Submission

to

Senate Employment, Workplace Relations and Education
Legislation Committee

Inquiry into the Workplace Relations Amendment (WorkChoices) Bill 2005

eet.sen@aph.gov.au

Submitter:	Dr Michael Lyons
Organisation:	Group Researching Organisations, Work, Employment and Skills (GROWES)
Address:	School of Management, University of Western Sydney Locked Bag 1797, Penrith South DC, NSW 1797
Phone:	(02) 9685-9132
Fax:	(02) 9685-9593
Email:	m.lyons@uws.edu.au

Submission to the
Senate Employment, Workplace Relations and Education Legislation Committee
Inquiry into the Workplace Relations Amendment (Work Choices) Bill 2005
by the
Group Researching Organisations, Work, Employment and Skills (GROWES) of the School of Management, University of Western Sydney.

Preliminary

1. This submission is made on behalf of the members of the Group Researching Organisations, Work, Employment and Skills (GROWES) of the University of Western Sydney, and does not necessarily reflect the views and opinions of the University of Western Sydney.

Introduction

2. The Bill's accompanying Explanatory Memorandum ('EM') asserts that the New Workplace Relations System ('NWRS') will produce a 'more flexible, simpler and fairer system' of industrial relations (EM, p. 1), and the Minister's second reading speech claims that the NWRS system will be a 'unified, national system of workplace relations laws' (Andrews 2005, p. 3). This submission challenges these assertions. The Bill will not result in a national system of industrial relations. The Bill will not result in a more flexible system. The Bill will not result in a simpler system. The Bill will not result in a fairer system.

The case for change?

3. The Government has <u>not</u> presented a compelling argument to change the current industrial relations system in Australia. It has not produced a credible case for change. At best, it produced an ideological case for change. There is <u>no</u> Treasury or other departmental analysis showing how the labour market or the economy will be benefited by the changes. This lack of analysis is conspicuous by its absence, and only reinforces the belief that Bill is motivated by ideology and not the research evidence to which the Australian community is entitled in order to justify the public policy transformation proposed by the Bill. Instead, the Government has produced contradictory and duplicitous vindications for the Bill.

4. The ANZ Banking Group Ltd's chief economist, Mr Saul Eslake, describes himself as a 'lukewarm supporter' of the NWRS (Eslake 2005, p. 1). Yet even his economic analysis does not justify the changes proposed by the Bill. Eslake notes 'there is no obvious correlation between the degree of centralization [sic] of wage-setting arrangements (as measured by the OECD) and employment growth over the past decade' (Eslake 2005, p. 4). On the one hand, the Government affirms:

> Since 1996 the Howard Government's workplace relations reforms have contributed to a stable and low inflationary climate. Combined with higher productivity, this has ensured increasing real wages, the lowest unemployment in nearly 30 years and low interest rates for Australian workers and their families (Australian Government 2005, p. 1).

While on the other hand it affirms 'At present, low skilled workers or the unemployed may be priced out of the labour market' (EM, p. 12, emphasis added).

5. The Government cannot have it both ways. Either the current system of industrial relations has contributed to the reduction in unemployment levels since 1996 or it has not. If it has – as the Government publicly boasted in May 2005 – then there is no labour market reason justifying the Bill. If it has not, then Eslake's analysis is wrong, and the Government has been duplicitous in its public statements.

6. Likewise with labour productivity. The figure shown on page 5 of the EM attempts to suggest there is a simple relationship between growth in labour productivity and industrial awards. Three of the four industries with 'below average' productivity growth (accommodation, cafes and restaurants, health and community services, and cultural and recreational services) are – relative to the other industries shown – labour intensive and female dominated industries. Therefore, an alternative explanation for the relative productivity underperformance of these industries is the lack of technological innovation. A further possible explanation is the relative proportion of individual agreements (AWAs), and not awards, found in those industries (see Table 1).

7. Furthermore, the chart shown on page 6 of the EM implies that the current industrial relations system has contributed to the failure of labour productivity in the period between 1999 and 2004 to reach the longer term average growth of 2.5 per cent (see also EM, p. 8). According to the OECD, the current Australian wage-fixing arrangements are more decentralised than most other nation's arrangements (Eslake 2005, p. 1). In the period between 1965 and 1982 the Australian industrial relations system was, by international standards, a centralised system. Yet the chart in the EM shows that in that period labour productivity growth was higher than it has been under the Howard Government for the last five years. Again, the Government cannot have it both ways. If the slower growth in labour productivity over the last five years has been due to the industrial relations system, then the policy solution is to revert to a more centralised system, as the data in the EM clearly illustrates.

