

Wages under AWAs and Collective Agreements

David Peetz & Alison Preston

Griffith University Curtin University

We examine wages under Australian Workplace Agreements and collective agreements using unpublished data from the ABS EEH survey, and test competing hypotheses on the relationships. We find that AWAs are commonly associated with poorer outcomes for typical employees than registered collective agreements. While AWAs sometimes attract wage premiums, associated with union avoidance strategies, these mainly affect outcomes in a small number of industries and in some very large organisations. Where union avoidance is not a common issue, for example in small organisations, the negative impact of AWAs on earnings becomes very stark. The impact of AWAs is worst for those people without unique skills, who do not have strong bargaining power in the labour market.

Introduction

In introducing and defending the ‘WorkChoices’ reforms, the former federal government argued that they would encourage increased wages, particularly through Australian Workplace Agreements (AWAs) (Andrews 2005a, 2005b; Hockey in Strutt 2007). Using unpublished data from the Australian Bureau of Statistics (ABS) Employee Earnings and Hours (EEH) Survey for May 2006 (released March 2007), this paper studies the effects of these reforms. The questions to be addressed include: What are the differences in hourly earnings for typical employees on AWAs and collective agreements (CAs)? What are the hourly earnings for employees on AWAs and CAs in different industries? What are the hourly earnings for employees on AWAs and CAs in different occupations? What are the hourly earnings for employees on AWAs and CAs by employer size? What do these tell us about the motivations for and effects of AWAs? Financial support for the project was provided by Industrial Relations Victoria in that state’s Department of Innovation, Industry & Regional Development.

WorkChoices

WorkChoices abolished the ‘no disadvantage’ test, by which registered individual and collective agreements were assessed and approved, replacing it with five minimum standards.

There were only limited quantitative data on changes in pay and conditions under AWAs published by the then Office of the Employment Advocate (OEA), later rebadged as the Workplace Authority (McIlwain 2006a). However, leaked data revealed that in May–September 2006 68 per cent of AWAs abolished penalty rates (up 26 per cent on 2002–03), 52 per cent abolished overtime pay (up 107 per cent on 2002–03) and 76 per cent excluded shiftwork loading (Davis 2007b). Unpublished leaked data also gave the first indication of the extent to which many conditions have been ‘modified’ through AWAs. Most AWAs abolished or reduced most ‘protected’ award conditions. *Around nine tenths of AWAs either abolished or reduced penalty rates.* Similarly, 88 per cent of AWAs abolished or ‘modified’ overtime rates; 89 per cent either abolished or ‘modified’ shiftwork loading; 82 per cent abolished or ‘modified’ public holiday payments; and 83 per cent abolished or ‘modified’ rest breaks (Davis 2007a).

In the face of widespread public concern about the loss of conditions under WorkChoices, the federal government on 4 May 2007 announced amendments to WorkChoices, including a new ‘fairness test’ on agreements. However, this test is weaker than the former ‘no disadvantage’

test. These data also present a picture that is most likely more favourable toward AWAs than that which would appear if the survey had been undertaken in the second half of 2007, as (a) a much higher proportion of AWAs applying in this period than in May 2006 have been signed without any award test being applied at all; and (b) the ‘fairness test’ that applies to those AWAs lodged after 6 May 2007 appears weaker than the ‘no disadvantage’ test anyway.

Method and limitations

The EEH survey was deemed by the former federal government to be the most reliable source of data on earnings of employees under AWAs (McIlwain 2006b: 7). The most representative data in this survey are those concerning average total hourly cash earnings of non-managerial employees. The least useful of these data, when comparing employees on AWAs with employees on collective agreements, are those concerning average weekly earnings for all employees. This is for several reasons. First, AWA employees include a disproportionate number of managerial workers, especially in the public sector. Second, the average hours worked by workers on AWAs are longer than those on collective agreements. This is partly because there seem to be fewer part-time workers on AWAs, and partly because full-time workers on AWAs have longer hours than full-timers on collective agreements. Workers on registered collective agreements work about 2.3 hours longer per week but receive 13 per cent less in overtime pay (including managerial employees), due to the high rate of reduction, absorption or abolition of overtime pay. In the analysis below, unless otherwise stated, we use the average total hourly cash earnings of non-managerial employees. (Hourly cash earnings includes salary sacrificed amounts. This new definition of pay was introduced by the ABS in the 2006 EEH survey, but we have also obtained unpublished data on hourly cash earnings from 2004.)

