look at GLS violations statistics, we see that for the past years, the most violated standards are on the frequency of payment (2014= 42.4% and 2015=47.8%) and non-presentation of records (2016=19.8%). Even more, we see that the underpayment of the minimum wage has been a constant high-placer on these lists of violations, implying that a significant amount of minimum wage earners are affected by the lack of compliance to GLS.

Table 3. Establishments Violating Occupational Health and Safety Standards (%)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inadequacy of Registered Nurse</td>
<td>0.9</td>
<td>0.8</td>
<td>0.8</td>
</tr>
<tr>
<td>Inadequacy of First Aider</td>
<td>16.6</td>
<td>20.1</td>
<td>19.6</td>
</tr>
<tr>
<td>Inadequacy of Emergency Medicine</td>
<td>4.5</td>
<td>5.9</td>
<td>5.0</td>
</tr>
<tr>
<td>Non-keeping of Medical Records</td>
<td>19.1</td>
<td>22.2</td>
<td>19.8</td>
</tr>
<tr>
<td>Poor Housekeeping</td>
<td>1.7</td>
<td>3.6</td>
<td>1.8</td>
</tr>
<tr>
<td>Inadequate Aisles and Passage Ways</td>
<td>0.6</td>
<td>1.8</td>
<td>1.1</td>
</tr>
<tr>
<td>Non-provision of Fire Extinguisher</td>
<td>1.2</td>
<td>6.8</td>
<td>9.2</td>
</tr>
<tr>
<td>No Machine Guarding</td>
<td>0.4</td>
<td>1.0</td>
<td>0.3</td>
</tr>
<tr>
<td>Non-registration of Establishment (Rule 1020)</td>
<td>25.8</td>
<td>25.0</td>
<td>24.3</td>
</tr>
<tr>
<td>No Safety Committee</td>
<td>17.4</td>
<td>16.7</td>
<td>13.4</td>
</tr>
<tr>
<td>No Minutes of Safety Committee Meetings</td>
<td>15.0</td>
<td>12.8</td>
<td>10.3</td>
</tr>
</tbody>
</table>
Most of OSH violations recorded seem related to record-keeping or institutional measures on safety such as the non-registration of the establishment, non-submission of Accident Reports, non-submission of Annual Medical Reports, non-keeping of Medical Records, and the lack of a Safety Committee, among others.

What is even more troubling is that if you look at past statistics showing data on occupational injuries, it indicates a poor OSH record. The top 5 industry types are mainly those who employ most workers in high-risk jobs: from 2013 to 2015. The manufacturing industry has been the consistent offender, constituting more or less half of the total number of recorded occupational injuries.

<table>
<thead>
<tr>
<th>Industry type</th>
<th>2013</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>All industries</td>
<td>49,118</td>
<td>50,961</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>23,641</td>
<td>25,667</td>
</tr>
<tr>
<td>Wholesale and Retail Trade, Repair of Motor Vehicles and Motorcycles</td>
<td>5,734</td>
<td>5,799</td>
</tr>
<tr>
<td>Accommodation and Food Service Activities</td>
<td>4,487</td>
<td>4,995</td>
</tr>
<tr>
<td>Administrative and Support Service Activities</td>
<td>2,490</td>
<td>1,303</td>
</tr>
<tr>
<td>Construction</td>
<td>2,115</td>
<td>2,115</td>
</tr>
<tr>
<td>Agriculture, Forestry, and Fishing</td>
<td>3,770</td>
<td>3,236</td>
</tr>
</tbody>
</table>

Source: Philippine Statistics Authority, 2019

One recent violation issue is on the upsurge of illegal workers coming into the Philippines. Investigations uncovered as much as 100,000 to 250,000 undocumented Chinese workers are currently employed illegally in the Philippine Online Gambling Operations (POGOs) industry. This sparks Filipino outrage as this is a case of ‘stolen’ jobs from Filipino workers and foregone revenue for the Philippine government (Rey, 2019).

**International Labor Standards (ILS)**

International labor standards are conventions that are agreed upon by responsible foreign entities like states which provide for a minimum level of protection of workers in the agreeing entities. It
seeks to uphold the fundamental worker rights to decent and productive work with regards to freedom, equity, security, and dignity. The International Labor Organization (ILO) promulgates these standards. It is the agency in the UN in-charge of labor and employment relations. The different instruments that the ILO has created to ensure that these rights are protected, in which the Philippines is a signatory, are as follows (ILO, n.d.):

**Labor Administration**

*Labor Administration Convention, 1978 (No. 150):* Ratifying countries are obligated to ensure that national conditions are followed; operation in territories and responsibilities are correctly coordinated. The labor administration system is responsible for the formulation, implementation, and supervision of national labor standards; research and statistics; support participation by workers and employers about national labor policy.

*Labor Statistics Convention, 1985 (No. 160):* Ratifying countries are required to regularly collect, compile and publish labor statistics which shall be expanded depending on their resources, economically active population, employment, unemployment, underemployment; time rates; wage structure and distribution; labor cost; consumer price indices; household income; occupational injuries and diseases; and industrial disputes.

**Labor Inspection**

*Labor Inspection Convention, 1947 (No. 81):* Ratifying states are required to maintain a labor inspection system for workplaces industry and commerce. It has series of principles respecting the determination of the fields of legislation covered by labor inspection, functions, and organisations of the inspection system, recruitment criteria, terms and conditions labor inspectors’ services, and their obligations.

*A protocol of 1995 to the Labor Inspection Convention, 1947 (No. 81):* Ratifying states shall extend the provisions of the Labor Inspection Convention, 1947 (No. 81) to workplaces considered as non-commercial as it allows ratifying states to make special arrangements for the public services inspection.

*Labor Inspection (Agriculture) Convention, 1969 (No. 129):* Ratifying states are required to establish and maintain a labor inspection system in agriculture. Labor inspection coverage may be extended to tenants who do not engage outside help, sharecroppers and similar categories; persons participating in a collective economic enterprise like members of a cooperative.

When a state ratifies these conventions, they agree to integrate the principles and policies on these conventions into their laws. It implies the need for an administrative body to oversee the proper implementation of labor rights legislation. In effect, labor inspection is, therefore, central to the process of ensuring the provision of labor rights.
Labor inspectorate in the Philippines

The Philippines has a Labor Laws Compliance System (LLCS) and Procedures for Uniform Implementation. It was developed by the Bureau of Working Conditions (BWC) to guide the Department of Labor and Employment (DOLE) Regional Directors and Labor Laws Compliance Officers (LLCOs). It is aimed at providing a standardised and synchronized implementation of procedures such as joint assessments, compliance visits, and occupational safety and health standards investigations.

The LLCS were established since the government believes that the ‘police’ approach was not the best method for proliferating non-compliance behavior. For the government, the ‘police’ approach has alienated both employers and workers from the process of ensuring labor laws compliance, and cultivated distrust at the plant-level with enforcement officers.

The 2009 ILO Technical Audit on the Labor Standards Enforcement Framework (LSEF) revealed significant adjustments leading to the shift of the approach. One of the findings indicated that of the 784,000 establishments to be inspected, and with only 193 labor inspectors at that time, an establishment is estimated to get inspected only once every 16 years ---- the LSEF has no impact in securing high levels of labor standards compliance. For Routine Inspection, unions are highly critical of the quality and procedures used; and for the Technical Assistance Visits, there is low compliance and participation rates (‘Technical Memorandum Philippines Labour Inspection Audit,’ 2009).

From a purely regulatory approach, the need to adjust enforcement was observed, and the subsequent adjustment combined both organisational and developmental strategies. It is to enable establishments to comply with all labor laws with the active participation of both employers and workers at the plant-level, and industry associations and their leaders, through tripartite industry councils and voluntary codes of good practices on decent work and competitive enterprises. The developmental approach combines awareness-raising, incentives for compliance, enhancement of plant-level partnership through harmonised delivery of plant-level DOLE programs and services (‘Manual on Labor Laws Compliance System and Procedures for Uniform Implementation (Department Order No. 131, Series of 2013, As Amended)’, 2014).

The LLCS certification process is similar to an International Standard Organisation (ISO) audit, but with the participation of social partners. LLCO, together with employers’ and workers’ representatives, necessitates conducting a Joint Assessment of the establishment’s compliance with all labor laws. If found compliant, the establishment will receive a Certificate of Compliance (COC) which is valid for two years, unless there is a complaint which would warrant the conduct of a Compliance Visit; or if there is an imminent danger or a fatal accident, that will trigger the oversight of Occupational Health and Safety Investigations. If there are gaps or deficiencies, the LLCO will assist the establishment in complying through corrective actions by providing technical assistance and educating both the employer and the workers for better conformity with all labor laws and standards, and once compliance is satisfied, COC will be issued. The establishment may apply, or get nominated to be processed for issuance of a Tripartite Certificate of Compliance with
Labor Standards (TCCLS), which is valid for three years; or for any of the four other certificates or awards, namely, Gawad Kaligtasan at Kalusugan (GKK), Child Labor Free Establishment (CLFE), LMC Awards, Productivity Olympics for the Secretary’s Award.

A helpful addendum to this was the LLCS Management Information System (LLCS-MIS), or Labor Inspection Systems Application (LISA-PH), which was developed for ILO technical assistance. The system can capture data and transmit them from the field in real-time as an electronic checklist is filled-up through the use of mobile devices and gadgets. Data are instantly available for viewing and processing to generate reports, statistics, and summons, including real-time monitoring of decent work indicators, based on the country’s decent work profile.

The question is: Does the shift of the approach more effective?

Research questions and method

This exploratory study aims to answer the following questions: How do labor leaders find the state of labor laws compliance in the Philippines? What are their views to further strengthen compliance to protect the interests of the workers?

To answer the research questions, the research employed a qualitative exploratory method, with the interview as data gathering technique. Data collected, in 2018 were then categorised based on themes and patterns. Dozens of labor leaders were invited to participate. However, only 6 accepted the call. Upon their requests, their identities are withheld under pseudonyms. Given the number of interviewees and the nature of qualitative inquiry, it is challenging to draw massive generalisations. However, the findings could help lead to an extensive study later, hopefully, with the government funding it.

Interviewees

Wang is a 49-year-old male, married, and has one child. He works as a Customer Associate at a leading logistics company in Metro Manila. Affiliated with the company for 25 years, he serves as top union official of the February Six Movement.

Tonying is a 45-year-old, married, and a father of four children. Originally from the province, he currently lives in Quezon City, renting a house. Tonying works as an I.T. Technical Staff of a money transfer service firm for 26 years already. Tony is a top official of a nationwide federation of unions.

Ara is a 41-year-old, widow, and a mother of four. She lives in her own house in Manila. She is connected to a Business Process Outsourcing (BPO) company for eight years as a Technical Support Specialist. A mass communication graduate, Ara is a top officer of a BPO union.

Eco is a 57-year-old male, married, and has three kids. Eco has earned a finance college degree. A Processing Clerk of a bank for 36 years, he is the president of the bank union.

Nel is a 44-year-old male, married, and has three children. A high school graduate, he works as a Factory Worker at a rattan manufacturing company for ten years already also serves as the secretary of the union.
Vin is a 41-year-old, married, and a father of two children. He works at a mobile application development company for 12 years. Unable to finish his philosophy degree in college, he had prior work stints in other firms: as a Ride Operator/Attendant in 1996; Product Coordinator from 1999 to 2005; Laboratory Analyst from 2005 to 2014; and Product Quality Helper in 2015.

Findings and discussions

The section outlines the responses of the interviewees to each of the questions posed during the interview, in an already synthesized and categorized manner.

Violations exposed through labor compliance monitoring or investigation

5 out of 6 interviewees had participated in labor compliance inspection activities as union representatives. According to Ara (2018), she was not able to attend ‘because their HR manager hid her during DOLE investigation.’ As Nel (2018) narrates: ‘inspection interviews are held inside our factory, but management chooses the workers to be interviewed.’ Vin claimed a positive effect on the investigation of his company. According to Vin (2018), ‘we had a serious talk with the management after the investigation; management considered the regularisation of hundreds of long-time contractual employees....”

Union members as observers in labor compliance activities

Union participates in labor compliance monitoring/inspection activities mostly as an observer. Wang (2018) narrates his experience, ‘As a member of the MTIPC (Manila Tripartite Industrial Peace Council), the union was invited by DOLE when it conducted compliance assessment on member-companies of the MTIPC.... The union president attends as an observer.’ 5 out of 6 interviewees have participated with at least one labor inspection compliance activities, while only 1 out of 6 has no experience at all as his company was never inspected despite rampant violations.

Need for improvement of internal training programs

Workers are continually exploited if they remain oblivious of their rights. Empowered is needed through education and training programs on labor standards compliance. While there are programs aimed to raise workers’ awareness, the interviewees lament on their weaknesses. Wang (2018) said, ‘The union conducts pieces of training....on labor standards. The topic of joint assessments and investigations are covered but not thoroughly....standards are also covered, but more on basic labor standards only....OSH is not well tackled.’ The union president, grievance officer, or company lawyer usually delivers the training programs...they have poor presentation skills....participants are bored (Vin, 2018). For Ara (2018), ‘The main challenge is the rotating work schedules. When employees attend the session, they are tired already exhausted from work (night work).’ While there are available public training programs by private outfits, they are pricey. Interviewees hope that training costs be lowered. Young workers seem uninterested in unionism. According to Teros (2018), ‘training programs should be improved as we are in the new generation where millennials comprise the bulk of the workforce. The main challenge is how to attract and involve these young workers.’
The relevance of training programs conducted by external labor groups

There are available training programs spearheaded by external labor groups. 5 out of 6 avail these programs and find them relevant. They said that training programs by LEARN, ANAKBAYAN, LIBO, and NAPC aid in broadening their knowledge. According to Ara (2018), ‘Training from NAPC and leadership seminars are important for women empowerment.’ For Eco (2018), ‘Training from LEARN, ANAK BAYAN and LIBO are helping us to strengthen [the union] …equipping them with knowledge on their rights...institutions that have specialized training like Gabriela Partylist (women-oriented), CTUHR (basic rights), and IOSAD (health and safety) are helpful in addressing issues within the workplace (Vin, 2018).

Training programs can cause union members to push actively for actions penalizing non-compliant establishments. The abilities of workers to respond and call out violations that have been identified empower them to become change agents not just of their sectors, but also of the society fighting for the rights of the workers.

Solidarity of union monitor networks

Members benefit from union monitor network through their sharing of experiences. According to Wang (2018): ‘The member-unions can also attend and observe compliance monitoring done by DOLE in other member’s establishment. The union can, therefore, learn from the experiences of other unions in terms of labor standards and OSH.’ Trade union monitor networks’ shared the goal of calling out violations committed by the establishments that disregard the welfare and well-being of their workers. Such strengthens the ties of the members and builds solidarity among their networks. Out of the six unions, only 3 have union monitor networks on LLC.

Maximizing profit, minimizing cost, neglecting workers’ well-being

3 out of 6 claimed that the profit-oriented nature of many establishments is the root of the companies’ labor and OSH standards violations. According to Tonying (2018), ‘The primary reason why companies violate the labor compliance is that firms are so profit-oriented. Their focus is on maximizing profits rather than securing their workers…..’ Lack of knowledge about the workers’ rights is considered by 2 out of 6 interviewees. They claimed that a reason why workers are not solid in bonding together for the protection of their well-being is ignorance. Vin (2018) intimated, ‘There is poor implementation of the law... the reason why many employers have the nerve to violate...and employers who violated are not even criminalized.’ Mentioned as prevalent labor violations include health and safety, inhumane workplace conditions, compensation or underpayment, harassment and union-busting, lack of tenure due to work contractualisation arrangement.

Labor inspectorate in the Philippines still unsatisfactory under the current administration of President Duterte

6 out of 6 expressed disappointment in the current state of labor inspectorate. One of the election promises of Duterte was to abolish job contractualisation. He is now more than half-way of his
tenure, but that promise remains unfulfilled. Ironically, he recently vetoed a bill from Congress that purports to stop contractualisation. According to Tonying (2018), ‘While there are efforts to improve the labor inspectorate under the current administration... it is still unsatisfactory... the primary problem is law implementation... [it] lacks the teeth.’ Under the Duterte administration, enforcement is still lacking. ‘DOLE visits and inspects the establishments only when a complaint has been filed,’ said Ara (2018). Vin (2018) complained, ‘Since I was hired in 2005 there was no labor inspection ever done... not request for labor inspection...no inspection at all.’

Focus on small enterprises as well
MSMEs must be monitored as well as many of them are violators of labor and OSH standards. DOLE should not just focus on large enterprises. For Wang (2018), ‘Stricter compliance monitoring should be imposed on MSMEs because most violations... of labor and OSH standards occur in the MSMEs. Most often, violations go unnoticed and unknown to people because they are not as big and as popular as other companies.’ While the bulk of Philippine industries belong to the MSMEs, in essence, the basic labor and OSH standards are supposed-to-be the same for all industries. For the interviewees, the rules are challenging for small enterprises to comply. Even the application for a fire inspection certificate, for example, already costs much for them. Expressing his disappointment, Vin (2018) said, ‘For micro and small businesses, if they are going to file for permits like fire inspection, they are going to pay much to get that certificate. Corruption is rampant. That is how compliance works in the Philippines.’ Lowering operational costs for MSMEs come closer to their dream of having sustainable businesses. However, it is essential that they are mindful of employee wages and welfare by ensuring that these are not be compromised. One of the interviewees said that the government should extend more help to small businesses like subsidies; the help should not be about flexing the workers’ rights.

The low number of and support for the LLCOs
The interviewees find the number of LLCOs not corresponding to the number of establishments that they should be monitoring. Nel (2018) said that the ‘number of LLCOs is not enough to adequately cover all the enterprises that are scattered all over the archipelago.’ Considering Philippine’s archipelagic geography, traveling to monitor compliance is difficult. Monitoring is even more complicated war-torn areas. Eco (2018) expressed empathy with the LLCOs when he said that ‘the LLCOs need more support from the government in terms of resources and safety measures as they are required to travel to many places...including war zones.’

Competence of the LLCOs
DOLE has capability-building programs for the LLCOs, but interviewees find them insufficient. Labor compliance monitoring and inspection are complex tasks requiring multidisciplinary expertise like labor law, business management, health, safety, engineering (mechanical, structural, electrical, sanitation and environmental); even in specialized areas as maritime and agriculture, among others; and also behavioral skills including ethics. Continuous upgrading, upskilling, retooling, and assessment of competencies are crucial. For Nel (2018), ‘Nobody should be deployed unless proven competent.’ Wang (2018) believes the current crop of LLCOs is not skillful enough to
perform their duties.’ He observes that ‘several LLCOs are transferees from other DOLE offices……compliance inspection is not their forte.’ For him, many are not performing well…[during] inspections.’ Not giving any details, one interviewee mentioned ‘bribery’ as a possible scenario. He emphasized the need for more training on ethics. For the interviewees, the government hires more LLCOs, make them industry specialists, and assign them to industries where their competencies are appropriately suited. The interviewees noticed that the LLCOs are multitasking, even performing tasks outside of their mandate. They said ‘that should be changed.’

The role of the other actors in industrial relations
‘Both academe and church are potent avenues for raising labor rights awareness. The two are influential in reminding employers to be more compliant’ (Wang, 2018). They should play active role in this matter. They should help in solving the problem. For Ara (2018), the ‘employer associations should police their members to exercise good governance…..management should be transparent and accountable. ‘Management should remove the preconceived notion that unions are bad for business. Companies should comply with the law……it is the safety and lives of everyone at work that is at stake,’ said Tonying (2018). For Eco (2018), balance among the institutions is essential. He said, ‘There should be a collaboration among trade unions, management, academe, civil society, church, and management associations….. There should be freedom to the blanket of fear to resolve conflicts….. These actors must collaborate.’

Conclusion
The labor leaders are unsatisfied with the state Philippine LLC. They showed ample knowledge and experience when it comes to LLCS; the majority of them reported being involved in labor compliance inspections. However, it seems that labor groups are usually relegated to observational roles during these processes.

They expressed the lack of ample opportunities to educate the workers on LLCS. For instance, they noted that the LLCS training programs conducted internally (inside their organizations) do not yield positive results. These pieces of training are found to be inadequate for the focus is mostly on labor rights only. Training schedules are not conducive. They discourage workers from participating.

The inadequacy of internal training is partially filled by the efforts of labor organizations that are outside the company. They observed, however, that the focus still strays from labor inspection. This topic on labor inspection is crucial for employees and unions to understand and identify whether or not their employers are compliant with GLS and OSHS standards, information that they can then spread through their trade union networks.

They highlighted the profit-orientation of businesses as the root cause of the GLS and OSH violations. However, some also decried the lack of punitive measures and the lack of knowledge of the employees about their rights as their root causes.

On labor inspectorate, the primary observations to its ineffectiveness are:
1. The law is not implemented correctly and does not guarantee strict punitive measures to violators;
2. The number of LLCOs does not correspond with the number of industries to be monitored and inspected;
3. The LLCOs rarely conduct inspections;
4. The competence and training programs for the LLCOs are inadequate;
5. The LLCOs are performing tasks beyond their mandate, which is labor inspection;
6. The archipelagic context of the Philippines makes it challenging for the LLCOs to move around to perform their tasks in the field; and
7. The rule applies to all industries, and many MSMEs find it difficult to comply as the provisions entail huge costs on their part.

The role of the academic institutions and the church in influencing both labor and management in ensuring that the two work together to comply with the labor and OSH standards are highlighted.

Conclusion and recommendations

The labor leaders are unsatisfied with the state Philippine LLC, observing that it lacks effort from companies to uphold laborer’s rights. They pointed that there is poor implementation in the law on non-compliance to labor standards. Violators do not get punished; instead, the violation goes on unchecked leading to severe consequences for the workers. They also cited the ineffectiveness of the labor inspectorate, although they do recognize the efforts of DOLE to improve it.

They recognize unions as having a central role in ensuring that worker’s rights are respected. To strengthen the state of labor inspection, they have campaigned for more active participation of the academe and the church in filling-in the gaps in educating people about workers’ rights on labor standards and OSH and educating the workers and the general public on the need to resolve the pressing problem. Lastly, they advocate for changes in the government, primarily in improving the training of the LLCO’s and in strengthening the LLCS to include stiffer punitive measures and provide more MSME support.

They perceive that LLCOs have little skill in their work processes; it is therefore recommended to increase LLCOs’ technical and professional training, especially in their knowledge of the industries that they are in charge of monitoring and inspecting. LLCO specialization could be introduced, and LLCOs should be assigned to industries that are aligned with their training and expertise.

