

**acirrt report**

**A comparison of employment  
conditions in Individual  
Workplace Agreements and  
Awards in Western Australia**

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## Introduction

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This report has been prepared by acirrt, university of sydney for the Western Australian Commissioner of Workplace Agreements. The research involved an examination of a random sample of registered Individual Workplace Agreements (IWAs) in four industries and a comparative analysis against the relevant State award. The aim was to carry out quantitative research into the effects of workplace agreements with a view to providing statistical information under section 86(2) of the *Workplace Agreements Act 1993 (WA)* on the impact of agreements for workers covered.

The analysis reports the aggregate differences in employment conditions for the IWAs in four key industries by gender, age and employment status for each variable being examined. As IWAs completely displace awards they may have implications in changing wages and conditions at work.

### Methodology

A stratified random sample of 200 individual workplace agreements (IWAs) covering 200 workers were provided by the Commissioner of Workplace Agreements. The random sample was selected from those agreements that were approved during January and February of 2001. An equal proportion of IWAs were provided from the following four industries as outlined in Table 1a below. One occupation of worker was analysed in each industry.

**Table 1a: Industry groups, relevant occupations and awards used**

Industry	Occupation	Relevant state award
Contract cleaning	Cleaner	Contract cleaners award
Shop and warehouse	Shop/retail assistant	Shop and Warehouse (Wholesale and Retail Establishments) Award
Restaurant, tearoom and catering	Catering worker/waitperson	Restaurant, Tearoom and Catering Workers Award
Security services	Security officer – Level 1	Security Officers' Award

The sample of 200 IWAs represented a total of 3,185 agreements from the four industries. The number of workers covered by the approved IWAs from each industry in January-February 2001 period were as follows:

**Table 1b: IWA coverage for January-February 2001**

Industry	Total number of IWAs codified	Total number of IWAs approved
Contract cleaning	50	694
Shop and warehouse	50	1661
Restaurant, tearoom and catering	50	466
Security services	50	364
<b>TOTAL</b>	<b>200</b>	<b>3185</b>

The data for Part 1 was weighted according to the figures in Table 1b above.

The most relevant State award that applies in the relevant industry (at that point in time) was also provided for comparative purposes (see Table 1 above). The agreements sampled were selected on the basis that they covered the same time period in each industry.

Each agreement and the appropriate award was coded using a range of the variables available on acirrt's ADAM Database coding frame. Similar coding frames have been used extensively for similar comparative analyses conducted in other jurisdictions (eg. Queensland). The comparison examines the monetary and non-monetary entitlements provided under the IWAs against those provided under the relevant award. In particular, the following employment conditions were analysed:

- Ordinary hourly rate of pay –based on ordinary hours worked
- overtime and weekend penalty rates;
- the ordinary hours of work;
- % pay increase provided over the life of the agreement;
- presence of performance pay schemes (bonuses, profit sharing, etc);
- annual leave and leave loading entitlements
- long service leave entitlements
- sick leave entitlements;
- family friendly provisions.

A break down is also provided by:

- gender
- age (junior v adult) and
- employment status (casual, full-time or part-time)

This report is structured as follows. Part 1 provides some general demographic description of the weighted data (to the population in the industry group) examining issues such as the characteristics of the workers covered by the IWAs (ie. gender proportions, adult/junior, and employment status) and agreement duration. Each variable (such as wage increases, differences in hourly rates of pay between the IWA and award, hours of work, and leave entitlements) is then examined individually and broken down where possible by gender, age (adult/junior) and employment status. Part 2 is the industry analysis. An award-agreement comparison is made for each issue in that industry. Part 2 also documents any interesting clauses or innovations found in the agreements for that industry. An overall conclusion about the award-agreement comparison and the effect for workers is provided at the end of Part 2.

## Part 1: General Characteristics and Agreement Trends in WA Individual Workplace Agreements from Four Industries

The following overall findings have been weighted to reflect the population of agreements (3,185) registered during the selected time period in the four industries under study.<sup>1</sup>

### Demographic overview

In total, a larger proportion of females were covered by the IWAs than males (57% and 43% respectively). The gender distribution varied between occupations. Table 1.1 shows that shop assistants and restaurant workers on IWAs were overwhelmingly female employees, while security officers were predominantly males (94%). Amongst cleaners there was a slightly higher proportion of females.

Table 1.1

		Sex * Occupation Crosstabulation				
		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Sex	Male	305	565	73	438	1381
		43.9%	34.0%	20.1%	94.0%	43.4%
	Female	389	1096	291	28	1804
		56.1%	66.0%	79.9%	6.0%	56.6%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Overall, 33 per cent of IWAs examined covered junior employees. The ratio of adult to junior employees also varied occupationally. For example, Table 1.2a shows that security officers (0%) and cleaners (6%) had the lowest proportion of junior employees covered by IWAs. Shop assistants had the highest proportion of junior employees (52% of IWAs) while restaurant workers also had a significant proportion of juniors (38%).

<sup>1</sup> Weighting of the data in Part 1 may at times result in rounding of the actual 'total' figure to a number slightly higher or lower than the total population (ie. 3186, or 3184, or 3183 as opposed to 3185). This is not erroneous and rather a statistical function design associated with weighting as cell counts based on fractional weights are rounded to the nearest integer. For example, a cell count of 4.2 based on fractional weights is rounded to 4.

**Table 1.2a:**

		Junior/Adult * Occupation Crosstabulation				
		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Junior/Adult	Adult	652	797	226	466	2141
		93.9%	48.0%	62.1%	100.0%	67.2%
	Junior	42	864	138		1044
		6.1%	52.0%	37.9%		32.8%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Table 1.2b also found that the gender proportions amongst adult employees covered by IWAs in the four industries leaned more towards females than males (55.2% and 44.8% respectively). However amongst the junior employees, there was a higher proportion of females than males (59.5% and 40.5% respectively). Females therefore represented six in every ten employees covered by the IWAs in the four industries examined.

**Table 1.2b:**

		Junior/Adult * Sex Crosstabulation		
		Sex		
		Male	Female	Total
Junior/Adult	Adult	959	1183	2142
		44.8%	55.2%	100.0%
	Junior	422	621	1043
		40.5%	59.5%	100.0%
Total		1381	1804	3185
		43.4%	56.6%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

An examination of the employment status of workers covered by IWAs shows that more than half are employed on a casual basis (62%), followed by permanent part-timers (26%). Very few workers covered by the IWAs were employed on a full-time basis (10%), and most of these were either shop assistants or restaurant workers. A number of workers in the contract cleaning industry were employed on a fixed term basis of which they were for specific events. Casual employees were most predominant amongst the shop and warehouse industry (76% of all IWAs in that industry), security industry (74%) and restaurant industry (68%). Permanent part-timers were more likely to be in the cleaning industry, covering 72 per cent of all workers in that industry. Table 1.3 shows these employment status features.

**Table 1.3:**

**Employment Status \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Employment Status	Permanent full-time	14 2.0%	233 14.0%	58 15.9%	19 4.1%	324 10.2%
	Permanent part-time	500 72.0%	166 10.0%	58 15.9%	103 22.1%	827 26.0%
	Casual	111 16.0%	1262 76.0%	248 68.1%	345 73.9%	1966 61.7%
	Fixed term/temporary	69 9.9%				69 2.2%
Total		694 100.0%	1661 100.0%	364 100.0%	467 100.0%	3186 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

The duration of IWAs also varied between industries. Generally, the most commonly used term was the 12 month agreement (42% of all IWAs), followed by the 3 year or more term (35%). Twenty two per cent ran for up to 2 years, while no agreements ran for 2 to less than 3 years. Of the agreements in the 36+ duration group, two-thirds ran for a full 5 year term. Cleaning industry agreements were most likely to use the longest term (72% of agreements in that industry), followed by the shop and warehouse industry (30% of agreements in that industry). Short term agreements were common in all agreements except for contract cleaning (see Table 1.4 below). No major differences were found in duration between males and females (Table 1.5). Adults were more likely to be covered by agreements which ran for a longer period than juniors. Part-time employees (76% of all part-timers) were more likely to be covered by long duration agreements while casual employees were more likely to be covered by short term agreements (see Tables 1.6 and 1.7).

**Table 1.4:**

**Duration of agreements (months) \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Duration of agreements (months)	1-12	125 18.0%	797 48.0%	197 54.0%	214 45.9%	1333 41.9%
	13-24	69 9.9%	365 22.0%	153 41.9%	140 30.0%	727 22.8%
	36+	500 72.0%	498 30.0%	15 4.1%	112 24.0%	1125 35.3%
Total		694 100.0%	1660 100.0%	365 100.0%	466 100.0%	3185 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.5:**

		Sex		
		Male	Female	Total
Duration of agreements (months)	1-12	607	726	1333
		44.0%	40.2%	41.9%
	13-24	302	426	728
		21.9%	23.6%	22.9%
	36+	472	652	1124
		34.2%	36.1%	35.3%
Total		1381	1804	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.6:**

		Junior/Adult		
		Adult	Junior	Total
Duration of agreements (months)	1-12	881	452	1333
		41.1%	43.3%	41.9%
	13-24	363	364	727
		17.0%	34.9%	22.8%
	36+	897	227	1124
		41.9%	21.8%	35.3%
Total		2141	1043	3184
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.7:**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Duration of agreements (months)	1-12	116	86	1062	69	1333
		35.9%	10.2%	54.5%	100.0%	41.9%
	13-24	107	127	493		727
		33.1%	15.1%	25.3%		22.8%
	36+	100	630	395		1125
		31.0%	74.7%	20.3%		35.3%
Total		323	843	1950	69	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.



### **Wage increases, performance pay and hourly rates of pay**

Wage increase provisions were not a common feature in IWAs. Agreements that provided for a guaranteed quantifiable wage increase were rare with only a small number of IWAs providing for this. These provided for an average annual percentage wage increase of 1 per cent or less per year for the life of the agreement.

In total 25 per cent of IWAs included a provision in the agreement for some form of wage increase during the life of the agreement. Such wage increase provisions were mainly open ended statements that did not indicate the number of periods a wage increase would be granted during the life of the agreement or the quantum of increase. These wage increases were dependent on a variety of factors including the performance of the business, general economic factors, and the performance/productivity of the individual or simply increases in line with award movements. Table 1.8 below indicates that the shop and warehouse industry was more likely to provide for some form of wage increase during the life of the agreement (36% of all agreements in that industry). Restaurant workers were less likely to have a provision that provided for a wage increase during the life of the agreement (8% of all agreements in that industry). No significant gender differences were found, however juniors were slightly more likely to have a provision with the potential for a wage increase (30% of juniors versus 22% of adults) as were full-timers (41%). Tables 1.8-1.11 shows these differences.

