

**An Exploratory Study of Western Australia s30
Workplace Agreements:
Emerging Trends**

A report produced for

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Prepared by



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A General Guide to Interpreting Information in WA s30 Workplace Agreements

When reading content trends contained in this report, it should be kept in mind that wages and conditions in Western Australia, as elsewhere, are set by a combination of:

- Statutes such as those governing Long Service Leave, Occupational Safety and others
- Custom and practice
- Registered agreements
- Company and staffing policies.
- *Minimum Conditions of Employment Act 1993*

This study focuses on the content trends in a selection of WA s30 Workplace Agreements. They do not operate in isolation, but rather in the context of this total regulatory system. Just because a provision is not written into a WA s30 Workplace Agreement does not mean it is not available to the employees concerned. In some cases it could be in statute or written into company policy. It is important to note, however, that in Australia, one of the most comprehensive sources of rights and entitlements at work are awards. WA s30 Workplace Agreements displace awards and in this respect have major implication in the redefinition of rights at work, especially enforceable rights.

Introduction

This report was prepared by the Australian Centre for Industrial Relations Research and Training (ACIRRT) at the University of Sydney for the Western Australian Trades and Labor Council (WATLC). ACIRRT was commissioned to provide a preliminary analysis of content trends in a number of Western Australian Individual and Collective Workplace Agreements (s.30 of the *Workplace Agreements Act 1993* WA) obtained by the WATLC. ACIRRT was also asked to compare trends in these agreements with Western Australian Certified Agreements held on the ADAM Database by ACIRRT.¹ However, a comparison of the conditions in the agreements with the relevant award conditions was not undertaken.

ACIRRT made every effort to check the status of the agreements with the WATLC and rejected any that could not be confirmed as WA s.30 Workplace Agreements. However, there is no guarantee of the representativeness or the accuracy of these agreements. The limits of this study centre on the inability to confirm the status of these agreements. This is due to two reasons: statutory restriction on access to the WA Workplace Agreements system and the inability to check trends in these agreements (as coded on ADAM) against trends released publicly by the

¹ ADAM stands for Agreements Database and Monitor which holds information on over 6000 federal and state certified agreements and over 300 AWAs (maintained by ACIRRT).

Commissioner for Workplace Agreements. A confirmation of the accuracy of the content of the agreements with the WA Commissioner for Workplace Agreements would have allowed a determination of what, if any, changes had been made to their content. In the absence of any alternative means of accessing these agreements, it was considered (by the WA TLC) that the benefits of being able to examine the content of at least a selection of these agreements outweighed the limitations of not being able to study a reliable, statistically representative sample of them. The WA TLC exercised the judgement that given the importance of knowing what is happening in individual and collective bargaining that some information was better than none. The WA TLC reports that it will maintain its efforts to have these agreements made accessible to researchers in the future on similar terms to Australian Workplace Agreements in the federal jurisdiction.

For these reasons, this report provides only a descriptive account of the content of the sample of WA s.30 Workplace Agreements and compares them against WA Certified Agreements. While we make some specific comments about the comparative trends, we do not draw wider conclusions about the relevance of the agreements analysed. This is not possible until a more representative sample of these agreements can be obtained. As such, any conclusions from this study must be tentative: this study is explorative and is in no way definitive.

1. Research approach

ACIRRT was initially provided with 97 agreements covering workers in WA. Some agreements were not used in this analysis as they were either incomplete or could not be confirmed as WA s.30 Workplace Agreements. Two were rejected when it was determined that they were Federal AWAs. Ultimately, 88 useable agreements were used and coded using ACIRRT's ADAM Coding Frame. This allowed for direct and consistent comparison of the content of agreements.

We examined content trends for the following provisions and, wherever possible, compared the incidence of these provisions with other collective agreements. Some clauses were unique to the sample of WA agreements and these are presented without comparison.