DOLE should invest in hiring more LLCOs and in providing them more support such as logistics and something for their safety. They should be unloaded of tasks that are off their mandate. DOLE should seek help from outside resources, like the ILO, in upskilling, retooling, and reskilling of their LLCOs. This training should extend beyond LLCOs to include both management and labor sectors to embed a shared meaning on the philosophy and the mechanics of the LLCS. Lastly, the government should provide support to MSMEs as it is the backbone of the economy. However, the same level strictness should be applied when monitoring and inspecting them.

References


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Exploring why unfair dismissal remedy applications resolve at the various stages of conciliation and arbitration

Andrew See andrew.see@griffithuni.edu.au

In the 2015-2016 Fair Work Commission reporting year, there were 15,028 applications for unfair dismissal remedy, of which only 2.2 per cent proceeded to arbitration. This research seeks to understand why, by asking the following questions:

- Are some types of unfair dismissal case less likely to be resolved by conciliation?
- What are the main factors and influences as to why matters resolve at the various stages of the FWC conciliation and arbitration process? and
- Why do workers pursue arbitration for the resolution of an unfair dismissal remedy application?

Based on a single method qualitative approach, the study explores the views of 50 interviewees (FWC members and staff conciliators, union and employer associations, legal and non-legal representatives, employers and applicants) many involved in arbitrated cases in the 2015-2016 data period. Against a backdrop that classifies 12 discrete categories of arbitrated dismissal decision, the interviews explore the views of the parties over the seven phases of the FWC resolution process - from the time of the dismissal decision, through to conciliation and if necessary, arbitration.

The research concludes that there is no specific category of dismissal decision more likely to resolve at conciliation; and that influences and factors such as policy and principle, emotion, unrealistic expectations, the attitude and conduct of the parties and whether reinstatement is being sought, are all matters that will affect why applications for unfair dismissal remedy do not resolve, and why some cases proceed to arbitration.

Introduction

Workplace conflict and how it resolves within the context of changing employment relationships (Budd and Bhave, 2017) and industrial frameworks (Hyman and Gumbrell-McCormick, 2017), present new challenges. The rise of individualism (Peetz, 2006) has seen not only changes to how employment contracts are formed, but also changes to how conflict is resolved in response to unfair dismissal decisions. Individualism has altered in a very significant way, the manner by which parties now come before the Fair Work Commission. The institution has been required to find new ways to meet its objectives in order to service the diverse client base that now comes before it. Section 3(g) of the Fair Work Act 2009, which creates the objective of acknowledging the special circumstances of small and medium sized businesses, provides but one indicator that the workplace relations
system must be flexible and provide tailor-made solutions to fit the changing needs of the parties. The preponderance of applications made by self-represented parties and the preference that many staff conciliators and members have for dealing with representatives in matters before them present new challenges.

Historically, and with a couple of exceptions (TNSSR, 2010, Ross, 2000), unfair dismissal research has been outcome-focused. Past studies have included: identifying the determinants of the usage of employee dismissal within organisations (Klaas et al., 1998); reviewing the size of and basis for conciliation settlements (Hagglund and Provis, 2005); examining the financial benefits of pursuing a complaint to arbitration (Chelliah and D’Netto, 2006) and the impact of dismissals on total employment costs (Freyens and Oslington, 2007); reviewing summary dismissal and serious misconduct outcomes (Southey, 2010, Southey, 2014, Southey, 2016); and a comparative study of the incidence and outcomes of claims under different legislation (Freyens and Oslington, 2013). Less focus has been given to the influences and decisions that take place along the way and whether some types of dismissal case (that is, the cause of dismissal) are more or less amenable to resolution.

The identification of the dismissal type is an important first step, because the conflict that invariably underpins a termination decision is said to come about through different sources, all of which may require different considerations (Salipante and Bouwen, 1990, Myers and Larson, 2005). Issues such as whether or not a party is represented in proceedings and their motivations, personalities, attitude and conduct, are all useful discussion points when exploring why matters resolve at the various stages of conciliation and arbitration.

**Methodology**

In undertaking this research, an interpretivist research paradigm was adopted (Smith and Heshusius, 1986), in a bid to gain a better insight into human experiences. The initial data that formed the background to this research was drawn from the Fair Work Commission’s 2015-2016 annual reporting period (FWC, 2016) (See Table 1).

**Table 1 Cases Before Fair Work Commission 2015-2016**

<table>
<thead>
<tr>
<th>Claims settled, withdrawn or determined</th>
<th>2015-2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Applications Received</td>
<td>15,028</td>
</tr>
<tr>
<td>Prior to Conciliation</td>
<td>2,130 (14.2%)</td>
</tr>
<tr>
<td>At Conciliation</td>
<td>8,529 (56.7%)</td>
</tr>
<tr>
<td>After Conciliation and before a conference/hearing</td>
<td>2,808 (18.7%)</td>
</tr>
<tr>
<td>Withdrawn after conference/hearing and before Decision/Order</td>
<td>104 (0.7%)</td>
</tr>
<tr>
<td>Final Decision Order (non-arbitrated cases)</td>
<td>1131 (7.5%)</td>
</tr>
<tr>
<td>Arbitrated Cases</td>
<td>326 (2.2%)</td>
</tr>
</tbody>
</table>


The 326 arbitrated cases were identified with the assistance of the FWC, sourced from its data base located at [https://www.fwc.gov.au](https://www.fwc.gov.au), then reviewed, summarised and classified,
based on the dismissal type. As part of that process, in each case it was ascertained whether or not the applicant and employer were represented in proceedings. The classification of ‘dismissal type’ was drawn from that used in previous studies (Chelliah and D’Netto, 2006, Southey, 2010) (see Table 2).

Table 2 Classification of arbitrated dismissal decisions 2015-2016

<table>
<thead>
<tr>
<th>Type of case</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dishonesty (eg fraudulent behaviour, employee theft);</td>
<td>25</td>
</tr>
<tr>
<td>Dismissal or resignation</td>
<td>28</td>
</tr>
<tr>
<td>Excessive Absenteeism;</td>
<td>4</td>
</tr>
<tr>
<td>Fitness for work;</td>
<td>8</td>
</tr>
<tr>
<td>Genuine Redundancy;</td>
<td>25</td>
</tr>
<tr>
<td>Insubordination</td>
<td>9</td>
</tr>
<tr>
<td>Miscellaneous (including employer or contractor, jurisdictional issues);</td>
<td>4</td>
</tr>
<tr>
<td>Misconduct (eg drug misuse, property deviance - sabotaging equipment);</td>
<td>35</td>
</tr>
<tr>
<td>Personal Aggression (eg including physical altercations and assault, abuse,</td>
<td>33</td>
</tr>
<tr>
<td>threatening behaviour, bullying, disagreement, interpersonal conflict);</td>
<td></td>
</tr>
<tr>
<td>Unsatisfactory Work Performance (eg Negligence, failing to meet expectations)</td>
<td>68</td>
</tr>
<tr>
<td>Violation of rules; and</td>
<td>60</td>
</tr>
<tr>
<td>Not available (Decision on transcript; Ex tempore; removed at applicant’s</td>
<td>27</td>
</tr>
<tr>
<td>request etc).</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>326</strong></td>
</tr>
</tbody>
</table>

Twenty-one interviewees (representatives, applicants and employers) were drawn from the population of stakeholders identified within these 326 cases, utilising a nested sampling design (Onwuegbuzie and Leech, 2007). In addition, 29 FWC Conciliators and Members agreed to participate, at the invitation of the FWC President. The final pool of respondents comprised:

- 4 legal representatives
- 3 non-legal representatives (Industrial Advocates)
- 5 Union representatives
- 3 Employer Associations representatives
- 13 FWC Staff Conciliators
- 16 FWC Members and Presidential Members
- 4 Applicants; and
- 2 Employers.

Total= 50 interviewees

Data collection occurred through interviews (approximately one hour each), that were digitally recorded and then transcribed, with particular effort given to ensuring consistency in relation to interview design (Massey, 1999, Saunders and Townsend, 2016). The interview
questions canvassed what happens during the seven broad phases of the resolution process, being:

- An applicant is terminated from employment and considers whether to contest the dismissal decision. (Phase 1)
- If the decision is made to pursue an unfair dismissal remedy within the FWC, this is commenced by the filing of a ‘Form F2’ application. (Phase 2)
- The employer is notified by the Commission and required to respond to the application, within seven days by the filing of a ‘Form F3’. (Phase 3)
- Registry staff manage the process, answering queries and providing information to parties preparing for conference. (Phase 4)
- The matter is listed for a voluntary telephone conciliation conducted by a FWC Staff Conciliator. (Phase 5)
- If a matter is not resolved, the file is referred to a FWC Member, where she or he may encourage the parties to submit to a further conciliation process known as Member Assisted Conciliation (MAC). (Phase 6)
- Where further conciliation is unsuccessful, the matter is heard and determined by arbitration. (Phase 7)

The data, once transcribed, was summarized and clustered based on the key themes and questions associated with these various stages. By way of illustration, the questions asked of the representatives are set out in Table 3.

**Table 3  Questions asked of representatives at interview**

<table>
<thead>
<tr>
<th>Q1</th>
<th>Identification of expertise and experience in industrial relations and Fair Work Commission.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q2</td>
<td>When would you advise a party to proceed with an application for unfair dismissal remedy?</td>
</tr>
<tr>
<td>Q3</td>
<td>Would you ever seek to have a matter resolved prior to making an application?</td>
</tr>
<tr>
<td>Q4</td>
<td>What is meant to be achieved through the lodging of an application?</td>
</tr>
<tr>
<td>Q5</td>
<td>When making an application is it expected that the matter will be settled before arbitration?</td>
</tr>
<tr>
<td>Q6</td>
<td>How effective do you see this unfair dismissal process compared to other employment law remedies?</td>
</tr>
<tr>
<td>Q7</td>
<td>What are the relevant considerations when dealing with an application of this type? (eg defeat the application, resolve; compromise, settlement)</td>
</tr>
<tr>
<td>Q8</td>
<td>14% of the cases in 2015-2016, resolved prior to conciliation, can you explain why this may be the case and what factors may influence this?</td>
</tr>
<tr>
<td>Q9</td>
<td>In the case you were involved with in 2015-2016, why do you think that it did not resolve at this point?</td>
</tr>
<tr>
<td>Q10</td>
<td>Explain your experience in the conciliation activity.</td>
</tr>
<tr>
<td>Q11</td>
<td>What do you see the role of the representative in conciliation?</td>
</tr>
<tr>
<td>Q12</td>
<td>What are some of the difficulties you have experienced when trying to advise and represent parties at this phase?</td>
</tr>
<tr>
<td>Q13</td>
<td>Are some types of cases more likely to resolve at this stage?</td>
</tr>
<tr>
<td>Q14</td>
<td>Where the matter did not resolve at conciliation did you encourage the party to keep going with the case, or still attempt to encourage resolution of matter to avoid arbitration?</td>
</tr>
<tr>
<td>Q15</td>
<td>What factors do you believe are influential in matters getting to the post conciliation stage and not being settled?</td>
</tr>
<tr>
<td>Q16</td>
<td>At this stage (Phase 6), do you pursue option to resolve outside of arbitration (eg make another approach to the other side)?</td>
</tr>
<tr>
<td>Q17</td>
<td>Are there discernible differences between the types of cases that resolve, versus those that don’t? (eg the strength of the case; personality of the applicant; type of dismissal; quantum or remedy being sought, or other)</td>
</tr>
<tr>
<td>Q18</td>
<td>Any other general comments.</td>
</tr>
</tbody>
</table>
Findings

Types of Unfair Dismissal Cases that are less likely to be resolved by conciliation

There was no consensus as to whether some types of matters were more likely to resolve at the staff conciliation phase. Five of the legal and non-legal representatives stated that the conduct of the parties, the strength of the case and issues of commerciality, were more important determinants as to whether a matter was likely to resolve. Three out of the four legal representatives saw genuine redundancy dismissal types as potentially being easier to resolve, once better information was shared in relation to the business rationale. More than half of the staff conciliators stated that serious misconduct cases can be more amenable to settlement, either because the elements were easier to establish (Conciliator12, 2019), there were a limited range of options for resolution (Conciliator4, 2019), the matter may be pending before a court (Conciliator2, 2019) or the contravention was a clear breach of an employer’s policy (Conciliator11, 2019). Yet, where these matters do not resolve and are referred to a FWC member at Phase 6, they become more difficult to reconcile where people are seeking vindication to clear their name (Commissioner1, 2019, Commissioner4, 2019, PresMember4, 2019, PresMember5, 2019). One third of the representatives saw the dismissal types of serious misconduct, such as employee theft and personal aggression as more difficult to resolve at the staff conciliation phase (UnionRep4, 2019, UnionRep5, 2019, EmployerRep1, 2019, LegalRep2, 2019, IndAdvocate1, 2019). In fact any matters that compelled an applicant to test or clear their name (IndAdvocate1, 2019) were regarded as being ones where the dismissed employees were prepared to proceed to arbitration if they must (LegalRep1, 2019, IndAdvocate3, 2019).

The main factors and influences why matters don’t resolve at conciliation

The following factors and influences were identified as affecting why matters do not resolve at the conciliation phase:

(i) Matters of policy or principle;
(ii) High levels of emotion;
(iii) Where Reinstatement is sought;
(iv) Unrealistic expectations of the parties; and
(v) Attitude and conduct of the parties.

Matters of policy and principle

Matters of policy and principle were a significant obstacle to parties reaching agreement at conciliation. In the case of an employer, it may be that an insurer has taken control of the litigation or has not as yet approved any settlement proposal (PresMember1, 2019). An employer may adopt a philosophical objection to resolution, or refuse to allow the resignation of an employee, on the basis that it is regarded as dishonest or immoral (Commissioner6, 2019). It may be the employer is seeking to send a message to its workforce (Commissioner1, 2019) or there is a ‘brother or sister’ case in which a comparable and consistent outcome is being sought (Commissioner6, 2019). A further scenario is where an employer does not want a repeat of such cases and so needs to take a positional stance.
(IndAdvocate3, 2019), such as where an employer has adopted a policy of absolute intolerance to a behavior or breach (UnionRep5, 2019), or where the claims and counter claims from employer and employee alike were so entrenched (LegalRep1, 2019) that there was simply no capacity to achieve a compromise position. In such situations said one respondent, you may need to convince an employer, that “being in the right is not necessarily as important as the commercial reality of settling the matter” (EmployerRep2, 2019). It was described as:

> trying to get the matter resolved, so that both parties can walk away unsatisfied but have a resolution, as opposed to just walking away unsatisfied without having a resolution (LegalRep3)

For applicants, matters of principle may arise in the case of a self-represented employee who is determined to defend their position (PresMember7,2019) or to tell their story (PresMember1,2019). These cases were said to be rarely about the money (Commissioner9,2019), but there is a sense of anger or hurt, or seeking vindication from a third party body (Commissioner5,2019, PresMember4,2019, Commissioner6,2019). In the case of applicants who are union members, matters of policy and principle, could include reasons outside of the dispute, such as where parallel negotiations may be taking place in a workplace in relation to other issues and the union wishes to reinforce its role as a protector of worker’s rights (Legal Rep3) or where it may have a policy of supporting long-standing members, even where the merits of the case are not that strong (UnionRep5).

**Impact of Emotion**

Long-serving employees in particular, are said to be affronted by dismissal decisions and go into the conciliation process with high levels of emotion and distrust (LegalRep1, 2019). On occasions this may be exacerbated by the input of relatives and family members (IndAdvocate1, 2019, UnionRep5, 2019) and it was said to be very hard to guide an applicant when they have an emotional hatred against their former employer (UnionRep2, 2019). Employers, too, can hold the view that they “are not paying that bastard another cent” (EmployerRep1, 2019). In these circumstances the relationship between the parties may have deteriorated to such an extent that an employer would rather run the risk of loss or spending the money on representation (UnionRep1, 2019, UnionRep2, 2019), than reach agreement (UnionRep4, 2019). As one representative stated:

> The level of acrimony where parties can’t even stand being in the same room doesn’t happen very frequently but does happen. ... Employers have said to me long ago, “I would rather pay the money to you than to pay it to that employee” ... “it is the principle of the thing” – I say (when they are going to get the bill) you won’t be saying that in 18 months time . (LegalRep2, 2019)
Desire for Reinstatement

Reinstatement is sometimes referred to as the “elephant in the room” (EmployerRep2, 2019). Despite this, where applicants have good prospects of success, it is a remedy that still will be pursued (UnionRep3, 2019), though there is certainly no guarantee that it will be achieved. As Legal Rep4 stated:

even when there is a successful outcome - the outcome is rarely reinstatement even though that is theoretically the first remedy considered and therefore, employees will be left with that same equation which is they might get some compensation which will be helpful, but won’t last forever

During member assisted conciliation (Phase 6), the quest for reinstatement is regarded as one of the biggest barriers to a negotiated settlement and is an outcome that is rarely agreed at this phase (Commissioner3, 2019, Commissioner5, 2019, PresMember3, 2019, PresMember1, 2019, PresMember4, 2019). This may nonetheless be a changing phenomenon, as there is a view that fewer people are seeking reinstatements these days, as workers are becoming more transient and can be dismissed one day and start work down the road, the next week (UnionRep1, 2019, EmployerRep2, 2019).

Unrealistic expectations due to lack of understanding

The final category of case, emerging from the findings, is where the claim is excessive or unrealistic, often depicted by the filing of voluminous materials by self-represented applicants (Conciliator9, 2019, Conciliator12, 2019). This appears a consequence of two things. The first, was an absence of any vetting of the merits of a case (Phase 1), that is an essential requirement where a representative is assisting a party. In this regard, all of the legal, non-legal and industrial organisation representatives spoke of the importance of this first step. The second is a lack of familiarity with the purpose of the filing of materials in terms of the jurisdictional issues that need to be met, when asserting unfairness in the dismissal decision (Phase 2). That is, the language of the Form F2 application and F3 employer response, needs to be shaped around the legislative criteria that establishes what constitutes an unfair dismissal decision for the purposes of Section 385 of the Act.

Attitude and conduct of parties

Throughout the interviews, staff conciliators maintained a view that representatives can make a positive contribution to the conciliation process. That is not to say that they cannot hinder the process, because they are not always conciliatory (Conciliator3, 2019), can be pompous (Conciliator12, 2019), adversarial and too legalistic (Conciliator8, 2019) and may be more interested in representing their own interests than those of their clients (Conciliator10, 2019). On balance though, the prevailing view was that representatives can contribute much and when acting calmly, can set the tone for the conciliation (Conciliator7, 2019).

One category of representative that has raised the concerns of staff conciliators, was that associated with the new ‘unfair dismissal businesses’ that have emerged over the last ten years and who provide non-legal advocacy and representation services. The main criticism is
that the representatives are advancing their own interests and not that of their clients (Conciliator10, 2019). Examples were agents commencing an application and then not being prepared to facilitate a resolution with their client because of their profit motive (Conciliator8, 2019), or where a settlement outcome needed to be 12 weeks compensation and no less, for the business model of the paid agent to work (Conciliator11, 2019). It was said not to be uncommon, where a case fails to settle at staff conciliation, for representatives to withdraw their services, prior to a case being referred to a Member, leaving a worker without assistance (Conciliator2, 2019).

Whilst it was noted that there are efficiencies that can be derived where both parties are self-represented (Conciliator2, 2019), many of the conciliators were of the view that the process can be hindered (Conciliator6, 2019, Conciliator3, 2019), due to their lack of procedural understanding and difficulty in explaining in a coherent way what their case is all about (Conciliator4, 2019, Conciliator3, 2019, PresMember7, 2019, Commissioner9, 2019). And whilst only 106 of the 326 (33 per cent) arbitrated cases have been identified as being undertaken by self-represented applicants, there was a view amongst members that “most parties” who initially are referred from the staff conciliation process are self-represented (Commissioner1, 2019, Commissioner5, 2019). One estimate gave the figure at 2 out of every 3 cases (PresMember5, 2019). What this suggests is that, whilst unrepresented parties may be more likely to be referred to members after staff conciliation (phase 5), represented parties are still more likely to proceed to arbitration than unrepresented parties.

Other issues
Finally, six of the thirteen staff conciliators saw the time limitation of a 90 minute conciliation often creating difficulties and challenges, such as not allowing to get into discussions in great detail (Conciliator1, 2019). With their number of cases set at 3 per day, means that there are obvious pressures on all parties to reach agreement within the time allocated. Several of the union representatives were quite critical of the ‘shuttle and churn’ approach (UnionRep5, 2019) that emerged as a result. But even where staff conciliation may fail, nine of the 15 representatives indicated that they would still make a bid to resolve the matter with the other side, so as to avoid submitting to arbitration (Phase 6). There was no evidence of unrepresented parties doing the same.

Why do dismissed workers pursue arbitration?
The fact that there is little capacity to recover costs under the Fair Work law, save for cases that are regarded as vexatious or with no reasonable prospect, creates an environment where it does not make economic sense to pursue an application for remedy through to arbitration (Commissioner1, 2019). The possible exception to this, is in the case where reinstatement is being sought and the prospects of achieving that are good. In 2015-2016, 30 of the 326 applicants secured reinstatement, with the vast majority of those cases being represented by an industrial organisation. In circumstances where you cannot recover for the non-wage losses that may result from being dismissed at work, such as credit card or mortgage payments missed, it means that the outcomes from any award made, will never really reflect the economic loss of the individual (PresMember6, 2019). One respondent said that these types of financial considerations drive settlement (Commissioner6, 2019).
rational economic viewpoint, the behaviour of many applicants is motivated by a desire to clear their name (Commissioner4, 2019, PresMember5, 2019), to seek public vindication of their position (Commissioner7, 2019, Commissioner8, 2019), or simply to tell their story (PresMember1, Commissioner2). In some cases, the applicant may want things that the employer cannot give (PresMember2, 2019), such as addressing the injustice or repairing or recognizing their righteous indignation. Other examples provided included where an applicant may not be able to find a job (PresMember1, 2019), where the matter is being advanced by a “representative lawyer or unfair dismissal factory” (PresMember2, 2019) or where the applicant may be suffering from mental health issues (Commissioner4, 2019). It may be an inflated view of success (Commissioner5, 2019), a case of self-delusion (Commissioner6, 2019), or a ridiculous aspiration (PresMember2, 2019, Commissioner8, 2019). The unrealistic expectations can also deal with matters such as where there may be a denial or a conflict of facts. This may, for example derive from the nature of the accusation, such as sexual harassment or viewing pornographic material on a work computer, in a situation where spurred on by family and partners, an applicant will seek to defend their personal reputation (Commissioner6, 2019).