**Table 1.8:**

**Agreement provides for any form of wage increase \* Occupation Crosstabulation**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Agreement provides for any form of wage increase	Yes	97	598	29	56	780
		14.0%	36.0%	8.0%	12.0%	24.5%
	No	597	1063	335	410	2405
		86.0%	64.0%	92.0%	88.0%	75.5%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.9:**

**Agreement provides for any form of wage increase \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
Agreement provides for any form of wage increase	Yes	306	474	780
		22.2%	26.3%	24.5%
	No	1075	1330	2405
		77.8%	73.7%	75.5%
Total		1381	1804	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.10:****Agreement provides for any form of wage increase \* Junior/Adult  
Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Agreement provides for any form of wage increase	Yes	467 21.8%	314 30.1%	781 24.5%
	No	1675 78.2%	730 69.9%	2405 75.5%
Total		2142 100.0%	1044 100.0%	3186 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.11:****Agreement provides for any form of wage increase \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Agreement provides for any form of wage increase	Yes	133 41.2%	115 13.6%	533 27.3%		781 24.5%
	No	190 58.8%	728 86.4%	1417 72.7%	69 100.0%	2404 75.5%
Total		323 100.0%	843 100.0%	1950 100.0%	69 100.0%	3185 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Performance based wage systems were not a common feature in IWAs, being present in only 9 per cent of agreements. A performance based pay initiative refers to rewarding workers for extra effort or skill through a one-off bonus payment (group or individual based), in kind payments, or profit sharing arrangement. Such payment systems can be used as an alternative to a guaranteed wage increase. The statistics therefore suggest that not only are workers less likely to receive some form of guaranteed wage increase during the life of their IWA, this is not compensated for by any potential performance based pay arrangements. Security officers were the least likely to have performance initiatives with no such initiatives existing in those agreements. Female employees were more likely than males to have such initiatives in place (15% versus 2%), as were full-time workers (31%) compared to part-timers (7%) and casuals (7%) (see Tables 1.12-1.15).

**Table 1.12:****Performance based pay initiative used \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Performance based pay initiative used	Yes	83	199	15		297
		12.0%	12.0%	4.1%		9.3%
	No	611	1462	349	466	2888
		88.0%	88.0%	95.9%	100.0%	90.7%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.13:****Performance based pay initiative used \* Sex Crosstabulation**

		Sex		Total
		Male	Female	
Performance based pay initiative used	Yes	28	269	297
		2.0%	14.9%	9.3%
	No	1353	1535	2888
		98.0%	85.1%	90.7%
Total		1381	1804	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.14:****Performance based pay initiative used \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Performance based pay initiative used	Yes	231	66	297
		10.8%	6.3%	9.3%
	No	1911	977	2888
		89.2%	93.7%	90.7%
Total		2142	1043	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.15:****Performance based pay initiative used \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Performance based pay initiative used	Yes	100	63	135		298
		30.9%	7.5%	6.9%		9.4%
	No	224	780	1814	69	2887
		69.1%	92.5%	93.1%	100.0%	90.6%
Total		324	843	1949	69	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

### **Ordinary hourly rate of pay**

A comparison of hourly wage rates was made between the relevant Western Australian award and the IWA for each industry. Each category of worker and relevant rate of pay was taken into account when comparing award rates to those in the IWAs. For example, the hourly rate of pay for a casual employee under an IWA in the cleaning industry was compared to the relevant casual rate in the award. The rate of pay for a 15 year old junior employee was compared with the same rate for that age under the relevant award.

The comparison found a variance in hourly rates of pay between the two forms of industrial instruments. Hourly rates of pay varied between \$4.72 *below the award* to \$5.60 *above the award* for workers covered by IWAs. These differences were grouped into one dollar brackets (\$1) in Table 1.16. The table demonstrates that 56 per cent of all IWAs provided for an hourly rate of pay below the award equivalent. In total, 23 per cent of IWAs paid employees \$2 less than the award rate per hour. A further 19 per cent paid employees \$1 less than the award rate per hour. At the other end of the scale, 42 per cent of all IWAs paid employees above award rates. Twenty nine per cent of all IWAs paid up to \$1 above the award per hour and 13 per cent provided for \$2 or more above award.

**Table 1.16:****Difference in ordinary hourly rate of pay**

		Frequency	Percent
Valid	more than \$3 under award	125	3.9
	up to \$3 under award	317	10.0
	up to \$2 under award	737	23.1
	up to \$1 under award	617	19.4
	no difference	66	2.1
	up to \$1 above award	915	28.7
	up to \$2 above award	139	4.4
	up to \$3 above award	147	4.6
	more than \$3 above award	121	3.8
	Total	3185	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

A breakdown by occupation/industry (Table 1.17) found that security officers were most likely to be paid less than the award than any other occupational group, covering three-quarters (76%) of workers in that occupation. This was followed by shop assistants (60%). Cleaners appeared to fare best of all occupations as a higher proportion (62%) of these workers were being paid above award rates.

**Table 1.17:**

**Difference in ordinary hourly rate of pay \* Occupation Crosstabulation**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Difference in ordinary hourly rate of pay	more than \$3 under award	14	66	7	37	124
		2.0%	4.0%	1.9%	7.9%	3.9%
	up to \$3 under award	28	199	44	47	318
		4.0%	12.0%	12.1%	10.1%	10.0%
	up to \$2 under award	125	299	80	233	737
		18.0%	18.0%	22.0%	50.0%	23.1%
	up to \$1 under award	97	432	51	37	617
		14.0%	26.0%	14.0%	7.9%	19.4%
	no difference		66			66
			4.0%			2.1%
	up to \$1 above award	389	399	44	84	916
		56.0%	24.0%	12.1%	18.0%	28.8%
	up to \$2 above award	14	66	58		138
		2.0%	4.0%	15.9%		4.3%
	up to \$3 above award		100	29	19	148
			6.0%	8.0%	4.1%	4.6%
	more than \$3 above award	28	33	51	9	121
		4.0%	2.0%	14.0%	1.9%	3.8%
Total		695	1660	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Gender differences in ordinary hourly pay comparisons were also apparent, with 61 per cent of males earning rates below the award compared with 53 per cent of females. A higher proportion of males were earning a larger sum *below the award* than females. For example, as Table 1.18 shows, 6 per cent of all males were earning more than \$3 below the award compared with only 2 per cent of females (Table 1.18 below).

**Table 1.18:**

**Difference in ordinary hourly rate of pay \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
Difference in ordinary hourly rate of pay	more than \$3 under award	84	41	125
		6.1%	2.3%	3.9%
	up to \$3 under award	128	190	318
		9.3%	10.5%	10.0%
	up to \$2 under award	337	400	737
		24.4%	22.2%	23.1%
	up to \$1 under award	290	327	617
		21.0%	18.1%	19.4%
	no difference		66	66
			3.7%	2.1%
	up to \$1 above award	391	524	915
		28.3%	29.1%	28.7%
	up to \$2 above award	47	91	138
		3.4%	5.0%	4.3%
	up to \$3 above award	59	88	147
		4.3%	4.9%	4.6%
	more than \$3 above award	45	76	121
		3.3%	4.2%	3.8%
Total		1381	1803	3184
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

A higher proportion of juniors (60%) were earning hourly rates below the award compared to adults (55%). However, adults earning less than the award were more likely to be well below the award rate compared to juniors. For example, 1 per cent of juniors were earning more than \$3 under the award compared to 5 per cent of adults. At the other end of the scale, juniors were slightly more likely to earn ordinary hourly rates above the award than males in several of the categories (see Table 1.19). For example, 8 per cent of juniors were earning more than \$3 above the award, compared with only 3 per cent of adults.

**Table 1.19:****Difference in ordinary hourly rate of pay \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Difference in ordinary hourly rate of pay	more than \$3 under award	111	14	125
		5.2%	1.3%	3.9%
	up to \$3 under award	210	107	317
		9.8%	10.3%	10.0%
	up to \$2 under award	509	228	737
		23.8%	21.9%	23.2%
	up to \$1 under award	337	280	617
		15.7%	26.8%	19.4%
	no difference	66		66
		3.1%		2.1%
	up to \$1 above award	661	254	915
		30.9%	24.4%	28.7%
	up to \$2 above award	54	84	138
		2.5%	8.1%	4.3%
	up to \$3 above award	140	7	147
		6.5%	.7%	4.6%
	more than \$3 above award	52	69	121
		2.4%	6.6%	3.8%
Total		2140	1043	3183
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Employment status also appeared to impact on an employee's wage rate relative to that of the award. Table 1.20 shows that a significantly larger proportion of casual employees (77%) were paid below award rates than permanent full-time (25%) or part-time employees (24%). A large proportion of these casual employees were earning a difference of up to \$2 less per hour. At the 'above award' end of the scale, it appears that part-timers (76%) and full-time employees (65%) were better off than casual employees (22%). Not only were a high proportion of full-time employees earning above award rates, they were also more likely to be paid an hourly rate well above the award.

**Table 1.20:**

**Difference in hourly rate of pay \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Difference in hourly rate of pay	more than -\$3			118 6.1%		118 3.7%
	up to -\$3		15 1.8%	310 15.9%		325 10.2%
	up to -\$2	33 10.2%	111 13.2%	593 30.4%		737 23.1%
	up to -\$1	47 14.6%	97 11.5%	473 24.3%		617 19.4%
	no difference	33 10.2%		33 1.7%		66 2.1%
	up to \$1	66 20.5%	492 58.4%	287 14.7%	69 100.0%	914 28.7%
	up to \$2	33 10.2%	36 4.3%	70 3.6%		139 4.4%
	up to \$3	64 19.9%	50 5.9%	33 1.7%		147 4.6%
	more than \$3	46 14.3%	42 5.0%	33 1.7%		121 3.8%
	Total	322 100.0%	843 100.0%	1950 100.0%	69 100.0%	3184 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.



### Hours of work arrangements

Approximately one fifth of all IWAs contained no hours of work provisions. For the remaining agreements with such provisions, the most popular ordinary days per week clause was Monday to Sunday (96%). No apparent differences in the weekly working days were found when comparing males and females or juniors and adults (see Tables 1.22 and 1.23 below).

**Table 1.21:**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Ordinary work days per week	Mon to Fri				9	9
					1.9%	.3%
	Mon to Sat		66	7		73
			4.0%	1.9%		2.3%
	Mon to Sun	569	1296	233	401	2499
		82.0%	78.0%	64.0%	86.1%	78.5%
	Not specified	125	299	124	56	604
		18.0%	18.0%	34.1%	12.0%	19.0%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.22:**

		Sex		
		Male	Female	Total
Ordinary work days per week	Mon to Fri	9		9
		.7%		.3%
	Mon to Sat		74	74
			4.1%	2.3%
	Mon to Sun	1127	1372	2499
		81.6%	76.0%	78.4%
	Not specified	245	359	604
		17.7%	19.9%	19.0%
Total		1381	1805	3186
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.23:**

		Junior/Adult		Total
		Adult	Junior	
Ordinary work days per week	Mon to Fri	9		9
		.4%		.3%
	Mon to Sat	41	33	74
		2.0%	3.0%	2.3%
	Mon to Sun	1645	853	2498
		78.3%	78.7%	78.4%
	Not specified	406	198	604
		19.3%	18.3%	19.0%
Total		2101	1084	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Permanent full-time workers were more likely (18%) than any other employment type to have either Monday to Friday or Monday to Saturday prescribed as the ordinary work week (see Table 1.24). All part-time employees (100% of all IWAs which mentioned the working week) had a working week that spanned across seven days (Monday-Sunday). This compared with 82% of IWAs covering full-timers and 97% of IWAs covering casuals.

**Table 1.24:**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Ordinary work days per week	Mon to Fri	9				9
		2.8%				.3%
	Mon to Sat	41		33		74
		12.7%		1.7%		2.3%
	Mon to Sun	233	794	1402	69	2498
		71.9%	94.2%	71.9%	100.0%	78.4%
	Not specified	41	49	514		604
		12.7%	5.8%	26.4%		19.0%
Total		324	843	1949	69	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Where the agreement had provisions as to how working time arrangements should be determined overwhelmingly these were on the basis of management discretion or on the basis of business needs (80%). Cleaners had the highest proportion of agreements (59%) that provided for hours to be determined by mutual agreement or consultation. Adults, females and part-timers were also more likely to have these mutual agreement provisions as the tables below show.

