

**SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION
LEGISLATION COMMITTEE**

**2004-2005 ADDITIONAL SENATE ESTIMATES HEARING
17 FEBRUARY 2005**

EMPLOYMENT AND WORKPLACE RELATIONS PORTFOLIO

QUESTIONS ON NOTICE

Office of the Employment Advocate

Question Number: W162-05

Question:

Senator Marshall asked at *Hansard* page 5-6:

Please provide a list of the industries so far that have agreed to participate in the three-year longitudinal study of AWAs. Once finalised please provide a list of the participants for this study to the Committee. OEA to provide a copy of the prospectus document which has been made available to organisations contemplating participation in the study.

Answer:

Employers currently listed as participants in the study come from the following industries:

Industry	No. of organisations
Transport	1
Manufacturing	5
Mining	1
Hospitality	1
Health Services	1
Business Services	1

The list of participating employers will be finalised over coming weeks. However, due to the strict requirements of s83BS of the *Workplace Relations Act 1996*, it will not be possible to disclose the names of these organisations.

A copy of the prospectus document is attached.

PROSPECTUS

OEA Longitudinal Study

The Office of the Employment Advocate (OEA) is an agency of the federal government responsible for the approval of Australian workplace agreements (AWAs) - agreements made directly between an employer and individual employees. AWAs are a major part of the Government's workplace relations reform agenda and have delivered significant benefits to both business and employees across Australia.

The OEA is keen to investigate the role that business strategy and human resource strategies play in not only shaping AWA content but the process by which AWAs are introduced and implemented. Of specific interest is the impact that adopting particular strategies has on the quality of outcomes achieved.

What is the Longitudinal Study?

The Longitudinal Study is a three year research project which will involve around 20 medium to large organisations that utilise AWAs. The primary aim of the project is to develop a comprehensive and testable model of how human resources strategies and an organisation's business strategies influence the AWA making process, the impact of the AWA process on the individual agreements, and the important outcomes of these strategies for organisations and employees.

How will the study be conducted?

The study methodology is based around the collection and analysis of a mix of data from participating organisations each year over a period of three years.

In the first year, initial interviews and reviews of documentation such as human resource policies and strategies will enable the researchers to gauge the human resource strategies being pursued by each business and how their agreement making strategy fits with the wider HR strategy. This qualitative data about each organisation will then be measured against various performance indicators including standard HR 'metrics', and business performance indicators. Some of the HR metric data will be collected via relevant information provided by each business (eg. staff turnover), while other metric data will be captured via a specifically tailored employee survey to be delivered by the researchers.

A report around the employee survey and the interviews conducted with management will be provided in each of the three years of the study, with a final report covering the overall picture at each firm. Wherever possible, a relative assessment of how the performance of each organisation compares with other 'like' organisations will be provided.

Who is conducting the research?

The OEA has contracted the services an independent research body comprising a consortium of academics drawn from the business and management schools of four Australian universities. The consortium is headed by Professor Mark Griffin and Dr Alannah Rafferty from the Queensland University of Technology Work Effectiveness Research Program. QUT will be supported in this project by Professor John Cordery of the University of Western Australia, Professor Sharon Parker of the University of New South Wales and Professor Phyllis Tharenou of the University of South Australia.

What types of organisations are required for the study?

Ideally, organisations should be medium to large in size (200+ employees) and have a track record of utilising, for the majority of their employees, Australian workplace agreements (AWAs). In addition, there is a strong preference for head office and the bulk of employees to be based in either of Queensland, New South Wales or Victoria.

What sort of a commitment is required of organisations?

The key commitment will be that of staff time. The involvement of staff (management and employees) will be most intensive in the initial year. Researchers will visit head offices to conduct a survey and an interview (approx 90 minutes) with key executive staff about firm strategy and performance. These interviews will be followed up within about six months by a survey of the organisation's employees and management. The survey will be as short as possible (30-40 minutes to complete) covering a broad cross-section of employees and management, and conducted via the internet wherever possible. Where only some staff have AWAs, the researchers are likely to survey those staff, and a sample of non-AWA staff.

Why should your organisation participate?

The government's workplace reform agenda, of which AWAs are a prominent part, is integral to the further development of competitive and highly productive Australian businesses. By using AWAs your organisation has already demonstrated both a commitment to, and an understanding of, the workplace reforms introduced by the government in its first term.

Your involvement in the study will help shape how the benefits of AWAs can be promoted to more Australian businesses and will serve to inform organisations of the different approaches that can successfully be adopted when introducing AWAs.