**Discussion**

Certainly there are shortfalls in the present system. There is a dislike of the ‘shuttle and churn’ approach to staff conciliation, the conciliators themselves feel time constrained and many of the representatives think that comparatively, the compensatory outcomes achieved in this forum, are inadequate. Whilst the quest for reinstatement has been identified as one factor for why individuals pursue arbitration, there are signs this may no longer be the important remedy outcome that it once was. Such a result is consistent with the neo-liberal egoist theory (Budd and Bhave, 2017), where a remedy for unfair dismissal, can easily be cured by a compensatory amount, as opposed to the more interventionist outcome that reinstatement would bring. That reinstatement may not be as desirable as it once was. It may also demonstrate that the individual contracting arrangements that have been pursued relentlessly by many peak bodies (Barry, 2016) no longer encourage notions of long term employment and leave the majority of individuals less certain as to how to respond to the dismissal decision (Knight and Latreille, 2001).

With a preponderance of self-represented applicants comes less understanding as to how the initial application for remedy is made, what it should seek and how a party is to navigate their course along the way. In response to this, the Fair Work Commission embarked upon its 2018 Workplace Advice Service initiative (Ross, 2018), so as to make information and advice available to individuals and small businesses who may otherwise have no access to such services. Time will tell whether the views of the staff conciliators and members will change, as the impact of these initiatives takes hold.

The findings of this study help explain those previously undertaken. These revealed that, whilst 42 per cent of the parties may not be happy with the outcomes achieved at staff conciliation (TNSSR, 2010), they are content to the extent that they can live with the outcome. For others, there remains a ‘justice void’ to be filled (UnionRep3, 2019, UnionRep5, 2019), as staff conciliation is not seen as the right forum for people who want
their voice or grievance heard. These views are consistent with earlier observations (Fiss, 1984, Macdermott and Riley, 2012) that a settlement achieved in this way, may still not resolve the conflict arising out of, or underpinning the dismissal decision. In this regard, one third of the representatives feel that a greater sense of justice and compensation is available under state based anti-discrimination laws (UnionRep3, 2019, UnionRep4, 2019, LegalRep2, 2019, LegalRep3, 2019, IndAdvocate2, 2019).

Conclusion

There appears no clear type of dismissal case more likely to proceed to arbitration. Instead, there are factors and influences that affect why matters resolve at the various stages of the conciliation and arbitration process. At the early stages (Phases 2 to 4), where parties understand the process, the facts in dispute can be easily established and both sides are prepared to compromise, matters will more readily resolve. Thereafter, at later phases, issues such as representation, the pursuit of reinstatement, matters of policy or principle, vindication, justice and the right to be heard, all play a far more important role. Other factors include, the expectations, emotions and conduct of the parties. Consistent with earlier research (Ross, 2000, Haggland and Provis, 2005), there is also some evidence that the style, influence and manner of members, in particular, may also have a part to play. In all, the pursuit of compensation is not a key influence as to why parties proceed to arbitration. Earlier studies found that arbitration does not bring significant compensation benefits (Chelliah and D’Netto, 2006, Freyens and Oslington, 2013); this shows that a result is for the most part, pursued for reasons other than money.

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Anniversaries: PPL’s 10th and the ILO’s Maternity Protection Convention’s 101st

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The year 2020 marks the 10th anniversary of Australia’s Paid Parental Leave Act and the 101st anniversary of the International Labour Organisation’s first Maternity Protection Convention #003. These anniversaries offer an opportunity to reflect on the origins and objectives of both the PPL Act and the ILO Convention. They also provide an important point in time to analyse the changing trajectories of women’s working lives globally and how regulating institutions and governments have responded. The objectives of the PPL Act were women’s workforce participation, gender equity and maternal and infant wellbeing. In the decade since the PPL Act, one amendment has been made to add paternity leave, and there have been numerous attempts to reduce or alter its scope. The ILO’s Maternity Protection Convention, one of the ILOs first set of conventions, had a focus on protecting women’s and children’s wellbeing. In the 100 years since the ILO Convention, two further maternity conventions have been passed. None have been ratified by the Australian government. The historical and policy paths of these important regulatory pieces are analysed using a three-part typology to understand and evaluate institutional responses to women and work: there are policies that reinforce the current gender order; policies that remedy the inequality between men and women in the workplace; and policies that that revolutionise the gender order.
In 2017, New Zealand employment law was amended to replace the right to paid parental leave with the right to paid leave for the primary carer of a newborn. This change better respects non-traditional forms of family formation, as well as the wide range of care arrangements that take place in society, through which the primary carer is not a parent. The paper considers the implications of the right to primary carer leave from a feminist perspective. It argues that, on the one hand, the focus on care-related need, contributes to a better account of who provides unpaid care. Such perspective enhances the concept of gender “equality-as-sameness”. On the other hand, the paper is critical of the right to primary carer leave, which does not recognise the need for the mother to recover from giving birth, and ignores the fact that women (almost) exclusively can give birth. As a result, this approach fails to take into account “equality-as-difference”. This is particularly, salient in cases of non-traditional families and guardianship arrangements, where the women who gives birth is not the one who will care for the infant.
In Defense of Downtime: Elite Professionals’ Contestation of Ideal Worker Norms

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Elite work environments demand all-encompassing work devotion, yet many organizations boast “well-rounded” employees. What are the norms for talking about leisure in these environments? Pulling on 65 in-depth interviews with women and men working in consulting, finance, technology and media, I describe how high-status professionals frame leisure activities within contexts that valorize overwork. I find that, in order to counter the default assumption of continuous work, professionals must clearly announce downtime, putting themselves at risk of stigmatization. To manage this tension, professionals frame leisure activities as aligned with business interests, obscuring the transgressive nature of the activity. This strategy creates acute challenges for women when their leisure pursuits are not perceived to align with the male-dominated environments in which they work. I argue that these micro-level discourses ultimately serve to bolster male models of work and reinforce gender hierarchies in elite workplaces.
The diverging future of union rights of entry in Australia and New Zealand

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The right of trade unions to enter workplaces has long been recognised under industrial law in Australia and New Zealand. Although rights of entry in each jurisdiction developed from similar systems of conciliation and arbitration within which unions acted as the primary advocates for collective rights of individual workers, the current statutory regimes in the Fair Work Act 2009 (Cth) and Employment Relations Act 2000 (NZ) are starkly different. Rights of entry are heavily regulated and restricted under Australian law, with a legislative focus on controlling union conduct and preventing abuses of the regime. The rights of access accorded in New Zealand are comparatively less prescriptive and instead aim to encourage and facilitate union entry to workplaces — as evidenced by the 2018 Labour Government reforms which further improved access. These distinct legislative approaches reflect the unique trajectories of industrial relations reform in each country, shaped by diverging political attitudes about the role and status of unions. Although there is scope to argue that Australia should adopt more relaxed rights of access, this is unlikely to occur due to the contested political history surrounding entry rights and the Liberal/National Coalition’s broader mandate to curb union misconduct.

References


Memorialising workers: the West Gate Bridge collapse

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The West Gate Bridge Memorial Park is a ‘site of memory’ with considerable significance for the Australian labour movement. Each anniversary since 15th October 1970 when a span of the bridge collapsed during construction, an onsite presence of survivors, family members, trade unionists, and supporters has built a tradition of collective, public mourning. As the 50th anniversary approaches, the memorial now occupies an overlapping space between memory and history – both an assurance to surviving family members that loved ones will not be forgotten and a beacon for union members who cite the West Gate story as a cautionary tale in campaigns for safer workplaces.

Although there has been an explosion of scholarly interest in memorialisation in Australia (Ashton & Hamilton 2008; Ashton, Hamilton & Searby 2012; Bulbeck 1991; Inglis 2008; Lake 2006), and increased recognition of diverse memorial practices and changing meanings of particular memorials, far less attention has been paid to the specificities of ‘labour memorials’. This paper examines the West Gate case, including the nature of initial memorialising intentions, the character of workplace safety memorials, the influence of memorial/community interactions, and shifting memorial tropes. Using archival and interview data gathered with activists involved in West Gate commemoration, we suggest that the ongoing interaction of West Gate activists with this site has assisted retention of the memorial’s political message and resisted the ‘forgetting’ that can afflict other memorials. Using existing lessons from the historiography, however, we reflect upon potential threats that the West Gate memorial may face in future.

References:
The Role of Unions in protecting working conditions of Gig Workers.

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Developments in digital technology have resulted in several changes in the employment relationship and complicated the application of traditional labour regulations all over the world. As a result, the participants in these work arrangements face serious complications. Experts suggest several mechanisms to overcome and prevent these obstacles. Among them, one obvious way to help overcome these problems is for gig workers to organise collectively. However, the nature of the gig economy has created a number of significant barriers to the process of organising collectively and for the process of worker mobilisation. In this context, it proposed that unions (trade unions and other labour organisations) can assist gig workers in mobilising themselves towards better working conditions. In recent years there have been some attempts by traditional trade unions as well as other labour organisations to develop mechanisms to mobilize gig workers. The overall objective of this research is to understand how unions can mobilise gig workers for a better protection mechanism. For that, I conducted two case studies with one Australian union peak body and a non-traditional labour organisation, by following a phenomenological approach. With the purpose of ensuring the credibility of my data, I used multiple methods to triangulate my findings. Finally, I analyse the strategies and mechanisms that unions can adopt to mobilise gig workers for a better work environment. The findings prove that the ambiguity within the possible approaches and assistance for gig workers. Furthermore, it proves the necessity of empirical research on union or non-union engagement with the legal framework within the gig economy.
Employer perspectives on moving the Minimum Wage towards a ‘Living Wage’ in New Zealand

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Abstract

The election of a Labour-led government in September 2017, following nearly a decade of centre-right control, accelerated the New Zealand minimum wage from $16.50 in 2018 to $20 by 2020 – similar to the Living Wage ($20.55 in 2018-19). This is significant in a small-firm economy largely dependent on low-wage sectors such as tourism, agriculture, retail and personal services. According to orthodox economics, paying above ‘market clearing’ wages will lead to job losses and/or work intensification. Other theories suggest that low pay reflects unequal bargaining power, and that employers might even gain from ‘efficiency wages’ above market rates (Arrowsmith et al, 2003; Parker et al, 2016).

In this paper, we explore how employers are responding to the new pay environment through 25 interviews conducted in late 2018, mainly with sector business associations plus HR and trade union representatives. The results indicate that employers were already searching for ways to improve productivity and basic pay given tight labour markets. Some larger corporates (and city councils) have recently become Living Wage employers, including Westpac, the power company Vector and large retailers the Warehouse and Smiths City. However, the analysis also reveals a set of pay constraints linked to sector, size and region.

The issue at the micro-level is how some employers might respond to increases in wage costs, for example, through labour substitution, tighter monitoring and increased workloads, subverting the potential longer-term mutual gains from increased basic pay. So far, the evidence tentatively suggests that there are likely to be more winners than losers. However, there are wider macro-level issues that also need tackling for a ‘Living’ wage rate to be truly transformative, particularly in the areas of housing policy, welfare abatement, and supply-side interventions to address under-provision of training.

References


FIFO Rosters and workers’ health and safety: a case study of the impacts of extended shift rosters on electrical workers in construction in the resources sector.

Fly-in Fly-out (FIFO) employment has become a fundamental feature of construction activity in the resources sector in Australia. Much of the existing research has been undertaken with respect to operation of FIFO in the production phase of the resources sector, as opposed to the construction phase. As this research confirms, the rosters in the construction phase are less sociable than those in the production phase.

This research focuses on the INPEX LNG Project in Darwin in Australia’s Northern Territory and considers workers who were engaged in electrical trades working a FIFO roster. This qualitative research that includes 18 semi structured interviews, examines the contentious rosters from the workplace health and safety perspective, including obligations placed on the person conducting the business or undertaking (PCBU) by work health and safety legislation.

This research builds on an emerging interest in the impact of FIFO rosters within the construction phase and concludes that it is dubious that the roster complied with the obligations placed on the PCBU.
TITLE: The Future Workplace Imaginaries of Australian Women

Presenter: Professor Ariadne Vromen

Author/s: Professor Ariadne Vromen and Dr Sarah Mosseri

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A bifurcated public discourse presents the future of work in either utopian or apocalyptic terms, yet little is known about how individual workers interpret these public debates within the context of their own lives. This paper explores how young women – a group largely overlooked in public discussions of work transformation – envision their work futures. Data collected through focus groups with 114 women as part of the Australian Women’s Working Futures Project reveal women’s use of four distinct narratives – job replacement, job creation, job intensification and job enhancement – to describe the role of automation and technology in the future of work. Women in low-paying, male-dominated jobs emphasize job replacement, while women in low-paying, female-dominated jobs anticipate job intensification due to emergent issues such as system crashes. In both cases, they plan to seek out, during the next decade, jobs with better working conditions. Among women in high-paying jobs, talk of job creation and enhancement is more dominant, with women in these roles aiming to remain at the forefront of change through investments in learning and development. This paper provides a timely analysis of how contemporary women interpret and make sense of future of work debates in planning their own work futures.
Case Study of the Ethical Supplier Mandate

Scholars have become increasingly interested in the use of Government procurement to improve employment standards. Government procurement is a means by the State can intervene to improve employment standards in the context of an enforcement gap.

The Ethical Supplier Mandate (ESM) was introduced in 2019 and is a non-compliance demerit scheme for suppliers to the Queensland Government. The ESM binds all Queensland Government agencies and suppliers’ contracts will include the ESM as a mandatory term.

This case study considers the strength and weaknesses of the ESM.

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Women and superannuation: Time to do superannuation differently

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While the number of people with access to superannuation has increased significantly since the policy changes in the 1980s and 1990s, there remain vast differences between them. Those with lower balances are at risk of living below the poverty line in retirement with the attendant health and housing stress. On average, women retire with half as much super as men, and one in three women retire with none (Australian Senate, 2016). One cause is that the Australian superannuation system was designed around male breadwinner model assumptions without regard to the different labour market patterns of women, who were more likely to have lower job security, lower wages, and lower hours through part-time work. Stakeholders ignored evidence that these were all factors affecting access to the system (Plowman & Weaven, 1989).

This research traces this seeming invisibility of women in the development of Australian superannuation framework. It draws on feminist theory of gender blindness, which occurs when organizations operate from unstated male norms without recognition of the difference between men’s and women’s work experience (Ainsworth, Knox, & O’Flynn, 2010). Other iterations include awareness of gender differences but motivation to suppress this awareness rather than act on it (Linstead, 2000). The research conducts a chronological review of policy development, to identify those critical junctures where gender blindness had potentially adverse effects for women’s superannuation balances and retirement incomes. It also presents preliminary findings from a pilot study in Queensland, including conversations with unions and focus groups with women.

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Abstract

New Developments in German Industrial Relations. A Story about Crisis and Revitalisation.

German industrial relations are facing severe challenges. The former so called ‘German model’ of industrial relations, consisting of the dual structure of works councils and unions, plant level regulation and collective bargaining, has ceased to exist as an encompassing pattern of institutions and actions. Nowadays, only a minority of plants and employees is covered by the dual structure. The dual model has become one model besides others, among them a liberal model without any collective actors and regulations and a model in which the dual structure still has some influences without being fully developed.

The reasons for these developments are manifold: globalization and the restructuring of value chains, financialisation and the restructuring of companies, changes in the structural composition of sectors and workforces, privatization and liberalization, labour market policies etc. However, the focus of the presentation will not be on these overall topics but on the developments of the interaction between works councils and unions, which both form the core actors of the dual systems. It is also here that signs of revitalization can be observed. Both unions and works councils have developed new strategies and have enlarged their repertoires of action. Crucial elements of this enlargement are employee and member participation, organizing and activation. The paper will show how these elements work in practice and what their effects on the renewal of the German model are. It is based on several research projects of the author on the subject, and it will discuss aspects of methods.
Big data analytics and employment- does New Zealand’s law adequately protect employees’ right to a private life?

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Various technological and social changes are operating to blur the boundaries between work and non-work. Employers’ ability to monitor and track their employees is increasing (Eisenstadt, 2019; Mahdawi, 2019) at the same time as they are attempting to exert increasing control of employees’ non-work lives through codes of conduct (Thornthwaite, 2016). This paper focus on big data and employees’ rights to a private life in the context of New Zealand. The paper poses two questions: 1) how much of a threat is big data to the rights of New Zealand employees and 2) does New Zealand’s law provide adequate protection for employees’ right to a private life and the dignity and autonomy implicit in such a right? It uses a human rights approach to evaluate New Zealand’s employment and privacy law. It finds that big data has the potential to allow significant surveillance of employees in their non-working hours and that New Zealand law does not currently provide adequate recognition of, or protection for, employees’ right to a private life. It concludes that law reform is necessary.

References


Closing the protective gaps for workers in part-time and variable hours jobs: a comparison of regulatory and social dialogue measures in Germany, France and the UK.

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This paper compares and contrasts regulatory approaches to part-time and variable hours contracts in Germany, France and the UK to consider the challenges in extending the protections embodied in the standard employment relationship (SER) (Bosch 2004, Rubery and Grimshaw 2016). It identifies the protective gaps compared to the SER faced by workers in these types of jobs across the three countries and the role of regulation and social dialogue in promoting and mitigating gaps. The paper draws on a wider EU-funded six country study that has mapped protective gaps for these groups and explored the role of social dialogue in reducing precarious work through secondary sources and some primary case studies (Grimshaw et al. 2016; Rubery et al. 2018). The form of part-time and variable hours work is found to vary considerably linked to each country’s industrial relations, employment, welfare and gender regimes: Germany’s mini jobs system reflects the gender regime; the UK’s zero hours contracts its flexible employment regime, while France’s regulatory actions link to its statist traditions. Efforts to reduce protective gaps may be creating segmentation among those employed, as predicted by Vosko (2010): for example between mini jobs and other part-time work in Germany, zero hours and reduced hours working in the UK and between those in regular part-time or as part of the activation programmes in France. The paper concludes by considering the scope for but also the limitations of actions and policies to limit protective gaps and the precariousness of employment.


Keeping the dream alive: Surviving ‘gig’ work in the Australian Film Industry

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With the emergence of new platform companies such as Uber and Airtasker in recent years, there has been a significant interest in the rise of new forms of employment and the projected transformation to the ‘gig economy’ (Minter, 2017:438; Stanford, 2017:383; Stewart & Stanford, 2017:421). However, as the name suggests, the nature of ‘gig’ work is nothing new for those working in the arts and creative industries. Insecure and short term work is par for the course and having anything permanent over the long term is rare for many who seek a creative or artistic career. For independent filmmakers, the concept of secure employment is arguably even more unlikely given the project-based nature of film production. The inherent precariousness of this line of work is well documented in contemporary research (Christopherson, 2008:74; Morgan, Wood & Nelligan, 2013:398) and the inclusion of filmmakers in the ‘artistic precariat’ (Bain & McLean, 2013:94) is clearly established. However, film production is also long term in nature with most feature films taking years between the seed of script development, through the making of the film to the final steps of post-production and distribution. For filmmakers to sustain themselves throughout this timeline, they will need to have significant financial support generated through the film funding system available or require an independent source of income to ensure economic survival. Therefore, if the filmmaker is unable to generate adequate finances to cover their own wages for the duration of film production, how do they afford to maintain this role? Using qualitative data from interviews with Australian filmmakers, this paper will explore the realities of ‘gig’ work and uncover some of the ways in which those who have a career in film survive over the long haul. It will highlight the significance of education, skill and networks in keeping the dream alive.

References

Is SRI Improving Corporate Behaviour?

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Socially Responsible Investment (or ESG/Impact investing) has grown considerably from the 1990s when it was regarded as a rather niche or boutique form of investment. Global SRI funds under management are now in excess of $23 trillion (Bloomberg, 2017) and many of its underlying investment principles and engagement strategies are said to have been ‘mainstreamed’ or ‘diffused’ to the broader investment community. This ‘mainstreaming’ process is sometimes manifest in overt strategies designed to avoid certain investments or in engagement strategies which are simply viewed as enlightened approaches to risk management (see Waring and Lewer, 2004).

Previous research on SRI (see Waring and Edwards, 2008) has shown that SRI is by no means uniformly found in developed economies around the globe. Indeed, Waring and Edwards (2008) found that SRI is more prevalent in liberal market economies than coordinated market economies, suggesting that the higher level of State intervention found in coordinated market economies coupled with a focus on debt rather than equity financing may have stymied the development of SRI in those countries. Equally, the lighter forms of protective regulation around employment and the environment might be seen as a significant driver of growth in SRI activity in liberal market economies. There is also a question around the universality of SRI activities, especially where there are state owned MNEs and whether SRI activism is confined to advanced economies that have in place social reporting mechanisms (Gugler and Shi, 2009).

While the growth in SRI and mainstreaming of SRI principles has been significant, its real impact in promoting and disseminating ethical norms of managerial conduct has often and quite appropriately been questioned (Waring and Edwards, 2008). Some observers have noted that while SRI FUM (Funds under Management) has grown in dollar terms and in activist strategies, it still remains a relatively small and therefore a proportionally less powerful part of the investment universe (Waring and Lewer, 2004). Others have pointed to the complexity and arbitrary nature of positive and negative screening logics deployed by SRI fund managers to question their real impact, especially in terms of managerial commitment and strategic corporate planning (Knox and Maklan, 2004). Though perhaps the most pointed criticism of the effectiveness of SRI is simply evidence of the continuation of unchecked corporate malfeasance and in terms of its ability to influence complex organisational and supply chain structures (Lewer et al, 2008). There are suggestions that SRI is effective where other stakeholders such as NGOs pressure SRI funds into action on specific issues (Guay et al, 2004).

In this paper we explore whether or not SRI is fulfilling its promise by investigating the extent that it has been able to act as a diffuser of ethical norms of managerial conduct – either in its own capacity or through mainstream funds adoption of SRI principles and strategies.
identify the mechanisms through which SRI may exercise influence and be considered a ‘globalizing actor’ through illustrative vignettes that include the diversity & sexual harassment scandal that has plagued ride-hailing juggernaut, Uber; the cyber-privacy concerns at social media company, Facebook; the revelations of the Royal Commission into Banking in Australia and Shell’s ongoing attempts to appease local communities and institutional investors about its Niger delta activities. Our analysis suggests that SRI is most effective where its ‘voice’ is amplified through supportive institutional frameworks and where ‘common interest alliances’ emerge.

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Migration is one of the key dimensions to consider in the Future of Work debate (Balliester and Elsheikhi 2018), particularly in the Asia Pacific where demand for migrant labour is intensifying (Castles et al 2013). In Australia around 30 per cent of the current workforce is born overseas (ABS 2019). The largest group is born in the United Kingdom, closely followed by those born in Asia. In 2018, 15.5 percent of residents of working age were born in Asia, with those born in China and India forming the largest groups. This highlights the rapidly evolving multicultural profile of the Australian workforce and the need to consider the experience of workers born overseas as part of the debate on the future of work. Using recent data from the Australian’s Women Working Futures project (Baird et al 2018), we ask two questions: (1) Do young workers born in Asia have specific attitudes and aspirations for the future of work? (2) How does gender contribute to shaping these attitudes and aspirations? Preliminary results from ordered and binary logistic regressions suggest that despite the absence of significant differentials in wages and entitlements, Asian-born workers have an increased concern about the future of work. Moreover, gender contributes to this dynamic as women’s experiences at work appear more challenging when they are born in Asia. Women born in Asia face increased levels of isolation and sexual harassment than other female workers and show an increased concern towards the future of work in comparison to men.