**Table 1.25:**

**Hours of work arrangements: \* Occupation Crosstabulation**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Hours of work arrangements:	Changed by mutual agreement/consultation	361	100			461
		59.1%	9.7%			20.0%
	Management discretion/business needs	250	930	277	391	1848
		40.9%	90.3%	100.0%	100.0%	80.0%
Total		611	1030	277	391	2309
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.26:**

**Hours of work arrangements: \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
Hours of work arrangements:	Changed by mutual agreement/consultation	144	316	460
		14.0%	24.6%	19.9%
	Management discretion/business needs	881	967	1848
		86.0%	75.4%	80.1%
Total		1025	1283	2308
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.27:****Hours of work arrangements: \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Hours of work arrangements:	Changed by mutual agreement/consultation	433	28	461
		27.4%	3.8%	20.0%
	Management discretion/business needs	1148	700	1848
		72.6%	96.2%	80.0%
Total		1581	728	2309
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.28:****Hours of work arrangements: \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Hours of work arrangements:	Changed by mutual agreement/consultation	66	352		42	460
		38.2%	51.4%		100.0%	19.9%
	Management discretion/business needs	107	333	1408		1848
		61.8%	48.6%	100.0%		80.1%
Total		173	685	1408	42	2308
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

The overwhelming majority of agreements (87%) with working time arrangements provisions provided for a daily span of hours of 12 or more hours. Shop assistant agreements were more likely (42%) than any of the other occupational groups to have daily hours of less than 12, as were agreements covering full-time and junior employees (see Tables 1.29-1.32 below).

**Table 1.29:****daily span of hours \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
daily span of hours	<12		166		9	175
			41.7%		3.2%	13.4%
	12	514	166			680
		100.0%	41.7%			52.0%
	>12		66	116	270	452
			16.6%	100.0%	96.8%	34.6%
Total		514	398	116	279	1307
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.30:**

**daily span of hours \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
daily span of hours	<12	43	133	176
		6.9%	19.5%	13.4%
	12	308	372	680
		49.1%	54.5%	51.9%
	>12	276	178	454
		44.0%	26.1%	34.7%
Total		627	683	1310
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.31:**

**daily span of hours \* Junior/Adult Crosstabulation**

		Junior/Adult		
		Adult	Junior	Total
daily span of hours	<12	109	66	175
		9.9%	32.4%	13.4%
	12	619	61	680
		56.1%	29.9%	52.0%
	>12	376	77	453
		34.1%	37.7%	34.6%
Total		1104	204	1308
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.32:**

**daily span of hours \* Employment Status Crosstabulation**

		Employment Status				
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	Total
daily span of hours	<12	43	33	100		176
		43.4%	5.6%	18.0%		13.5%
	12	47	430	133	69	679
		47.5%	73.5%	24.0%	100.0%	51.9%
	>12	9	122	322		453
		9.1%	20.9%	58.0%		34.6%
Total		99	585	555	69	1308
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

### **Overtime and weekend penalty rates**

Only 33 per cent of IWAs contained overtime provisions, with a vast majority of these (80%) specifying overtime at the single time rate. The remaining 20 per cent specified an overtime penalty payment of between 104 per cent and 150 per cent. Most of these came from the shop and warehouse industry (see Table 1.33 below).

**Table 1.33:**

**Overtime during the week starts at: (%) \* Occupation Crosstabulation**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Overtime during the week starts at: (%)	100	472 100.0%	166 50.2%	102 100.0%	9 33.3%	749 80.4%
	104		33 10.0%			33 3.5%
	105		33 10.0%			33 3.5%
	115		66 19.9%		9 33.3%	75 8.0%
	125		33 10.0%			33 3.5%
	150				9 33.3%	9 1.0%
Total		472 100.0%	331 100.0%	102 100.0%	27 100.0%	932 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Females were far more likely to be paid overtime at the single rate than males (94% and 57% respectively) as were adults over junior employees (88% and 61% respectively) (see Tables 1.34 and 1.35).

**Table 1.34:**

**Overtime during the week starts at: (%) \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
Overtime during the week starts at: (%)	100	198	552	750
		56.7%	94.4%	80.3%
	104	33		33
		9.5%		3.5%
	105	33		33
		9.5%		3.5%
	115	43	33	76
		12.3%	5.6%	8.1%
	125	33		33
		9.5%		3.5%
	150	9		9
		2.6%		1.0%
Total		349	585	934
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.35:**

**Overtime during the week starts at: (%) \* Junior/Adult Crosstabulation**

		Junior/Adult		
		Adult	Junior	Total
Overtime during the week starts at: (%)	100	597	152	749
		87.5%	60.6%	80.3%
	104	33		33
		4.8%		3.5%
	105		33	33
			13.1%	3.5%
	115	43	33	76
		6.3%	13.1%	8.1%
	125		33	33
			13.1%	3.5%
	150	9		9
		1.3%		1.0%
Total		682	251	933
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Table 1.36 shows that permanent part-time employees were also far more likely to be paid overtime at single rates (98%) than full-time employees (40%) and casuals (56%).

**Table 1.36:**

**Overtime during the week starts at: (%) \* Employment Status Crosstabulation**

		Employment Status				
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	Total
Overtime during the week starts at: (%)	100	44	486	150	69	749
		40.0%	100.0%	56.0%	100.0%	80.3%
	104	33				33
		30.0%				3.5%
	105			33		33
				12.3%		3.5%
	115	33		43		76
		30.0%		16.0%		8.1%
	125			33		33
				12.3%		3.5%
	150			9		9
				3.4%		1.0%
<b>Total</b>		110	486	268	69	933
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Table 1.37 below demonstrates that time off in lieu provisions (TOIL) only applied to 16.2 per cent of workers covered by IWAs. These workers were either cleaners or shop assistants. No significant differences were found between male and female employees covered by IWAs (see Table 1.38). However, the important issue to note here is that when TOIL was given, it was only at the ordinary equivalent (ie. time for time basis).

**Table 1.37:**

**Time off in lieu (TOIL) of O/T calculated at: \* Occupation Crosstabulation**

		Occupation				
		Cleaner	Shop Assistant	Catering worker	Security Officer	Total
Time off in lieu (TOIL) of O/T calculated at:	Ordinary equivalent	291	100			391
		41.9%	6.0%			12.3%
	TOIL given, rate not specified	125				125
		18.0%				3.9%
	Not specified	278	1561	364	466	2669
		40.1%	94.0%	100.0%	100.0%	83.8%
<b>Total</b>		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.



**Table 1.38:****Time off in lieu (TOIL) of O/T calculated at: \* Sex Crosstabulation**

		Sex		Total
		Male	Female	
Time off in lieu (TOIL) of O/T calculated at:	Ordinary equivalent	150	241	391
		10.9%	13.4%	12.3%
	TOIL given, rate not specified	56	69	125
		4.1%	3.8%	3.9%
	Not specified	1176	1493	2669
		85.1%	82.8%	83.8%
Total		1382	1803	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Adult employees were also more likely than juniors to have TOIL provisions in their IWA (22.8% and 2.7% respectively). Part-time employees were also more likely to have TOIL provisions included in agreements over full-time employees (51% compared with 20.4%).

**Table 1.39:****Time off in lieu (TOIL) of O/T calculated at: \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Time off in lieu (TOIL) of O/T calculated at:	Ordinary equivalent	363	28	391
		17.0%	2.7%	12.3%
	TOIL given, rate not specified	125		125
		5.8%		3.9%
	Not specified	1653	1016	2669
		77.2%	97.3%	83.8%
Total		2141	1044	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.40:****Time off in lieu (TOIL) of O/T calculated at: \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Time off in lieu (TOIL) of O/T calculated at:	Ordinary equivalent	66	311	14		391
		20.4%	36.9%	.7%		12.3%
	TOIL given, rate not specified		111		14	125
			13.2%		20.0%	3.9%
	Not specified	257	421	1935	56	2669
		79.6%	49.9%	99.3%	80.0%	83.8%
Total		323	843	1949	70	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Table 1.41 indicates that a quarter of agreements (26%) provided for weekend penalty rates, with agreements covering cleaners (54%) being most likely to have such a provision and catering and security agreements the least likely.

**Table 1.41:**

**Presence of weekend penalty rates \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Presence of weekend penalty rates	Yes	375	365		75	815
		54.0%	22.0%		16.1%	25.6%
	No	319	1296	364	391	2370
		46.0%	78.0%	100.0%	83.9%	74.4%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

No real difference was identified between male and female employees or between adult and junior employees (see Tables 1.42 and 1.43 below).

**Table 1.42:**

**Presence of weekend penalty rates \* Sex Crosstabulation**

		Sex		Total
		Male	Female	
Presence of weekend penalty rates	Yes	313	502	815
		22.7%	27.8%	25.6%
	No	1068	1302	2370
		77.3%	72.2%	74.4%
Total		1381	1804	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.43:**

**Presence of weekend penalty rates \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Presence of weekend penalty rates	Yes	568	246	814
		26.5%	23.6%	25.6%
	No	1573	797	2370
		73.5%	76.4%	74.4%
Total		2141	1043	3184
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Agreements covering permanent part-time workers were also more likely to have such provisions (46%) over full-time employees (10%) and casual employees (17%).

**Table 1.44:**

**Presence of weekend penalty rates \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Presence of weekend penalty rates	Yes	33 10.2%	376 44.6%	336 17.2%	69 100.0%	814 25.6%
	No	290 89.8%	467 55.4%	1613 82.8%		2370 74.4%
Total		323 100.0%	843 100.0%	1949 100.0%	69 100.0%	3184 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

### ***Leave entitlements and family friendly provisions***

Only 36 per cent of all IWAs specified annual leave provisions. Of these nearly half absorbed annual leave into the ordinary rate of pay. The cleaning industry and restaurant/catering industry were most likely to absorb annual leave entitlements into the hourly rate of pay (74% and 69% of all IWAs in that industry). Table 1.46 shows that there is no difference between males and females covered by the IWAs, however Table 1.47 shows that juniors over adults were more likely to have their annual leave entitlement absorbed into the hourly rate of pay. Part-time employees were also far more likely than full-time employees to have their annual leave entitlement absorbed (60% and 11% respectively) (see Table 1.48).

**Table 1.45:**

**No of wks annual leave \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
No of wks annual leave absorbed into wage/salary	4	403 74.4%	33 9.0%	80 69.0%	37 30.6%	553 48.3%
		139 25.6%	332 91.0%	36 31.0%	84 69.4%	591 51.7%
Total		542 100.0%	365 100.0%	116 100.0%	121 100.0%	1144 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.46:**

		Sex		
		Male	Female	Total
No of wks annual leave	absorbed into wage/salary	232	321	553
		49.8%	47.3%	48.3%
	4	234	357	591
		50.2%	52.7%	51.7%
Total		466	678	1144
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.47:**

		Junior/Adult		Total
		Adult	Junior	
No of wks annual leave	absorbed into wage/salary	456	97	553
		45.3%	70.3%	48.3%
	4	551	41	592
		54.7%	29.7%	51.7%
Total		1007	138	1145
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.48:**

		Employment Status			Total
		Permanent full-time	Permanent part-time	Fixed term/temporary	
No of wks annual leave	absorbed into wage/salary	36	447	69	552
		11.1%	60.2%	100.0%	48.7%
	4	287	295		582
		88.9%	39.8%		51.3%
Total		323	742	69	1134
		100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Similar trends were evident when comparing annual leave loading entitlements for males and females and for adults and juniors. However, a much lower proportion of IWAs overall specified annual leave loading entitlements (11% of all IWAs). In fact, Table 1.49 shows that annual leave loading provisions were totally absent for workers in the restaurant industry. All cleaning industry agreements that specified annual leave loading stated that the entitlement was absorbed into the hourly rate of pay. Shop assistants were also very likely to absorb this entitlement, with such a provision present in 75% of all IWAs in that industry. Table 1.50 shows that all permanent part-time employees, who had a provision dealing with annual leave loading, had it absorbed into their rate of pay, while three quarters (75.2%) of full-time workers had annual leave loading absorbed and the remaining were provided with 17.5%.