Organisations will also receive valuable feedback, including an assessment of employee attitudes towards a range of workplace and organisational issues. In addition, because of the extended nature of the study, it is possible to provide an assessment of the influence and impact of corporate strategy on the employment relationship and organisational outcomes.

Will the names of the organisations in the study be published or will they remain anonymous?

Organisations participating in the study will remain anonymous unless they otherwise agree to be acknowledged.

In addition, employees involved in completing surveys will not be able to be identified. Each employee will assign themselves a unique code (not dissimilar to a PIN) which will allow survey responses to be tracked over the three years of the study.

What confidentiality guarantees apply?

The researchers contracted to carry out the three year study are bound by the terms of the [Consultancy] Agreement (on an organisational level) and a deed of undertaking that each researcher working on providing the Consultancy Services must sign (on an individual level), as well as the relevant provisions of the Workplace Relations Act 1996 (the Act).

The Agreement:

Confidential information

Following the Agreement, QUT must ensure that certain information is kept confidential. This information must not be disclosed, except with the consent of the Commonwealth (clause 10.1), although the Commonwealth retains the right to disclose that information as it sees fit (clause 10.6). QUT may only otherwise disclose Confidential Information according to certain other exceptional situations set out in the contract (for example where it is compelled to do so by a court) (see definition of Confidential Information - clause 1.1). Confidential Information is defined in the Agreement to include:

- information giving away the identities of a party to an AWA (following s83BS of the Act);
- is by its nature confidential (certain categories of information such as trade secrets and business information apply here);
- is designated by the Commonwealth as being confidential; and
- the Consultant knows or ought to know is confidential (clause 1.1).

Personal information:

Following the Agreement, QUT must also protect Personal Information as if it were a Commonwealth Agency bound by the Privacy Act 1988 (including the Information Privacy Principles) (clause 11.1(c)). It may only use the Personal Information for the purposes of fulfilling its obligation to provide the Consultancy Services (clause 11.1(a) and must take care to ensure that Personal Information is protected against unauthorised disclosure (clause 11.1(b)). QUT must also obtain written undertakings that anyone who has access to Personal Information is made aware of privacy considerations and their obligation to comply with the Information Privacy Principles (clause 11.1(e)).

Personal Information is defined by the Agreement as:

"information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in material form or not, about a natural person whose identity is apparent, or can reasonably be ascertained by the information or opinion". (Note: this is the same definition of Personal Information that appears in the Privacy Act.)

A person's identity as an AWA party would constitute Personal Information, but the definition is broad enough to include other categories of information about an individual too (such as some of the terms and conditions of a person's employment for example).

The deed:

The deed binds individuals working on providing the Consultancy Services for the Consultant. These individuals undertake not to disclose the Confidential Information (as defined above) without the consent of the Commonwealth. These individuals must only use the Commonwealth Material (material provided to QUT under the Agreement) for the purpose of undertaking the Consultancy Services.

The legislation:

QUT may be described as an "entrusted person" for the purposes of s83BS of the Act (because the Commonwealth disclosed the identities of AWA parties to it in accordance with the Workplace Relations Regulations 1996). Following 83BS, QUT can only disclose that information with the approval of the Employment Advocate in accordance with Regulation 8D of the Workplace Relations Regulations 1996.

Please note that this is a broad discussion of the approach taken to the disclosure of information in the Agreement. Further information regarding the specifics of the way that the Agreement operates can be provided if need be.

Where will the intellectual property in the findings reside?

The short answer to this question is that the intellectual property in the findings will reside with the Commonwealth if the findings form a part of the Contract Material (see clause 8.1). That said, if the "findings" is the analysis that the Consultant undertakes and discusses in various reports that it has to provide to the Commonwealth in accordance with its tender bid for the Agreement (which is not incorporated into the Agreement itself) (see Item B and C), then the findings would be a part of the Contract Material. The Contract material is basically the material created or provided to the Commonwealth under the agreement, as well as any material derived from it (see the definition in clause 1.1).

The Consultant (QUT) is allowed a licence to use only the Contract Material for the purposes of academic research and its academic publications, subject to the Commonwealth's consent and/or suggested changes being given (see clauses 8.6 and 8.7).

How do I lodge an expression of interest or get more information?

Contact Mr Manuel Radic at the Office of the Employment Advocate on 02-9246 0594 or email manuel.radic@oea.gov.au