References


Assumptions and ‘common sense’ reasoning in judicial decisions about the status of workers

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When judges make decisions about the status of workers, they are often required to draw on ‘common-sense’ reasoning to resolve contested issues. These findings are typically drawn from the judges’ general knowledge or intuition and may be presented as ‘obvious’ or ‘well-known’ commercial or social realities. Given the consequences that flow from the categorisation of a worker as either an entrepreneurial independent contractor or as an employee entitled to a safety net of statutory protections, it is important that these ‘common-sense’ assumptions represent an understanding of workplace relationships that is both contemporary and socially inclusive. This paper will draw on judicial decisions about worker status from the courts and tribunals of the UK, Australia and New Zealand. The analysis of these decisions identifies three examples of ‘common-sense’ assumptions that influence judicial approaches to the categorisation of workers across the three jurisdictions. It is argued that these assumptions reflect historically and culturally contingent understandings of workplace relationships that fail to account for the lived experience of a diverse workforce.

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From HPWS to Employee Attitudes in China: The Moderated Mediation Model of Employee Experience of HR Practices, Voice Efficacy, and Trust in Manager

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This study develops and tests the model that simultaneously examines the employees’ perception of High Performance Work System (HPWS) as a mediating mechanism to explain the organization-level HPWS and individual employee attitudes as well as its boundary conditions in China. In particular, we propose that employee perception of HPWS is the main mechanism that links HPWS-employee attitudes relationship. In addition, we examine whether such relationships are moderated by employees’ trust in their manager and voice efficacy since the employee perception of HPWS and the adoption of those HR practices by the organization could vary as a function of the degree to which employees trust in their manager and whether voice mechanism in the organization is efficient. This study utilizes the unique cross-sectional survey data from the large employer-employee matched dataset collecting from more than 300 manufacturing firms and over 7,400 employees in one regional industrial park in China. Overall, the findings support for a positive and significant impact of both organization-level HPWS and employee perception of HPWS on employee attitudes. This result supports the theory that the adoption of Western HR practices can enhance employee outcomes in China. Furthermore, the association between the organization-level HPWS and employee attitudes is explained through employee perception of HPWS, uncovering the “black-box” relationship in the Chinese context. Finally, the conditional indirect effect of organization-level HPWS on employee attitudes is stronger and statistically significant under the high level of trust in manager and voice efficacy condition.

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Remaking institutions for a progressive industrial relations: Can New Zealand’s radicalism teach Australia?

David Peetz

The constitutional and practical basis for the Australian industrial relations system has radically changed. Whereas union registration and incorporation into the system was essential for its operation through the 20th century, that is no longer the case and the system could operate without unions at all. Yet Australian unions and political allies seem wedded to the institutions created over a century ago. Although radically abolished in New Zealand in 1991, these institutions in Australia have increasingly been used to damage the interests of labour over the past two decades, including through selective appointments, micromanagement of the rules of bargaining, of balloting and of organisations themselves, and a series of adverse decisions both in legislation and interpretation of statute. Drawing on the experience in New Zealand and other countries, this paper considers the possible design and implications of a proposed radical reshaping of Australian industrial relations institutions and policy, asking whether it is possible to maintain regulation of minimum standards (minimum wages, penalty rates and other employment standards) while removing regulation of processes and parties (including of bargaining, industrial action and the internal affairs of unions). The paper also discusses the implications for institutions such as the Fair Work Commission, the Registered Organisations Commission and the Fair Work Ombudsman, as well as the link to New Zealand’s proposed system of fair pay agreements.
Positive union effects for coordination at work? Evidence from US and UK care coordination programs

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Employment relations and macro-organizational behavior research has shown that increased coordination at work is associated with performance benefits, such as reduced hospitalizations and hospitalization costs in healthcare. Healthcare policymakers have debated and funded policy programs to improve coordination as a solution to cost and quality issues. Scholars, who have examined the determinants of coordination, have argued that management practices (Reay et al., 2016), like high-performance work practices, increase coordination at work, and that collective bargaining (CB) (Gittell, 2000) has no positive effect or that only partnership working has positive effects (Gittell, 2009). By contrast, I contribute to these debates by demonstrating how different types of CB can improve coordination at work. Based on a comparison of care coordination programs (comparing a program with a CB agreement to one without a CB agreement in each country) in highly urbanized, low-income settings in the US and the UK, I argue that CB stabilizes working conditions, which provides the basis for better coordination between different occupations. Based on 73 interviews with care coordination staff, trade unionists, and public policymakers, I find the US unionized case has higher rates of coordination due to more manageable workloads, stable role boundaries and stable working hours than the US non-union case. Furthermore, I find that though there is no major difference in working conditions between the union and non-union cases in the UK, this is due to a spillover effect from sectoral CB in the NHS which normalizes manageable workloads, and stable role boundaries and working hours.

References

Does the APS really want to be an employer of choice for women?

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“Employer of choice” is the in-vogue description for organisations focused on attracting and retaining employees. Our study focuses on the Australian Public Service (APS), which has also adopted the term. Over several decades since the 1960s, public services have addressed some of the barriers to women’s employment to increasingly become employers of choice for women as well as men (Corby, 2011; OECD, 2014). However more recently, governments have recognised that progress towards gender equality has stalled (Williamson & Colley, 2018) and introduced new initiatives, such as the APS Gender Equality Strategy 2016-19 (APSC, 2016).

Our research enquires into the alignment of these two agenda of being an employer of choice and progressing gender equality. It is framed using Pichault’s theory on the coherence of public sector HR policy (Pichault, 2007). Our analysis draws on data from the central personnel agency, the Australian Public Service Commission (APSC) regarding its use of the term employer of choice, including: historical context of its use in the APSC’s annual workforce reports since 2000; systematic review of the APS website policies and publications; and a content analysis of current major APS workforce policy initiatives and key speeches from the Prime Minister and Public Service Commissioner. Our findings are concerning: there is no definition of employer of choice and no linking of the two agenda; there is a lack of alignment, and even internal contradictions, between some central workforce initiatives and the Gender Equality Strategy; and the recent APS review, which includes an aim for the APS to be an employer of choice, is gender blind with scant mention of women or gender equality.

References


Independent professionals in online higher education delivery: motivations, choices, satisfaction and organisational support

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ABSTRACT

The nature and future of work is changing rapidly with the growing emergence of solo self-employment, independent professionals, portfolio careers and platform work in the gig economy. According to Leighton and Brown (2016), the rise of independent professionals (iPros) marks a distinctive shift to a more collaborative way of working and demands policy makers and client organisations to devise customised initiatives to support iPro working. Extant literature and research on solo self-employed crosses several discipline areas: entrepreneurship, industrial relations, sociology, HRM and career development. Each discipline area refers to the phenomenon differently. For example, the industrial relations and sociology literature refer to those in precarious and vulnerable employment or multiple job holders. Entrepreneurial literature refers to solopreneurs and solo self-employed, HRM literature refers to independent professionals, freelancers, contingent, atypical and non-standard workers as a growing workforce.

In Australia, over 1 million people work as independent contractors (ABS, 2018) and it is vitally important to understand the challenges and opportunities associated with the rise of this contemporary group of workers as asserted by McKeown and Cochrane (2017). “Few investigations of the impact of high commitment HRM practices have incorporated the perspective of professional, non-employees. While iPros are recipients of compliance focused contractor management practices, carefully integrated commitment-based HRM aspects have the potential to deliver positive outcomes for both individuals and organisations.” (McKeown and Cochrane 2017, p. 1414). This study aims to explore key factors influencing iPro work and what organisations can do to better support these forms of work and employment options.

This paper presents the preliminary findings from a study that encapsulates qualitative and quantitative data and its integration. This represents an Australian case study of iPros employed as online learning facilitators (OLFs) at a private online higher education provider. The study explored the career trajectories of OLFs in terms of the following factors: motivations, choices, satisfaction levels and organisational support. The study has utilised an
exploratory mixed methods research design and involved two sequential phases of data. Phase 1 involved qualitative data collection through semi-structured interviews of OLFs which in turn informed the survey design in the quantitative Phase 2. This study contributes to the small body of literature on iPros in Australia, with a particular focus on iPros in the higher education sector. Future research is planned for iPros in the public higher education sector, platform workers, older workers/creatives and digital health professionals.

**Keywords:** Independent Professionals, motivations, choices and organisational support


Middle Eastern and North African skilled migrant workers in Australia

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This research assesses how successful Middle Eastern and North African skilled migrants are in transferring their skills and finding jobs in the Australian labour market. Data were collected through in-depth, semi-structured interviews of over 20 skilled, mostly female migrants from the Middle East and North Africa (MENA) in Australia. These migrants have skills, formal education, and English proficiency and entered Australia under visas relevant to skilled workers. Core themes investigated in the study included: employment expectation and barriers; employment experience; centrality of Middle Eastern culture in the family; the division of responsibilities in the household; networks; and the impact of cultural differences on their family and society. Bringing a feminist lens to this research helps to separately identify the employment outcomes of female and male skilled migrants and to explore different determinants and patterns affecting the economic participation of female skilled migrants from MENA in Australia. Making use of intersectionality theory (Crenshaw 1989) (along with critical perspectives on human capital and labour segmentation theories), this research provides insights into employment outcomes of these migrants along a variety of axes of identity including, gender, race, ethnicity, class and migration and family status. The findings indicate that factors other than human capital are adversely affecting Middle Eastern and North African migrants’ ability to obtain post-migration employment outcomes commensurate with their skills.

References

Please sign here: Means of control used by digital intermediaries in contractual terms and conditions

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Digital platforms that facilitate care work are relatively new entrants to the intermediary marketplace and it is likely they will grow in number as a response to an ageing population and rising demand for care services. However, little is known about how such platforms organise work or direct and control those who engage with the platform. This study adopts labour process theory to examine the means of control used by all eight digital intermediaries offering aged and disability care work in Australia, as identified in their terms and conditions documents and website content.

The study makes three contributions. First, it advances knowledge of how the practices and techniques of power relations direct a precarious workforce. Second, the study addresses the disproportionate emphasis in research to date on digital platform work that is task-based and transactional such as in transport and food delivery. Third, the study corrects the workplace-centric bias of many previous analyses which utilise case studies, revealing some of the value creation processes used by platform firms which are antecedent or parallel to the point of production.

The study revealed four means of control in the organisation of care work: Shifting risks and responsibilities from the platform to workers and clients; Apportioning direct/indirect costs to workers; Dictating contractual arrangements; and Monitoring quality standards of service work. The findings advance knowledge of how the techniques of power relations embedded in business models and the organisation of work, direct a precarious, freelance workforce in ways which lower the costs of labour. More broadly, the study demonstrates the explanatory power of labour process theory for understanding emergent forms of work and labour.
The Poverty and Employment Precarity in Southern Ontario (PEPSO) research group has issued four reports since 2013 into the effects of precarious employment on workers, their households and their communities. Our final report compares results from our first population survey conducted in 2011 with our final survey in 2017. This was a period of strong job growth in the Greater Toronto Hamilton labour market. The report asks a simple question: Does a strong labour market reduce employment precarity and improve the distribution of income?

We explore this question by dividing our sample into 8 categories by gender, race and level of education. Our findings suggest that the prevalence of employment precarity does fall during a period of expanding employment opportunities. However, the benefits are not evenly distributed. White workers, men and workers with a university degree (workers who enjoyed the most security in 2011) were even more secure on average in 2017. Women, racialized workers and workers without a degree were either no better off or worse off in 2017 than they were in 2011.

Despite the growth in employment we find very little improvement in earnings overall.

The conclusion is that growth in employment on its own will not lead to a fairer economy. Greater employment security for all and a fairer distribution of income will require further policy interventions.
Australian Participation in the Gig Economy: Evidence from a National Prevalence Survey

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The expansion of the gig economy has fuelled debate over the employment status of digital platform workers and the associated risks and benefits of digital platform work. Yet, there has been limited empirical research that establishes the extent and nature of digital platform work in Australia. This presentation will report selected findings from the first comprehensive survey into the prevalence and characteristics of digital platform work in Australia.

Drawing on similar studies in Europe and the United Kingdom, (Balaram et al., 2017; Pesole et al., 2018) we conducted a representative online survey of over 15,000 Australians in early 2019 to identify how many Australians are working through digital platforms and understand the nature and characteristics of Australian participation in the gig economy. We sought to understand who is participating in digital platform work, what type of work they are doing, and their motivations for participating.

Survey findings reveal the earning patterns of Australians working in the gig economy, disclose the time that Australians are investing in gig work and their satisfaction with various aspect of digital platform operations. The findings uncover diverse experiences across different categories of work, and present the reasons that individuals engage with and cease to engage with platforms.

References


The undoing of gender by senior female leaders in New Zealand’s ICT industry

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The ICT industry is one of New Zealand’s fastest growing and well remunerated industries. Within New Zealand’s ICT industry, the average salary is $82,000, compared to the country’s average salary of $47,868 (AbsoluteIT, 2016). Despite the Government’s initiatives to encourage young women into this industry, women are still vastly under represented, comprising only 20% of the industry (Statistics New Zealand, 2018). The barriers for women working in male dominated industries are well documented in the ‘doing gender’ literature. However, how gender constructs and social interactions can be undone, and women’s agency in this, remains under researched. This study investigates how senior women in ICT have challenged and changed these barriers, and why they chose to. This qualitative study used semi-structured interviews to investigate the experiences of 12 senior female leaders within New Zealand’s ICT industry. An interpretive descriptive methodology was employed to guide this study. The findings identified that social interactions, negative behaviours from female colleagues and the under representation of females in technical roles continued to maintain and construct gender within the ICT industry. However, this study found that senior female leaders in ICT are actively challenging this through their actions and creating positive change by: calling out negative social interactions and by supporting others through their representation and visibility. Thus, this study did not only focus on the barriers for women within the ICT industry, but also identified how senior female leaders are making change within the ICT industry.

References


Shining a light on young people’s experiences in non-standard employment in New Zealand

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In New Zealand, 21 percent of workers aged 15 to 24 are in non-standard employment – a higher proportion than any other age group (Statistics New Zealand, 2019). New Zealand’s young people have been encouraged into non-standard employment in recent decades by the individualisation of responsibility for education and training, and the significant growth of service industries (Casey & Williamson, 2007). Non-standard employment has received considerable attention in recent years (Walker, 2011); however, young non-standard employees remain invisible in the academic literature and public discourse in New Zealand. This research, informed by descriptive interpretive methodology, employed semi-structured interviews to investigate the experiences of 12 non-standard employees in their early 20s. The interviews included the use of a metaphor question, and this usage in descriptive interpretive interviews will be discussed in the presentation. This paper shares three key preliminary findings: 1) that young employees in non-standard employment are perceived negatively by their employers; 2) they experience sub-standard treatment in the workplace; and 3) non-standard employment has several negative impacts in their personal lives. In spite of this, interviewees were resigned to their fate; revealing concerning patterns of disempowerment and devaluation. Despite the limited scope of the research, the findings provide a voice for previously invisible workers, and a platform from which to work towards improving the work experiences of young people in non-standard employment.

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Representations of New Public Management in Australian Public Service Gender Equality Policies

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Governments have demonstrated a renewed interest in progressing gender equality for their workforces, including in Australia (OECD, 2014; APSC, 2016). This refocusing has resulted in Australian Public Service departments introducing gender equality plans, in line with an overarching gender equality plan for the APS. This paper examines how New Public Management (NPM) is reflected in the gender equality plans and considers whether NPM may assist or hinder gender being "redone" in APS organisations. A content analysis was conducted to assess the strategies contained within the gender equality plans of all 18 Australian government departments. The authors found that the policies strongly reflect an NPM framing, except in one important area – that of monitoring and evaluation. The lack of attention to this crucial element of NPM may hinder effective implementation of many of the policies. It may also exacerbate the incoherences between policy and practice aimed at progressing public sector gender equality (Williamson, Colley and Foley, 2019). The authors conclude that while good intent is evident in the policies, they may “redo” rather than “undo” gender in organisations. While gender equality and public sector reforms occurred simultaneously in Australia, few researchers have examined the interactions between the two, and implications for progressing gender equality. This paper contributes to filling this gap and raises further questions for researchers.

References
Overcoming Barriers: Middle Managers and Flexible Work Arrangements

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Researchers have argued that managers bear the majority burden of implementing human resource management policies, especially those pertaining to flexible work arrangements (Bond and Wise, 2003). Middle managers translate organisational policy into practice, (den Dulk and de Ruijter, 2008; Kossek et al., 2010), however, despite good intent, a disjunction between policies and implementation has been found (Williamson et al, 2019). Based on interviews and focus groups with 300 public sector middle managers, we examined the barriers and enablers managers experienced when managing employees who worked flexibly. We found that managers were faced with a range of barriers at the organisational, team, and individual level. Organisational rigidities, such as staffing caps and inflexible job design stifled creative approaches to enable flexible working. At the team level, managers struggled with workload demands and workforce planning, with few adjustments made to accommodate part-time employees. At the individual level, managers often struggled with requests to work flexibly and to manage underperforming employees who worked flexibly. Despite these difficulties, many had developed innovative solutions and demonstrated an ability to work around barriers. We conclude that not only are line managers the gatekeepers in determining who can and cannot work flexibly (Sweet et al, 2017), but that managers are also the lynchpin between different organisational layers and responsibilities for flexible working.

References
Employer Responses to Penalty Rate Cuts: Employment in Retail and Hospitality

In 2017 the Australian Fair Work Commission (FWC) reduced Sunday and public holiday penalty rates in Modern Awards covering Retail, Hospitality, Fast Food, and Pharmacy sectors. The rationale provided by the FWC for these wage cuts echoed employer arguments that reducing wage rates on these days would stimulate jobs growth. This paper extends earlier research we have reported at AIRAANZ previously that analysed the longitudinal employment impact of the Sunday penalty rate reductions in the Retail and Hospitality industries, based on employee surveys. For this paper we commissioned surveys of employers in Retail and Hospitality industries. We surveyed 230 owner-managers in 2018, followed by over 700 employers in 2019. We measured the propensity for Sunday and public holiday work, average hours worked on Sunday and public holidays, average weekly hours and wages, and employer-owner working hours on Sundays and public holidays. Difference-in-differences modelling was used to assess the effectiveness of this policy at three separate points in time, covering the pre-wage cut period and subsequent periods capturing the second and third wage rate cuts in July of 2018 and 2019. We present the findings and explore a number of explanations for them.
Rethinking power, strategy and renewal: members and unions in crisis

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Why are some unions unable to rebuild membership and bargaining coverage despite significant changes in strategy? We examine the trajectory of a key union, the Australian Manufacturing Workers’ Union, drawing on union materials and over 100 interviews with workers, union officials and managers in the engineering services sector. Our argument calls into question key aspects of the union renewal and power resources literatures. Much of this scholarship sees members’ associational power as a resource that can cover the loss of other power resources, but we show that this assumption does not necessarily hold (among many: Wright 2000; Schmalz and Thiel 2017; Schmalz and Dorre 2018). To explain why members are not necessarily a resource in renewal, we argue that studies of renewal must more fully consider the interplay between different forms of power resources – institutional, structural and societal – and locate union strategies within that dynamic. Critically, this interplay also shapes members’ perceptions of their power, which may further limit a union’s options and its very sense of purpose as it responds to external threats. In turn, this approach invites a return to older scholarship on unions (Perlmann 1928 and Tannenbaum 1951 cf Hyman 1975). Power resources – even associational power – can become a vicious, not a virtuous cycle, undermining union capacity.

Employment relations and human resource graduates transition into employment

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Stream: General

Knowledge, skills and abilities (KSA) are important attributes required of university graduates to become effective Employment Relations (ER)/Human Resource (HR) administrators. However, is what is taught and practiced at universities sufficient enough to equip graduates with the necessary KSAs to meet employer expectations in industry? Furthermore, do recent graduates feel confident and job ready upon entering professional practice post their three years of undergraduate study? These questions raise important considerations around the effectiveness of the broader ‘employability’ agenda, and importantly, whether the immediate needs of employers and graduates are being met. Insights into ER/HR graduates’ transition into employment were collected from 33 semi-structured interviews, which include 15 interviews with graduates who had completed a Bachelor of Business program and had majored in ER, HR or both. In addition, interviews with 14 employers who hire ER/HR graduates, and four industry stakeholders within the field of ER/HR were conducted. The presentation will discuss the transition from university to employment and whether graduates felt prepared in meeting employer expectations, or whether they identified gaps in their pre-employment learning. Employers and industry stakeholders provided insights on what they observed as working well, together with offering a range of practical ideas to be considered in preparing graduates (and how academics could achieve this) with their transition into employment as an ER or HR professional. In addition, the research found many opportunities for further research in supporting the transition of future graduates into roles and careers in employment relations and human resource management.
Consumers as IR Actors: Are consumers for or against workers’ rights in platform-based food delivery?

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The rise of the digitally enabled gig economy is generating disruption across the global economy based upon profound shifts in business models and work organisation (Prassl, 2017; Srnicek, 2017. In this changed landscape, scholars have highlighted how consumers play a twin role in the consumption of platform-mediated services. They first fulfil a traditional consumer role, but at the same time function as delegated managers for platforms; appraising worker performance and feeding into algorithmic management and control systems. Platform-capital has further sought to develop alliances with consumers to leverage consumer influence to realise more favourable outcomes with regulators and other stakeholders. At the same time, the #deleteuber campaign in the United States (Cresci, 2017) underscores that consumers are not necessarily monolithic in their ‘alliance’ with platform-capital. Illustrating how citizen-consumers (Kessler and Bach, 2011) can possibly influence and shape standards across the platform-economy. Adopting a multi-disciplinary mixed-methods approach, bridging the fields of employment relations and business ethics, this exploratory consumer attitude study assesses the awareness, attitude, and understanding of consumers in relation to app-based food-delivery services, using traditional survey instruments and choice-modelling to explore their perceptions on worker entitlements. Drawing upon original empirical evidence from a web-based panel survey of 840 Australian consumers, the study helps to unpack the potential role that consumer can play in the platform-economy. The preliminary findings highlight that Australian consumers believe workers in the platform economy should not be treated fundamentally different to state regulated employment.