For most industries and occupations, comparisons between award-reliant workers and workers on agreements are of little value in telling us about the effects of agreements on pay. This is because the award-reliant group does not constitute a representative control group, and is instead disproportionately concentrated at the lower end of the award pay structure (except possibly in the hospitality industry). Hence, our interest in this paper is principally in comparing employees on AWAs with employees on registered collective agreements.

Because of the potential for sampling error, especially in disaggregated data, where possible we seek verification of the trends we observe by considering whether broadly similar patterns are observed apparent in the 2004 data. The ABS cautions against the use of this survey for time-series analysis. In other words the survey has not been constructed to be used on a time series basis, making it difficult to compare trends over time (particularly at disaggregated occupational and industry levels), so we only make any such comparisons at the most aggregated level.

Another limitation is that most of the wage data are expressed as averages, which can be biased by the inclusion of a small number of observations of workers with very high earnings. A more representative indicator of the situation of the ‘typical’ worker is provided by median earnings, and we use these data wherever available.

The motivations for Australian Workplace Agreements and some consequent hypotheses

Various possible explanations for the use of AWAs can be tested through hypotheses. If AWAs are used predominantly for flexibility to benefit both employees and employers, then they should pretty consistently provide for higher hourly pay than registered collective agreements, across different employer types.

Conversely, if AWAs are predominantly used for cutting labour costs and avoiding unions, we would expect to see wide variations in the relationship between AWA earnings and earnings under registered collective agreements. The highest AWA premiums would be in situations where union avoidance strategies are important (such strategies have been well documented in finance, mining, communications and government administration) (ABC TV 2005; ABC 2005; Background Briefing 2000; Browne 2000; Peetz 2006; Workplace Express 2005a, 2005b; WorkplaceInfo 2001; World Competitive Practices 1999a, 1999b; Hearn MacKinnon 1996, 1997; McDonald & Timo 1996; Timo 1997) There would be shortfalls for AWA employees where union avoidance strategies were not important, for example in small businesses, where unions find organising difficult due to problems of small scale and do not therefore invoke an avoidance response from employers. Where cost-minimisation strategies were preferred, we would expect shortfalls for AWA employees to be most severe amongst workers with low skills levels or in low demand, highly competitive areas. At the same time, institutional and market arrangements in each industry and occupation will also influence outcomes. For example, particular occupations within an industry may be traditionally non-union. This will need to be taken into account in understanding the patterns of earnings by industry and occupation.

We test these competing hypotheses using the EEH data.

Aggregate findings

In 2006, employees on CAs earned an average of \$27.30 per hour, compared to \$25.30 per hour for employees on AWAs (Table 1). Thus, employees on AWAs earned \$2.00 per hour less, that is they faced a shortfall of 7.3 per cent compared to workers on CAs. However, averages can be deceptive, as they can be distorted by a small number of employees with high earnings: 69 per cent of AWA employees earn less than average AWA hourly earnings. A more representative indicator showed that median AWA earnings in 2006 were only \$20.50 per hour, some \$4.00 per hour below median earnings for CA employees. That is, *the median AWA worker earned 16.3 per cent less than the median CA worker in 2006*. This represented a slight deterioration on the median AWA shortfall in 2004, which was 14.8 per cent.

Table 1 Average and median hourly total cash earnings, CAs and AWAs, 2004 and 2006, non-managerial employees

	CAs			AWAs			AWA/CA ratio	
	2004 (\$)	2006 (\$)	Change	2004 (\$)	2006 (\$)	Change	2004	2006
Average earnings								
Males	25.80	28.70	11.2%	25.80	26.50	2.7%	1.000	.923
Females	23.30	25.70	10.3%	20.30	22.80	12.3%	.871	.887
Persons	24.60	27.30	11.0%	23.90	25.30	5.9%	.972	.927
Median earnings								
Males	23.40	26.00	11.1%	20.90	22.00	5.3%	.893	.846
Females	21.40	23.00	7.5%	17.30	18.70	8.1%	.808	.813
Persons	22.30	24.50	9.9%	19.00	20.50	7.9%	.852	.837

Source: ABS 6306.0, unpublished data.