The following provisions were covered:

- **General characteristics of the agreements**

- Status (individual, collective)

- Sector

- Industry

- Duration

- Other features

- **Wages**

- Provisions for wage increases

- Weekly Gross Wage rates

- Payment for casual workers

- Holidays

- Absorption of allowances

- **Performance/productivity related measures**
- **Hours of work**
 - Ordinary weekly hours
 - Ordinary span of daily hours
 - Ordinary weekly work days
 - Other flexibility provisions
- **Leave provisions**
- **Workplace flexibility and other initiatives**
- **Dispute resolution practices**
 - Consultation
 - Grievance
 - Arbitration

Constraints of the approach

As noted earlier, there were some limitations associated with the approach used in this study. ACIRRT raised these issues at an early point and the WA TLC determined to proceed with the study. The limitations are outlined in more detail below.

a) Access to information on WA s.30 Workplace Agreements

Clearly, the method of accessing these agreements is unsatisfactory and restrictive. ACIRRT would have preferred to have been able to fully check and validate every agreement provided, and ensure that a representative sample was obtained for analysis. However, severely restricted access to these agreements left no other means to develop an independent and impartial account of the content of these agreements. The information released by the Commissioner for Workplace Agreements does not allow for comparability between agreement types, an important component of this report. The lack of public knowledge and understanding about these agreements necessitated such a study, despite its limits.

b) Representativeness

ACIRRT had no means of determining the extent that the sample of 88 agreements used were a representative sample of the WA s30 Workplace Agreements, signed off since 1993. As outlined, this was not a problem easily overcome. First, the agreements have stringent legal confidentiality requirements associated with them and outside researchers are unable to gain access to the agreements for analysis except through the means used in this research (ie informally). Second, the WA Commissioner of Workplace Agreements does not separate WA s30 Workplace Agreements into collective and individual agreements (they can be either), but releases trends for *all* section 30 agreements. This means we could not compare our

data on the content of our sample (which were predominantly individual agreements) with those released by the Commissioner.

In the absence of more easily accessible data, or content analysis undertaken by the WA Commissioner, our approach was the best that could be undertaken at present. For research purposes access similar to that provided by the Office of the Employment Advocate on Federal AWAs would be of assistance.

b) **Comparability:** While we compared the *content* of the agreements with collective certified agreements, we were not asked to compare the content of an agreement with the award conditions that preceded it, or with other conditions that may have been in place. Therefore we did not assess whether the agreements were an improvement or a deterioration in wages and conditions to that of the award. Nor could we place the agreements in the context of other less formalised arrangements that may or may not have been in place at the workplace and which may operate alongside the written agreement.

Notwithstanding these constraints, this report can provide some *prima facie* comparison between WA s30 Workplace Agreements and WA Certified Agreements. This provides at least the beginning of understanding the broad content trends of these WA s30 Workplace Agreements compared with WA Certified Agreements.

2. General characteristics of the agreements

2.1 General differences between the agreements

There are two fundamental differences between the agreements that underpin our analysis and must be kept in mind when assessing what the significance of the content might be.

- WA Certified Agreements are usually **underpinned by awards**. Only 2.1 percent of WA Certified Agreements on the ADAM Database completely replace the award. This means that where the WA Certified Agreements are silent on a particular issue, and where there is award coverage, award conditions prevail. The exception to this is where the award and the certified agreement is silent on a particular issue, in which case the WA *Minimum Conditions of Employment Act 1993* prevails. On the other hand, by legislation, WA s30 Workplace Agreements **completely replace the respective state award**. Instead they are underpinned by specified minimum conditions as per the *Minimum Conditions of Employment Act 1993* (WA). They are designed to operate as a “stand alone” contract of employment. This means that where WA s30 Workplace Agreements are silent on details about wages and conditions, this may be of greater significance than where certified agreements are silent. This is because where the Section 30 Workplace Agreements are silent on an issue (other than those conditions provided by the *Minimum Conditions of Employment Act 1993*) the default position is not stated. It was not known whether the workplace had less formalised arrangements in place, or whether a staff policy or manual covered the aspects of employment not contained within the agreement. What is known for certain is that they have not been included in the WA s30 Workplace Agreement.

- WA Certified Agreements on the ADAM Database are collective agreements, and 99 percent of them are union agreements. Of the 88 WA s30 Workplace Agreements analysed, most (81.8 percent) appeared to be individual workplace agreements and none of them involved a trade union.

Thus we are comparing two fundamentally different kinds of agreements – collective and individual. Collective certified agreements are underpinned by industry awards, while the WA s30 Workplace Agreements are underpinned by the *Minimum Conditions of Employment Act 1993* (WA). In both cases, they cover employees in WA and either partially or fully replace state award conditions. On this basis alone a comparison is justifiable.