**Table 1.49:**

**Annual Leave Loading (%) \* Occupation Crosstabulation**

		Occupation		
		Cleaner	Shop Assistant	Total
Annual Leave Loading (%)	absorbed into wage/salary	208	100	308
		100.0%	75.2%	90.3%
	17.5		33	33
			24.8%	9.7%
Total		208	133	341
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.50:**

**Annual Leave Loading (%) \* Employment Status Crosstabulation**

		Employment Status		
		Permanent full-time	Permanent part-time	Total
Annual Leave Loading (%)	absorbed into wage/salary	100	208	308
		75.2%	100.0%	90.3%
	17.5	33		33
		24.8%		9.7%
Total		133	208	341
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Long service leave (LSL) entitlements were generally provided as per the statutory minima. In total, 36.5 per cent of all IWAs indicated that LSL entitlements are statutory (see Table 1.51). However some additional agreements did not mention that LSL was as per the statutory minimum yet provided for the same statutory entitlements.

**Table 1.51:****Long Service Leave is statutory \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Long Service Leave is statutory	Yes	486	465	109	103	1163
		70.0%	28.0%	29.9%	22.1%	36.5%
	No	208	1196	255	363	2022
		30.0%	72.0%	70.1%	77.9%	63.5%
Total		694	1661	364	466	3185
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

The cleaners stood out to have the most reference to LSL provisions being as per the statutory minima, covering 70 per cent of IWAs (see Table 1.49 above). Tables 1.52 to 1.54 show that key differences were also noted between males and females (30% and 42% respectively), also for adults over juniors (40% and 30% respectively) and part-timers over full-timers and casuals (76%, 59% and 14% respectively).

**Table 1.52:****Long Service Leave is statutory \* Sex Crosstabulation**

		Sex		Total
		Male	Female	
Long Service Leave is statutory	Yes	413	750	1163
		29.9%	41.6%	36.5%
	No	968	1054	2022
		70.1%	58.4%	63.5%
Total		1381	1804	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.53:****Long Service Leave is statutory \* Junior/Adult Crosstabulation**

		Junior/Adult		Total
		Adult	Junior	
Long Service Leave is statutory	Yes	851	311	1162
		39.7%	29.8%	36.5%
	No	1290	732	2022
		60.3%	70.2%	63.5%
Total		2141	1043	3184
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.54:**

**Long Service Leave is statutory \* Employment Status Crosstabulation**

		Employment Status				Total
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	
Long Service Leave is statutory	Yes	190 58.8%	635 75.3%	268 13.7%	69 100.0%	1162 36.5%
	No	133 41.2%	208 24.7%	1682 86.3%		2023 63.5%
Total		323 100.0%	843 100.0%	1950 100.0%	69 100.0%	3185 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Similar trends were evident in regards to sick leave entitlements. A total of 37 per cent of all IWAs specified that sick leave was to be provided per year of service. This could largely be attributed to the high number of casual employees covered by the IWAs. No other annual entitlement amount was specified. Of these, the cleaning industry had this provision in the agreements much more than other industries, being present in 80 per cent of those that specified sick leave entitlements (see Table 1.55).

**Table 1.55:**

**Annual sick leave entitlement (days) \* Occupation Crosstabulation**

		Occupation				Total
		Cleaner	Shop Assistant	Catering worker	Security Officer	
Annual sick leave entitlement (days)	10	555 80.0%	365 22.0%	116 31.9%	140 30.0%	1176 36.9%
	Not specified	139 20.0%	1296 78.0%	248 68.1%	326 70.0%	2009 63.1%
Total		694 100.0%	1661 100.0%	364 100.0%	466 100.0%	3185 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.56:**

**Annual sick leave entitlement (days) \* Sex Crosstabulation**

		Sex		
		Male	Female	Total
Annual sick leave entitlement (days)	10	471 34.1%	706 39.1%	1177 37.0%
	Not specified	910 65.9%	1098 60.9%	2008 63.0%
Total		1381 100.0%	1804 100.0%	3185 100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

Adult workers were more likely to include a provision for sick leave entitlement of 10 days per year over junior employees (Table 1.57). Not surprisingly, IWAs covering casual employees did not have sick leave entitlements included.

Several IWAs, however, did not include any mention of sick leave accumulation. In cases where this provision is silent, effectively it means that the ability to accumulate unused sick leave entitlements is forgone. Some IWAs specifically stated that accumulation of sick leave was not allowed. Further discussion of this is provided in the industry analysis (Part 2).

**Table 1.57:**

**Annual sick leave entitlement (days) \* Junior/Adult Crosstabulation**

		Junior/Adult		
		Adult	Junior	Total
Annual sick leave entitlement (days)	10	1039	138	1177
		48.5%	13.2%	37.0%
	Not specified	1102	906	2008
		51.5%	86.8%	63.0%
Total		2141	1044	3185
		100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.

**Table 1.58:**

**Annual sick leave entitlement (days) \* Employment Status Crosstabulation**

		Employment Status				
		Permanent full-time	Permanent part-time	Casual	Fixed term/temporary	Total
Annual sick leave entitlement (days)	10	323	775		69	1167
		100.0%	91.9%		100.0%	36.7%
	Not specified		68	1949		2017
			8.1%	100.0%		63.3%
Total		323	843	1949	69	3184
		100.0%	100.0%	100.0%	100.0%	100.0%

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements, unpublished data. Data is weighted to whole population.



## Part 2: Industry Analysis

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This part of the report relies on the sample of 200 IWAs coded for this project. Statistical trends and frequencies were produced using the fifty agreements codified from each of the four industries. No weighting of the data was applied.

### 1) CONTRACT CLEANING INDUSTRY

#### *Key Features, Trends and Award Comparisons*

The gender of workers covered by IWAs in the cleaning industry showed a higher proportion of female coverage, with 44 per cent of agreements covering males and 56 per cent covering females (see Table 2.1.1a). A very small proportion were junior employees (see Table 2.1.1b). Under the Contract Cleaners Award, the adult rate applies from 21 years of age. This was also the case with all IWAs.

**Table 2.1.1a:**

Sex			
		Frequency	Percent
Valid	Male	22	44.0
	Female	28	56.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

**Table 2.1.1b:**

Junior/Adult			
		Frequency	Percent
Valid	Adult	47	94.0
	Junior	3	6.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

The majority of IWAs for contract cleaners covered part-time employees (72% of IWAs) followed by casual (16% of IWAs) (see Table 2.1.1c). Unlike the other three industries examined, there was some use of fixed-term employment mainly because the IWAs were used to cover employees for specific events that typically ran for a short period of time (ranging from 2-6 days).

**Table 2.1.1c:**

Employment Status		Frequency	Percent
Valid	Permanent full-time	1	2.0
	Permanent part-time	36	72.0
	Casual	8	16.0
	Fixed term/temporary	5	10.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

The award specifies that a full-time employee is paid a weekly wage based on a 38 hour week. However, in order to receive one rostered day off per month, a 40 hour week is required to be worked. The use of RDOs was not provided in any IWAs for cleaners. This could be because most employees covered by IWAs were employed on a part-time or casual basis.

Pattern agreements by the same employer were common amongst IWAs in the cleaning industry. The content of each agreement in these cases was identical. Issues covered were limited to rate of pay, the high level of flexibility required from employee, statutory entitlements, and whether annual leave entitlements had been absorbed into the wage.

A high proportion (72%) of IWAs operated for a longer period, such as the five year maximum specified under the *Workplace Agreements Act 1993* (see Table 2.1.1d). These long duration agreements were more likely to cover female employees than male employees, adult than junior employees, and part-time employees. Agreements that ran for 12 months or less were predominantly the unusually short term agreements that covered specific events.

**Table 2.1.1d:**

Duration of agreements (months)					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-12	9	18.0	18.0	18.0
	13-24	5	10.0	10.0	28.0
	36+	36	72.0	72.0	100.0
	Total	50	100.0	100.0	

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

## **Wage increases**

No IWA in the contract cleaning industry specified a guaranteed quantum wage increase. Only 14 per cent of agreements in the cleaning industry noted that some form of wage increase will be given (see Table 2.1.1e). When the agreements did mention any potential future wage increase(s), they were usually open ended statements and did not indicate the number of periods a wage increase would be granted during the life of the agreement. Some agreements indicated that the wage increases would be given on an annual basis, otherwise the number of wage increases given during the life of the agreement was not specified. Future wage increases were dependent on a variety of factors including the performance of the business, general economic factors, and the performance/productivity of the individual.

**Table 2.1.1e:**

<b>Agreement provides for any form of wage increase</b>			
		Frequency	Percent
Valid	Yes	7	14.0
	No	43	86.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

Table 2.1.2 shows that the incidence of performance based pay initiatives in the cleaning industry IWAs was low, being present in only 12 per cent of IWAs. All performance pay agreements covered adult employees, and the majority of these covered female employees.

**Table 2.1.2:**

<b>Performance based pay initiative used</b>			
		Frequency	Percent
Valid	Yes	6	12.0
	No	44	88.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

## **Remuneration/hourly rate of pay**

Differences in ordinary hourly rates of pay were evident when comparing the IWAs to the award rate for contract cleaners. The differences ranged from \$4.72 per hour *below the award* rate to \$4.33 *above the award* hourly rate. Table 2.1.3 below shows that the largest concentration of earnings was for workers earning up to '\$1' *above* the award (56% of IWAs), followed by those earning '\$2' *below* the award (18%). No agreement in the contract cleaning industry provided for the hourly rate equivalent to the award rate. Table 2.1.3 also shows that 38 per cent were earning *less* than the relevant award while the remaining workers were earning *above* award rates.

**Table 2.1.3:**

Difference in hourly rate of pay			
		Frequency	Percent
Valid	more than -\$3	1	2.0
	up to -\$3	2	4.0
	up to -\$2	9	18.0
	up to -\$1	7	14.0
	up to +\$1	28	56.0
	up to +\$2	1	2.0
	more than +\$3	2	4.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

### ***Hours of work and penalty rates for overtime and weekend work***

For part-time and casual staff, the hours of work were generally open-ended. Ordinary weekly hours of work varied from 12 to 36 hours (part-time hours included here), however a large number of agreements 86 per cent did not specify the weekly hours to be worked or left the hours open and subject to the needs of the business (see Table 2.1.4 below). The open ended hours of work arrangements were mainly concentrated amongst IWAs covering part-time workers. The award states that part-time workers are engaged on a weekly basis for less than 38 hours each week with a minimum engagement of 2 hours in any one period of duty. As expected, the award does not stipulate any fixed hours of work arrangements for casual employees as they are paid by the hour. However, it does indicate that casual employees are to be engaged for a minimum period of two hours in any one period and that they also receive four weeks of unpaid leave after every 12 month period of continuous service. Not one IWA covering casual employees in this industry indicated the minimum engagement period.

