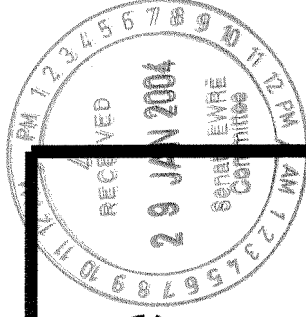


# **Pattern Bargaining: is enterprise bargaining the key to workplace reform?**

**Presentation by Dr John Buchanan,  
acirrt, University of Sydney,  
to Australian Financial Review Conference**

**‘Construction beyond Cole:  
Increasing Productivity and Competiveness by  
Implementing Best Practice Workplace Relations’,**

**Hilton on the Park,  
Melbourne, 21 October 2003**



# Introduction

- the power of questions
- my background
- applied research for:
  - government
  - employers
  - unions

# Overview

- how are efficiency and fairness improved?
- should 'the enterprise' be privileged?
- are coordination and flexibility irreconcilable?
- pattern bargaining: problem or solution

# Achieving efficiency and fairness

- address key problems
  - safety
  - skills
  - hours of work
  - tax evasion and forms of employment

→ fundamentally problems of trust
- do so ethically
  - justice in production
  - justice in distribution

# Should 'the enterprise' be privileged?

- problem: what is the 'enterprise'?
- social levels affecting productivity
  - the individual
  - workgroup
  - enterprise
  - work site
  - industry
  - occupation
  - challenge: coordinating levels, not privileging one

# Coordination and flexibility: are they compatible?

- avoid false dichotomies:
  - not: standards vs flexibility
  - rather: standards for flexibility
- example: skill formation
  - trade notes of quality
  - group training to share risk
  - skill centres and economies of scale
  - Workplace learning and outside support

## Pattern bargaining: Problem or Solution?

- the Commission's 'conventional wisdom'
- compare with the common law
  - 'treat like cases alike'

### Workplace Relations Act

- the problem
- build on, don't destroy institutions of coordination

# Conclusion

- construction industry has serious problems
- solution requires creative engagement with reality
  - learn from the common law, as modified by labour law
  - reflect on the facts
- need to nurture standards of flexibility
- time to move beyond the ‘enterprise as island’ mindset
  - intellectual rigidities the greatest barrier to reform today