Reference List
Does decent work require abolishing unacceptable work? Insights from feminist debates on the sex industry

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The notion of ‘unacceptable work’ has formed, in part, as a counterweight to the push for decent or better forms of work (ILO, 2013). That is, naming and understanding the functioning of unacceptable work helps ‘promote respect for rights at work by eliminating egregious labour practices.’ (Fudge & McCann, 2015: v). I have argued elsewhere (Tyler, 2019) that there are important insights around unacceptable work to be gained from feminist debates on the sex industry. Engaging with these debates through the prism of unacceptable work can illuminate the way in which systems of prostitution can function simultaneously as forms of labour and as forms of exploitation and violence against women.

This paper builds on that argument by considering the call for the abolition / elimination of forms of unacceptable work. If we accept that systems of prostitution meet many of the criteria available for understanding unacceptable forms of work (see: McCann & Fudge, 2017), this means we must face questions of abolition. And, if this is the case, does the Swedish / Equality Model of asymmetric decriminalisation of the sex industry (where prostituted persons are decriminalised, but brothel owning and the purchase of sexual access are criminalised – see: Waltman, 2011) offer a way forward? This paper investigates whether we can understand the Equality Model of sex industry legislation as a form of experimentation to promote conditions for better / decent work.

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On technology, job transformation and the future of work: Bringing industrial relations back in

Converging technologies in robotics, artificial intelligence, and ‘big data’ have rekindled concerns about the future of work. In this paper, we critically examine the evidence on how work is changing and reintroduce a fundamentally important – but lately underdeveloped – dimension of the economic and social analysis of new technology: the industrial relations (IR) perspective. We first summarise the research linking recent technological changes to work and argue that the developments are both less alarming, and more in need of careful analysis and interpretation, than the picture of catastrophic job losses suggested by highly speculative predictions about the future of work. This assessment then informs a critique, in which we develop an IR perspective on how today’s technologies are (and are not) reshaping work. Our critique centres on three long-standing concerns for IR scholars, which merit renewed attention in current debates: 1) the nature of the employment relation within the dynamics of contemporary capitalism; 2) the mediating role of employment and labour market institutions; and 3) the nature of work organisations, where tensions and contradictions play out in different patterns of contest and compromise. Guided by these three conceptual pillars of IR scholarship and theory, we present a research agenda that highlights the urgent need to reconsider how technology is transforming jobs, along with the relations between workers and management. We show that an IR perspective can add much-needed depth to current understanding about the future of work.
Workplace Gender Equality: Where are we now, and where to next?

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Despite decades of advocacy, gender equality is at least 100 years away on current trends (World Economic Forum, 2017). Across high-income countries, the gender pay gap remains stubbornly entrenched at 72 per cent (World Economic Forum, 2017), with little sign of change. Organisations continue to be highly segregated (horizontally and vertically) by gender, and the #MeToo movement has highlighted the enduring and pervasive nature of sexual harassment in workplaces across the globe. Many organisations are still uncertain about which policies will best promote gender equality, and front-line managers report ambivalence about such policies (Cooper and Baird, 2015; Foley and Williamson, 2019). The institutional discourse surrounding the need for better integration of women in economic life – as evidenced by the broad embrace of the ‘business case’ for gender diversity (Hunt et al., 2018) – is still not consistent with women’s lived experiences in the labour market. In response to this striking lack of progress, several questions persist: How do we achieve equal pay? What can be done to address occupational gender segregation? What can be done to address sexual harassment at work? How might unions, collective bargaining, and government regulation shape the contours of gender equality at work? Can we construct a gender equitable future of work?

This paper introduces and synthesises the key themes set out in this stream. Specifically, we ask:
Where are we now in relation to gender equality, and where should we go next?


Connected spheres of inequality: gender discrimination at work and unpaid labour in the home

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Women do more unpaid hours of work than men do around the world (Bittman et al. 2003; Craig 2016), including in Australia (WGEA, 2018). Previous research has documented how household dynamics, such as gender norms (Riggs & Bartholomaeus 2018), time availability (Bianchi et al. 2000; Craig & Baxter 2014) and relative resources (Bittman et al. 2003) play an important role in household labour divisions. Yet, household labour allocations are not exclusively dependent on household dynamics; instead they are defined in relation to other gendered institutions, including the workplace (Acker, 1990). Using data from the 2017 Australian Women’s Work Futures Survey, this study explores the relationship between perceptions of workplace gender dynamics and women’s and men’s hours of unpaid work. Preliminary findings suggest that the current perception of workplace discrimination in favour of the other gender group (i.e., when men perceive that women are treated more favourably in the workplace, and vice versa) is positively associated with the number of hours of unpaid work completed by employed women and men in Australia. Moreover, men who believe that gender dynamics will stay the same in the future workplace are also the ones who do more unpaid care work. These findings allow us to discuss the ways in which gender dynamics at home and in the workplace interact and enforce individual perceptions of horizontal inequality, thus providing valuable policy recommendations.

References


Since the end of the 1970s, trade unionism amongst young people in Australia has experienced a period of sustained and severe decline. Recently, this decline has occurred concurrently with rapid changes to the labour market, employment relations and the broader industrial landscape of the post-crisis political economy, which has left many young people locked into precarious working arrangements for much longer periods than previous generations. Despite this, there is a dearth of research on young people and trade unionism that examines the strategies that young people are using to deal with the ‘everyday struggles’ of precarity (Threadgold 2018), in the context of this decline. This paper explores the strategies that young people employ when they encounter workplace issues surrounding working conditions, workplace conflict and workplace stress, beyond ‘exit’, ‘voice’ and ‘silence’ (Behtouhi et. al. 2017; Donaghy et. al. 2011; Hirschman 1970; van Duijn et. al. 2011). In particular, this paper seeks to understand the way that young people deal with issues that are the traditional area of trade union action and/or activism. By utilising qualitative data drawn from a sample of participants from the Life Patterns longitudinal study of Australian youth, this paper aims to explore the strategies available to young people as they encounter challenges within a post-GFC labour market.
Collaborative work and institutional crowdedness: Professionals’ work in the context of New Public Management

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Across the globe, there have been profound governance reforms in the education sector. Choice, competition, privatisation and marketization are hallmarks of education sector governance reforms, which reflect the infusion of New Public Management with its emphasis on economy, efficiency and effectiveness, and changed principles for administration, organisation, autonomy and devolution within the public sector (Wilkins 2018, Hogan and Thompson 2019). The professionals who work in these public-sector organisations, such as teachers in schools, are impacted by these governance changes, facing work intensification, distrust in professionals, and diminished autonomy (Evetts 2009, Fitzgerald 2008). Applying the perspective of sociology of professions, we can understand these changes in terms of additional governance logics being introduced, or perhaps imposed, on professionals. This can be described in terms of the logic of three institutions – the profession, the bureaucracy and the market (Evetts 2009). These three logics each involve a set of ideals, which, when applied in work settings, produce an ‘institutional crowdedness’ comprising various – sometimes contradictory – governance reforms and institutional arrangements (Blomgren and Waks 2015).

This paper considers how governance-related reforms have occurred in two socio-economic/political settings in Australia and Sweden. Specifcally, we consider the implications of ‘institutional crowdedness’ for teachers’ collaborative work. Reporting, on two large Australian and Swedish surveys on teachers’ work, we examine how this competing policy logic generates challenges and possibilities for teachers to relate through collaboration, recent changes to opportunities for collaboration in the changing governance landscape, the effects of these, and the support strategies that can enable and sustain collaborative activity.

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The voluntary Living Wage is a notable example of the ‘civil regulation’ of the employment relationship (Heery et al. 2017). Regulation of this kind has attracted increasing attention from Industrial Relations researchers in recent years and a debate has emerged both about the reasons why employers sign up to voluntary standards and the consequences that flow from this decision (Williams et al. 2011). This paper seeks to evaluate the effects of The Living Wage in the UK. It will examine whether there is a ‘business case’ for civil regulation where benefits can accrue to employers when progressive employment standards are adopted (Wills and Linneker 2012) or whether the impact of regulation of this kind is minimal, partly because already-compliant businesses are more likely to sign up and partly because adherence is a form of reputation management (Hoque et al. 2014). It will also examine the extent to which the adoption of the living wage has stimulated associated changes in work practices. The results are drawn from a 2016 population survey of all accredited Living Wage Employers in the UK, which generated over 800 responses (30%). The paper concludes that the Living Wage has a broadly positive, but not transformative effect. There is only qualified support for the ‘business case’ and whilst a majority of employers report positive effects on their organizations, they tend to be modest and to be relatively intangible. Thus, the main perceived gains to accreditation appear to be reputational rather than hard improvements in business performance.

References
The nudging ERA: a consideration of the Employment Relations Act’s promotion of collective agreements, and predictions of the efficacy of the 2018 amendments, through nudge theory

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In October 2020, we will celebrate 20 years under the Employment Relations Act 2000 (ERA). Taking a holistic perspective, we can conclude that while it has provided a functional framework for employers and employees to form and maintain productive employment relations and resolve their differences, it has not achieved its objective of promoting collective employment (Blumenfeld & Donelly, 2017; Foster, Rasmussen, Murrie, & Laird, 2011; Rasmussen, 2010). Preserving freedom of choice and association effectively limited promotion of collective bargaining to soft regulatory methods. While hard regulations established rules structurally favourable to collective bargaining, the key decisions of union membership, and agreeing to collective employment agreements, have remained the prerogative of employees and employers.

One dominant theory in soft regulation is Nudge Theory (Thaler & Sunstein, 2009), a theory successfully utilised by the New Zealand state to promote a public good with Kiwisaver (Ly & Soman, 2013; Oliver, 2013). Consideration of the ERA’s soft regulatory prompts within this theoretical framework may render three contributions to our understanding of the ERA, the role of the New Zealand state in the present ER environment, and its influence on NZ workplaces. Firstly the fit of Libertarian Paternalism as a description of New Zealand’s present employment relations environment. Secondly whether Nudge Theory can provide an explanation for failures of soft regulation to achieve its objectives. Thirdly whether Nudge Theory can provide predictions of the efficacy of new soft regulation introduced in the 2018 ERA Amendment Act.

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Regulating the Fairness of Gig Economy Contracts

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The growth of the ‘gig economy’ has prompted debate about whether those obtaining work and income through digital labour platforms can or should be regarded as employees, so as to trigger the operation of minimum wage laws or other labour standards. But even if some can be regarded as employees of either the platforms themselves, or the end-users of their services, it is likely that others will (whether appropriately or not) be categorised as freelancers or independent contractors.

Against that background, some commentators have identified the possibility of invoking general laws on the fairness of contractual terms to challenge the inclusion of harsh or one-sided provisions in the contracts of adhesion (take-it-or-leave-it contracts) typically drafted and imposed by digital platforms. That possibility, however, does not appear to have been systematically explored in the existing literature.

This paper seeks to fill that gap by examining the potential for the terms and conditions of digital platforms to be challenged under the unfair contract terms provisions in the Australian Consumer Law (ACL). These provisions apply to standard form contracts for services, although not employment contracts. They can be invoked not only by consumers, but small businesses – including contractors. A term is considered to be unfair if it creates a significant imbalance in the parties’ contractual rights and obligations, is not reasonably necessary to protect the legitimate interests of the party seeking to rely on it, and is capable of detrimentally affecting the other party.

To test the potential application of this regime, we analyse the terms and conditions used by various platforms intermediating work performed in Australia, within and across different industry sectors. Our analysis seeks to uncover any examples of terms that are designated in section 25 of the ACL as potentially unfair – such as (to take just one illustration) a term permitting one party only to vary their rights or obligations. We also examine the practical difficulties confronting a party seeking to challenge the fairness of contract terms, against the background of a government review into the efficacy of this regime. We conclude by discussing the possibility for similar claims to be made in other countries.

Keywords: gig economy, digital platforms, unfair contracts, dispute resolution
Assessing the Employment Status of Digital Platform Workers in Australia

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A growing number of businesses operate digital platforms that facilitate the performance of work on-demand by a pool of workers for clients who are seeking the performance of services, either locally or remotely. Many (though not all) of these intermediaries treat the workers who use their platforms as self-employed freelancers or contractors, rather than as employees. Indeed some are quite explicit about the fact that their business models could not survive if they were forced to meet the costs traditionally associated with paying minimum wages, insuring against work-related injury, making superannuation (pension) contributions, providing leave entitlements and so on.

Against that background, it is unsurprising that a prominent stream of research related to the operation of digital platforms has focused on whether “gig workers” can or should be classified as employees under existing labour statutes, that a range of inquiries have been set up to consider that question, or that cases have started to come before courts and tribunals around the world to test out the current position.

Drawing on data gathered as part of the first comprehensive survey into the prevalence and characteristics of digital platform work in Australia (and one of the largest such studies in the world to date), we explore various aspects of the engagement, treatment, control and working conditions of platform workers, so as to build up a detailed picture of their relationships with the businesses that facilitate their work. Responses to particular questions are then mapped against some of the key factors or “indicia” that are used by the courts to assess employment status, so as to assess the potential for findings of employment to be made in relation to particular types of platform work.
What is keeping women out of academic careers in higher education in developing societies?

Abstract
This article is grounded on an inductive, exploratory inquiry to develop a theory about push or pull drivers of the low rates of female academics in Ghana’s higher education sector. Our findings suggest that the low representation of female academics in universities is strongly fortified by dispositional and situational barriers largely instigated by societal norms and social pressures rather than the initial overarching evidence of institutional barriers in prior literature. The evidence in this paper sees the general emphasis in international literature on institutional constraints to a large extent a bit misleading when it comes to the particularities of Ghana. Prior literature presents a picture of institutional constraints in Ghana that is no longer accurate – most constraints have been removed, but you find the underlying assumptions persist. Our model highlights key literature tensions and make an argument regarding new theoretical directions.
Gerlach’s Network Theory as an Explanation for AMIEU Alliances and Breakdowns in Live Animal Export

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Drawing on longitudinal data from a range of sources, this paper provides a qualitative study of the almost five-decade long Australasian Meat Industry Employees’ Union’s (AMIEU) campaign to stop live animal exports and to protect members’ jobs in Australia. It examines the alliances that the union formed with a range of animal rights and animal welfare organisations when industrial tactics failed to bring the required results. It also explores the impact that recent farm invasions and attacks on feedlots, abattoirs, and butchers’ shops have had on other areas of employment in the meat supply chain and examines how these militant vegan groups are gaining media, government, and public attention in a way that the AMIEU has not experienced since 1978, a year that saw industrial protests across Australia against live sheep and cattle export. It argues that the nature of the AMIEU’s alliances can best be explained using Gerlach’s (1999) segmentary, polycentric and integrated network approach to the study of social movements because the alliances are loose networks that cut across class, gender, and ideology barriers and have diverse groups with a range of different leaders represented and that they may form and disband regularly. The new perspective that the paper offers is through examination of the systematic attacks on the meat industry supply chain and those who work in it by emerging, well organised vegan protest groups.

References

Cleaning work and civic space: toward a theory of ‘civic labour’

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A wealth of academic literature has observed the degradation of cleaning work under outsourced conditions, including work intensification (Fraser 1997), reduced wages (Holley and Rainnie 2012), insecurity (Aguiar 2000; Mayer-Ahuja 2004), unlawful conditions (Benjamin and Nisim 2015), reduced safety (Fraser and Quiggin 1999; Zuberi 2013) and increased labour turnover (Rees and Fielder 1992). In attending to these many dimensions of loss, it the wider social contours of work performed by directly-employed cleaners in public settings have been comparatively overlooked.

Based on a grounded theory analysis of historic documentary sources and interviews with retired Australian public school cleaners, this paper will begin to develop a theorization of the distinctive forms of ‘civic labour’ that cleaners and other workers undertaking property maintenance work in public institutions are able to perform under secure employment conditions. The concept of ‘civic labour’ will be elaborated in contrast to Hochschild’s notion of ‘emotional labour’ (Hochschild 1979).

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Addressing the persistent barriers to women’s employment in the manual trades

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Despite more than 30 years of activism and government policy encouraging women to break down the barriers and take up employment in the manual trades, women currently make up 1-3% of all workers in the manual trades in Australia. This figure has remained stubbornly consistent throughout the 1980s, 1990s and 2000s. The manual trade occupations include: electro-technology, automotive, bricklaying, carpentry, painting/decorating, metal fabrication and plumbing. The economic advantages of diversity and inclusive employment policies are well established and are a key strategy in addressing regional skills shortages in Australia. However, finding solutions to the problem of gender segregation in the manual trades goes beyond government and industry needing to address the skills shortage, to providing viable employment alternatives to women.

Drawing on a recent project in regional NSW and Victoria that explored the lived experiences of tradeswomen, apprentices, the industry they work in and the organisations that support them, this paper investigates recruitment and retention, women’s contribution to workplace productivity and how these factors promote longevity and career satisfaction.

The paper identifies a range of strategies to address the persistent barriers to women’s recruitment and retention including changing social and cultural perceptions of gender and gender roles, valuing women’s skills and contribution to the trades; changing the way we deliver education and training and who delivers it; integrating women for the good of industry; increasing support and developing targeted resources from government and industry and changing organisational working practices to improve the industry culture for all stakeholders.
Browsing mega-trends: IR 4.0

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Thirty glorious years had to end; we oiled up in crisis. Next, there was a Consensus. We got flattened; end of history. Then, the world became somehow bumpy again in a split between Davos and Porto Alegre; the super-structure appeared not so consensual after all. In the meantime, we became financialised and value-chained. The end of the end of history ended up with Terror and then, sure enough, we had to be de-financialised to bail out finance. Keynes the Great Return did not event, we got humbled in Austerity in an even greater split between the 1 and the 99% awaiting that something will eventually trickle down. All of that, we are being told, will soon be behind us: a 4.0 great dawn is coming. There has been indeed a fair deal of effervescence about the ‘Future of Work’ lately. The first objective of this exposé is thus to have a look at what is in store by browsing reports and statements from a range of international agencies and stakeholders (e.g. OECD, WEF, ILO, ITUC, etc.) including critical labour studies in an attempt to identify the narratives, prospects and concerns that dominate the scene. The second objective is to raise some methodological questions. Essentially, if we assume that Globalisation was the last mega-trend, can we transfer – by means of revolution – insights from our understanding of globalisation to our undertaking of the Fourth Industrial Revolution, if any?
Rethinking leadership and its importance for workplace wellbeing

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Employee wellbeing is gaining increasing attention in academic research as it is an important component of workplace relations and Human Resource Management. Poor wellbeing can lead to chronic absenteeism, presenteeism, occupational and organisational risk, loss of productivity and damage to an employee’s reputation as an ethical organisation. This is particularly so in public sector organisations that engage in frontline emergency and first-responder work. Public organisations are subject to high levels of scrutiny and community expectations and operate with limited resource funding. The nature of work places unusual psychological, emotional and physical demands on workers who are likely to be involved with traumatising situations.

Based on a study of a large public sector first-responder service organisation examining the factors that are impacting the wellbeing of frontline workers, the findings of this study suggest that the notion of leadership deserves deeper consideration as a mediating factor. There is considerable evidence that leadership plays an important role in enhancing employee wellbeing (Arnold, Turner, Barling, Kelloway, & McKee, 2007; Inceoglu, Thomas, Chu, Plans, & Gerbasi, 2018; McHugh, 2016). However the evidence is scattered and there remains important challenges for research on the complex interrelationships between leadership and employee wellbeing (Nielsen & Taris, 2019).

The findings show that in spite of the analytical complexities, leadership is an important mediating factor in worker wellbeing and that the research on these relationships may need to run parallel with more contemporary and nuanced theorising on leadership. Such notions of leadership go beyond the actions of individual managers and consider leadership as a relational process, distributed and shared across the organisation.

Exploring the impact of precarious employment on workers’ transition experiences following industry closure.

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The closure of the General-Motors Holden manufacturing plant (GMH) in Elizabeth, South Australia in October of 2017 marked the end of motor vehicle assembly operations in Australia. At the time of the announcement economic modelling estimated up to 13,176 jobs would be lost in South Australia. We know that the regional impact of closures is vastly different during economic downturns compared to periods of growth, and that the likelihood of long-term unemployment is much higher when closures happen during periods of low growth and high unemployment.

However, to date, little attention has been given to the impact of precarious employment on industry closure. Given Australia currently holds the unenviable position of highest incidence of temporary work in any OECD country; and an initial report from Holden’s closure indicates that less than half of the former workers have found full-time employment, the intersection of these two factors warrants greater attention.

This paper draws on the first round of data from a qualitative longitudinal study investigating South Australian automotive-manufacturing workers’ transition experiences to demonstrate that the growth in precarious employment can have complex and unpredictable impacts on workers’ transition experiences following industry closure – even during periods of economic growth.

Advances in digital technologies and automation, and the increasing globalisation of labour markets, mean that large scale job losses and industry closures, like this one, will likely dominate the narratives of industrialised areas. This paper demonstrates the risks of relying on employment statistics alone to gauge the efficacy of transition programs.
Exploring new regulatory approaches to preventing gender-based violence at work

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Gender-based violence (GBV) is violence directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately. It includes sexual harassment (ILO, 2019). Doctoral research being conducted by the author is examining the barriers to preventing GBV at work and the potential of new regulatory approaches that may promote the primary prevention of GBV at work. A proposition to be explored in this research is that GBV is badly/not regulated because it is part of the gendered order (Acker, 1990:2006, Connell 1987) and that the gendered order is not yet addressed in regulation. This research takes a feminist socio-legal approach and proposes a novel application of concepts such as feminist institutionalism (Mackay, Kenny & Chappell, 2011; Mackay, 2014) and Squires’ (1999, 2005) typology of approaches to equality mainstreaming, to regulation.

This paper will share initial findings arising from Phase 1 of the research and the conceptual and theoretical approach being adopted. It will draw on an initial analysis of data including current legislative responses to GBV in Australia and proposals for changes in regulation contained in submissions to the Australian Human Rights Commission (AHRC) National Inquiry into Sexual Harassment in the Workplace (AHRC, 2019).

References


ILO Convention 190 – A new standard for a new century

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On 21 June 2019 the ILC of the ILO adopted the Convention Concerning the Elimination of Violence and Harassment in the World of Work C.190 (“the Convention”) and an accompanying Recommendation (R.206). The adoption of the Convention is significant for several reasons: it is the first standard to be adopted in the second century of the ILO’s existence; it is the first standard to be set by the ILO since 2011 which is significant given the pressures on the ILO to move away from standard setting and monitoring; it is the first international instrument to address violence and harassment in the world of work. The Convention provides a new stepping off point for regulation and activism in this space. This paper draws on the scholarship and activism surrounding the discussion of this new international standard and reflections on this from the authors’ positions as Worker’s Delegates to the Committee on the Elimination of Violence and Harassment in the World of Work 2018 and 2019. Consideration is given to the potential impact of the Convention within Australia and New Zealand.
Towards the Promised Land: employment relationship problems and barriers to dispute resolution under the Employment Relations Act 2000.