**Table 2.1.4:**

Ordinary weekly hours of work			
		Frequency	Percent
Valid	<38 hrs p/wk	7	17.1
	unlimited/open	34	82.9
	Total	41	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

Most of the IWAs (88%) also included a provision in the agreement that discussed hours of work arrangements and how they were to be determined. Of those with this provision 40.9 per cent indicated that hours of work arrangements were to be determined by management discretion or business needs (or both), while the remaining 59.1 per cent stated that hours of work were to be determined by mutual agreement/consultation (see Table 2.1.5). Interestingly, IWAs covering females and part-time employees were more likely to have hours of work arrangements determined by mutual agreement/consultation.

The 12 hour daily span of hours was the only span specified in the IWAs and present in 74 per cent of the agreements for contract cleaners. This span of hours was the same as that provided in the award. The difference here between IWAs and the award was that the 12 hour daily span of hours ranged from 6am to 6pm under the award and any hours worked after this time attracted an additional loading of 15%. Under the IWAs the span was more open ended with most agreements stating what the length of the span was yet did not indicate the time periods in which the span applied.

**Table 2.1.5:**

**Hours of work arrangements:**

		Frequency	Percent
Valid	Changed by mutual agreement/consultation	26	59.1
	Management discretion/business needs	18	40.9
	Total	44	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

Monday to Sunday was the most common working week provision, present in 82 per cent of agreements. The remaining 18 per cent of agreements did not specify the ordinary working days of the week. Most agreements indicated that they would be required to work any day of the week, depending on the needs of the business.

**Table 2.1.6:**

**Ordinary work days per week**

	Frequency	Percent
Mon to Sun	41	82.0
Not specified	9	18.0
Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

Hours of work provisions were generally open ended with business needs used as the main factor in dictating the hours an employee is to work. For example, one IWA covering a part-time employee stated that “To effectively meet business needs, the company reserves the right, with the team member’s agreement, to change the team members’ regular hours and places of work as required, often at short notice.”

Another IWA, covering a full-time employee, was a little more firm in its approach to hours of work arrangements. It stated that “At all work sites there shall be no minimum or maximum hours that are required to be worked per week... Hours will be worked according to the demands of customers and needs of the business as determined by the employer”.

Overtime was paid at single time in all cleaning agreements that specified overtime rates. 32 per cent of the IWAs in this industry did not mention overtime rates at all (see Table 2.1.7 below). Table 2.1.8 shows that time off in lieu (TOIL) arrangements were also provided in the majority of cleaning industry IWAs. However, time off was mainly given at the time for time basis (21 of the 30 IWAs). The remaining agreements did not specify the equivalent rate/time at which it could be taken. Interestingly, one casual employee was also granted time off in lieu of overtime.

Overall, a very limited use of overtime penalty payments in contract cleaning IWAs was noted. When they were provided, overtime was paid at single time rather than the equivalent award penalty rates. The award provides for overtime at the rate of 150% for the first two hours and double time thereafter between Monday and Saturday and double time for any hours worked on Sunday.

**Table 2.1.7:**

**Overtime during the week starts at: (%)**

		Frequency	Percent
Valid	100	34	68.0
	Not specified	16	32.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

**Table 2.1.8:**

**Time off in lieu (TOIL) of O/T calculated at:**

		Frequency	Percent
Valid	Ordinary equivalent	21	70.0
	TOIL given, rate not specified	9	30.0
Total		30	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

Employees covered by IWAs in the cleaning industry were also less likely to be paid penalty rates for weekend work and were more likely to be paid at the ordinary time rate. Just over half of IWAs (54%) provide for penalty rates for weekend work (see Table 2.1.9). When penalty rates for weekend work was paid, it was usually at a rate lower than that specified under the award. Under the award Saturday work is paid at 150% and Sunday work is paid at 200%. With the exception of one, IWAs typically paid Saturday work at normal time. Sunday work was paid at penalty rates, however in most cases it was paid at 140% of the ordinary rate, significantly below the award standard.

**Table 2.1.9:**

Presence of weekend penalty rates			
		Frequency	Percent
Valid	Yes	27	54.0
	No	23	46.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

### ***Leave entitlements and family friendly provisions***

IWAs differed significantly from award entitlements in the area of annual leave entitlements. The award provides for 17.5 per cent annual leave loading and four (4) annual weeks leave. In many cases the IWAs absorbed the employee's leave entitlements into the rate of pay. For full-time and part-time employees, absorption of annual leave entitlements and annual leave loading into the rate of pay was very common. Table 2.1.10 below shows that of the 39 agreements that mentioned annual leave entitlements, 74.4 per cent stated that annual leave was absorbed into the rate of pay. The remaining agreements provided for 4 weeks of annual leave per annum. Absorption was more common amongst female employees and part-time employees. A similar pattern existed for annual leave loading. Thirty per cent of agreements stated that annual leave loading was absorbed into the rate of pay (see Table 2.1.11). The remaining did not indicate any annual leave loading entitlement or whether it was absorbed into the rate of pay. This suggests that for the workers covered the annual leave loading entitlement is lost.

**Table 2.1.10:**

No of wks annual leave			
		Frequency	Valid Percent
Valid	absorbed into wage/salary	29	74.4
	4	10	25.6
Total		39	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.

**Table 2.1.11:**

Annual Leave Loading (%)			
		Frequency	Percent
Valid	absorbed into wage/salary	15	30.0
	Not specified	35	70.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – contract cleaning industry, (n=50), unpublished data.



Sick leave entitlements for cleaners covered by IWAs was the same as that provided in the award. 80 per cent of IWAs stated that sick leave was granted at 10 days per year (23 of the 40 covered female employees). However, the important difference between award entitlements and IWAs was with accumulation of unused sick leave. The award provides for unused sick leave to accumulate year to year. Only one IWA specifically mentioned any right to accumulate sick leave entitlement from year to year. All other contract cleaning agreements were either silent on the matter or only made specific reference to the *Workplace Agreements Act 1993* in relation to the number of days.

Bereavement leave (2 days per year) and long service leave (LSL) entitlements in IWAs did not deviate from statutory entitlements. Seventy per cent of IWAs stated that LSL entitlements were as per the statutory minima. Fifteen years of services was required in order to qualify for LSL, at which time 13 weeks pay was given.

Both the award and the IWAs were silent on matters relating to family friendly provisions. No IWA had provisions for family/carer's leave, paid maternity leave, working from home, career break schemes, or subsidising or providing childcare facilities. The award, however, did provide for standard statutory maternity leave entitlements, but does not provide any paid time off.

### ***Innovations in provisions***

No innovations or unusual clauses were identified in the contract cleaning IWAs.

### ***Summary***

Despite the high coverage of part-time workers, the content of these agreements was limited to providing an hourly rate, a statement indicating open ended hours of work arrangements, basic statutory leave entitlements (such as LSL, bereavement leave, annual leave, and sick leave), and a general description of the employee's duties.

The two key areas that differed when comparing the award entitlement to the IWA for cleaners were hours of work arrangements and the hourly rate of pay. Hours of work for workers under IWAs were much more likely to be open ended and driven by the needs of the business with little monetary reward for working hours typically associated with leisure or family time (such as weekends or hours beyond the traditional working day or week).

The hourly rates of pay for workers on IWAs also did not appear to make up for this deficiency. At best, it appears that cleaning workers who are earning an hourly rate above the award are on par when considering that all entitlements are taken into account in the one rate. The worse case scenario for cleaners covered by IWAs applies to those who are earning an hourly rate *below* that stipulated in the award and *also* have their leave entitlements and penalty rates absorbed into the rate of pay. A closer look at the 19 workers covered by the 'below award rates of pay' confirms this. For example, only 6 of the 19 provide for the opportunity to gain some form of wage increase during the life of the agreement (no quantum wage increase is specified), 6 also provide for some form of performance pay initiative. None provide for overtime penalty rates, 11 state that weekly hours of work are open ended while the remainder are silent, 12 state that the working days of the week are Monday to Sunday while the remainder are silent, hours of work arrangements are stated to be determined by management discretion in 14 of the IWAs while 3 are silent on the matter and the remaining 2 state that mutual agreement/consultation is used. In regards to leave



entitlements, 9 agreements are silent on the matter, a further 9 provide for 4 weeks annual leave and 1 IWA has absorbed annual leave into the rate of pay. No mention is made of annual leave loading in any of these agreements. 10 of the 19 agreements provide for sick leave at 10 days per annum while the remaining 9 are silent. On face value it would appear that these workers are more likely to be casual employees. A closer look shows that 7 of these IWAs cover casual employees, 1 is full-time while 11 are part-time employees.

## 2) SHOP AND WAREHOUSE INDUSTRY

### *Key Features, Trends and Award Comparisons*

Table 2.2.1 shows that a higher proportion of females were covered by IWAs in the shop and warehouse industry than males (66% and 34% respectively). The occupation examined for the 50 IWAs was shop assistants.

**Table 2.2.1:**

Sex			
		Frequency	Percent
Valid	Male	17	34.0
	Female	33	66.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

An equal proportion of adults and juniors were covered by the IWAs, which is not surprising given the nature of the industry (see Table 2.2.2 below). Interestingly, in one agreement the Adult wage rate applies at the age of 20, whereas the adult wage rate in the award does not apply until age 21. In this case, the agreement specified an adult wage rate higher than the award. A significantly high proportion of workers covered by the IWAs were employed on a casual basis (76%) while the remainder were employed as full-time (14%) and part-time (10%) (see Table 2.2.3).

**Table 2.2.2:**

Junior/Adult			
		Frequency	Percent
Valid	Adult	24	48.0
	Junior	26	52.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

**Table 2.2.3:**

Employment Status			
		Frequency	Percent
Valid	Permanent full-time	7	14.0
	Permanent part-time	5	10.0
	Casual	38	76.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Almost half of all agreements in this industry (48%) were of 12 months or less duration (see Table 2.2.4). A significant proportion were lengthier agreements of 3 years or more duration. A large number of these lengthier agreements operated for a five year period.

**Table 2.2.4:**

Duration of agreements (months)					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-12	24	48.0	48.0	48.0
	13-24	11	22.0	22.0	70.0
	36+	15	30.0	30.0	100.0
Total		50	100.0	100.0	

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

### ***Wage increases***

Table 2.2.5 shows that just over a third of agreements (36%) provided for any form of wage increase in the life of the agreement, though the effects of this are perhaps not as significant given the relatively high proportion of agreements that run for a term of 12 month or less. In those agreements that did specify increases, the increase was generally contingent on factors such as performance of business, general economic conditions, and employee performance. Few agreements that allowed for wage increases made mention of periods or frequency. In comparison to the other industries, the shop and warehouse industry was most likely to at least provide for some form of wage increase.

Only a small proportion of agreements provided for performance pay systems (12%). This serves as a double whammy as those workers who do not contain a provision in the agreement for a wage increase and also do not contain some form of performance bonus system are more likely to fall below the award standard.

**Table 2.2.5:**

<b>Agreement provides for any form of wage increase</b>			
		Frequency	Percent
Valid	Yes	18	36.0
	No	32	64.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

**Table 2.2.6:**

<b>Performance based pay initiative used</b>			
		Frequency	Percent
Valid	Yes	6	12.0
	No	44	88.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

### ***Remuneration/hourly rate of pay***

Table 2.2.7 highlights that the majority of shop and warehouse agreements (60%) provided for ordinary hourly rates of pay that were less than the award equivalent. The majority of these (73%) paid anywhere up to \$2 less than the award. Only 4 per cent provided for rates equivalent to the award while the most common over-award rate was \$1 over the award rate. Two IWAs provided for the same rates as that in the award.