Table 1. Employees covered by formal federal agreements by industry, 2004-2005.

INDUSTRY	UNION CERTIFIED AGREEMENT	NON-UNION CERTIFIED AGREEMENT	AUSTRALIAN WORKPLACE AGREEMENT
Retail trade	307,000	22,400	67,100
Accommodation, cafes and restaurants	8,700	7,900	53,600
Health and community services	135,800	13,000	21,700
Cultural and recreational services	28,700	4,900	10,000
Construction	92,500	7,900	26,300

Source: OEA website.

A mandate for change?

8. The Government has no mandate for the changes detailed in the Bill. The EM expressly states, at page 7, that the Bill does not reflect the policy and legislative commitments that the Government made for the 2004 federal election. The Bill adopts 'Option B', which was not revealed to the Australian electorate prior to 2005, and after the 2004 election. Hence, the question must be asked: why? If the Government is so confident that it has an economic case for the changes, and that it would gain popular support for the NWRS, then why not seek to amend the Australian Constitution to give the Commonwealth parliament a plenary legislative power over industrial relations?

A national system?

9. The Government concedes that the Bill will not result in a 'national' industrial relations system. At best, it will have coverage for 85 per cent of the workforce (EM, p. 10; Andrews 2005, p. 3). Indeed, the NWRS acknowledges a role for State industrial relations jurisdictions, even if limited to 'occupational health and safety, workers compensation, trading hours and public holidays' (Andrews 2005, p. 3) or non-incorporated employers (Abetz 2005, pp. 57-60). The irony of the NWRS proposal is that the more 'national' the national system attempts to be, the more complex it appears to become, as its coverage is dependent on the legal entity of the employer. Thus the 'legalism' of the current law and system would remain, with different legal issues applying to different types of work relationships and different workplaces. Consequently, it may well be that the existing Australian industrial relations law and system is, to paraphrase Corcoran (1994, p. 157), a legal solution to a political compromise (federation) while the Bill is a legal compromise in an attempt by the Government to find a political solution to competing conceptualisations of industrial relations.

10. If the Government was sincere about the desire for a 'national' industrial relations system, alternative mechanisms to section 51(20) of the Constitution could result in a truly national, and less complex, industrial relations system. The most obvious mechanism is section 51(29), the external affairs power.

11. The advantage that the external affairs power has over the corporations power is that laws supported by this power are not restricted to a certain subject matter or class of persons. The only limitation on the power, in this regards, is that the law in question must give legislative effect to an international treaty, or at least relate to an issue of international concern. Therefore, the topics which legislation can cover are far wider than any other power available to the federal parliament, including the more expansive notions of the corporations power (McCallum 1998). The range of topics covered by International Labour Organization (ILO) conventions, recommendations and resolutions would be sufficient to create an extremely comprehensive system of national industrial regulation, if not a national system. So long as the laws do not go wider than the terms of the ILO instrument, the mechanism adopted by the federal parliament would be almost limitless as ILO instruments are vague enough to be adapted to any form of government (unitary systems and federations for example) (Servais 1986). For these reasons, the external affairs power offers a greater prospect to create an national industrial

relations system, and be more comprehensive than one supported by the corporations power (Williams 1998, 103).

Wither the federal balance?

12. Section 109 of the Constitution is an imposing provision which bestows dominance of the Commonwealth's statutory policy over those of the States. The outcome, Ford (1994, p.131) argues, is that the States are 'reminded that federal power is not merely paramount but supreme, and that their own jurisdictions, unless prepared to bend (or be bent) accordingly, are practically certain, like old soldiers, to simply to fade away'. With this diminution of protection of the States' against Commonwealth legislation it would appear that an industrial relations system based on the corporations power will intrude into the capacity of the States to implement their own – effective – industrial relations policies. The Bill seeks to intrude, uninvited, into traditional State law making power by 'covering the field'.

13. Lane (1987) catalogues three ways in which section 109 can give a valid Commonwealth law supremacy over a State law: when it is impossible to obey both the Commonwealth law and the State law because there is a direct collision between the two; when the Commonwealth law permits or confers a right or obligation while the State law prohibits or deprives the same right or obligation; and when the Commonwealth covers the same field of topics as a State law.

