



**Women in Social & Economic Research**



Women's pay and conditions in an era of changing workplace regulations:

Towards a “Women's Employment Status Key Indicators” (WESKI) database

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**For**

**The Human Rights and Equal Opportunity Commission**

**The Women's Electoral Lobby**

**The National Foundation for Australian Women**

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## **ABOUT WiSER**

**Women in Social & Economic Research** (WiSER) was founded in April 1999 as the **Women's Economic Policy Analysis Unit** (WEPAU) in response to a growing void - within Australia and internationally - in the gender analysis of the economic and social policy issues that confront women. To most effectively address this void, WiSER was established as an inter-disciplinary research programme, spanning two divisions of Curtin University, the Curtin Business School (CBS) and the Division of Humanities. In 2005, our name changed to **WiSER – Women in Social & Economic Research** – to reflect the broad scope of research conducted by our members.

WiSER is committed to producing high quality quantitative and qualitative feminist research on a broad range of issues that women identify as important to their capacity for achieving equity and autonomy in the current context. Meeting this commitment is enabled by the breadth of experience and expertise brought to WiSER by an increasing range of researchers.

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## Executive Summary and Recommendations

### Introduction and Background to this Report

In November 2005 the federal Government introduced a package of significant legislative changes to the framework of workplace relations in Australia through the *Workplace Relations Amendment (Work Choices) Bill 2005*. Most of the new regulations came into force in March 2006. These changes significantly alter the operation of the *Workplace Relations Act 1996*.

The stated goal for the new regulations is:

*...to create a more flexible, simpler and fairer system of workplace relations for Australia. The Bill will carry forward the evolution of Australia's workplace relations system to improve productivity, increase wages, balance work and family life, and reduce unemployment (The Parliament of the Commonwealth of Australia, 2004/05).*

The recent changes to workplace relations regulations are an area of interest to women in the workforce. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW: to which Australia is a party and which is scheduled to the federal *Sex Discrimination Act 1984*) highlights that the right to work and right to equal opportunities in employment, the right to equal remuneration and the right to promotion, job security, training and other benefits and conditions of employment are key elements of equality between men and women.

The following national legislation and international legal obligations require Australia to further equity in employment: the *Workplace Relations Act 1996*, the *Sex Discrimination Act 1984*, the *Human Rights and Equal Opportunity Act 1986*, CEDAW, the International Labour Organization (ILO) Convention 100 on Equal Remuneration for Work of Equal Value, the ILO Convention 111 Concerning Discrimination in Respect of Employment and Occupation, the ILO Equal Remuneration Recommendation 90, the ILO Discrimination (Employment and Occupation) Recommendation 111, and the International Covenant on Social, Economic and Cultural Rights.

The ILO Convention 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities, further seeks to create equality of opportunity between men and women workers with family responsibilities, and between men and women with such responsibilities and workers without such responsibilities. The ILO has noted that full equality of opportunity and treatment of men and women in the workforce cannot be achieved without broader social change because the “excessive burden” of caring and household responsibilities is still borne disproportionately by women, which constitutes “one of the most important reasons for their continuing inequality in employment and occupation”.<sup>1</sup>

Some of the Principle Objects of the Workplace Relations Act include “assisting in giving effect to Australia’s international obligations in relation to labour standards”, but in addition “assisting employees to balance their work and family responsibilities effectively through the development of mutually beneficial work practices with employers”; and “respecting and valuing the diversity of the work force by helping to prevent and eliminate discrimination on the basis of race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin”.

Monitoring the on-going position of women in the Australian labour market will be a vital component of meeting these national and international obligations.

The challenges of meeting the multiple responsibilities of paid workforce participation and unpaid household responsibilities have a particularly important impact on women, who continue to perform a disproportionate amount of unpaid work within the Australian economy. The goal of improving the balance between work and family life is one that has been emphasised in documents explaining the rationale and operation of the new regulatory framework and is highly relevant to many women’s workforce experiences:

*...workplace relations reforms are designed to achieve the right balance between paid work and family responsibilities by building on and enhancing*

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<sup>1</sup> ILO *General Survey: Workers with Family Responsibilities* International Labour Conference 80<sup>th</sup> Session 1993 Geneva Report III Part 4B [25], [62] and ILO *Time for Equality at Work* International Labour Conference 91st Session 2003 Geneva Report I(B), [228]-[241].

*the protections and flexibilities already provided to Australian workers with family responsibilities. WorkChoices will provide greater flexibility and make it simpler to negotiate family-friendly working arrangements* (Australian Government, 2006b A New Workplace Relations System p.10)

*Bargaining at the workplace level is particularly suited to tailoring working arrangements in ways that assist employees to balance work and family responsibilities* (Australian Government, 2006a, WorkChoices and Australian families).

It is vital that the situation of women in the paid workforce with family responsibilities is monitored to determine how effective the new arrangements have been in assisting employees to balance their work and family responsibilities.

One of the most significant effects of recent legislation has been to change the way in which minimum conditions of employment are determined and applied. The Government has established five key conditions of employment: basic rates of pay and casual loadings; maximum ordinary hours of work; annual leave; personal leave; and parental leave and related entitlements. The basic rates of pay and casual loadings will be determined by the Australian Fair Pay Commission. These conditions are to be supplemented by employment agreements negotiated at the workplace or individual level.