In 2006, men on median AWA earnings earned 15.4 per cent less than men on median CA earnings in 2006. The median earnings for female non-managerial employees on AWAs was 18.7 per cent lower than corresponding median for females on CAs. In 2004 the corresponding female shortfall was equally large, at 19.2 per cent.

The availability of data on median earnings also markedly changes our understanding of the relationship between AWAs and award wages. The federal government and sympathetic employer organisations have repeatedly stated that employees on AWAs earn twice as much as people on awards (Australian Government 2005; McIlwain 2005; K. Andrews on ABC TV 2006; J.Hockey on ABC TV 2007; P. Hendy on SBS TV 2007) Yet table 2 shows that median hourly earnings for AWA employees were only 16 per cent above median award-only earnings. For women, median AWA earnings were only 5.6 per cent above median award-only earnings. This is only a quarter of the advantage that average hourly earnings data appeared to give women on AWAs over women wholly reliant on awards. And this is before full account is taken of the downward bias imparted into award wages estimates arising from the greater tendency for workers on high award classifications to be earning above the award rate and therefore not be included in the award-only calculations.

It is noteworthy that the published data reveal that average hourly earnings of female casual workers on registered individual contracts, averaged across all industries, were 7.5 per cent lower than those of female casual workers on registered collective agreements. By contrast, across the economy as a whole, casual women on CAs were paid 18 per cent above the award average and 27 per cent above the average for casual women on registered individual contracts.

Table 2: Median hourly total cash earnings, awards, CAs and AWAs, May 2006, non-managerial employees

	award-only	CA	AWA	CA/award-only	AWA/award-only	AWA/CA
males	\$17.40	\$26.00	\$22.00	1.494	1.264	.846
females	\$17.70	\$23.00	\$18.70	1.299	1.056	.813
persons	\$17.60	\$24.50	\$20.50	1.392	1.165	.837

Source: ABS 6306.0, unpublished data

Shortly before the commencement of the 2007 election campaign, a Departmental report to Parliament asserted that hourly earnings of non-managerial employees on AWAs increased by 12.8 per cent over the preceding two years (Department of Employment and Workplace Relations 2007). As shown in Table 3, this figure was seriously incorrect: the average increase was only 5.9 per cent over two years. The median increase, which is a better indication of typical outcomes under AWAs, was not so poor at 7.9 per cent. This was less than the 9.9 per cent growth in median earnings of workers on CAs over the same period.

Table 3: Growth in Average and Median Earnings of Non-Managerial Employees on AWAs and CAs, Australia, 2004-2006

	2004-2006		2004-2006	
	CA Average Earnings growth	AWA Average Earnings growth	CA Median Earnings growth	AWA Median Earnings growth
Males	11.2%	2.7%	11.1%	5.3%
Females	10.3%	12.3%	7.5%	8.1%
Persons	11.0%	5.9%	9.9%	7.9%