**Table 2.2.7:**

<b>Difference in ordinary hourly rate of pay</b>			
		Frequency	Percent
Valid	more than \$3 under award	2	4.0
	up to \$3 under award	6	12.0
	up to \$2 under award	9	18.0
	up to \$1 under award	13	26.0
	no difference	2	4.0
	up to \$1 above award	12	24.0
	up to \$2 above award	2	4.0
	up to \$3 above award	3	6.0
	more than \$3 above award	1	2.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

### **Hours of work and penalty rates for overtime and weekend work**

Table 2.2.8 shows that only 20 per cent of IWAs specified the weekly hours of work. Those that specified hours were evenly distributed between 38 hours, more than 38 hours and unlimited. Most agreements covered part-time and casual staff. For this type of work, agreements were generally ‘open-ended’ on the hours of work with working arrangements left to management discretion. In comparison, the Award specifies a standard working week of 38 hours to be worked Monday – Saturday. Penalty rates apply under the award for Saturday work. Given the high concentration of casual employees covered by the shop and warehouse industry, the hours of work arrangements for casuals also varied substantially from the award. The award stipulates that they are to be engaged for a minimum period of 3 hours on any one day and no more than 30 hours in any one week. Of the 38 shop and warehouse IWAs covering casual employees, only seven (18%) indicated the minimum engagement period. Of these, most (86%) specified a minimum engagement of 2 hours per day. Not one IWA placed a cap on the number of hours a casual employee was to work in any week.

**Table 2.2.8:**

<b>Ordinary weekly hours of work</b>			
		Frequency	Percent
Valid	38 hrs p/wk	4	40.0
	>38 hrs p/wk	3	30.0
	unlimited/open	3	30.0
	Total	10	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

A majority of agreements (62%) had a provision that discussed how hours could be changed. The majority of these provided for hours to be changed by management discretion and/or based on the business needs of the organisation. Only 9.7 per cent of these IWAs stated that hours would be changed by mutual agreement/consultation (see Table 2.2.9 below).

**Table 2.2.9:**

<b>Hours of work arrangements:</b>			
		Frequency	Percent
Valid	Changed by mutual agreement/consultation	3	9.7
	Management discretion/business needs	28	90.3
	Total	31	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

82 per cent of IWAs indicated the ordinary working days of the week. Most shop and warehouse agreements specified the ordinary working week as seven days spanning across Monday to Sunday (95.1%). Only 4.9 per cent stated that Monday to Saturday was considered part of the normal working week.

**Table 2.2.10:**

Ordinary work days per week			
		Frequency	Percent
Valid	Mon to Sat	2	4.9
	Mon to Sun	39	95.1
	Total	41	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Table 2.2.11 shows that twenty per cent of IWAs had any overtime provisions with half being paid at 100 per cent of ordinary rate and the remainder paid between 104 per cent and 125 per cent. This is a limited recognition of overtime in IWAs, as when compared with the Award it provides overtime at the rate of 150 per cent for the first two hours and double time thereafter. Sundays are paid at double time and counted as overtime hours. In cases where overtime is recognised within the IWAs, most do not provide for increased rates of pay after a certain number of hours worked. This is substantially lower than the award entitlements and is further exacerbated when considering that the award provides for additional penalty payments of 20% (for casual and permanent workers) when working late night trading hours (usually 6pm and 11.30pm Monday to Saturday).

**Table 2.2.11:**

Overtime during the week starts at: (%)			
		Frequency	Percent
Valid	100	5	50.0
	104	1	10.0
	105	1	10.0
	115	2	20.0
	125	1	10.0
	Total	10	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Time off in lieu provisions were only available in 6 per cent of IWAs (see Table 2.2.12 below).

**Table 2.2.12:**

**Time off in lieu (TOIL) of overtime calculated at:**

		Frequency	Percent
Valid	Ordinary equivalent	3	6.0
	Not specified	47	94.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Given the high proportion of ordinary hours being between Monday and Sunday, there were relatively few agreements (22%) also providing for penalty rates for weekend work. Penalty rates did not apply in a majority of cases yet the award provides for a penalty payment of 150 per cent for all time worked after 12 noon on Saturday and double time on Sunday.

**Table 2.2.13:**

**Presence of weekend penalty rates**

		Frequency	Percent
Valid	Yes	11	22.0
	No	39	78.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

### ***Leave entitlements and family friendly provisions***

Only 22 per cent of agreements in this industry specified the number of weeks leave, with all but one of these specifying the statutory minimum of four weeks. This reflects the heavy concentration of casual employees in this industry given that they are not entitled to annual leave entitlements.

**Table 2.2.14:**

**No of wks annual leave**

		Frequency	Valid Percent
Valid	absorbed into wage/salary	1	9.1
	4	10	90.9
Total		11	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Only one agreement specified a leave loading of 17.5 per cent (see Table 2.2.15). A further three agreements specifically absorbed the loading in the base wage rate and the remainder were silent on leave loading entitlements. The award provides for 17.5 per cent and 4 weeks leave at the employees normal wage/salary

**Table 2.2.15:**

Annual Leave Loading (%)			
		Frequency	Valid Percent
Valid	absorbed into wage/salary	3	75.0
	17.5	1	25.0
Total		4	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Similarly, long service leave entitlements were only explicitly mentioned in a small proportion of these agreements (28%) when discussing that LSL was as per statutory minima. When IWAs were specifically drawing attention to the actual entitlements, they were also given as per the statutory minima.

**Table 2.2.16:**

Long Service Leave is statutory			
		Frequency	Percent
Valid	Yes	14	28.0
	No	36	72.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – shop and warehouse industry (n=50), unpublished data.

Employees were generally also granted the statutory minimum for bereavement leave (2 days per occasion). The IWAs that covered full-time or part-time employees provided 10 days sick leave (on a pro-rata basis). This is the same as the award entitlement. Accumulation of sick leave entitlements was seldom mentioned, with most agreements being silent on the issue while some specifically stated that there would be no accumulation. Effectively, silence on the accumulation issue meant that the ability to accumulate sick was lost. Only two agreements mentioned that sick leave may accumulate from year to year. One of these agreements capped the accumulation period to 200 hours.

Once again, family friendly provisions were non-existent in IWAs despite the significantly higher proportion of females in this industry. The award also does not provide for any family friendly provisions over and above standard statutory entitlements, yet the IWAs did not even mention this. However, the Minimum Conditions of Employment Act provides for parental leave and is therefore implied into the IWAs where they are silent.



### ***Innovations in provisions***

Some clauses within the shop and warehouse IWAs contained interesting provisions, however the majority had a punitive connotation attached. For example, one IWA stated that an employees wage rate included a loading for working additional hours. However, the employer has the right to reduce the employees wage rate if they refused to work additional hours. What actually constitutes additional hours remains unspecified.

Another IWA indicated that staff are responsible for the cash float allocated to them. Any discrepancy of \$4.00 or more was to be deducted from the employees wage.

Another IWA stated that an employee was not able to engage in 'any stoppage, ban, or any limitation on the performance of work required by the employer' whilst under the contract of employment that is not authorised by the employer.

A more progressive IWA recognised the different type of work an employee engaged in and adjusted the hourly rate of pay accordingly in such circumstances. For example, counter service work is paid at \$13 per hour, whilst food counter service work is paid at \$12 per hour.

### ***Summary***

The majority of IWAs in the shop and warehouse industry covered casual and part-time employees. As a result, the content of these agreements was limited to providing an hourly rate, a statement indicating very open ended hours of work arrangements, statutory leave entitlements (LSL, bereavement, annual, and sick), and a description of the employee's duties. Flexibility in hours of work arrangement appears to be the key area targeted in this industry. Most agreements contained provisions that required workers to have an extended working week and to be expected to work within a range of hours or days that maximised the employer's ability to cater for the needs of the business. Not surprisingly, extended trading hours in the retail sector means that workers are more likely to be required to work outside the traditional working week and hours. Yet, the benefits of flexibility have not been reciprocated for shop and warehouse workers covered by IWAs. That is, not only are they required to be as flexible as possible, there appears to be no reward (financial or other) for doing so. Shop assistants are highly likely to work weekends and this therefore has a significant impact on their earnings. Casual employees are most likely to be adversely affected amongst the employment types, especially when comparisons were made to the award conditions in relation to hours of work and penalty payments.

The key point for the workers covered by IWAs is the lack of any difference in expectations by employers for part-time and full-time workers in determining working hours. All categories of workers are treated the same in the context of the hours of work flexibility provisions, regardless of whether you are classified as a full-timer, part-timer or casual employee.

### 3) SECURITY OFFICERS

#### **Key Features, Trends & Award Comparisons**

Security Officers were predominantly males, representing 94 per cent of the 50 IWAs. This is not surprising given the largely male dominated nature of the industry (see Table 2.3.1). Unlike the other industries, not one security officer was a junior employee, all were adult workers (see Table 2.3.2 below).

**Table 2.3.1:**

Sex			
		Frequency	Percent
Valid	Male	47	94.0
	Female	3	6.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

**Table 2.3.2:**

Junior/Adult			
		Frequency	Percent
Valid	Adult	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

The security industry was one which predominately comprised of casual workers. Table 2.3.3 reveals that just under three quarters (72%) of all IWAs covered those employed on a casual basis followed by 24 per cent employed on a part-time basis and 4 per cent as full-time.

**Table 2.3.3:**

Employment Status			
		Frequency	Percent
Valid	Permanent full-time	2	4.0
	Permanent part-time	12	24.0
	Casual	36	72.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Table 2.3.4 below demonstrates that the most common duration was the 1-12 month term (46% of all security industry agreements). The 13-24 duration group was the next most common representing 30 per cent of the sample, while the 36+ duration group was the least common (24% of security IWAs). The sample revealed a number of very short term agreements (5 month term) and very long term agreements (48 and 60 months).

**Table 2.3.4:**

Duration of agreements (months)			
		Frequency	Percent
Valid	1-12	23	46.0
	13-24	15	30.0
	36+	12	24.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

### **Wage increases**

Not one IWA covering security staff provided for a specific quantum wage increase. Only 12 per cent provided for the potential to gain some form of wage increase that was not quantified, nor was the frequency specified (see Table 2.3.5 below). In circumstances where wage increases were noted, most referred to those in line with the Consumer Price Index, or via an individual performance review. This has a significant impact on those workers who are covered by the long duration agreements for they may potentially fall significantly below the equivalent award rate of pay, particularly towards the end of the agreement's term. Bonus payment systems are in some cases used as an alternative to a wage increase (quantified or other). However, no such initiatives were found in the security industry IWAs. Hence, those workers who do not contain a provision in the agreement for a wage increase and also do not contain some form of performance bonus system are more likely to fall below the award standard.

**Table 2.3.5:**

Agreement provides for any form of wage increase			
		Frequency	Percent
Valid	Yes	6	12.0
	No	44	88.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

### **Remuneration/hourly rate of pay**

Differences in ordinary hourly rates of pay were evident when comparing the IWAs to the award rate for security officers. The differences ranged from \$3.88 per hour *below the award* rate to \$3.43 *above the award* hourly rate. Overall, Table 2.3.6 shows that the majority of security workers (76%) covered by the IWAs were earning ordinary hourly rates of pay less than those prescribed in the award. The remaining 26 per cent were earning above award rates while no IWA provided for the same rate of pay as that specified under the award. Table 2.3.6 below shows that the largest concentration was for workers earning between \$1 and \$2 less than the award (50% of security industry IWAs), followed by those earning \$1 above the award (18%).