Abstract

Recent research has indicated that there is a gap between the Employment Relations Act’s legislative approach and expectations surrounding conflict resolution and the labour market practices (Greenwood & Rasmussen, 2013 & 2016). This has prompted two symposia on barriers to participation in conflict resolution and considerations of whether further regulatory changes are necessary (Arthur, 2018; Chief Judge Inglis, 2019). While this paper will briefly highlight several of the changes implemented during 2000-2019 it will also argue as its main focus that some of the current shortcomings are associated with the underlying assumptions of the original legislation.

The ERA was a very different legislative statute from the Employment Contracts Act 1991 which attempted to move towards more fair and ‘productive employment relationships’ by taking a to a relational approach, one of social exchanges. However, it became clear very quickly that the legislative intentions and assumptions did not match some of the labour market processes and outcomes (Rasmussen & Ross, 2004). Furthermore, a comprehensive review of the ERA during 2002-2003 found a ‘business-as-usual’ approach across workplace employment relations (Waldegrave, 2004a and b; Waldegrave et al., 2003). Despite a new institutional set-up, many of the problems associated with dispute resolution and personal grievances in the 1990s continued. As discussed in detail in the paper, the research behind the review of the ERA indicated that neither the emphasis on informal, workplace-centred approaches nor the good faith relationship building approaches were happening. There was clearly some way to go before fair and ‘productive employment relationships’ were established in the New Zealand employment relations.

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Queenstown, 11-14 February, 2020
Stream: Improving workers’ rights – politics, social change and the workplace

Regulating to improve workers’ rights: the scope and promise of Queensland’s labour hire licensing system
PJ Holtum, G Whitehouse, T Rooney

Sham contracting, phoenixing, and complex chains of labour supply have been prevalent in recent reports about worker exploitation. By obscuring the relationship between workers and their employers, labour hire providers have been able to successfully sidestep local, state, and federal regulations. While the costs of such behaviour on workers is high, there are also wider public ramifications. In Queensland alone, it has been estimated that wage theft annually costs the State $1.2 billion in lost earnings, and $1.1 billion in unpaid superannuation.

Queensland’s Labour Hire Licensing Act 2017 was the first legislation in Australia to successfully establish a scheme under which only licenced providers would be permitted to provide labour hire services to employers. The Queensland scheme commenced operation in April 2018, granting over 3,000 licences in its first year of operation in line with its stated goal of protecting vulnerable workers from exploitation.

In our presentation, we examine the capacity of the Act to render these complex chains of labour supply more transparent. We argue that the broad definition of ‘labour hire’ brings a wide range of vulnerable workers under the regulatory framework and note the innovative ways in which the Act effectively requires compliance with other legislation. Early-but-positive outcomes of the scheme: the first time registration of firms under the Workers’ Compensation scheme, and the empowerment of ‘joint compliance activity’ between regulatory authorities in Queensland. Our analysis also provides an overview of the extent of labour hire usage in Queensland, and illustrates some of the ways in which the scheme has extended support for vulnerable groups of workers.
Women Specialist Business Managers – Where are we now?
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This paper identifies changing trends in the composition of specialist management occupations. While women constitute around 30 percent of specialist management roles, some occupations are highly feminised while others remain highly masculine. The paper investigates what changes have occurring in the relative proportions of men and women in specialist management roles as well as examining whether there has been a narrowing of the gender wage gap in these roles.

The study makes use of data collected in the Australian census as well as data from the Australian Tax Office to detail the changes in gender composition of specialist management roles and to estimate average earnings, wage and total income gaps between men and women in these roles.

The paper speculates that the devaluation explanations for gender wage inequity may be at play when it comes to specialist managerial roles. Of the small set of eight specialist management occupations examined over the ten-year period between 2009-2018, those occupations characterised by increasing feminization (as measured by the proportion of women in these roles) also experienced pronounced increases in earnings and income inequity. Those specialist management occupations were there were relatively equal numbers of men and women generally reported relatively stable gender earnings, wage and income gaps. None of these occupational groups reported a narrowing of the gender earnings, wage or total income gaps over this period.
Applying an Indigenous lens to industrial relations and workers’ rights.

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What would the study of industrial relations look like through an Indigenous lens? My question is spurred on by two triggers. The first is our ongoing Reconciliation journey at RMIT University and Dhumbah Goorowa, RMIT’s second Reconciliation Action Plan (a framework developed by organisations to support the Australian national reconciliation movement), the focus of which is on enabling non-Indigenous staff to think through how we embed Indigenous perspectives and Indigenous knowledges into our everyday practice. The second is the 2020 ILERA Conference call for papers for the ‘Indigeneity and Work’ mini conference, prompted by the topic being ‘largely absent in the mainstream industrial and labour relations discourse and journals’.

Two other questions to challenge us: How do you reimagine your discipline once you know you are a guest on country? How does it affect what you consider to be worthy of knowing, teaching, researching? For example, when we talk about equal pay, do we tell the story of the Aboriginal pastoral workers, their campaign for equal pay and the role of the Commission (Anthony 2007)? When we research the growing incidence of systematic wage theft, do we draw parallels with the practice of stolen wages and the hurdles placed in the way of reparations (Howes 2005)? If we apply an Indigenous lens, what does the future for workers’ rights and work look like? Informed by the limited literature and identifying key events, this paper will explore these questions, with the objective of opening up debate and reconsideration.

Different Paths to Different Outcomes: Do Australia and New Zealand share a common Enterprise Bargaining system?

The paper engages with a body of literature that developed in the 1990s and early 2000s that used most similar cases research designs to compare the shifts away from the traditional conciliation and arbitration models in Australia and New Zealand. This literature suggested that Australia and New Zealand had taken divergent paths that nonetheless had produced overall similar models of wage and condition-setting (Bray and Walsh 1998; Lansbury, Wailes and Yazbeck 2007). This paper compares the collective bargaining systems in Australia and New Zealand within the context of broader systems of wage and condition-setting. It does so by applying and extending a widely-used framework for analysing bargaining structures in terms of the level, agents, scope, status and coverage of bargaining. Through this comparison, the paper argues that Australia and New Zealand have developed quite distinctive models, highlighting in particular the critical role of union membership in determining collective agreement coverage in New Zealand, and the extensive role of the Australian state in regulating the labour market and enforcing agreement conditions. Whereas Wailes (2011) has suggested that Australia and New Zealand have developed a shared Enterprise Bargaining model, the paper concludes by discussing the implications of this contrary view, both for comparing Australia and New Zealand specifically, and for the mooted Anglo-American model shared with Canada, Ireland, UK and USA (Colvin and Darbishire 2013).


Collective bargaining systems in Australia, Malaysia and the Philippines: some recent developments

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Broadly, contemporary collective bargaining as a bipartite process articulated in national labour laws of Australia, Malaysia and the Philippines involves three basic phases: representation, bargaining and administration. In the representation phase, the authority or capacity of representatives (of employers and employees) to bargain for and on behalf of their constituents is determined. Once representation is established, actual bargaining commences. If the bargaining representatives are able to reach a collective agreement in consonance with legal requirements, the collective agreement undergoes registration and after that administration. If they encounter a bargaining impasse instead industrial actions are taken as devices for agreement making. Questions or controversies that arise during administration or implementation of the collective agreement trigger mechanisms that afford the representatives opportunities to accommodate differences in the interpretation of terms and conditions. What are the disparities between the systems of these countries in regard to the process of collective bargaining summarised above? What is the role of the State and its agencies in this process, if any? How has the growth of non-standard forms of work, e.g., casual, temporary, informal, independent, dependent or labour-only contracting, affected, if at all, collective bargaining in these countries? What factors — economic, social, cultural, and political — might account for similarities and differences over time, and how are these associated? In order to gain a deeper understanding of collective bargaining systems in context, this paper aims to provide plausible answers to these questions through a comparative case study of some recent developments in Australia, Malaysia and the Philippines.
Regulating for gender-equitable decent work: The hard case of individualised social care

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Research question(s), methods used, theoretical focus and major conclusions.

The rapid growth of marketised and individualised aged care and disability support services has placed enormous pressure on working conditions in the feminised social care sector. Australian employment relations institutions remain built around the standard employment relationship (SER) and an institutional understanding of the workplace and offer few protections to the increasing numbers of those who fall outside those modes of employment. Social care shares many characteristics with other low-paid feminised work including very low rates of unionisation and fragmented, insecure working hours and income. It is, however, a ‘hard case’ with gendered undervaluing of the work performed deeply engrained in industrial relations institutions and government funding models. The paper draws first on an analysis of the recent trends to the informalisation of individualised social care work in the Australian context to highlight the fundamental role of secure working time in achieving decent work for women in feminised sectors. Secondly the paper examines several regulatory reforms to provide decent working time protections in low-paid feminised work, testing these reforms against the hard case of social care. It assesses the (potential/feasibility? of) broadening the scope of employment regulation to protect all workers, ensuring a robust system of revitalised awards including through broad based sectoral bargaining; and bringing the state back in including via an intermediary model in individualised social care. In doing so it draws on recent regulatory scholarship on an expanded employment relationship (RE REF) and two recent international conventions (ILO 189 and 190) that address the vulnerability of those who work in atypical work. We also build on a UK proposal for sectoral bargaining in social care (Hayes 2017) to propose a revitalised and inclusive award framework that would include a broad set of improved terms and conditions including fairer skill and classification structures, improved working time conditions to ensure income security and predictability for workers (Charlesworth & Smith 2018). In individualised social care specifically we canvass the potential of intermediary models that can work to collective the risks for workers in home-based and community-based employment. Such models include both those designed for other purposes such as the Belgian housework voucher scheme (Camargo 2015) and those for home-based social care in North America (Cranford etc). We conclude by arguing for multi-faceted but integrated regulatory reforms to provide the framework for more gender equitable decent work not only in feminised sectors but in the complex case of individualised social care.

References
Regulation of minimum employment standards for undocumented workers in the United States and Australia

The United States and Australia are home to significant populations of undocumented workers who take different approaches to regulation of their employment rights. There is growing concern from various parties about exploitation of undocumented migrant workers as well as their contribution to segmentation of labour markets.

The two countries are commonly viewed as most similar: Western liberal market economies, countries of immigrants, etc. However this research conceptualises the US and Australia as most different case studies due to marked differences in the formal applicability of employment laws to undocumented workers. US employment laws apply equally to undocumented workers and citizens with formal institutions supporting their implementation. In contrast, Australian courts have found that employment laws do not apply to undocumented workers.

Yet, given the hidden nature of these workers, little is known about how they experience those laws in practice. A growing body of research in the US and Australia has confirmed widespread employer non-compliance with minimum employment standards in some industry sectors, focusing on the vulnerability of temporary migrant workers. Yet none are more vulnerable than undocumented immigrant workers.

Using regulation theory and drawing on interviews with 66 undocumented workers and key stakeholders this paper examines to what extent undocumented workers benefit from employment laws and the implications for them.
Regulation: The construction of paid working time in Australia

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This paper examines the development and implementation of Australian case law and regulation which have constructed paid working time in Australia, with a focus on recent cases that have shaped the regulation of paid and unpaid caring work. These cases and regulatory responses demonstrate a repeated failure to effectively challenge the ‘ideal worker’ norm (Smith 2011: 552).

Less than forty years ago, the High Court of Australia recognised the paid caring work of community and social workers (Briggs et al., 2007). The struggle to regulate paid caring work in this and subsequent cases demonstrates the replication of ‘ideal worker’ norms in critical case law developments, and in ongoing regulatory barriers to gender equality since then (Murray 2005; Chapman 2018).

This examination of the contested regulation of paid and unpaid caring work arising from the Fair Work Act (Bray & Stewart 2013; Chapman 2018) applies a gender equity lens to the construction of paid work time in Australia (Rubery & Hebson 2018). It demonstrates contemporary challenges to effective regulation of paid working time (Rose 2018), and posits regulatory frameworks for the progression of gender equality in Australia (Smith, 2011; Chapman 2018).

Bray, Mark and Stewart, Andrew 2013 ‘From the arbitration system to the Fair Work Act: the changing approach in Australia to voice and representation at work’, Adelaide Law Review 34 (1): 21-41


Rubery, Jill and Hebson, Gail 2018 ‘Applying a gender lens to employment relations: Revitalisation, resistance and risks’ Journal of Industrial Relations, Vol. 60(3) 414–436

Smith, Belinda 2011 ‘What kind of equality can we expect from the Fair Work Act?’ Melbourne University Law Review 35, 545
The performativity of entrepreneurialism and empowerment discourses in relation to homebased Bangladesh garment workers

This paper seeks to innovate on the critical literature on homeworker entrepreneurship and empowerment in two ways. In the first, it looks to synthesise the critical perspectives and articulate the contours of the holistic critical perspective to which they give rise. In the second, it looks to contribute by examining in the context of this synthesis the claims of conventional entrepreneurial discourse, looking to see if and to what extent they are actually borne out in practise in terms of positive impacts for women workers. To that end, we explore the question of whether the lived experience of women home based workers represents an emerging entrepreneur or exploited worker.

Empowerment discourse in the hands of neoliberals is understood to abandon social transformation in favour of upholding the status quo, focusing on efficiency and productivity. The failure to distinguish between power-over and power-to resulted in a form of ‘economic performativity’.

In practical terms, we pursue these related lines of enquiry through an empirical investigation of homeworkers in Bangladesh, with the aim of shedding light on how empowerment is being defined and measured and what this means for the women workers.

In contributing to the scholarly critique of conventional neoliberal entrepreneurship discourse, we look to encourage recognition for the value of research into social reproduction, to enhance the concept women’s empowerment and in so doing, to help to make room for approaches to homeworker empowerment that are actually empowering.
Patterns of labour regulation in decentralised/deregulated industries: The case of Chengdu hotels

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What patterns can be discerned in the processes and outcomes of employment relations in industries with low levels of union membership and virtually no collective bargaining? How can any such patterns be explained? These are this paper’s main research questions, which will be explored empirically through a study of the hotel industry in the Chinese city of Chengdu.

In answering these research questions, we draw on the concept of ‘coordination’. The literature using this concept offers many insights (eg. Traxler & Mermet 2003; Kahancová & van der Meer, 2006), but it also suffers from two problems. First, it overwhelmingly focuses on the coordination of collective bargaining over wages. Second, empirical research remains limited in quantity, highly empirical and dominated by European examples (Dølvik, J & Marginson 2018). The development of this concept and its application in a rapidly developing Chinese industry, which is virtually free of unions and collective bargaining therefore promises a valuable contribution.

The research reported in the paper came from three sources: documentary, observational and – most important – semi-structured interviews with 38 people active in 25 Chengdu hotels.

The key findings begin with the segmentation of the industry into three main sections, based mostly on ownership: state-owned hotels, foreign-invested hotels and domestic privately-owned hotels. Within each of these segments, the coordination mechanisms producing various observable patterns of employment relations range from the supervision of Party officials and other state agencies to the centralising policies of multi-hotel head offices and the operation of market forces.

References:
The silent curse of Schadenfreude in the workplace

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Schadenfreude is a reactive emotion. It refers to the glee that we feel when we observe another’s misfortune (Li, et al., 2019) and, yes, it is viewed as distasteful, but it is also human nature – we all do it! Kumar, Budhwar, Patel and Varma explain that emotions are “high intensity affective states that last for a short duration but [are] ... highly consequential in shaping interpersonal exchanges among individuals” (2018, 2). This link between emotions in the workplace and behavioral responses has long been recognized in the HRM literature, with an express aim of commitment-oriented HRM approaches being to foster high levels of discretionary effort through the harnessing of employees’ positive emotions. This goal is achieved through the targeted use of HR best practices (Walton, 1985); some of which are specifically designed to encourage competition (e.g., reward schemes which are contingency based and stack ranking staffing systems). Studies demonstrating the link between positive emotions, commitment-oriented HR practices, and performance outcomes show both task and citizenship behaviors to be desirable outcomes (Edgar, Geare, Zhang and McAndrew, 2015). So how do organizations balance the desire for competition with the need to retain a positive emotional environment? Indeed, it is possible that approaches to people management that encourage competition are simultaneously fostering the emotion of Schadenfreude. And, moreover, by encouraging Schadenfreude, organizations might be inhibiting employees’ desire to engage in desirable role behaviors, particularly those that are related to organizational citizenship. Using vignettes and an online survey of 600 New Zealand workers, this study explores this question.
Unpaid internships and the employability promise: a qualitative study of Australian intern experiences

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Unpaid internships have become ubiquitous in the Australian labour market, particularly in the graduate labour market (Oliver et al., 2016, Stewart and Owens, 2013). Internships are simultaneously praised for positive outcomes such as skill development, career preparation and networking opportunities (Gault et al., 2000, Carnevale and Hanson, 2015), and critiqued for furthering inequality in the labour market and encouraging exploitative workplace practices (Allen et al., 2013, Yamada, 2013, Frenette, 2013).

Tertiary education institutions and organisations heavily market unpaid internships as a way for job seekers to become more employable. Employability is a contested concept, with some researchers describing employability as decidedly ‘person-centred’ (Fugate et al., 2004) while others argue for the adoption of a broader approach that considers the environment and context of the individual, suggesting employability is deeply impacted by external factors, such as the state of the labour market (Brown et al., 2003, McQuaid and Lindsay, 2005).

While extant research focuses keenly on internship outcomes (e.g. post-internship employment rates) there is a significant knowledge gap on the actual experiences of unpaid interns. What actually happens during unpaid internships? Do interns build, or perceive to build, their employability during their internships? Do these internships meet their employability promise? To answer these questions, I conducted semi-structured interviews with unpaid interns from the fashion, and marketing, PR and advertising industries. Using this rich data from unpaid interns’ experiences we can better understand the ways in which interns build their employability and the structural problems that act as barriers to building employability.


STEWART, A. & O WENS, R. 2013. Experience or exploitation? The nature, prevalence and regulation of unpaid work experience, internships and trial periods in Australia.

Active Labour Market Programmes as a Policy Determinant of Post-Industrial Female Employment and Fertility Outcomes

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Abstract

Cross-nationally, in developed, post-industrial nations, since the mid-1980s, there has been a positive correlation between female employment and fertility rates (Ahn and Minh 2002). Social Democratic nations have been able to combine amongst the highest levels of female labour force participation in the developed world alongside relatively high levels of fertility rates (McDonald and Moyle 2010; McDonald 2013). Existing literature surrounding the role of defamiliarising policies, including parental leave and childcare in Social Democratic nations in influencing gendered labour market outcomes has been well canvassed (Iversen and Rosenbluth 2010; Kleider 2015). However, this paper examines the role of Active Labour Market Programmes (ALMPs) in influencing cross-national levels of female labour force participation and fertility rates. This will be approached using a mixed methodology. Qualitative analysis of legislative provisions and policy documents is conducted to analyse the extent and scope of ALMP variation in four main case study nations: Denmark, the U.S., Australia and Germany. These nations represent different examples of comparative institutionalisms and welfare states. In order to cross-corroborate qualitative causal inferences, pooled time-series analysis using Prais-Winsten regression is conducted post-1990 to the most available datasets. OECD Labour Market Statistics (2018) are used for measures of ALMP against female labour force participation (World Bank 2016a) and fertility rates (World Bank 2016b) as dependent variables. This paper finds that the overall extent and orientation of ALMPs in Social Democratic economies encourages both female labour force participation and family formation (expressed in aggregate national fertility rate patterns).
Reference List


Despite some growth in interest in aged care and care work in recent years, health and safety has not had received the same focus as other work conditions in the care industry. Following reports on the aged care sector in New Zealand in 2014 and 2016 (Ravenswood et al. 2015; Ravenswood & Douglas, 2017), this paper reports on the health and safety in the care and support sector from data collected in 2019. It focuses on the key OHS issues for care and support workers, nurses and managers. Additionally, it identifies how frequently physical, verbal and sexual abuse is as reported in these sectors. Workplace violence, particularly in care occupations where the work takes place in a client’s home is not well understood (Ravenswood, Douglas & Haar, 2018).


Death of ‘industrial relations’ greatly exaggerated

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In the manner of Samuel Clement’s (Mark Twain) famous quip, this paper argues that reports of the ‘death’ of industrial relations (IR) ‘have been greatly exaggerated’; the ‘death’ attributed to the adoption of a variety of competing terms with, probably, ‘employment relations’ (ER) as the more popular. ER’s rise can be evidenced, for example, in the rebadging of the International Industrial Relations Association as the International Labour and Employment Relations Association. A bibliometric and social network analysis by McMillan and Casey (2010: 235) of the ‘top industrial relations journals over the past 40 years’ found that the published articles represented a shift ‘towards what one could easily call employment relations as a component of their intellectual base’. Textbooks, too, have been rebadged. While declaring that they were ‘sympathetic to industrial relations’, in abandoning IR for ER in the title of the third edition of their textbook, Bray, Waring, Cooper and MacNeil (2014: 9) justified the change on the grounds that IR has ‘become associated with too many unhelpful connotations, both real world and theoretical, and “employment relations” is now considered less tainted and more theoretical consistent’. No less than ‘common sense’ they asserted. This paper challenges these assertions. First, using a demarcation metaphor, it demonstrates that ER does not have the historically-informed disciplinary ‘coverage’ of IR and, second, that the adoption of ER is not an apolitical decision; rather that it strips out or diminishes the central conflictual and ideological assumptions of the employment relationship. It speculates, too, that ER acts as a pragmatic salve for academics despairing over the long-term prospects of the IR discipline. Finally, the widespread and continued use of the term IR in popular and specialist discourse demonstrates that any obituaries over its demise are ill-founded.

References

Education beyond 2020: The ‘State of the Nation’s’ teaching profession

It is widely understood that education – and schooling as the foundation of formal education – is core to the healthy functioning of socio-democratic societies. Australian states have traditionally held authority over schooling. Remarkably, the school workplace, teachers’ work and the school education sector as context, are visible for their absence from contemporary academic scholarship of employment relations.

Despite this oversight by scholars, Australia’s public sector teacher unions over the past four years, through a series of systematic and comparable reports, have provided a lens onto the contemporary nature of teachers’ work in schools across five states. Drawing on this mosaic of reports we detect a stark and revealing finding: despite their capacity to document the variegated and diverse nature of teachers’ work, the most prominent finding is their documentation of universal intensification of teachers’ work and expansion of working hours, perceived to be driven largely by the ‘heavy hand’ of compliance reporting, datafication of work and diminution of available time for teachers’ core job of classroom teaching. These changes are augmented by perceptions of increasing complexity in student needs and perverse outcomes arising from fundamental changes to schools’ operational and funding arrangements.

