

Terms of Reference

Whether the objectives of various forms of industrial agreement-making, including Australian Workplace Agreements, are being met and whether the agreement-making system, including proposed federal government changes, meet the social and economic needs of all Australians, with particular reference to:

- (a) the scope and coverage of agreements, including the extent to which employees are covered by non-comprehensive agreements;
- (b) the capacity for employers and employees to choose the form of agreement-making which best suits their needs;
- (c) the parties' ability to genuinely bargain, focusing on groups such as women, youth and casual employees;
- (d) the social objectives, including addressing the gender pay gap and enabling employees to better balance their work and family responsibilities;
- (e) the capacity of the agreement to contribute to productivity improvements, efficiency, competitiveness, flexibility, fairness and growing living standards; and
- (f) Australia's international obligations.

Table of Contents

Membership of the Committee	iii
Terms of Reference	v
Preface	ix
Anticipation of the WorkChoices Bill	ix
Conduct of the inquiry	x
Chapter 1	1
The evolution of workplace agreements	1
Historical context	2
Agreements: their scope and coverage	5
Pattern bargaining and pattern agreements	11
Conclusion	12
Chapter 2	15
Enterprise Bargaining and Australian Workplace Agreements	15
Agreement-making, bargaining power and choice	16
Australian Workplace Agreements	19
Agreement-making under WorkChoices	35
Chapter 3	39
Enterprise bargaining, productivity and economic performance: where is the evidence?	39
Productivity and economic performance	41
WorkChoices: economic and social risks	48
Chapter 4	53
Social objectives	53
The work and life balance	53

The gender pay gap	59
International obligations	60
Conclusion and findings	63
Government Senator's Report	67
Evolving industrial agreements	67
Abuse of 'protected action'	71
Australian Workplace Agreements	72
Casual employment	77
Conclusion	78
Australian Democrats Supplementary Remarks	79
Why have AWAs?	79
Are AWAs meeting their stated objective?	80
Conclusion	81
Appendix 1	83
List of submissions	83
Appendix 2	87
Hearing and witnesses	87
Appendix 3	89
Tabled documents	89
Appendix 4	91
Answers to questions on notice and additional information	91