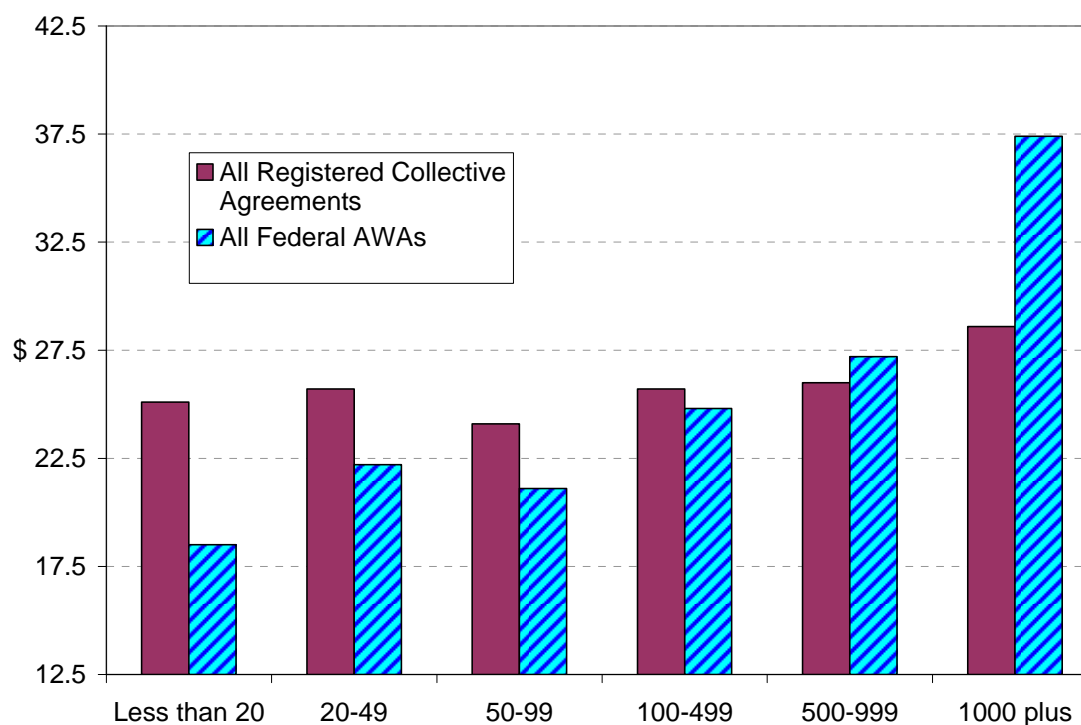
Source: ABS 6306.0, unpublished data

Firm size and agreements

There is a very stark relationship between firm size and the AWA/CA ratio. In organisations with less than 500 employees, the AWA/CA ratio is less than 100 per cent, that is, AWAs pay less than CAs. The wage shortfall widens as organisations get smaller (Figure 1).

Hence, the 2006 shortfall is 3.5 per cent amongst organisations with 100–499 employees, rises to 12.4 per cent in organisations with 50–99 employees, 13.6 per cent in organisations with 20–49 employees and is a very substantial 26.3 per cent in organisations with fewer than 20 employees. Amongst large organisations with more than 1000 employees (the majority of whom are covered by collective agreements), there is a wage premium for AWAs of 30.8 per cent. The 2004 data follow a broadly similar pattern.

Figure 1: Average Total Hourly Cash Earnings by Firm Size and Method of Pay Setting, May 2006



Source: ABS 6306.0, unpublished data

For women, the broad pattern of a bigger shortfall in smaller organisations persists. The AWA shortfall for women was worse than that for men in the majority of size bands (Table 4).

Table 4 AWA/CA cash hourly earnings ratio by gender, 2004 and 2006, non-managerial employees

	2004		2006		average 2004-2006	
	male	female	male	female	male	female
less than 20	.768%	.771	.748	.751	.758	.761
20-49	.823%	.723	.825	.885	.824	.804
50-99	.782%	.756	.912	.780	.847	.768
100-499	1.046%	.866	1.000	.888	1.023	.877
500-999	.860%	.947	1.069	.996	.965	.971
1000 plus	1.316%	1.092	1.319	1.230	1.318	1.161
total	1.000%	.871	.923	.887	.962	.879

Source: ABS 6306.0, unpublished data.

These findings support the hypothesis that AWAs are frequently used for cost cutting or union avoidance. Very large firms and federal government departments have the resources and sophistication to mount concerted union avoidance strategies and use AWAs as part of that, offering wage premiums to induce workers to sign AWAs and/or financially penalising those who seek to remain on collective agreements. Smaller firms are not likely to follow this approach, and clearly are more likely to use AWAs as a cost minimisation tool, presumably through cutting penalty rates, overtime pay and other ‘protected’ award conditions.