The paper reveals that, as with other parts of the labour market and occupational professions, teachers’ work and the conditions within which they work are undergoing distinct changes as neoliberal imperatives and associated influences permeate market and non-market realms of the economy. The importance of these findings lies with the potential impact on Australia’s core formal institutions of knowledge formation and skill foundation.
Establishing heat and humidity guidelines for manual workers

The SDA is the Union responsible for retail and fast food and related industries in Australia. The SDA has conducted Safety Focuses over the past 6 years which have included large surveys of over 20,000 workers over that time our membership to understand their key concerns. Heat consistently ranks as one of the key, if not the most important, safety issue for workers in warehouse type/non-air-conditioned environments. This coupled with our increasingly hotter climate and with more prolonged heatwaves in Australia, has led the SDA to partner with Sydney University and Canberra University to conduct two studies.

The first tests how airflow, temperature and humidity interact together to effect people when doing manual work. This large study looks at a range of ages and genders, doing tasks with increasing levels of physicality in varying temperatures and humidities and with varying airflow speeds. It seeks to understand these interactions and their effects on people’s thermal comfort, productivity and cognitive function. An earlier study found similar effects to air-conditioning on people when doing a heavy manual task as a hot and humid environment with increased airflow (a fan) but in young male subjects only.

The second study seeks to understand how menopause particularly effects productivity and thermal comfort with different temperatures and humidities and varying the manual work required of the task. It seeks to understand some of the physiological changes that might influence the perceptions to understand what interventions might be best.
Just Transition awareness and climate change responsibility amongst New Zealand union members

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Just Transition is an international union initiative and has found significant support when reference to the idea appeared in the Paris Climate Agreement in 2015. The disruption to workers and workplaces due to climate change impacts must not be borne solely by the workers and solutions need to be found which enable fair transitions for affected workers to comparable decent work. The urgency of a global response to the impacts of the climate emergency have escalated and measures would indicate that impending climate disaster is closer than first predicted (United Nations, 2019).

So who is responsible for doing something about it?

Workplaces are often significant contributors to carbon emissions but also innovators to combat these same changes. Government has established policy and goals yet many argue these do not go far enough. Climate change paralysis is problematic and is in part attributed to a lack of understanding of agency and responsibility. This exploratory paper presents an initial snapshot of NZ workers through a survey of unions’ members to identify the level of climate crisis awareness, any responses by organisations, and the role of Just Transition.

Women paramedics’ experiences of gender-based violence at work

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Paramedics play a critical role in Australia’s healthcare and emergency sectors as the primary providers of pre-hospital and out-of-hospital emergency care and patient transport. Paramedics have the highest risk of injury of any occupation in Australia and a fatality rate six times higher than the average for all occupations (Maguire et al. 2014). Workplace violence is a leading cause of injury and fatality among paramedics, with studies suggesting up to 90 percent of paramedics have been exposed to violence at work (Maguire et al. 2018; Alexander et al. 2004). Within the literature on violence against paramedics, no studies have explored the specific issue of gender-based violence or attempted to document women paramedics’ experiences of violence at work. This paper seeks to build our knowledge of women paramedics’ experiences of gender-based violence in the workplace. It reports on findings from the first in-depth study of the working lives of women paramedics, anywhere in the world. A case study of a large Australian ambulance service was conducted involving semi-structured interviews with 30 female paramedics, three senior corporate managers and three representatives from paramedic trade unions. The study was informed by Joan Acker’s (1990) theory of gendered organisations which argues that the structures and processes in organisations are gendered in ways that reinforce women’s ongoing subordination. The paper finds that all women paramedics interviewed had experienced or witnessed violence and/or harassment from patients or colleagues in the course of their work. The paper examines the negative consequences of violence for the women and the organisation and considers the responses by the women themselves, the organisation and government.

References


Employment plays a central role in an individual’s human and social capital (Skardhamar & Telle, 2012). It also contributes significantly to the economic and social fabric of our society. However, for ex-offenders’ employment can be very elusive. Within the Australian context, ex-prisoners have the highest rates of unemployment of any group despite the fact that ex-prisoners with sustainable employment are much less likely to reoffend (Hopkins, 2012; Skardhamar & Telle, 2009). Similarly, around 2/3 of ex-prisoners who return to prison are unemployed at the time they commit an offence (ABS, 2017) and many struggle to re-enter into sustainable work post release.

The economic and social benefits of reducing recidivism, both in Australia and overseas, have been well articulated elsewhere (Productivity Commission, 2017) Issues that attract less attention include the significant systemic (ie housing, finances, suitable clothing, transport) and personal barriers (ie family and social relationships, physical and mental health and lack of employability skills that ex-offenders face (Baldry & Maplestone, 2003; Metcalf et al, 2001).

This paper focuses on the significant legal and policy barriers which shape social and business attitudes to ex-offenders. This paper specifically investigates the requirement to disclose a criminal record and the limitations of spent convictions in Australia. It provides both an overview of the literature and an insight into the lived experience of reoffenders approach to disclosure and employer’s responses to these admissions.

References


The workplace–domestic violence nexus: barriers to workplace responses outside of large cities

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The relationship between domestic and family violence (DFV) and the workplace has received increasing attention across many countries of the global North in recent years (e.g. MacGregor et al. 2017, McFerran 2016, Westmarland 2017). In Australia, workplace responses to DFV, and in particular specific leave provisions for DFV, have been subject to public debate (e.g. Stanford 2016). Yet the academic literature on DFV and work is remarkably silent on what this relationship looks like outside of large cities. This paper draws on interviews with experts from the Gippsland region of southeast Victoria whose professional role relates in some way to DFV. In doing so, it draws attention to the specific barriers and challenges to workplace responses to DFV that exist in non-metropolitan contexts. Drawing on theory from feminist geography (e.g. Pruitt 2008), feminist approaches to work and gendered organisations (e.g. Pocock et al. 2012), and feminist theory on violence (e.g. Harris 2016) to frame the data, this paper places DFV in its social and spatial context. Overall, it argues that while there are continuities between metropolitan and non-metropolitan experiences, the specificities of rural and regional life mean that workplaces in these locations face additional challenges to addressing DFV. In spite of these challenges, several opportunities and initiatives are identified going forward.

Reference list


Political CSR at the coalface – The roles and contradictions of multinational corporations in developing workplace dialogue

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Political CSR scholarship has highlighted the role of firms in the development of global standards to protect labour and human rights in their supply chains in the absence of government regulation. While attention has mainly focused on dialogue between MNCs and civil society actors at the transnational level, we draw on insights from Industrial Democracy to understand the role of MNCs in enabling dialogue with affected workers at the “coalface” where labour rights violations occur. Drawing on a qualitative study of the introduction of workplace dialogue in Bangladesh apparel factories, we highlight how MNCs utilized their role as lead actors in the supply chain to act as guarantors, capacity-builders and enforcers for workplace dialogue. Our findings show how dialectical tensions emerge from what we term the structural antagonism of the supply chain relationship, which reveals the contradiction between brands using their structural position in the supply chain to both develop workplace dialogue to improve labour standards and to put downward pressure on labour standards to secure their commercial interests. Confrontation with these tensions has the potential to repoliticize pCSR processes, because it foregrounds the political dynamics of CSR.
The contribution of skilled labour development to the Cambodia’s economy

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Skilled labour shortages and skills gaps are purportedly a bottleneck to Cambodia’s socioeconomic development (Khieng, Madhur and Chhem 2015; Madhur 2014; HRINC 2010; Bruni, Luch and Kuoch 2013; NEA 2018). Against this backdrop, theoretical and empirical studies have suggested increasing the pool of skilled workers by equipping young people and existing workers with labour market-relevant knowledge and skills as an ideal solution. However, the contribution of this promising skilled labour increment to Cambodia’s industrial sector and overall economy has rarely been investigated. This study therefore set out to identify the contribution of skilled workforce development to the Cambodian economy at the industrial and national level using primary survey data collected from 101 firms and secondary data of ADB (2018) and NIS (2018). Descriptive statistical analysis was used to examine the contribution at the industrial level, while computable general equilibrium modelling was employed to quantify the contribution to the national economy. At the industry level, the study verified the significant role of skill development programs in firms’ technological transformation, but not their growth. Firms’ growth could be driven by other factors such as market demand and government wage policy. At the national level, simulated increases in skilled labour supply – of professionals by 30 percent and of technicians by 20 percent – would stimulate economic growth by 1.5 percent. Higher skilled labour supply might transform the economic structure from agriculture-based to industry- and service-based economy. In terms of social welfare effects, skills development would benefit better-off households more than poorer households, but have positive welfare outcomes for society as a whole.

References

Unions and Social Benefit Provision: Can Australia Learn from the Ghent Model?
Prof. Russell Lansbury, Work and Organization Studies, University of Sydney

Involvement by trade unions in the organisation and delivery of important social services (including unemployment insurance and pensions) is a hallmark of the “Ghent” model of industrial relations, common in Nordic countries and Belgium. The model supports very high levels of union membership, and contributes to a broad social legitimacy for trade unions – which in turn supports unions’ other functions (including representation and collective bargaining). The historical origins, main features, and effects of this practice are described, along with a discussion of challenges facing the model arising from sectoral and occupational shifts in the labour market, employment precarity, and other pressures. Finally, the presentation considers whether linking unions to social program delivery (for example, through the industry superannuation system) might support a rejuvenation of union membership and legitimacy in Australia.
New Approaches to Industry and Sector Bargaining in New Zealand

Avalon Kent, New Zealand Council of Trade Unions

New Zealand is currently engaging in a process of developing policy and law on a new form of industry and/or sector level bargaining, to establish tailored minimum standards for a particular industry/sector, which will build on New Zealand’s generalist national code of minimum employment rights. In addition, New Zealand is embarking on a collective bargaining approach to pay equity claims which could also act as a form of industry and/or sector level bargaining. The development of these two systems, how they will interact with each other, and other wage setting tools, will be discussed.
Unions and Industry 4.0: Comparing Europe and Australia

Andrew Dettmer, National President, Australian Manufacturing Workers Union

Epochal advances in manufacturing technology (including automation and robots, the internet of things, and new approaches to supply chains and logistics) will inevitably lead to equally far-reaching changes in the nature of manufacturing work. The quantity, quality, location, and skill requirements of manufacturing work are already changing dramatically. Unions need to understand, prepare for, and position themselves to benefit from these changes, lest new technology be applied in ways that further de-skill and de-unionise manufacturing work. Drawing on case studies of bargaining, sector collaboration, and industry policy making in Germany and Australia, this presentation will highlight the shortcoming of the unilateral, business-driven approach to Industry 4.0 currently dominant in Australia. Key lessons from the more successful German experience include the need for intensive union-management negotiation and codetermination, planned and integrated strategies for vocational education and training, and a macroeconomic commitment to full employment and targeted industrial policy.
The Economics of Union Free-Riding and the Diversity of International Solutions

Jim Stanford, Director and Economist of Centre for Future Work, the Australia Institute

Australia’s labour laws provide full protection to free-riders: individuals who benefit from the provisions of union-negotiated contracts (which by law must apply equally to all workers covered by them) but choose not to contribute to the costs of their negotiation or administration. In the classic free rider problem recognised in economic theory, inability to recoup costs for a product’s provision will result in the undersupply of that product, and the potential collapse of production. Most industrial jurisdictions have implemented provisions of various kinds to address this problem in industrial relations and provide sustainable revenue sources to fund collective bargaining processes. Those international practices are surveyed and categorised, and potential applications to the Australian case are considered.
Skills, Technology and Transition: Lessons from the Nordic Countries

Andrew Scott, Professor of Politics and Policy, Deakin University, and Convenor, Nordic Policy Centre

Major shifts in employment patterns – across sectors, occupations and regions – are a constant feature of modern labour markets. Those transitions can occur in more or less humane and efficient ways, depending on whether active policies are leveraged to support workers, employers and industries in adapting to change and taking advantage of new opportunities. The imperative to better manage industrial transitions is all the more pressing, of course, in light of the necessary shift toward a carbon-neutral, sustainable economy. With their emphasis on active labour market policy, strong regulation of employment standards, high-quality investments in skills and innovation, integrated vocational planning, and comprehensive social solidarity, the Nordic countries exemplify an approach to skills and transition that works. Indeed, many industrial transitions have already occurred in Nordic countries, yet they maintain strong labour market and social outcomes. This presentation will identify key lessons from the Nordic experience, illustrated with reference to specific case studies, with an eye to potential applications to the more laissez-faire transitions occurring in liberal market economies such as Australia.
You can’t say, “I’m not going to do a sleepover”: organising labour intensive workforces

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Theories of mobilisation and organising seek to understand the conditions unions need to organise the un-organised (Barnes & Markey 2015; Kelly 1998). Organising new workers into unions is pressing as the fragmentation of work sees an increasing number of workers in precarious employment (Martínez Lucio, Marino & Connolly 2017). Accepting the principle that workplace injustice continues to provide an entry point for collective action, Holgate, Simms and Tapia (2018) argue union mobilisation and organising are two distinct processes. In this analysis mobilisation remains an effective choice for unions where infrastructure resources can be activated to manage workplace grievances. Organising denotes the need to establish union infrastructure around workplace grievances to generate conditions of collectivism and union culture.

This distinction is relevant to unions organising social support and care workforces in Australia. Labour and employment conditions for these workers are poor. Marketisation of services continues to marginalise and under value an already under resourced group of workers (Cortis 2017; Macdonald & Pegg 2018). Unions seeking to organise these workers face strategic and structural challenges.

A feature of the provision of disability support services is the overnight, ‘sleepover’, shift. This shift is poorly remunerated and not counted as hours worked. Drawing on semi structured interviews this paper will apply organising as presented by Holgate, Simms and Tapia (2018), to explore why workers with deficient work and employment conditions continue to perform this role and what conditions unions need to organise around these injustices.

Towards an integration of mobilisation theory and the Marxist theory of the trade union bureaucracy and rank and file

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John Kelly’s mobilisation theory (1998, 2018) provides a useful framework for analysing the mechanics by which workers mobilise. While celebrated abstractly, the theory has been applied to industrial disputes only rarely (Gall 2018). The Marxist theory of the trade union bureaucracy and rank and file (Darlington and Upchurch 2012; Bramble 2005; Tierney 2017), itself under-utilised, provides resources for investigating intra-union relations. This can be key to understanding the dynamics of workers disputes, particularly during periods of deep and sustained working-class struggle. This abstract proposes that mobilisation would have better explanatory power if it integrated insights from the Marxist theory of the trade union bureaucracy and rank and file (Darlington and Upchurch 2012; Bramble 2005; Tierney 2017). This could assist in answering why trade union leaders sometimes mobilise workers, and sometimes demobilise them, an how trade union officials demobilise workers, for example, by arguing against a strategy involving strike action? These important questions are not accounted for by mobilisation theory, which assumes that union leaders – whether union officials or rank-and-file leaders – will always seek to mobilise workers. This paper uses the case of trade unionism in the Pilbara iron ore industry from the 1960s to the 1980s to explore these questions.

References


Organising and union renewal in Australia’s agricultural sector: Farm workers fight back.

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Farm workers in Australia are often presented as victims, battling with issues such as underpayment of wages, exploitation, and bullying. While this is undoubtedly one part of the picture, another important part has received scant attention in both the academic literature and public debate more broadly: that of migrant farm workers as agents, fighting back and improving their wages and conditions through unionisation and collective action. This is precisely what a number of farm workers in Victoria, backed by their union, the National Union of Workers (soon to be United Workers Union), have done. Recently they have put pressure on major supermarket chains by public forums, and protests in shopping centres (National Union of Workers 2019). This research adds another dimension to the discussion of underpayment of wages issues (Howe et al 2019). It also offers insights for union renewal more broadly. Based on interviews and document analysis, this paper will focus on the strategies of union activists in Victoria, challenges of unionising and how these can be overcome. It will seek to connect these developments to recent analysis of broader union renewal strategies.

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National Union of Workers 2019, Farm workers speak out, National Union of Workers.
A Broader Role for Unions in New Zealand?
Kerry Davies, National Secretary, New Zealand Public Service Association

A number of recent developments have opened new space for New Zealand trade unions to exercise new levers of power, and extend their potential influence and leverage beyond the traditional areas of workplace representation and bargaining. These include a precedent-setting wave of equal pay decisions, and the efforts of the new Labour government to reform labour laws in some key areas: including contemplating certain forms of sectoral bargaining, and developing new standards for workers in precarious or contractor positions. In many of these cases, unions would be ascribed an institutional role in implementing and enforcing relevant changes (such as the phasing in of pay equity settlements or the enforcement of minimum standards), the establishment of a Future of Work Tripartite Forum and could achieve a stronger and more legitimated status as fuller partners in labour market management. These initiatives could therefore contribute to a stronger organisational and social foundation for trade unionism in New Zealand. This presentation will consider both the opportunities and the challenges facing unions in these reform initiatives.
A Broader Role for Unions in New Zealand?

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Panel 1: How wide, how far? Bargaining Scope, extension mechanisms and interaction of collective agreements with other wage setting tools

‘Sector-Wide Bargaining: Problems and Prospects in the Australian Case’

Tom Roberts, Director of Legal, Research and Policy at the Australian Council of Trade Unions.

Collective bargaining is in serious decline in Australia. The rules for enterprise level bargaining are complex. The role of the Fair Work Commission (FWC) in assisting parties to conclude agreements is minimal. Formal restrictions in the legal framework limit both the level at which the parties can negotiate and the content of agreements themselves. At the 2019 federal elections, Australian unions campaigned for a new bargaining system. They argued for a less complex system where unions had the right to negotiate across sectors, with multiple employers and economic decision-makers at the top of supply chains. They sought to confer a role for the FWC to actively promote agreements and in appropriate circumstances, arbitrate a resolution of bargaining disputes. Post-election, there seems to be no political interest in reimagining an Australian bargaining system, but the associated problems remain. This paper will examine the options for a new system that will build on the unique development of bargaining and other wage fixing mechanisms in the Australian industrial system.
Unions and the Evolution of Trade and Industry Policy under the Ardern Government
By Dr. Bill Rosenberg, former Economist, NZ Council of Trade Unions

New Zealand’s structural development has been dominated for the last generation by a strongly neoliberal, market-focused orientation. The country has signed several neoliberal free trade agreements, largely abandoned active industrial or sectoral policy, watched the steady decline of higher value manufacturing, largely liberalised international investment and capital regulations, and failed to significantly diversify its exports, retaining high dependence on a few primary commodity exports (especially agricultural products). The new Labour government has demonstrated its willingness to at least partly break with neoliberal precepts in other policy areas; this paper will survey its cautious approach to date in industrial and trade policy reforms. Will this area of economic policy-making provide an entry point for New Zealand unions to enhance their members’ role and influence in economic policy-making?
Proposed symposium stream for AIRAANZ 2020:

‘Rethinking the Future of Work: Taking employment relations to the centre of the debate’

Rae Cooper, Mark Stuart, Tony Dundon

The Future of Work has become central in public policy, social partner and business debates on a global scale. It is almost impossible to open a quality newspaper or a policy briefing without observing some headline concern that automation and or AI will result in the either the radical recasting of jobs and industries or even ‘the end’ work. However, these debates and are often disconnected from the current context or the ‘present of work’, they tend to be bereft of theoretical understanding, and are largely ignorant of broader research evidence impacting technological job displacement and development in a more historically informed way.

At AIRAANZ 2020, we propose a small and tightly focussed stream, consisting of just three papers (Cooper, Dundon and Stuart – with co-author colleagues) drawing upon three research projects on foot at present with an explicit focus on the future of work - to begin a research dialogue which might allow us to attend to the significant tensions and gaps in the extant research and debate. We intend to focus on the following issues:

- How can we build a **conceptual framework**, or do we already have the tools from our tradition, for understanding the Future of Work (Inversi 2017, Kochan 2016);
- How can our research about **workplace regulation** inform our thinking about the Future of Work? For example, how might, and can we, regulate new work platforms to provide for decent work (Forde et al 2017, Howcroft 2019);
- How can our research on **workplace inequalities** in workplaces now inform our thinking about the Future of Work? For example, how might the gender inequalities be reduced or amplified in the future of work (Baird at al 2018)
• All of this will be underpinned by asking how, as scholars in Employment Relations, we might more **meaningfully engage with policy makers** and social partners about Future of Work debate and action.

**References**


Tim Kennedy
National Secretary, United Workers Union

New Models of Unionism for a New Economy: Australia’s United Workers Union

The National Union of Workers and United Voice have joined to form a new union, the United Workers Union, to strengthen their shared capacity to respond to the challenges of precarious work, fragmented workplaces, and a hostile legal and regulatory regime. This presentation will introduce the rationale and process that led to the UWU: including the new union’s hopes, plans, and structures. It will also discuss the founding unions’ experience with innovative organising models in recent years (including new strategies to wield leverage in supply chains), and how that innovation will be fostered in the new organisation.
Analytical angles on the Danish ‘Model’ of employment relations

In recent years, Denmark has become something of a media and political favourite and Danish approaches to economic, social and employment relations have gained international attention. This presentation will focus on the Danish ‘Model’ of employment relations and highlight three crucial research angles: the links between different levels of negotiations/bargaining, the role of employee participation structures and the role of employers and their associations. The presentation will also provide a brief overview of ‘flexicurity’ that has often been associated with the economic success of the Danish economy. While some positive features of the Danish system are promoted the presentation also points out – in a typical Danish fashion – that there is ample room for improvement and the current success is constantly in danger of evaporating.
ABSTRACT: Little is known about the effects of flexibility stigma on employee outcomes. Using stigma theory, this study investigates the effect of flexibility stigma on employee wellbeing and turnover intentions. This study also investigates a mediating effect of FWP usage in this relationship. Using survey data from 293 employees of an Australian for-profit organisation, this study finds full support for the hypotheses that flexibility stigma has a negative effect on employee wellbeing and positive effect on turnover intentions. Full support for a negative effect on employee FWP usage is also found. Moreover, the results also support the hypothesis that FWP usage partially mediate the relationship between flexibility stigma and employee outcomes. Theoretical, research and practical contributions are discussed.

Keywords: Flexibility stigma, FWP usage, wellbeing, turnover intentions.