Trends in agreements

2.2 Status of the agreement: individual/collective

Under the *Workplace Agreements Act 1993* a workplace agreement can be made between an employer and an employee under a contract of employment or between an employer and employees under contract of employment. They can thus be individual or “collective” in nature but the acceptance and negotiation is of an individual nature. Indeed, individual agreements are deemed to override a collective agreement. The Commissioner for Workplace Agreements, in reporting trends in agreements, does not differentiate between individual and “collective” for reporting purposes. However, ACIRRT has tried to establish whether an agreement is “collective” or individual. Sometimes it was not possible to ascertain whether they were collective or individual and where this is the case this is noted. On our assessment, the following provides a breakdown of the 88 agreements:

Table 1: Status of WA s30 Workplace Agreements

	Individual	Collective	Could not ascertain	Total
Number	72	4	12	88
percentage	81.8%	4.5%	13.6%	100.0%

Source: ADAM Database and Sample of WA Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

2.3 Agreements by Sector

Most of the s30 Workplace Agreements analysed were from the private sector. Almost 15 percent were from the public sector and only one from the not-for profit sector.

Table 2: Agreements by Sector

Sector	WA s30 Workplace Agreements (n=88)		WA Certified Agreements (n=701)	
	Number	%	Number	%
Private sector	72	81.8	221	62.5
Public sector	13	14.8	438	31.5
Not for profit sector	1	1.1	42	6.8
Unable to ascertain	2	2.3	0	-
Total	88	100.0	701	100.0

Source: ADAM Database and Sample of WA Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide located at the beginning of the report.

2.4 Agreements by Industry

The largest proportion of WA s30 Workplace Agreements were from the services sector – wholesale retail, financial and business services and community and recreational services. Public administration represented 10 percent of the agreements. Relatively few agreements were from the manufacturing or mining/construction areas.

This industry breakdown is not dramatically different to the industry trends reported by the Commissioner for Workplace Agreements in May (1999, p12). Here it was reported that the Supermarket and Grocery sector represented around 18 percent of agreements registered and business services had also increased to 19 percent.

Table 3: Agreements by Industry

Industry	WA s30 Workplace Agreements (n=88)		WA Certified Agreements (n=701)	
	Number	%	Number	%
Agriculture	1	1.1	10	1.4
Mining/Construction	6	6.7	118	16.8
Food, beverage and tobacco	1	1.1	43	6.1
Metal manufacture	1	1.1	58	8.3
Other manufacture	3	3.4	62	8.8
Wholesale/retail	21	24.1	46	6.6
Transport/storage	1	1.1	34	4.9
Financial services	14	15.6	29	4.1
Public administration	9	10.0	113	16.1
Community services	13	14.4	168	24.0
Recreational and personal	15	16.7	10	1.4
Unable to ascertain	3	3.3	0	0
Total	88	100.0	701	100.0

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide located at the beginning of the report.

2.5 Other features of WA Certified agreements

99 percent of the WA Certified Agreements were union agreements. Of the 701 agreements analysed, only 7 were non-union agreements. Second, only 2.1 percent (n=15) of these agreements completely replaced the award. Thus even where the agreement was silent on a particular provision (such as the span of ordinary daily hours) it can be assumed that where an award underpinned the agreement, the award conditions apply even if they are not mentioned in the agreement.

2.6 Duration of the agreements

70 percent of WA s30 Workplace Agreements specified the duration of the agreement. This compared with 98.5 percent of WA Certified Agreements. Of those agreements where the duration was specified, the breakdown was as follows.

Table 4: Duration of Agreements

Duration (months)	WA s30 Workplace Agreements (n=60)	WA Certified Agreements (n=691)
1-12	38.3	29.8
13-24	33.2	56.0
25-35	1.7	10.0
36-48	13.3	4.1
60	13.3	0

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide located at the beginning of the report.

The WA s30 Workplace Agreements tended to run for a longer period than the WA Certified Agreements. For example, while 28.3 percent of WA s30 Workplace Agreements have operated in excess of 2 years, only 14.1 percent of WA Certified Agreements do. Indeed, 26.6 percent of WA s30 Workplace Agreements ran for 3 years or longer compared with only 4.1 percent of WA Certified Agreements. Note also that 13.3 percent of WA s30 Workplace Agreements examined were of 5 years duration.