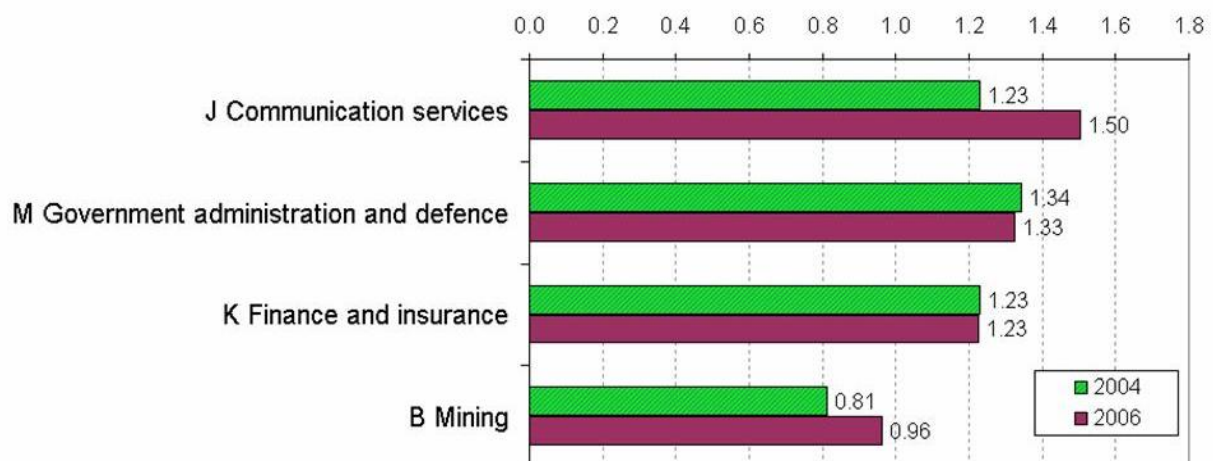
Had AWAs been used as a device for promoting flexibility for the mutual benefit of employees and employers, we would have expected that employees in small and medium firms would have gained in roughly similar proportions to those in large firms. This clearly is not the case.

Industry and agreements

Of the 16 one-digit industry groupings in Australia, at May 2006, the AWA/CA ratio was below 100 per cent in nine of the 16 industries. In other words, AWA employees in the majority of industries received a lower hourly rate on their AWA than their counterparts did on CAs.

In 2006 the industry with the highest wage premium for AWAs (when the industry AWA average is compared to the industry CA average) was communication services, with the AWA average hourly wage premium equal to 50 per cent (see Table 7.1). As mentioned, this is an industry where significant union avoidance behaviour has been underway. The second highest premium (33 per cent) is in government administration and defence where, as previously indicated, a number of federal government agencies require the signing of an AWA as a precondition to advancement in the organisation or receipt of a wage increase, again as part of a strategy aimed at reducing the influence of unions and collective agreements in the sector. The third highest premium (22 per cent) is in finance and insurance, where some organisations are also attempting to use AWAs to reduce union influence, and where employees in the more highly remunerated parts of an organisation (such as those engaged in foreign exchange speculation) are hired on individual contracts. Electricity, gas and water (17 per cent) also had a moderately high AWA premium in 2006. We should be cautious in interpreting this, as it showed no such premium in 2004. However, communication, finance and insurance and government administration and defence all showed significant AWA premiums (23 to 34 per cent) in 2004, confirming the 2006 observations. (Figure 2).

Figure 2: Ratio of AWA/CA Average Total Hourly Cash Earnings by Industry, industries with common union avoidance strategies, May 2004 and 2006