**Table 2.3.6:**

		Frequency	Percent
Valid	more than \$3 under award	4	8.0
	up to \$3 under award	5	10.0
	up to \$2 under award	25	50.0
	up to \$1 under award	4	8.0
	up to \$1 above award	9	18.0
	up to \$3 above award	2	4.0
	more than \$3 above award	1	2.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

### **Hours of work and penalty rates for overtime and weekend work**

In total, only 30 per cent of security IWAs made reference to the ordinary weekly hours of work. Of these, 60 per cent did not specify the actual ordinary hours of work to be worked and rather included a statement indicating that hours of work will be determined by the needs of the business using management discretion. This is not surprising given the high number of casual employees in this industry. Similar open-ended provisions were included for IWAs covering casual staff, however this would be expected given their employment status. By comparison, the award does not pursue management discretion to the same extent for permanent employees and rather provides for an average of a 38 hour week to be worked on any 10 days of the fortnight. This indicates that Saturdays and Sundays are expected to be worked at least once in a fortnight. Only one agreement (6.7%) specified the ordinary weekly hours of work to be 38 per week and a further 33.3 per cent indicated that they are greater than 38 hours per week (see Table 2.3.7 below).

**Table 2.3.7:**

Ordinary weekly hours of work			
		Frequency	Percent
Valid	38 hrs p/wk	1	6.7
	>38 hrs p/wk	5	33.3
	unlimited/open	9	60.0
	Total	15	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Table 2.3.8 shows that hours of work arrangements were also largely left to management discretion, present in 84 per cent of IWAs. The remainder 16 per cent did not indicate whether hours of work were to be agreed by mutual agreement/consultation or via management discretion.

**Table 2.3.8:**

Hours of work arrangements:			
		Frequency	Percent
Valid	Management discretion/business needs	42	84.0
	Not specified	8	16.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

The ordinary working days of the week were mentioned in 88 per cent of all security IWAs. Monday to Sunday appears to be the most common working week with 98% of agreements indicating this (Table 2.3.9). Only one IWA used Monday to Friday as the ordinary working days of the week.

**Table 2.3.9:**

Ordinary work days per week			
		Frequency	Percent
Valid	Mon to Fri	1	2.3
	Mon to Sun	43	97.7
	Total	44	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Table 2.3.10 below demonstrates that overtime penalty payments were only mentioned in 6 per cent of IWAs. They ranged from 100 per cent (ie. single time) to 150 per cent. One agreement stated that any hours worked as overtime would be paid overtime rates at the ordinary hourly rate. Another IWA stated that any additional hours worked over the 80 hours in a fortnightly period would be paid at a rate equivalent to 115% of the ordinary hourly rate. The third agreement provided for overtime rates that varied depending on the days in which the overtime hours were worked (from 150% for all overtime hours between Monday and Saturday, 175% for overtime hours on Sunday and 200% for overtime on public holidays). None of these agreements indicated that the employee was entitled to double time rates after having worked a certain number of hours of overtime. The award overtime rate, on the other hand, starts at 150 per cent and then double time after two hours.

Time off in lieu provisions were not available in any security IWAs. The weekly working days for casual employees were not restricted, however the award stipulates that penalty rates apply to all employees who work on the days that attract such payments.

**Table 2.3.10:**

**Overtime during the week starts at: (%)**

	Frequency	Percent
Valid	100	33.3
	115	33.3
	150	33.3
Total	3	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

In relation to the daily span of hours a total of 60 per cent indicated what the daily span of hours is (see Table 2.3.11). The majority of these (96.7%) indicated that the span is greater than 12 hours per day. On closer analysis, an alarming amount of these agreements (92%) provide for an unlimited daily span of hours. The award, on the other hand, provides for a daily span of 10 hours for permanent staff and does not specify the daily span of hours for casual employees.

**Table 2.3.11:**

**Daily span of hours**

	Frequency	Percent
Valid	<12	3.3
	>12	96.7
Total	30	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Weekend penalty rates were specified in only 16 per cent of IWAs covering security staff (see Table 2.3.12). The award provides for a penalty payment of 150 per cent for Saturday work and 175 per cent for hours worked on Sundays. Only two of the IWAs, on the other hand, paid penalty rates as per the award while the remainder paid between 108 per cent and 117 per cent for Saturday work and between 113 per cent and 124 per cent for Sunday work.

**Table 2.3.12:**

Presence of weekend penalty rates			
		Frequency	Percent
Valid	Yes	8	16.0
	No	42	84.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

### **Leave entitlements and family friendly provisions**

A total of 24 per cent of IWAs indicated the annual leave entitlement for workers. Of these, one third (or 4 IWAs) said that it was absorbed into the rate of pay while the remainder provided for 4 weeks pay (see Table 2.3.13). The *Minimum Conditions of Employment Act* applies where an IWA is silent on annual leave, in which case 4 weeks of annual leave is provided.

**Table 2.3.13:**

No of wks annual leave			
		Frequency	Percent
Valid	absorbed into wage/salary	4	33.3
	4	8	66.7
Total		12	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Only one agreement specified annual leave loading while the remaining were silent on the matter, yet there were a total of thirteen employees who were eligible for annual leave loading as they were employed as a full-time or part-time employee (see Table 2.3.14). Effectively, this means that employees covered by the IWA are not entitled to annual leave loading if it is not specified. The award provides for 17.5 per cent annual leave loading. Casual employees would naturally have this entitlement paid as part of their normal casual loading.

**Table 2.3.14:**

Annual Leave Loading (%)			
		Frequency	Percent
Valid	17.5	1	2.0
	Not specified	49	98.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Sick leave entitlements were specified in 28 per cent of security IWAs, in which case the annual entitlement was as per the award entitlement (see Table 2.3.15). This low incidence of sick leave entitlements is expected given that a large proportion of agreements cover casual staff. However, accumulation of sick leave entitlements was an area that lacked any positive entitlement. Only one agreement mentioned that sick leave may accumulate from year to year while several agreements specified that sick leave will not accumulate.

**Table 2.3.15:**

Annual sick leave entitlement (days)			
		Frequency	Percent
Valid	10	14	28.0
	Not specified	36	72.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

Employees were generally entitled to the statutory minimum for bereavement leave (2 days per year) and long service leave (13 weeks for every 15 years of service). In fact, 22 per cent of the IWAs specifically stated that long service leave was statutory (see Table 2.3.16 below).

**Table 2.3.16:**

Long Service Leave is statutory			
		Frequency	Percent
Valid	Yes	11	22.0
	No	39	78.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – security officers industry (n=50), unpublished data.

No reference was made to any type of family friendly measures in IWAs for security staff, but this is expected given the high concentration of males.



### ***Innovations in provisions***

An innovative feature of one security IWA was the granting of a thirty minute paid meal break per shift for the employee. No other significant innovations were found. There were, however, some less than generous provisions, where costs were associated with the employee's income under certain circumstances. For example, one agreement stated that "If an employee fails to correctly record or report an incident, they shall not be paid for the allocated duties relating to the incident".

Another IWA indicated that training costs would be borne by the employee if they resign from the company after a specific period of time. Costs varied from \$250 to \$3000 depending on when the employee resigns from the company afterwards.

### ***Summary***

Agreements were generally lacking in detail, with the main focus being on hours of work and wages. A 'bare bones' approach was taken in most security industry agreements. Over two-thirds (68%) of the agreements were pattern agreements. An identical agreement was used for different employees and the only exception to this appeared to be a difference in the agreements used by the same employer for casual and permanent employees. Even in these circumstances, the differences were minimal.

IWAs for security workers appeared to provide for substantially lower wages and conditions of employment than all other industries. The award recognises the unique nature of working arrangements for this industry through more flexible working hours arrangements, nevertheless the award still provides for penalty payments for employees who conduct weekend work. IWAs were substantially insufficient in this area.

Security workers were also less likely to receive any leave entitlements and, where present, were more likely to have such entitlements absorbed into their pay.

## 4) RESTAURANT, TEAROOM AND CATERING

### *Key Features, Trends and Award Comparisons*

Tables 2.4.1 to 2.4.3 details the profile of restaurant workers covered by agreements in the restaurant industry. The restaurant industry is characterised by casual, female employment. Over two thirds of all workers (68%) are employed on a casual basis and a further 16 per cent work on a permanent part-time basis. Restaurant workers covered by agreements are also predominantly female (80%) and over one third (38%) are junior employees.

**Table 2.4.1:**

Sex			
		Frequency	Percent
Valid	Male	10	20.0
	Female	40	80.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

**Table 2.4.2:**

Junior/Adult			
		Frequency	Percent
Valid	Adult	31	62.0
	Junior	19	38.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

**Table 2.4.3:**

Employment Status			
		Frequency	Percent
Valid	Permanent full-time	8	16.0
	Permanent part-time	8	16.0
	Casual	34	68.0
	Total	50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

Almost all Agreements are up to two years in duration with just over half lasting 1 to 12 months and a further 40 per cent lasting 13 to 24 months (see Table 2.4.4).

**Table 2.4.4:**

Duration of agreements (months)			
		Frequency	Percent
Valid	1-12	27	54.0
	13-24	21	42.0
	36+	2	4.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

### **Wage increases**

Very few IWAs specify a quantum wage increase for restaurant workers. Table 2.4.5 shows that less than one in ten (8%) agreements in the restaurant industry indicate some form of wage increase. Those agreements that do mention quantum increases are based on the Consumer Price Index or are granted as a result of an individual performance review.

**Table 2.4.5:**

Agreement provides for any form of wage increase			
		Frequency	Percent
Valid	Yes	4	8.0
	No	46	92.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

The incidence of performance based pay initiatives is extremely low for restaurant workers. Table 2.4.6 shows that only 4 per cent of IWAs in the restaurant industry include any provision for performance based initiatives.

**Table 2.4.6:**

Performance based pay initiative used			
		Frequency	Percent
Valid	Yes	2	4.0
	No	48	96.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

### **Remuneration/hourly rate of pay**

Comparisons between the Award and agreements in the restaurant industry show some significant discrepancies with regards to ordinary rates of pay. The ordinary hourly rates of pay set out in agreements in the catering industry range from \$2.90 per hour below the Award to \$5.60 per hour above the Award. However, half of all agreements for restaurant workers have hourly rates of pay that are lower than the Award. Table 2.4.7 shows that agreements for restaurant workers were more likely to specify ordinary hourly rates of pay at between \$2 and \$3 below the Award rate.

**Table 2.4.7:**

		Frequency	Percent
Valid	more than \$3 under award	1	2.0
	up to \$3 under award	6	12.0
	up to \$2 under award	11	22.0
	up to \$1 under award	7	14.0
	up to \$1 above award	6	12.0
	up to \$2 above award	8	16.0
	up to \$3 above award	4	8.0
	more than \$3 above award	7	14.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

### **Hours of work and penalty rates for overtime and weekend work**

Table 2.4.8 shows that only twenty eight percent of agreements have provisions specifying ordinary hours of work but of those that do nominate hours, the majority (85%) specify greater than 38 hours per week or unlimited hours.

**Table 2.4.8:**

		Frequency	Percent
Valid	<38 hrs p/wk	1	7.1
	38 hrs p/wk	1	7.1
	>38 hrs p/wk	9	64.3
	unlimited/open	3	21.4
	Total	14	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=14), unpublished data.

Out of all agreements in the restaurant industry, nearly 8 out of 10 allowed for open ended hours of work that allow management to manipulate working hours at their discretion or to suit their business needs. Table 2.4.9 shows that while 76 per cent of agreements designated hours of work to be at management discretion, the remaining 24 per cent did not specify how hours of work arrangements were to be determined. This suggests that for all restaurant workers covered by IWAs, hours of work are determined by employers. This is not surprising given the large concentration of casual employees.