3. Wages

It is common for Certified Agreements to contain considerable detail about wage rates, methods of payment, specification of percentage or flat rate wage increases, how allowances are to be paid and details about performance/productivity payments. Below we present some of the major provisions in both sets of agreements. What is immediately notable about the WA s30 Workplace Agreements is the large number of agreements that are silent on many aspects of how wages are to be paid, or are open-ended. By far, the public sector WA s30 Workplace Agreements were more comprehensive in this area than were the private sector agreements. Not all WA Certified Agreements refer to all aspects either, but even if silent, most default to whatever arrangements prevailed in the award. In the case of WA s30 Workplace

Agreements we must assume that if the agreement does not contain the information, it defaults to the *Minimum Conditions of Employment Act 1993*, has not been formally negotiated and codified in the agreement, or that other less formalised arrangements are in place.

3.1 Agreements where wage increases were specified

It is common for collective Certified Agreements – especially union agreements - to include information about wage increases to be awarded over the life of the agreements. Indeed, most collective union agreements contain information about negotiated wage increases. Often it is expressed in a percentage amount or can be calculated as an Average Annual Wage Increase (AAWI). Of the WA s30 Workplace Agreements analysed, a significant percentage did not include any mention of wage increases during the life of the agreements. Agreements contained information about actual wage *rates*, but most of the agreements were silent about wage increases. Having regard for the duration of the agreement (see table 4) it is noted that 61.5% of the agreements analysed (those between 2 and 5 years in duration) were silent on wage increases.

Our analysis found that WA s30 Workplace Agreements were less likely than any other kind of agreement to specify a wage increase in the written agreement. The most likely agreement to specify a wage increase was a collective union agreement.

Table 5: Percentage of agreements where wage increases are specified

WA s30 Workplace Agreements (n=88)	Federal AWAs*** (n=212)	Collective Non-union* (n=1022)	WA Certified Agreements (n=701)	Collective Union** (n=5067)
10.2%	30%	54.7%	76.3%	80.1

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

*All collective non-union agreements on ADAM across all jurisdiction

**All collective union agreements on ADAM across all jurisdiction

***Source: ADAM report no 21, June 1999

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

Only 9 of the 88 WA s30 Workplace Agreements analysed made provision for a wage increase over the life of the agreement. Of these, 6 were in the public sector and 3 in the private sector.

3.2 Payments for casuals

46.6 percent of the WA s30 Workplace Agreements provided for casual employment. *The Minimum Conditions of Employment Act 1993* specifies a casual loading of not less than 15 percent. Of the WA s30 Workplace Agreements analysed, 22.2 percent specified the casual loading. Of these, 47.4 percent provided for a 15 percent loading,

while another 47 percent provided for more than 15 percent. Only one agreement specified a lower loading. However, only 9 percent of WA s30 Workplace Agreements specified the minimum number of hours for casuals. Of those that did, 1 agreement specified 1 hour, 6 specified 2 hours and another 1 agreement specified 6 hours.

19 percent of WA Certified Agreements provided for casual employment. Only 11 percent of WA Certified Agreements specified the casual loadings and they ranged from 15 percent (2 agreements) to 30 percent (2 agreements). The most common casual loading provided was 20 percent (75 percent of agreements which specified a loading). Of the WA Certified Agreements, only 5.7 percent specified the minimum hours per start. Of these, the majority specified 2 hours (10.1 percent) followed by 3 hours (6.3 percent) and 4 hours (4.8 percent).

3.3 Payment for public holidays

While the *Minimum Conditions Act 1993* stipulates that public holidays are to be paid if worked, the Act does not require there to be any additional loading for work performed on public holidays. However, of the WA s30 Workplace Agreements coded, 23.8 percent did specify a penalty loading for public holidays. 11.3 percent of these specified a more generous loading of double time or more, while the rest (88.7 percent) were less than double time. The public holiday penalty loading for WA Certified Agreements varied from 120 percent (1 agreement) through to 250 percent (55 agreements). Of the WA Certified Agreements which specified a loading, the most common penalty loading was at the double time and a half rate (70 percent of agreements).

3.4 Absorption of allowances

There are a range of provisions related with the absorption of various types of allowances into salaries/wages. The incidence of these in the two agreement types is presented below:

Table 6: Agreements that specify absorption of allowances

Type of absorption	% of WA s30 Workplace Agreements (n=88)	% of WA Certified Agreements (n=701)
Annual leave loading absorbed	18.6	7.0
Penalties (weekend penalties, public holidays and shift penalties) absorbed	16.3	1.4
Other allowances absorbed	12.8	5.0
Salary packaging	12.8	4.3
Overtime absorbed	11.6	1.0
Wages annualised	4.7	7.3

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

WA s30 Workplace Agreements analysed were significantly more likely to contain provisions that absorbed allowances into wages/salaries. This was consistent with an overall trend in agreements to simplify the way wages are paid and to move towards one 'flat' rate of pay.