Workplace practices designed to assist employees to balance various domains of their lives have become a topic of considerable interest to both researchers and practitioners. Among various work-life practices (e.g. flexible work schedule, maternity leave, unpaid and paid paternal leave, adoption assistance, on-site child care, childcare resource and referral), flexible work practices (FWPs) are increasingly used by employers to assist workers in integrating their work and personal life commitments (Hill et al., 2008; Brough & O’Driscoll, 2010; Galinsky, Bond & Sakai, 2008). A number of studies from UK, USA and Australia have identified a distinct incongruity between the availability of FWPs in an organisation and actual usage (Blair-Loy, Wharton, & Goodstein, 2011; Skinner & Pocock, 2014; Tipping, Chanfreau, Perry, & Tait, 2012). According to Australian Work and Life Index (AWALI report, 2014) around 24% of the survey respondents did not request for any of the FWPs although they were not content with their current employment arrangements (p.43). Prior research has supported that employees might not always feel free to use various work-life policies formally written on the organisational documents (Blair-Loy, 2003; Blair-Loy et al., 2011). The term
flexibility gap is used by Chung (2018) to explain the gap between the demand and actual usage of family-friendly policies. One of the key reasons identified behind this flexibility gap is the stigma from co-workers and managers related to flexible working as well as the perceived negative career consequences experienced by individuals using various FWPs. (Chung, 2018; Williams, Blair-Loy, & Berdahl, 2013). Flexibility stigma was found to have a negative effect on employee health, wellbeing, job satisfaction, work-life balance and turnover intentions (Cech & Blair-Loy, 2014; Cech & O’Connor, 2017; Chung, 2018). Stigma mechanism may affect employee outcomes via the usage of FWPs by employees.

This study advances the field of FWP literature in three ways. **Firstly**, using stigma theory (Jones et al., 1984) this study will explain the effects of stigma on various employee outcomes. **Secondly**, the indirect effect of FWP usage may elevate or reduce the effect of stigma on employee outcomes which is a missing link in the literature. **Finally**, the findings will stimulate awareness of hidden stigma in the workplace and thus facilitate organisations to create a favourable workplace culture for all employees.

**THEORETICAL BACKGROUND AND HYPOTHESES**

**Flexibility Stigma and Employee Outcomes**

The term *flexibility stigma* is used to describe ‘negative sanctions toward employees who ask for or are assumed to need workplace arrangements to attend to family and personal obligations’ (Cech & Blair-Loy, 2014, p. 89). This negative attitude arises from the concept of ‘ideal worker’ norm where the workers who use various FWPs are assumed to violate this norm (Perrigino, Dunford, & Wilson, 2018; Williams, 2000) and thus subject to stigmatisation. Ideal workers are expected to work long hours with total allegiance to the organisation and minimal interference from family responsibilities (Blair-Loy, 2003; Coltrane, Miller, Dehaan, & Stewart, 2013; Williams, 2000). Workers who use various FWPs for personal and family reasons are viewed as less committed, less productive and thus less professional (Cech & Blair-Loy, 2014; Cech & O’Connor, 2017; Chung,
2018; Epstein, Seron, Oglensky, & Sauté, 1999) and subject to various penalties such as negative performance appraisals, lack of career progress (Casper, Weltman, & Kwesiga, 2007; Hoobler, Wayne, & Lemmon, 2009), hiring discrimination (Acker, 1990) and co-worker dissatisfaction (Golden, 2007). The perception of flexibility stigma in the workplace is associated with lower levels of job satisfaction, work-life balance, wellbeing, job engagement and increase work-life spillover, stress and other health problems (Boyce, Ryan, Imus, & Morgeson, 2007; Cech, 2018; Cech & Blair-Loy, 2014; Cech & O’Connor, 2017).

Stigma theory (Jones et al., 1984) is used as a framework to predict the relationship between flexibility stigma and employee outcomes. Stigma is defined by Ragins, Singh, and Cornwell (2007) as ‘socially undesirable, deviant or repulsive characteristics that discredit or spoil an individual’s social identity (p. 1104).’ According to Jones and colleagues, stigma initiates the attributional process, in which an individual's behaviour is interpreted and responded by others based on their stigma related to that behaviour. Stigma shapes an individual's identity, cognitions and behaviours in the workplace and other social environments (Levin & van Laar, 2006; Miller & Major, 2000; Ragins et al., 2007).

Stigma theory seeks to explain how certain characteristics or experience is perceived by others as a stigma in a particular environment and the psychological and interpersonal effects of such stigmatisation (Crocker, Major, & Steele, 1998). Stigma generally stimulates negative attribution about an individual which leads to discrimination and devaluation. The effect of such stigma is twofold: firstly, employees will feel strained as they are unable to manage the personal and family demands. Secondly, they might put on an extra effort to signal their commitment and devotion to work. In both situations, there is a consequential negative effect on their wellbeing and positive effect on their intention to quit the stressful environment.

Past empirical evidence suggests that perceived stigma in the workplace has negative effects on employee satisfaction, engagement, work-life balance, general health and positive effect on turnover intentions (Cech & Blair-Loy, 2014; Cech & O’Connor, 2017; O’Connor & Cech, 2018). Thus it is proposed:
Hypothesis 1a. Flexibility stigma is negatively associated with employee wellbeing.

Hypothesis 1b. Flexibility stigma is positively associated with employee turnover intentions.

Evidence from prior research suggested that both men and women value workplace flexibility equally but are reluctant to use FWP policies because of the fear of career damage, lower earnings and lower performance evaluations (Blair-Loy, 2003; Blair-Loy & Wharton, 2004; Vandello, Hettinger, Bosson, & Siddiqi, 2013). Perception of flexibility stigma in the workplace discourages employees to utilise such practices because of the fear of marginalization and devaluation. The presence of flexibility stigma in the workplace acts as a deterrent to FWP usage even though such practices are available in national and corporate policies (Chung, 2018). The use of various work-life policies and schedule control by an individual itself is not stigmatised rather the reason why individuals use such policies triggers the negative sanction. Individuals who seek work-life accommodations for family reasons are stigmatized more than for managing individual and business needs such as personal health and to increase work performance (Berdahl & Moon, 2013; Leslie, Manchester, Park, & Mehng, 2012). FWP usage, especially for family or personal reasons, is viewed as a violation of ‘ideal worker norm’ and attracts career repercussions and stigmatization from managers and co-workers. Awareness of stigma makes the work environment stressful for the employees who require schedule arrangements for balancing work and non-work demands (Cech & O’Connor, 2017). As a result, they are unlikely to take advantage of various FWPs even though they are entitled to because of hidden and subtle stigma (Blair-Loy & Wharton, 2002). Prior empirical evidence conceptualised stigmatisation focusing primarily on the individual experience of penalties associated with various FWP usage and thus restrain individuals from using such practices (Blair-Loy & Wharton, 2002; Perrigino et al., 2018). Thus it is proposed:

Hypothesis 2. Flexibility stigma is negatively associated with FWP usage.
Mediating Role of FWP Usage

Past research has not tested the mediating role of FWP usage in the relationship between flexibility stigma and employee outcomes such as wellbeing and turnover intentions. However, because flexibility stigma is associated with FWP usage, it serves as an important mediating mechanism between flexibility stigma and employee outcomes. Individuals who perceive stigma related to the usage of FWPS, will not take advantage of such practices which will negatively affect their wellbeing and positively affect their intention to quit the organisation. Flexibility stigma, of course, may impact employee outcomes through other mechanisms such as managerial support, co-worker use, parental status, gender (Cech & Blair-Loy, 2014; Chung, 2018; Chung & van der Horst, 2018). Thus it is proposed:

Hypothesis 3a. FWP usage partially mediates the relationship between flexibility stigma and employee wellbeing.

Hypothesis 3b. FWP usage partially mediates the relationship between flexibility stigma and employee turnover intentions.

Insert Figure 1 about here

METHODS

A cross-sectional research design was used to test the predictions. Data were collected through an employee survey administered in 2019 in a renowned Queensland organisation which operates in the financial and insurance service industry.

Sample and Data Collection

The population of the study comprises employees of for-profit organisations in Australia. The initial sample frame was 2300 employees of the participating organisation. The study samples all employees from all 11 business divisions of the respective organisation. In mid-January 2019, an online survey link was sent to the HR representative of the organisation to forward to all employees.
Data collection was conducted for 3 weeks from mid-January to the first week of February. The final sample is 293. The survey response rate is 12.74% including only fully completed responses. Partly completed responses (198 in this case) were not included. The low employee response rate can be attributed to factors such as over-surveying of employees which results in survey fatigue (Baruch & Holtom, 2008; Weiner & Dalessio, 2006), sensitivity of the research topic (Rogelberg & Stanton, 2007) and possible non-relevance of the study topic for many employees (Baruch & Holtom, 2008).

Measures

Predictors

Flexibility stigma was measured using a three items scale developed by Cech and Blair-Loy (2014) with a reported reliability of 0.66. The Cronbach’s alpha for the current study is 0.67. A representative item of the scale is “Female employees who have young or school-aged children are considered to be less committed to their careers than colleagues who are not mothers.” Responses were reported on a 5-point Likert scale ranging from 1 (strongly disagree) to 5 (strongly agree). The mean of the responses to the three items indicated the level of perception of perceived stigma in respondents where the higher score demonstrated higher levels of stigma.

Outcomes

Employee wellbeing was measured using a three items scale to represent distress developed by Nomaguchi, Milkie, and Bianchi (2005). Distress includes three items asking employees, for example, “How often are you bothered by minor health problems such as headaches, insomnia, or stomach upsets?” Responses were categorized on a 5-point Likert scale ranging from 1 (very often) to 5 (never). Cronbach’s alpha for these three items was 0.74 for the original study and 0.78 for the current study. The mean of the responses to three items indicated the level of wellbeing of a respondent where higher score refers to greater wellbeing.

Employee turnover intentions was measured using a three items scale used by Brough et al. (2014) with a reported reliability of 0.85. The Cronbach’s alpha for the current study is 0.89. A
representative item of the scale is “How often do you actively look for jobs outside your current job?” Responses were measured on a 5-point Likert scale ranging from 1 (never) to 5 (almost always). The second item of the scale is “how likely are you to leave your job in the next six months?” which was coded using 1 (very unlikely) to 5 (very likely). The mean of the responses to three items indicated the level of turnover intentions where the higher score demonstrated higher levels of turnover intentions in respondents.

**Mediator**

Usage of FWPs was measured using 12 items. Eight items such as flexitime, part-time work, casual work, compressed work-week, part-year work, job sharing, teleworking, voluntary reduced time were borrowed from Kossek and Michel (2011). Four items such as flexible holidays, purchased leave, ad hoc flexibility and time off in lieu were added as per the participating organisation’s FWP policy which was designed according to the national policy. Respondents selected the types of practice they have used in the past 12 months. The response options were yes (1) or no (0). An FWP usage score was calculated by adding the total number of “yes” responses for each item. The maximum score for usage is 5 while the minimum is 0.

**Controls**

The analyses controlled for the effects of several demographic variables such as age, gender, salary, tenure, partner status, caring responsibility and managerial responsibility which might have an effect on employee FWP usage and work outcomes (Chen & Fulmer, 2018; Lambert, Marler, & Gueutal, 2008; Leslie et al., 2012; Richman, Civian, Shannon, Hill, & Brennan, 2008). Several dummy variables are created for gender (0=male, 1=female), partner status (0=no partner, 1=with a partner), managerial responsibility (0=no managerial responsibility, 1= with managerial responsibility) and caring responsibility for anyone other than own children (0=no, 1=yes). Tenure is a continuous variable measured in years. Age is a categorical variable used to create two dummy variables: age under 35 years and age over 45 years. The reference group is 35 years to 45 years. Two dummy
variables for salary are also created for a salary under 55k and salary over 100k while 55k to 100k is the reference group.

**RESULTS**

Table 1 presents the means, standard deviations and correlation coefficients for all variables. There is low to moderate correlations between the variables.

Insert Table 1 about here

We used hierarchical multiple regression to test H1a, H1b and H2. To test H1a, employee wellbeing was regressed on control variables and flexibility stigma (see Table 2). The results indicate that flexibility stigma has a significant negative effect on employee wellbeing ($B = -.133, p < .05$). Thus, H1a is fully supported. To test H1b, employee turnover intentions was regressed on controls and flexibility stigma (see Table 2). The results indicate that flexibility stigma has a significant positive effect on employee turnover intentions ($B = .188, p < .05$). Thus, full support for H1b is found. To test H2, FWP usage was regressed on control variables and flexibility stigma (see Table 2). The results indicate that flexibility stigma has a significant negative effect on FWP usage ($B = -.141, p < .05$). Thus, H2 is fully supported.

Insert Table 2 about here

To test the mediation hypothesis H3a and H3b, we used the Process macro (Hayes, 2018) which uses ordinary least square regression including the bootstrap method for inferences. The simple mediation model (Model number 4) of the process macro was used to test H3a and H3b. The analysis controlled for gender, age, partner status, salary, tenure, managerial responsibility and caring responsibility. Table 3 presents the results of the analysis with detailed total effects, direct effects and indirect effects. The results indicate that flexibility stigma had a significant negative effect on
employee wellbeing via FWP usage ($B = -.021, LLCI -.053, ULCI -.001$). The results also indicate that flexibility stigma had a significant positive effect on employee turnover intentions via FWP usage ($B = .035, LLCI .004, ULCI .076$). As the 95% bootstrap confidence intervals based on 5000 samples did not include a zero, it can be said that FWP usage partially mediated the negative relationship between flexibility stigma and employee wellbeing as well as the positive relationship between flexibility stigma and employee turnover intentions. Thus, full support for H3a and H3b is found.

DISCUSSION

The main objectives of this study were to investigate whether: flexibility stigma is negatively associated with employee wellbeing and positively related to turnover intentions, flexibility stigma is negatively associated with FWP usage, and FWP usage mediates the relationship between flexibility stigma and wellbeing and turnover intentions. The findings of this study provide some evidence for these relationships.

Direct Effects

This study found full support for a negative relationship between flexibility stigma and employee wellbeing was found. The findings of this study contribute to the work-life literature by advancing the knowledge of the effects of workplace flexibility stigma on employee outcomes. The results indicate that employee wellbeing will be negatively affected if they perceive stigma regarding the use of various FWPs. This result is consistent with prior research that found a negative relationship of flexibility stigma with stress, minor health problems, sleep quality, negative work-life spillover and psychological health (Boyce et al., 2007; Cech & Blair-Loy, 2014; Crocker, 1999; Major, Quinton, & McCoy, 2002).
This study also found full support for a positive relationship between flexibility stigma and employee turnover intentions. The findings of this study will extend the scholar’s understandings of the effects of the workplace flexibility stigma on employee outcomes. The results indicate that employees who perceive flexibility stigma will be more likely to consider leaving the job. This result is consistent with previous research that found a positive relationship between flexibility stigma and employee turnover intentions (Cech & Blair-Loy, 2014; Stone & Hernandez, 2013).

This study found full support for a negative relationship between perceived flexibility stigma and FWP usage as hypothesized. The results of this study again advancing knowledge of the effect of flexibility stigma on employee FWP usage. The result indicates that employees who perceive the existence of stigma at the workplace are feeling discouraged to use such practices. The use of FWPs will be viewed as a signal of low commitment by managers which will lead to negative career consequences. Employees who use FWPs for family or personal reason is assumed to violate idea-worker norms and thus attract career penalties. As a result employees will be demotivated to take advantage of such practices. This result is consistent with prior studies that found a negative relationship between flexibility stigma and FWP usage (Kirby & Krone, 2002; Leslie et al., 2012; Perrigino et al., 2018).

**Mediation Effects**

This study found partial support for the mediation effects of FWPs. The results of this study provide pioneering evidence for the effects of flexibility stigma on employee outcomes: negative effect on wellbeing and positive effect on turnover intentions via FWP usage as a mediator. In other words, flexibility stigma determines FWP usage which in turn leads to higher employee wellbeing and lower employee intention to quit the organisation. Although no prior research has tested such mediation effects, the findings are consistent with some past research that found negative effects of stigma on employee usage of FWPs. Employees, especially men, are reluctant to use FWPs although they need and are supportive of the policies (Cech & Blair-Loy, 2014; Kirby & Krone, 2002; Vandello et al., 2013).
Theoretical Contributions and Research Implications

The results of this study have various theoretical and research contributions. The findings support the argument of stigma theory (Jones et al., 1984) which explains the effects of stigmatisation of certain behaviour in an organisation and its subsequent effects on employee outcomes. FWP usage is viewed by others as deviant behaviour. The study’s finding extends the stigma theory by suggesting that all employees who use FWPs are subject to negative sanction irrespective of their motive for such usage (Cech & O’Connor, 2017).

This research will advance the understanding of the complex dynamics of work redesign and the effects of various contextual factors. Additional contextual factors such as length of FWP usage, nature of FWPs used, co-worker usage, tenure, managerial responsibility, employee gender and lifestyle can help to understand whether these models differ in various organisational and cultural settings (Cech & Blair-Loy, 2014; Lambert et al., 2008).

Practical Contributions

This study has several practical implications as well. The findings will assist employers to understand the significance of the hidden stigma in the workplace which prevents the usage of available work-life policies by employees. This knowledge will help to foster a favourable work climate for all employees (Cech & Blair-Loy, 2014). Additionally, employers can understand how stigmatisation affect work behaviour and the coping strategy of the stigmatised individual (Boyce et al., 2007) which will help in effective utilisation of the employees (Chung, 2018). On the other hand, employees who are not currently utilising any FWPs and thus not affected by or aware of any stigma in the workplace but intend to use them in future can advocate for favourable workplace culture.
LIMITATIONS

This study has a few limitations. Firstly, the analysis relied on cross-sectional data which is a threat to causality (Eaton, 2003). Longitudinal data may provide a different result as the length of policy use can reduce stigma (Cech & O’Connor, 2017). Secondly, the study did not take into account the parental status of the respondents which is strongly related with flexibility stigma as evident from prior research (Chung, 2018) although there are strong counter-argument that flexibility stigma affects all employees irrespective of gender or parental status (Cech, 2018; Cech & Blair-Loy, 2014; Cech & O’Connor, 2017). Finally, this research did not take into account a few demographic factors mentioned in stigma literature such as race, ethnicity as well as various organisational factors such as managerial support, organisation size and type which may influence the relationship between flexibility stigma and employee outcomes differently (Van der Lippe, Van Breeschoten, & Van Hek, 2019).

CONCLUSION

The findings of this study illustrate the importance of understanding the deep-rooted cultural values of work devotion which explains the underutilisation of FWPS in an organisation. The flexibility of work itself is not stigmatised rather the perception of its use for family or personal reason is. The findings of this study will serve as an example that silent and often ignored workplace culture may have serious consequences for everyone. To get the expected benefit of various FWP policies, this silent but important workplace characteristics should be considered by the organisations.
REFERENCES


Kirby, E., & Krone, K. (2002). "The policy exists but you can't really use it": communication and the structuration of work-family policies. *Journal of Applied Communication Research, 30*(1), 50-77.


Figure 1: Research Model

- **H2**: Flexibility stigma
- **H3a & H3b**: FWP usage
- **H1a & H1b**: Wellbeing
- **Turnover Intentions**
Table 1: Means, Standard Deviations and Correlations

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<td>.13*</td>
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<td>-.18**</td>
<td>-.13*</td>
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<td>13. Turnover Intenotions</td>
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*p < 0.05, **p < 0.01
Table 2: Regression Results for Flexibility Stigma and Employee Wellbeing, Turnover Intentions and FWP Usage -H1a, H1b and H2

<table>
<thead>
<tr>
<th>Variables</th>
<th>Wellbeing</th>
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<th>Turnover Intentions</th>
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<th>FWP Usage</th>
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</table>

\(n=293.\)

Unstandardized regression coefficients are reported; *\(p < 0.05\), **\(p < 0.01\).

²Dummy coded, Age 35 to 44 years is the reference group.

³Dummy coded, Salary $55k to $100k is the reference group.
<table>
<thead>
<tr>
<th></th>
<th>Wellbeing</th>
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<th>Turnover Intentions</th>
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<tr>
<td><strong>Total Effect</strong></td>
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<td>Total effect of flexibility stigma (c)</td>
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<tr>
<td><strong>Direct Effect</strong></td>
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<tr>
<td>Direct effect of flexibility stigma (c’ )</td>
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<td>.074</td>
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<td>Controlling for partner status, gender, age, salary, managerial responsibility, tenure, caring responsibility and FWP usage.</td>
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<td><strong>Indirect Effect</strong></td>
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<td>Indirect effect of flexibility stigma via FWP usage</td>
<td>Effect</td>
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<td>ULCI</td>
<td>Effect</td>
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</table>

n= 293. Unstandardized regression coefficients are reported.

Bootstrap sample size = 5000 bias corrected; LL = lower limit, CI = confidence interval, UL = upper limit, level of confidence 95%.
What is just? How do today’s workforce perceive organisational justice?

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Associate Professor Erica French  
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Organisational justice is considered one of the most frequently studied topics in organisational studies (Colquitt & Zipay, 2015). Justice is important in the workplace because it provides a sense of stability, certainty and safety. However, it has been argued that the dominant paradigm in the literature has been one sided: focused on the subordinates’ perceptions of justice without considering the supervisors’ perspectives, even though what constitutes justice depends on both groups (Scott, 2009). This paper explores organisational justice in the workplace by examining the perceptions of both supervisors and subordinates.

Due to the limited research on supervisors’ perceptions of justice, this study takes an exploratory approach. The research framework used for this qualitative research is interpretive, which aims to develop a deeper understanding of concepts and to explore how people construct meaning in a natural setting (Harris, 2002; Creswell & Creswell, 2017). Face to face interviews were conducted with five supervisors and five subordinates. The data were analysed and coded using thematic analysis.

The findings show that supervisors and subordinates perceive justice using completely different lenses. The subordinates defined organisational justice as the ability to communicate their views to their supervisors in matters that affect them and the willingness of their supervisors to listen. They were primarily concerned with informational justice. All the supervisors linked justice to the rewards they get based on their contributions. Equity was their focus. Unlike the subordinates, the supervisors’ main focus was the distributive justice dimension. They did not discuss informational justice at all.

Organisational Justice, justice, injustice, fairness, perceptions of justice, employees’ perceptions, subordinates’ perceptions, supervisors’ perceptions, justice at the workplace, higher education.
Worker Rights and Digital Implant Technology

David Peetz & Georgina Murray

This paper briefly outlines several developments in digital implant (‘neural lace’ or ‘cyborg’) technology, and some of their potential long term implications for work, inequality and society, then considers the implications for collectivism and worker rights of its widespread adoption. Digital implant technology has the potential to create one of two polar scenarios in terms of worker rights and control. One possibility is of heightened authoritarian control. The second possibility is of greater cooperation and democracy across the population at large. That is, if the primary direction of control was outward rather than inward, the spread of cyborg technology would enable people to make simultaneous decisions on a wide range of matters. The first scenario would be the default to which digital implant technologies would tend unless conscious actions are taken to prevent it and to promote the second scenario. Either way, over the very long run ‘individualism’ appears doomed. The key questions to be addressed in this presentation are:

• what are the potential scenarios facing workers and society as a result of this technology?
• what factors, including the responses by collectives of labour or civil society, will determine the scenario more likely to be realised?
• what institutional regulation for worker rights will these require?