14. It is widely recognised that the decision of the High Court in *Melbourne Corporation* (1947, 74 CLR 31) left the door ajar concerning issues associated with the division of powers between the Commonwealth and States. Thus the '*Melbourne Corporation* principle' prevents the Commonwealth from enacting laws which would deprive the States from exercising executive authority or governmental functions, unless the Constitution expressly denies them such power. Despite the Court's willingness to recognise the central tenets of the principle, uncertainty surrounds the extent to which it can place limitations on Commonwealth laws.

15. The *Melbourne Corporation* principle was revisited in *Victoria v Commonwealth* (1996, 187 CLR 414) where certain laws enlivened by section 51(39) were said to infringe the States' existence as 'independent entities and capacity to function as such'. The Court held that it was not the laws in question which curtailed their independent status as such, but the express workings of the Constitution and section 109 in particular. As a result, it would seem that the *Melbourne Corporation* principle does not present itself as much of a barrier to a national industrial relations system (so long as the employing organisation is a constitutional corporation). Yet, the cases which have analysed the *Melbourne Corporation* principle have in the main discussed the functions of the States as suppliers of services (health, education, and law enforcement for instance). What has not been truly explored is the potential of the Commonwealth to deprive the States of not only executive capacity but also legislative capacity.

16. However, holdings of the High Court have also suggested that there are some limits to the type of laws authorised by the corporations power. Justice Higgins, in *Huddart Parker & Co Pty Ltd v Moorehead* (1908) 8 CLR 330 at 416, restricted

the power to ‘legislate with respect to corporations as corporations’. Otherwise the federal parliament would be able to legislate on all manner of topics, for example: libel, liquor licensing, workers’ pay, interest rates charged, religious practices, and alcohol consumption (*Huddart Parker* (1908) 8 CLR 330 at 409-10): This list of topics nominated by Justice Higgins was described by Lane (1979, p. 160) as ‘horribles’.

17. The Bill revives ‘Higgins list of horribles’. If the NWRS as detailed by the Bill is found to be a valid enactment of Commonwealth power by the High Court, then there would be nothing to stop a future ALP federal government, with the support of the non-Coalition parties in the Senate, from legislating for a less employer friendly industrial relations system. Such an industrial relations system could include provisions which direct corporations to:

    - adopt a system of workplace co-determination similar to European works councils;
    - have employee or trade union representation on company boards;
    - pay specific wages or salaries (e.g. $1000 per week or higher);
    - provide excessive periods of paid holidays;
    - mandate paid maternity leave;
    - give veto powers to employees or unions over management decision making; and
    - even make membership of a trade union compulsory.

18. In such circumstances incorporated employers would not be able to ‘retreat’ to the respective State system of industrial relations because of section 109 of the Constitution. In short, once the Bill lets the corporations power ‘genie out of the bottle’ to make comprehensive regulation of industrial relations, it cannot be put back in the ‘bottle’, even if the power is used to the detriment of employer interests, the interests of the States, and the political interests of the Coalition parties.

19. The Bill goes further than the original proposals contained in the Howard Government’s 1996 Bill. The 1996 Bill allowed for ‘agreements under a state [sic] jurisdiction…if the parties choose to go that way’ (Reith 1996, p. 1300), and sought to repeal federal provisions relating to minimum wages and equal remuneration because ‘each [State] jurisdiction has adequate machinery to deal’ with such matters (Reith 1996, p.1304). The Bill goes even further than the *Breaking the Gridlock* proposal of former Minister Reith (2000), where he suggested that State industrial relations arrangements which are to the advantage of employers (such as those made pursuant to the Coalition’s *Workplace Agreements Act 1993* (WA)) will be available despite the advent of a ‘unified industrial relations system’ based on the corporations power.

20. In summary, in 1996 the Government considered retention of the ‘federal balance’ to be important. In 2000 Minister Reith also considered it to be important. But with the present Bill, it is not. We submit this attitude is short term and opportunistic, and does <u>not</u> serve the longer term interest of either employers or the Coalition. The political make-up of both federal and State governments will undoubtedly change in the future. What happens then?

A more flexible system?

21. The proposed Australian Pay and Conditions Standard purports to be a 'consistent federal standard for all businesses within the federal workplace relations system' (EM, p. 13). In other words, this is a one size fits all proposal. Moreover, if the prevailing award conditions are generous than the legislated minimum conditions, the 'more generous' award conditions will apply unless a workplace agreement excludes them (EM, pp. 13-14). How then does this 'reduce the unnecessary proliferation of awards' if the award conditions are still applicable? (EM, p. 20). In fact, the EM (p. 20) concedes there will be additional administrative costs for employers, and there will be little change to the current situation of employers needing to 'keep abreast of award variations'. The examples on pages 82, 87, 88, 107-108, and 260 of the EM show how the existing award conditions will continue to apply under the NWRS.