Even where overtime rates were included in agreements, these sometimes involved restrictions. For example in one WA s30 Workplace Agreement, overtime applied for work undertaken on Saturday, but only after 12pm. In the same WA s30 Workplace Agreement, employees who "elected" to work on Saturday or Sunday were not entitled to penalty rates or any overtime payments.

3.5 Other Allowances

Awards contain detailed provisions about the various allowances paid. Indeed, awards are generally used to contain very detailed provisions associated with tool allowances, meal allowances and so on. *Prima facie*, it appears that on some issues WA s30 Workplace Agreements are more generous than WA Certified Agreements. However, in interpreting these numbers, it is very important to remember that awards still operate in conjunction with most WA Certified Agreements but not with the WA s30 Workplace Agreements. Thus the omission of many of these allowances in the WA Certified Agreements is not in itself significant, since there is a high probability that provision for allowances is still contained within the award. This may not be the case with the WA s30 Workplace Agreements.

Table 7: Other Allowances contained in agreements

Allowance	% of WA s30 Workplace Agreements (n=88)	% of WA Certified Agreements (n=701)
Uniform	21.6	17.4
Travel	14.8	13.7
Stand-by	11.4	2.6
Car	10.2	4.3
Meal	10.2	12.0
Call-backs	5.7	1.7
Isolation	3.4	0.6
Tool	1.1	6.0
Skills	1.1	5.4

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

4. Performance/productivity measurement

Overall, WA s30 Workplace Agreements appear less likely to include provisions associated with increasing/enhancing performance/productivity, or specifying that wages would be linked to measured performance outcomes. Some of the indicators are outlined below.

Table 8: Performance/productivity measures in agreements

Type of measure/payment	% of WA s30 Workplace Agreements (n=88)	% of WA Certified Agreements (n=701)
Reference to performance based pay	24.4	33.3
Reference to performance indicators	15.1	61.8
Part of wage linked to KPI	15.1	26.7
PI developed over the life of the agreement	5.7	24.0
Productivity target quantified	5.7	18.4
Measures to improve productivity	4.7	23.7
Productivity target to be monitored	2.3	30.8
Benchmarking	1.1*	NA

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

*Please note, this is a 'new' variable which has just been introduced to the coding framework. Coding therefore, is not complete. Results should be used with caution.

5. Hours of work

Changes to hours of work have been a feature of most Certified Agreements since their inception. There are a large number of provisions associated with changes to working hours, some associated with increased flexibility, some associated with simplification and others associated with reducing the compensation for "non-standard" working days or hours. We do not canvass all of the provisions here, but highlight some of the more common provisions that are generally found in certified Collective Agreements.

5.1 Span of ordinary weekly hours

Specification of the "ordinary" span of weekly hours is not uncommon in agreements, particularly if there have been changes made to them. Specification of the ordinary span is an important provision since it sets the basis against which overtime, other loadings and penalties are set. It also acts to set out a fundamental aspect of the employment relationship -- the contractual hours agreed to between employee and employer. Trends outlined below show that over half of the WA s30 Workplace Agreements specify ordinary weekly hours.

Table 9: Spans of ordinary weekly hours

Span	WA s30 Workplace Agreements (n=88)	WA Certified Agreements (n=701)
% of agreements that specify span of weekly hours	56.8%	46.2%
<i>Of the agreements that specify an ordinary span</i>		
< 35 hours per week	6.0	2.8
35-<38 hours per week	66.0	87.4
38-40 hours per week	22.0	9.0
More than 40 hours per week		.9

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

Note that over 40 percent of WA s30 Workplace Agreements do not specify the ordinary span of hours at all, compared to over 50 percent of WA Certified Agreements. Of those WA s30 Workplace Agreements that do, the majority specify an ordinary span of 38-40 hours, while another 22 percent specify more than 40 hours per week. This is a greater proportion than for WA Certified Agreements where the majority specify a span of ordinary hours of 35-38 per week and only .9 percent specify an ordinary span of longer than 40 hours per week. It should be noted again, that even where WA Certified Agreements are silent, they will for the most part default to the award.