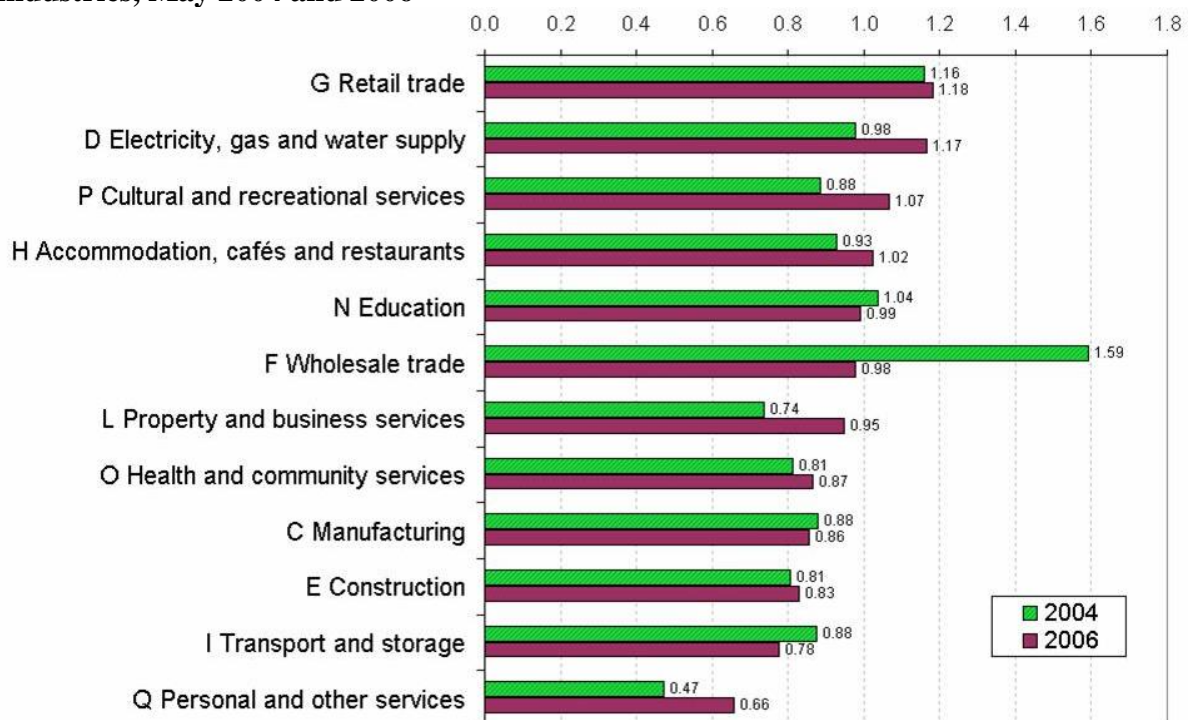


The only industry where union avoidance strategies are extensive and well documented, but in which there is no AWA premium, is mining, where AWA employees earned 3.6 per cent less than CA workers. This may come as a surprise, given some of the bold claims that have been made about mining wages and AWAs in recent times. For example, the Australian Mines and Metals Association (AMMA) claimed in March 2007 that ‘in the resources sector AWAs have provided for significant wage improvements’ and that average wages in mining had increased by 22 per cent in the year to August 2006 (Australian Mines and Metals Association 2007; also Farr 2007; Platt 2007). The report sourced this claim to an ABS publication, yet this publication had not even been released at the time of the report. When the data were eventually published, they showed just an 8.7 per cent increase over the year to August 2006.

The reason for the AWA shortfall in coal is probably that union membership remains strong in the collectively organised coal mining sector, where the career path for new entrants typically involves a period working for a contractor on an AWA until a permanent job in a mine, often covered by a collective agreement, can be obtained. In coal mining, union density in August 2006 was, in trend terms, 61 per cent, compared to 12 per cent in metal ore mining where AWAs dominate (trend estimates calculated from Australian Bureau of Statistics 6310.0 using methodology in Peetz 2005). The main way in which AWAs are used in coal to reduce union influence is by ensuring a readily available alternative labour supply in case of industrial action. Workers in metal ore mining, mainly non-union and dominated by individual contracts, work 5 per cent more hours but earn 21 per cent less per week than workers in coal mining.

Retail trade also has an AWA premium (18 per cent). This reflects the structure of awards and collective agreements in the industry, which provide that employees earning above a certain level are ‘exempt’ from the award or agreement (Price 2004: 93).

Figure 3: Ratio of AWA/CA Average Total Hourly Cash Earnings by Industry, other industries, May 2004 and 2006



Source: ABS 6306.0, unpublished data

AWAs paid on average well below CAs in: manufacturing (where the AWA shortfall was 14 per cent in 2006); construction (17 per cent); transport and storage (22 per cent); health and community services (14 per cent); property and business services (5 per cent); and ‘personal and other services’ (though the 34 per cent shortfall exaggerated the negative effects of AWAs, being influenced by the structure of the industry, that is the inclusion of highly paid emergency service workers). (Figure 3)

In almost all industries where AWAs paid less than CAs in 2006, this was true for both men and women, and the same applied in most industries where AWAs paid more than CAs. The gender wage gap was larger for women on AWAs than for women on CAs in ten industries.