22. The example on page 495 of the EM suggests there will be more regulation of agreements under the NWRS than currently exists.

23. While the system might be more flexible if the employees covered by the award conditions enter into an agreement with their employer, why would they? As Professor Wooden (2005, 14) notes, while the NWRS might offer incentives to employers to offer their employees AWAs to have more flexible working arrangement in comparison to the conditions prescribed by awards, the abolition of the No Disadvantage Test ('NDT') offers no incentive to employees to enter such agreements. As a result, the streamlined agreement making process will have little practical benefit if employees are reluctant to enter into an agreement for the fear of losing their existing conditions of employment.

A simpler system?

24. The EM claims that the current industrial relations system, with 130 separate laws and 4000 awards, results in confusion and complexity (EM, p. 4). Yet the EM also states that wage rates determined by the Australian Fair Pay Commission will result in a cost to employers because they will 'need to be conscious of the minimum wages as set and adjusted by the AFPC' similar to their present requirement to 'be conscious of the changes to the minimum wage that occurs through the annual Safety Net Review case' (EM, p. 11). The EM also concedes that there will be a cost to employees due to the changing nature of the Standard (EM, p. 15). Where is the simplicity in this?

25. The EM asserts the NWRS will be 'easier to understand' (EM, p. 17). However, the examples shown on page 90 do not suggest a simpler system. The example of 'Jacob', for instance, indicates that Jacob and his employer would need to assess not his present employment situation, but a hypothetical situation that would have existed prior to the establishment of the business and the employment relationship. The example of 'Samantha' is even more complex. Her employment conditions would not be the revised Standard determined by the AFPC, but the Standard in operation at the commencement of the NWRS. Therefore, Samantha's employer would need to administer two sets of employment conditions and rates of pay: one for employees – like Samantha – who were employed when the NWRS starts; and one for those employees

engaged when the revised Standard came into effect. Put another way, it would be very similar to the current situation where two awards apply in the one workplace. Where is the simplicity in either example?

26. The transitional arrangements applying to State industrial instruments are far from simple. As the example on page 503 of the EM shows, current State agreements will become known as 'Preserved State Agreements' (PSAs) and the terms of the agreement will still apply. If the PSA did not totally displace the terms of an award, the terms of both the award and the PSA would apply. If, however, the employer and employees are bound by a current State award, this will become known as a Notional Agreement Preserving State Award (NAPSA). As the example in the EM on page 514 shows, the terms of the NAPSA will continue to apply, except – of course – rates of pay which will become incorporated into the Australian Pay and Classification Scales (APCS). If the NAPSA was derived from an award of the Western Australian Industrial Relations Commission, it may also incorporate 'General Orders' of the Commission (EM, p. 516).

27. The 1995 AWIRS survey of small business found that State awards played a major role in regulating the pay and working conditions of employees (Morehead et. al. 1997, pp. 313-14). The influence of State awards was even more noticeable with IRWIRS study (Markey et. al. 2001, pp. 251-52). Furthermore, the federal Government's own Award and Agreement Coverage Survey (AACS) of 1999 showed that all enterprises use a combination of methods to determine employee pay (Joint Governments' Submissions 2000, p. 93). The AACS also found that firms with less than 20 staff depend almost totally on awards over agreements to regulate pay and conditions (Joint Governments' Submissions 2000, p. 93). With these existing industrial relations arrangements, it is difficult, if not impossible, to see how the NWRS will make the administration of employee pay and conditions simpler for employers.

28. The only simplicity the Bill provides for those employers and employees presently covered by a State award or agreement is having the legislative procedures contained in the one federal Act, though the amended Workplace Relations Act will be longer than all the current State industrial relations statutes combined. But employers and employees will need to understand PSAs, NAPSAs, APCS, and the Standard. Simplicity is not achieved through these changes.

A fairer system?

29. The EM claims the Bill will produce a 'fairer' industrial relations system (EM, p. 1). It is also claimed that the abolition of the NDT will 'provide additional incentives to negotiate at the enterprise or workplace level' (EM, p. 14). Are both claims correct? The Government's example of 'Billy' shows that preserved award conditions such as public holidays, rest breaks, bonuses, annual leave loadings, allowances, penalty rates and overtime loadings can be removed by agreements under the NWRS (Abetz 2005, p. 15; Andrews 2005, p. 5-6). Thus, all current award conditions can be lost (except for four statutory minima).