5.2 Span of ordinary daily hours

Specification of the span of ordinary daily hours fulfils a similar function as specifying ordinary weekly hours. Specification of the span and the timing of daily hours sets the basis against which additional compensation outside of this daily span is set. The trend towards longer spans of ordinary hours is an increasing one within enterprise agreements generally. Trends below show that a small proportion of WA s30 Workplace Agreements specify no span at all, and of those that do, a large proportion are set at more than 12 hours per day. Over half of all WA Certified Agreements also set a span of 12 hours per day. The difference between the agreements is, however, that the WA s30 Workplace Agreements are also more likely to eliminate or absorb the allowances associated with out of hours and additional hours work. These kinds of provisions, then must be read together.

Table 10: Span of ordinary daily hours

Span	WA s30 Workplace Agreements n=88	WA Certified Agreements N=701
% of agreements that specify span of ordinary hours per day	26.3%	37.9%
<i>Of the agreements that specify a span of daily hours</i>		
Less than 12	29.2	24.8
12	29.2	56.4
More than 12	41.7	18.8

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

First we can note that over 70 percent of WA s30 Workplace Agreements analysed do not specify what the ordinary daily hours of work are, compared to 62 percent of Wa Certified Agreements. Of those that do, over 70 percent specify a span of ordinary daily hours of 12 or more, with over 40 percent specifying a span of more than 12 ordinary daily hours.

5.3 Ordinary days of the week

Increasing the number of ordinary days per week is also an emerging trend in enterprise agreements. Increasing the number of days on which no penalties, overtime or other allowances are paid can impact on wages outcomes.

Table 11: Ordinary days of the week

Ordinary days	WA s30 Workplace Agreements (n=88)	WA Certified Agreements (n=701)
% of agreements that specify span of ordinary days of the week	53.4%	26.9%
<i>Of the agreements that specify a span of daily hours</i>		
Monday-Friday	23.4	82.0
Monday-Saturday	8.5	6.3
Monday-Sunday	68.1	11.6

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

Trends above show that almost half of WA s30 Workplace Agreements do not specify what the ordinary days of the week are. Of those that do, 66.7 percent specify ordinary days of the week as Monday through to Sunday, a higher proportion than contained in WA Certified Agreements. On the other hand, fewer Certified Agreements specified the span, and of those that did, the vast majority (82 percent) specified ordinary days as Monday-Friday.

5.4 Other hours provisions

Table 12 below provides a summary of the incidence of other hours provisions in the different types of agreements

Table 12: Other hours provisions in agreements

Hours provision	% of WA s30 Workplace Agreements (N=88)	% of WA Certified Agreements (N=701)
Any reference to flexibility in hours of work	83.7	69.2
Reference to shiftwork	32.6	20.7
Employer has discretion to alter hours	25.0	29.2
Provisions for 12 hour shifts	21.5	5.7
Hours may be changed by mutual consent	14.7	40.7
Averaging of hours	13.6	18.1

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

6. Leave provisions

The *Minimum Conditions of Employment Act 1993* allows for four weeks annual leave and for 10 days sick leave. However, it is possible for leave to be cashed out. We provide some trends with respect to changes in leave provisions in WA s30 Workplace Agreements.

Table 13: Leave provisions included in agreements

Leave provision/change	% of WA s30 Workplace Agreements (n=88)	% of WA Certified Agreements (n=701)
Annual leave can be cashed out	23.9	3.4
Sick leave may accumulate each year	20.5	16.5
Annual leave loading specified	9.0	14.1
Absenteeism/sick leave incentive scheme in place	8.0	N/A*
Sick leave can be taken on half pay	4.4	1.0
Accumulated sick leave paid on retirement	1.1	0.4

*Please note that this variable has just been introduced to the coding framework, therefore results are not yet available.

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

6.1 Sick leave entitlements

Many agreements also specify the number of days sick leave employees are entitled to. 77 percent of WA s30 Workplace Agreements specify the number of days sick leave employees are entitled to. Of these, 94.9 percent specify 10 per year, 3.4 percent specify 5 and one agreement had no sick leave provision included in the agreement. Almost a third of agreements also specify the number of days that can be taken without a medical certificate. Of the 27.3 percent of agreements that do, 54.2 percent state that there can be no absences without a medical certificate, 8.3 percent state 2 days, 12.5 percent 3 days and 25 percent 6 days.