Overall, the industry pattern is consistent with the proposition that AWAs are used for multiple purposes that vary between industries, with AWAs generally paying above CAs in industries where union avoidance strategies are important and below CAs in industries where labour cost minimisation is important. Structural factors within industries also played a role in explaining industry patterns, for example, the use of exemption clauses in retail trade and the hiring of staff in high-salary areas on AWAs. The strong bargaining power of unionised workers in coal mining and emergency services also affected industry level wages of workers on collective agreements in particular industries.

Occupation and agreements

For the top three occupational groups, AWA employees earn more on average than CA employees in both 2004 and 2006, though only for professionals does this occur for both genders. Professionals are clearly a group with high labour market power.

At the other end of the labour market, labourers and related workers experienced a consistent AWA pay shortfall – their wages were 17 per cent lower than wages of workers on CAs in 2006 (and 14 per cent lower in 2004). In all, five of the six lowest occupational groups revealed an AWA pay shortfall compared to CAs in 2006 (Figure 4)

Figure 4: Ratio of AWA/CA Average Total Hourly Cash Earnings by Occupation, May 2004 and 2006



The most disadvantaged group, appeared to be female labourers and related workers – in 2006 those on AWAs were paid an average 26 per cent less than similar women on CAs. Indeed, in 2006 female labourers and related workers on AWAs were receiving 20 per cent less even than the award-reliant average for that occupation.

Overall, the pattern of earnings by occupation is consistent with the hypothesis that workers with low bargaining power in the labour market arising from low skill levels are most adversely affected by individual bargaining through AWAs, while occupations with high skill and short demand appear able to maintain high wages under AWAs and possibly attract a union avoidance premium in some cases.

Conclusions

There are two reasons why we have found the AWA shortfall to be worse than in previous research. First, previous estimates have relied on data concerning registered individual contracts and hence have included employees on state registered individual agreements, which have average hourly wages nearly double the average in AWAs. Second, data on hourly earnings of the typical (median) employee in 2006 have not previously been available. With nearly 70 per cent of AWA employees earning below average AWA earnings (as a result of the skewing of AWA data by highly paid miners and higher ranking public servants), the average earnings data significantly overstate the earnings of the typical AWA employee.

Given the known loss of conditions under WorkChoices AWAs, outcomes for WorkChoices AWAs would very likely be worse, even with the operation of the ‘fairness test’. Note also that the data here will understate the gap between AWAs and union CAs, as the CA data include non-union CAs (which have, on average, lower wage increases than union CAs) and are also depressed by the impact of free riders on bargaining power of unionised workers negotiating new CAs.

The data support the hypotheses that the effects of AWAs will vary according to the reason for their introduction and the labour markets in which employees are working. AWA premiums may occur where employers are seeking to use AWAs to avoid unions, at least in the short run. However, where employers are more focused on cost minimisation strategies, AWAs will be used to reduce average pay and conditions of employees. This will most likely be the case for those workers whose skills are not unique and who have limited bargaining power. If there are ‘flexibility’ benefits for employees and employers through AWAs, they are not apparent at either the aggregate or disaggregated level.

The overall AWA (median) shortfall of 16.3 per cent suggests that cost-minimisation is an important element in AWA strategising, and any ‘flexibility’ benefits that exist are not enough to offset the cost-minimisation effects on wages.

Female casual workers on AWAs received average earnings some 7.5 per cent below average award earnings. These figures suggest that AWAs can often lead to earnings falling below the award average. They also reinforce that individual ‘bargaining’, through AWAs, is especially detrimental for women, particularly when they lack labour market power.

Overall, AWAs are commonly associated with poorer outcomes for typical employees than registered collective agreements. While AWAs sometimes attract wage premiums, associated with union avoidance strategies, these mainly affect outcomes in a small number of industries and in some very large organisations. Where union avoidance is not a common issue, for example in small organisations, the negative impact of AWAs on earnings becomes very stark. The impact of AWAs is worst for those people without unique skills, who do not have strong bargaining power in the labour market.

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