30. In addition, the EM concedes that the reduction in award 'allowable matters' are a 'potential cost' to employees (EM, p. 20).

31. The example on page 79 of the EM purports to show how the NWRS could be more advantageous to employee interests than the current system. This example is duplicitous. The employee, 'Mandy', works as a shop assistant. Thus, she would be covered by a State 'common rule' industrial award (except if she worked in Victoria). The award displaces her contract of employment. It is unlikely that the NWRS would place Mandy in a more favourable position then presently applies. Indeed, the award evasion illustrated by the example could also occur under the NWRS.

32. Under the NWRS current State awards will be 'frozen' (EM, p. 517). Presently, there is a matter before the Industrial Relations Commission of New South Wales to vary the *Miscellaneous Workers' Kindergartens and Child Care Centres, & C. (State) Award* (the 'Award') in accordance with the Commission's 'Equal Remuneration Principle' of 2000 (IRC No. 5757 of 2004). The application seeks Award wage increases ranging from about $180 to $680 per week. Should the application be successful, or partly successful, it would make children's services employees covered by the Award the highest paid long day care workers in Australia. It would move the Award pay rate for AQF certificate III ('C10') employees above current award wage rate of $561.20 to $605.70 per week for a similar level employee contained in the Children's Services (Victoria) Award 2005 (AIRC 2005, PR957914). At the end of the three year transition period, the NSW employees covered by the NAPSA will revert to the most appropriate federal award, most likely the 2005 Victorian award (assuming no agreement has been made). Consequently, the NSW employees will have award pay reduced.

33. Clause 113 of the Bill seeks to exempt workplaces employing 100 or fewer employees from 'unfair dismissal' provisions (EM, p. 324). The 100 employee threshold is based on the 'relevant time': i.e., the time when the employee was notified of the dismissal. As a result, an employee could accept employment with an employer, who at the time the employment contract/relationship commenced employed 100 plus employees, partly for the reason that the NWRS system provides unfair dismissal rights. However, for a number of possible reasons, including corporate restructuring or voluntary staff turnover, the number of 'employees' falls below 101. Consequently, the employee would no longer have unfair dismissal rights. This situation is unworkable for both employer and employees.

34. The proposed clause 3(n) of the legislation cites as one of its objectives conformity with Australia's signatory status to a number of international conventions. A key international convention to which Australia is a signatory is the *Equal Remuneration Convention*. However, the proposed legislation lacks the means through which this objective can be met. Women's disproportionate under-representation in workplace bargaining arrangements (ABS, Cat. No. 6306.0) suggests that the removal of the powers of the AIRC and the further weakening of the award system - and with it minimum award wages – will disadvantage more women than it does men. Simply put, the award system protects the wages of proportionally more women than men. Erosion of the award system also diminishes the capacity for centralised determinations to improve the work and family balance, which is a persistent drag on women's lifetime earnings. Of

particular relevance here is women's access to paid maternity leave. This entitlement is rare in non-union agreements.

35. The wage setting mechanisms that put Australia at the forefront of equal pay do not feature in the proposed NWRS. The strength of the developments in industrial regulation that substantially improved the relative pay of women in the period 1970-1990 was the way in which equal pay measures flowed through the awards of the federal and State tribunals. The mechanism of wage increases prescribed by collective industry awards meant that a single application could deliver wage increases which flowed automatically and immediately to women employed within the scope and incidence of a particular award. What is fair about removing this facility?

36. The NWRS proposes the retention of equal remuneration provisions of the 1996 Act which provide a nominal right to equal pay based on a test of sex discrimination (EM, p. 304). This test fails to address gender pay inequity, which is not necessarily located not in overt discrimination, although the lower returns women receive from their qualifications and experience suggests this remains an issue, but in the undervaluation of the work traditionally performed by women.

37. Under the NWRS the AIRC is prevented from dealing with an application for a proposed order that would have the effect of setting aside or varying rates set by the AFPC (EM, p. 305). This exclusion fails to address the means through which gender pay inequity can be embedded in systems of wage determination that nominally appear fair and equal. Wage setting continues to reflect gender based stereotypical assumptions that have prevented the proper valuation of feminised work. Women receive a lower rate of pay than men, even where they have commensurate skill and experience, but are employed in different industries and occupations. What is fair about removing the scrutiny of AFPC decisions that may jeopardise Australia's proud record of equal pay?