7. Workplace flexibility and other initiatives

Outlined below are an example of some of the provisions included in agreements associated with issues outside of basic wages and conditions. These are in no way an exhaustive account of what can appear in agreements, and it is the case that while these provisions do not figure dramatically in Collective Agreements, WA s30 Workplace Agreements were more likely to be silent on the majority of them. Where they did appear, the public sector agreements were more likely to contain them than the private sector agreements.

Table 14: Workplace flexibility and other provisions in agreements

Provisions	% of WA s30 Workplace Agreements (n=88)	% of WA Certified Agreements (n=701)
OHS	30.2	27.0
Training	29.5	34.4
Change at the workplace	21.5	14.6
Consultation	10.5	49.5
Family friendly measures (working from home, paid maternity leave, child care provisions)	5.8	9.0
Multi skilling/multi-tasking	2.3	9.0
EEO/AA	5.7	6.1
Formal consultative committee used	5.7	33.8
Employee assistance program	1.1	N/A*

Source: ACIRRT, 1999: ADAM Database and Sample of WA s30 Workplace Agreements.

Caveat: Data is based on best available material. Secrecy provisions in WA prevent the conduct of a more systematic analysis of developments in WA s30 Workplace Agreements. The figures in the table should also be interpreted in the light of the general guide to interpreting information in WA Agreements located at the beginning of the report.

*Please note that this variable has just been introduced to the coding framework, therefore results are not yet available

7.1 Family friendly measures

Only 5 WA s30 Workplace Agreements (5.8 percent) included provisions about balancing family responsibilities. Of these, 4 were from the public sector; only 1 agreement from the private sector included facilitative clauses associated with balancing family responsibilities. In comparison, 9 percent of WA Certified Agreements made reference to these measures. Similarly, these measures were more likely to appear in public sector Certified Agreements (19 percent) than in private sector agreements (3.7 percent).

8. Dispute resolution/arbitration provisions

8.1 Grievance Procedures

89.5 percent of WA s30 Workplace Agreements had clauses associated with grievance procedures. All the public sector agreements had specified the grievance procedures, while 87.5 percent of the private sector agreements had included such provisions. Similarly, a high proportion (84.9 percent) of WA Certified Agreements also provided for grievance procedures.

8.2 Disciplinary Procedures

7.0 percent of WA s30 Workplace Agreements had clear disciplinary procedures compared to 7.8 percent of WA Certified Agreements.

8.3 Redundancy

39.5 percent of WA s30 Workplace Agreements made reference to redundancy provisions compared to 19.7 percent of WA Certified Agreements.

8.4 Private Mediation and funding of mediation

81.8 percent of WA s30 Workplace Agreements had clauses stating that the parties would agree to private mediation in the event of a dispute. With respect to payment 3.7 percent of agreements state that the employer will fund the mediation, 5.6 percent state that costs will be paid by whoever who is found to be in the wrong and 88.9 percent state that the costs will be shared. The trend of adding costs to employees through this process was identified in an earlier study of WA individual contracts (ACIRRT, 1996)

Summary

Certified Agreements and the awards that underpin them tend to be, when read together, comprehensive documents that provide for a range of detailed provisions that govern wages and conditions and a range of other workplace matters. In contrast, the WA s30 Workplace Agreements we analysed were for the most part – very light on content and detail. The public sector agreements were far more comprehensive than the private sector agreements, which were often no more than two pages in length. While the WA Certified Agreements can usually be read in conjunction with the award that underpins them, the WA s30 Workplace Agreements are basically “stand alone” contracts of employment that are underpinned by the Minimum Conditions of Employment Act 1993 only. For this reason, the lack of comprehensiveness of the majority of WA s30 Workplace Agreements is likely to be significant. One example that emerges is in the area of hours of work. WA s30 Workplace Agreements were either silent on many of these provisions, or where they did include provisions, dealt with increasing the normal span of days and hours – thus leading to reduced compensation for non-standard work. Similarly, in the area of wage increases, WA s30 Workplace Agreements were less likely to contain a provision for wage increases over the life of the agreement than were other kinds of agreements.

However, in the absence of a representative sample of agreements, these comments can be considered as findings of *prima facie* trends only. There certainly appears to be a strong case for much closer scrutiny of these agreements. The initiatives of the Federal OEA in this regard to make a sample of anonymous agreements available to researchers has allowed for a more robust assessment of developments in individual bargaining to be undertaken (eg NILS, 1998, ACIRRT, 1999).

References

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