**Table 2.4.9:**

**Hours of work arrangements:**

		Frequency	Percent
Valid	Management discretion/business needs	38	76.0
	Not specified	12	24.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

Not only are restaurant workers subject to unlimited or open hours of work but nearly all agreements (97%) require that workers be available seven days a week (see Table 2.4.10).

**Table 2.4.10:**

**Ordinary work days per week**

		Frequency	Percent
Valid	Mon to Sat	1	3.0
	Mon to Sun	32	97.0
Total		33	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=33), unpublished data.

The most striking feature of the IWAs examined was the lack of any restrictions on the hours of work for casual employees. Of the 34 casual employees covered by restaurant IWAs, only 32% specified a minimum daily engagement period while the remainder were silent on the matter. These minimum periods varied from 1.5 hours to 2 hours. The award specified a minimum of 2 hours per engagement for casual employees.

In general there are no specifications of overtime rates in agreements (see Table 2.4.11). Of those agreements that do specify an overtime rate it is at single time. On the other hand, the award provides for overtime payments of 150% for the first two hours and double time thereafter for all employees. In addition, full-time and part-time workers attract a penalty payment for any work conducted between 7pm and 7am Monday to Friday and ordinary hours on weekends. In comparison, IWAs were silent on such matters. The award also stipulated that casual employees were only ever paid an additional loading (other than the casual loading) for working on public holidays. No such provision was included in the IWAs.

Time of in Lieu (TOIL) arrangements are not specified in any of the agreements in the restaurant industry and similarly, there are no provisions for weekend penalty rates.

**Table 2.4.11:**

Overtime during the week starts at: (%)			
		Frequency	Percent
Valid	100	14	28.0
	Not specified	36	72.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

### ***Leave entitlements and family friendly provisions***

The conditions relating to annual leave in the restaurant industry are a reflection of the casualisation of this industry. Only 32 per cent of agreement had leave provisions at all specified, and of these five agreements specified four weeks annual leave (see Table 2.4.9). The remaining two thirds of agreements that actually make particular mention of leave entitlements specify that annual leave is to be absorbed into wage and salary conditions. A closer analysis of the agreements that absorbed annual leave found that the hourly rate of pay was, in most cases, substantially higher than the award equivalent.

No agreement made provisions for leave loading. The Award provides for 17.5 per cent annual leave loading whereas annual leave loading in IWAs for any full-time or part-time employees was not mentioned in the restaurant industry.

**Table 2.4.12:**

No of wks annual leave			
		Frequency	Percent
Valid	absorbed into wage/salary	11	68.8
	4	5	31.3
Total		16	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=16), unpublished data.

With regard to other leave entitlements, one third of all agreements in the restaurant industry specify that long service leave is “as per the statutory requirements” (see Table 2.4.10). The remaining agreements actually indicate that long service leave is “13 weeks for every 15 years of service” (i.e. which is the statutory minimum requirement). Restaurant workers covered by agreements are also entitled to the statutory minimum bereavement leave (i.e. 2 days per occasion).

**Table 2.4.13:**

**Long Service Leave is statutory**

		Frequency	Percent
Valid	Yes	15	30.0
	No	35	70.0
Total		50	100.0

Source: ACIRRT, (2002), Database of WA Individual Workplace Agreements – restaurant, tearoom and catering industry (n=50), unpublished data.

Sick leave entitlements were usually provided at 10 days per year of service, however the majority of agreements covered casual workers. Most agreements were also silent on the matter of accumulation. Where they weren't silent, they usually indicated that sick leave entitlements could not accumulate from year to year.

As was the case with the contract cleaning industry, neither the Award nor the IWAs in the restaurant industry included mention to family friendly provisions. No agreement had provisions for family/carer's leave, paid or unpaid maternity leave, working from home, career break schemes, or subsidising or providing childcare facilities. The award, at the very least, includes a provision for unpaid maternity leave. In contrast, the IWAs were silent even on such matters.

### ***Innovations in provisions***

The general trend amongst IWAs in this industry (and others examined) was the absorption of penalty payments and leave entitlements into the ordinary rate of pay. One IWA also absorbed overtime penalties. The agreement states that "It is recorded that the salaried rate set out [in the agreement] is inclusive of an allowance for overtime." A non-payment of overtime as the result of an annualised wage could be considered to disadvantage that employee if they happen to work large amounts of overtime. However, relative to other IWAs looked at in this industry, this may not be the case. A significant number of agreements pay employees at single time for any overtime worked. Although this agreement does not provide for an overtime payment, the employee is receiving \$3.04/hour above the Award, which means that they must work roughly twelve hours of overtime a week before they become disadvantaged by this provision.

One IWA provided for harsh conditions associated with termination notice. The agreement states that not only is one day's notice required on either side, but that the employer simply could pay \$1 instead of the one day's notice, while the employee is required to forfeit one whole day's pay. The provision is as follows:

"One days notice in writing shall be given by either the employee as the case may be when terminating employment or alternatively, payment of (in the case of the employer) \$1 or forfeiture of (in case of the employee) one days pay."

### ***Summary***

The restaurant industry primarily relies on a casualised workforce and a number of the conditions in the IWAs reflect the precarious nature of this type of employment. Details in these agreements primarily focused on hours of work and wages and generally lacked further elaboration particularly with relation to leave entitlements.

Again, this was largely due to the large concentration of casual employees. Employers tended to use pattern arrangements (62% of restaurant industry IWAs) and simply amended the same agreement for different employment types. Some differences in content were noted in agreements for casual and permanent employees who work for the same employer but such differences were minimal.

The Award provides for different conditions on a number of key factors. For permanent employees the Award provides for a 38-hour week for restaurant workers. In comparison, a significant number of IWAs contain open-ended provisions for ordinary weekly hours of work, which are largely contingent upon the needs of the business and fixed by management discretion and can include unlimited and open ordinary hours of work seven days a week. An alarming amount of the Agreements provide for unlimited daily span of hours (i.e. 24 hours). Agreements in the restaurant industry are unlikely to have weekend penalty rates and overtime payments and are largely paid at normal time or at under award rates. In contrast, the Award rate for overtime starts at 150%.

Most annual leave entitlements for full and part-time workers were absorbed into the rate of pay. In these cases, the hourly rate of pay was substantially higher than that stipulated in the award.

The key area of difference between restaurant workers under the award and those under IWAs was with regard to hourly rates of pay, with half of all workers covered by agreements earning less than the award. In addition, relative to the other industries studied, restaurant workers are less likely to have provisions in the IWA that provides any form of wage increase. They are also less likely to include any performance based pay initiatives.

Despite the fact that this is a female dominated industry, there were no family friendly provisions in the Agreements examined, however the award also did not provide for any family friendly related provisions.



## CONCLUSION

Overall the contents and detail contained in the 200 Western Australian Individual Workplace Agreements (IWAs) analysed were quite basic, most effectively adopting a 'bare bones' approach to wages and conditions issues for workers. The industry analysis of agreements found that the comparable awards for these industries tended to be more comprehensive and provided for a range of detailed provisions relating to wages, employment conditions and a range of other workplace related matters. IWAs replace these awards, being 'stand alone' individual contracts of employment that are underpinned by the *Minimum Conditions of Employment Act 1993* not the award. For this reason, the lack of detail or comprehensiveness in IWAs may have a significant impact on the earnings and conditions of employment for employees covered.

The two key areas that differed when comparing the award entitlement to the IWA were hours of work arrangements and the hourly rate of pay. A large proportion of IWAs tended to change pre-existing employment conditions. These centred around hours of work, overtime pay and penalty rates. Hours of work provisions, in particular, placed a large amount of emphasis on greater flexibility. IWAs were either silent on many provisions associated with hours of work or were open ended, with management and business needs being the key drivers determining hours of work. In addition, workers were less likely to be paid any additional penalty rate for working overtime hours or weekend work. A common approach was to expand the ordinary working time arrangements and thereby reduce penalty costs that would have previously been paid for working outside ordinary hours. Compensation for non-standard working times were generally reduced significantly, especially when compared to the conditions outlined in the relevant award, or non-existent.

While some workers on IWAs were receiving a significantly higher rate of pay relative to the award, this could largely be attributed to the fact that other entitlements (especially 'leave') and/or penalty payments had been absorbed into the rate. A 'loaded rate' was provided instead, and although it was typically higher to compensate for more open-ended hours of work and to account for payments (such as penalty rates, overtime, allowances, and annual leave loading, and payout of leave entitlements), a closer analysis found that the 'loaded hourly rate' for these workers did not appear to make up for the increasingly open and flexible hours of work arrangements.

This nexus between wages and hours of work is important due to the direct impact it has on an employer's labour costs and take home pay for employees. The use of very open-ended hours of work arrangements in the IWAs coupled with the removal of penalty payments significantly reduces the overall package of remuneration. Overall, despite the relatively higher hourly rate of pay that some workers on IWAs may be earning, the findings in this report suggests that workers are in general "worse off" under individual workplace agreements.

In the area of wage increases, IWAs were unlikely to contain a provision for wage increases over the life of the agreement, nor was this deficiency compensated for via other opportunities to increase the employees' earnings, such as performance pay initiatives.

One further issue of concern centres on long duration agreements and the capacity for the terms and conditions of an IWA to remain in operation beyond its expiry date. This has implications for all workers covered by IWAs, but an even bigger impact for workers who sign long duration IWAs. Section 19(4) of the *Workplace Agreements Act 1993* allows for some other arrangement to be determined by the parties to an IWA in relation to the duration. Effectively, this section of the legislation allows for the extension of the duration of the terms and conditions stipulated in an IWA, if the IWA includes a specific statement indicating that the 'terms and conditions will still apply until replaced by a new agreement'. In fact, the statistics revealed that 71% of all IWAs examined in this report contained a provision that allowed the terms and conditions of the actual IWA to continue beyond the expiry date until it is replaced by a new agreement. A further 3.5 per cent indicated that the terms and conditions of the actual IWA to continue beyond the expiry date for up to a certain period of time (eg. 3 months, 6 months or 9 months). The implications for workers covered by IWAs with such a provision can potentially be detrimental, especially given that over one third (35%) of workers covered by the IWAs examined ran for a long period (ie. 3 years or more). Not only is there no guarantee of further wage increases, but the employee also can potentially fall behind the award rate of pay over time. It is likely that workers covered by an IWA, especially the long duration IWAs, which continues beyond the nominal expiry date may fall behind the award rate. Short term IWAs can potentially have the same detrimental impact for the terms and conditions of an IWA can apply to the employee covered for several years afterwards. Only one IWA contained a specific provision ensuring that a new IWA was created and assisted the process with the option for mediation for unresolved issues.

The statistical evidence in this report has found that only three IWAs provide for a quantifiable wage increase during the life of the agreement and only a small proportion of agreements provide for any form of wage increase (such as those in line with award movements, CPI, and economic/business conditions).

IWAs also lacked any provisions that would achieve productivity improvements through traditional productivity enhancing techniques. No productivity enhancing provisions or any other positive innovations were found amongst the sample of agreements examined.

Overall, on balance the outcomes are more detrimental to most employees than positive. It appears that IWAs have been used by employers as a means of changing a number of key award provisions and are more likely to be used by employers to gain an advantage in industries that are highly competitive.

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Betty Frino (Co-ordinator), Troy Sarina, Kate Leonard, Alicia Pearce and Chris Wright.

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