38. The NWRS not only lacks the means to ensure that Australia's international obligations are met but also removes equal remuneration provisions in State industrial relations systems. Not only will the award making features of the federal system be weakened or eliminated but women's access to the State jurisdictions, which have developed new and more sophisticated ways to tackle undervaluation of the work of State award workers, will be removed. What is fair about removing women's access to superior equal pay provisions?

Conclusion

39. Many of the provisions of the Bill are unfair. The NWRS is not a simple, particularly the clauses concerning the three and five year transition periods. The Bill will not result in a national system, for it acknowledges that non-incorporated employers currently regulated by the federal industrial relations system will have to be regulated by the relevant State system.

40. If the Bill produces none of the objectives the Government claims it will produce, then what is the proposed NWRS? In short, it is a different system, but one that is likely to be less fair, likely to be more complex, and unlikely to offer any incentives to make agreements that are not present in the current system. In other words,

the many disadvantages of the Bill significantly outweigh its few advantages. For these reasons alone, we submit that the Senate should reject the Bill.

41. However, there are even more compelling reasons why the Senate should reject the Bill. The Government has not revealed to the Australian people any evidence showing how the NWRS will increase employment, increase labour productivity, or be beneficial to the economy. If the Bill is passed, despite the lack evidence justifying its passage, it would legitimise a future non-Coalition government proposing an industrial relations system that conformed to its ideological predisposition and prejudices, unsupported by economic analysis.

42. And finally, the Government has no mandate for the NWRS. The Australian people, the Senate, employers and employees deserve more from the Government than the ill-conceived proposals contained in the Bill that would be destructive to the federal balance between the Commonwealth and the States.

References cited:

Abetz, E. (2005) *WorkChoices. A New Workplace Relations System*, Australian Government, Canberra.

Andrews, K. (2005) 'Second reading speech: Workplace Relations Amendment (Work Choices) Bill 2005', Parliament House, Canberra, 2 November 2005.

Australian Government (2005) *A New Workplace Relations System: A plan for a modern workplace*, Policy Statement 26 May.

Corcoran, S. (1994) 'Corporate law and the Australian Constitution: A history of section 51(xx) of the Australian Constitution', 15 *Journal of Legal History* 131.

Eslake, S. (2005) 'Workplace relations reform: Examining the economic data', paper presented to Australian Financial Review conference, Sofitel Hotel, Melbourne, 25 October 2005.

Ford, W.J. (1994) 'The Constitution and the reform of Australian industrial relations', 7 *Australian Journal of Labour Law* 105.

Joint Governments' Submissions (2000) *Safety Net Review – Wages, November 1999-March 2000*. Commonwealth Department of Employment, Workplace Relations and Small Business. [available www.workplace.gov.au] viewed 25 March 2004.

Lane, P.H. (1979) *The Australian Federal System*, Sydney, Sydney, The Law Book Company.

Lane, P.H. (1987) *A Manual of Australian Constitutional Law*, Sydney, The Law Book Company.

Markey R, Hodgkinson A, Mylett T & Pomfret S (2001) *Regional Employment Relations at Work: The Illawarra Regional Workplace Industrial Relations Survey*, Wollongong, University of Wollongong Press.

McCallum, R. (1998) 'Collective labour law, citizenship and the future', 22 *Melbourne University Law Review* 42.

Morehead A, Steele M, Alexander M, Stephen K & Duffin L (1997) *Changes at Work: The 1995 Australian Workplace Industrial Relations Survey*, Sydney, Longman.

Reith, P. (1996) 'Second reading speech: Workplace Relations and Other Legislation Amendment Bill', *Hansard*, House of Representatives, 23 May: 1295-1305.

Reith, P. (2000) 'Launch of *Breaking the Gridlock: Towards a simpler national workplace relations system*', Speech by Hon Peter Reith MP, Minister for Employment, Workplace Relations and Small Business [and] Leader of the House of Representatives, Hotel Sofitel, Melbourne, 23 October 2000.

Servais, J.M. (1986) 'Flexibility and rigidity in international labour standards', 125 *International Labour Review* 1.

Williams, G. (1998) *Labour Law and the Constitution*, Sydney, The Federation Press.

Wooden, M. (2005) 'Australia's industrial relations reform agenda', paper presented at the 34th Conference of Economists, 26-28 September 2005, University of Melbourne.