The sectors of the labour market which currently rely on minimum conditions specified in awards will, in the future, have these entitlements protected via the Fair Pay and Conditions Standard as they are no longer allowable award matters. This change is an important one for women who are overrepresented in these sectors of the labour market. As these sectors are among the areas where employees have the least bargaining power, they may be among the first to reflect the effects of the new regulatory framework.

The introduction of these new arrangements therefore presents a unique opportunity to look not just in general at the position of women in the Australian labour market,

but also at the way different types of employment agreements, particularly Australian Workplace Agreements (AWAs), meet the diverse needs of employers and employees. In particular, it provides a chance to investigate the ways in which institutional and regulatory arrangements can facilitate employment arrangements accommodate diverse workplaces and meet the needs of employees with family responsibilities. It is also highly relevant to determining the capacity of the new regulations to meet the needs of those with relatively low levels of bargaining power within the labour market.

The focus of this report is to examine the capacity of existing data collections to allow for the on-going monitoring of women's wages and other employment related conditions under the new regulatory framework. These data collections will be important if we are to fully understand and clearly demonstrate the role of new workplace regulations in establishing fair employment conditions and facilitating a balance between work and family responsibilities.

With these aims in mind, this report has been compiled as a "stock-take" of available data and a mechanism for identifying strategic areas of future research and data collection that would assist with providing a more complete picture of women's employment status. It both identifies current data and indicators of women employment status and documents inconsistencies, fragmentation and gaps in and between existing data collections that severely constrain the development of a comprehensive understanding of labour market experience. It represents a first step towards a Women's Employment Status Key Indicators (WESKI) database.

In producing this report, we are mindful that Australia's labour market is not a homogenous entity and it is likely that regulatory change will have different effects for different sectors. Over-award bargaining and informal, individual employment contracts have been established features of the Australian industrial landscape for many years. Indeed, for some sectors of the labour market, there has been a significant history of negotiating conditions of employment that meet the specific requirements of particular employers and employees. However, due to the priority given to restructuring the determination and implementation of minimum wages and

conditions under the new regulations, the labour market status of women working for minimum conditions is the key focus of this report. In particular, we focus on women working in five occupational areas that can be defined as “minimum condition” sectors: child care; aged care; hospitality; retail; and cleaning. In adopting this focus we acknowledge that the experiences of women in these sectors may differ from those in other sectors of the labour market.

In summary available data sources relevant to monitoring women's employment status are both fragmented and partial. As a result, and as demonstrated throughout this report, monitoring the effects of new regulations on “minimum conditions” sectors or specific occupations will pose several challenges. This report therefore has dual roles: to identify available indicators of women's pay and employment conditions; and to identify significant gaps in Australia's current data collections. Through the inclusion of existing estimates of women's earnings and employment entitlements, it also provides a range of measurements against which to assess the future effects of the new regulatory framework.

## **Key Findings**

1. In common with most economies, Australia's labour market might be more accurately characterised as a number of co-existing, linked labour markets. The tendency for several, relatively discrete, labour markets to exist side-by-side is widely recognised in economic literature and has been variously described as dual labour or segmented labour theory. In general terms, this means that different labour market sectors have different characteristics. For example, some sectors are characterized by part-time work, relatively low earnings and conditions of employment specified as award minimums. Typically these sectors also have high proportions of women employees. Other sectors, characterised by full-time employment, above average earnings and over award conditions, are more closely associated with men's employment<sup>2</sup>.

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<sup>2</sup> This is discussed more fully in Chapter 2.

2. Traditionally, awards have performed a role beyond defining minimum wage and employment entitlements. In a range of industries and occupations, they have effectively provided standard employment conditions, particularly in sectors which have high proportions of women employees.
3. Previous research suggests there are links between the size of the gender pay gap and particular wage setting arrangements. Centralised systems have typically been associated with smaller gender earnings gaps. This makes it particularly important to ensure that the effects of individual forms of employment contract, as facilitated in the new regulatory framework are not gender biased in their impact<sup>3</sup>.
4. As labour market regulatory systems change, the types of data and information that will provide adequate monitoring will also change. Current data collections relevant to this task are fragmented and were not designed with the new regulatory framework in mind. This report documents a range of data sources, many of which are collected on a regular basis and are publicly available that could facilitate some monitoring of the new regulatory framework. However, existing data are unlikely to provide sufficient insight into the effects of new regulations on specific workforce sectors. The development of an adequate data base from which to monitor labour market trends will require extensions and modifications to existing data collections, methods and analyses.
5. In the context of a new regulatory framework, it is possible to identify concerns with the adequacy of commonly used data on wages and employment conditions. In particular, few existing surveys systematically provide comparative information on earnings and conditions of employment according to the type of employment contract used. There are some notable exceptions, particularly the workplace industrial relations surveys recently conducted in Queensland, New South Wales and Victoria and the *Employee*

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<sup>3</sup> A range of references are provided in Chapter 2.

*Earnings and Hours (6306.0)* publication produced by the Australian Bureau of Statistics (ABS). These are discussed further below.

6. The widely used quarterly earnings estimates published by the ABS, *Average Weekly Earnings (Catalogue 6302.0)*, do not provide details about earnings within different wage setting jurisdictions or by different employment contract types and, in the absence of estimates for occupational categories cannot provide information on trends for workers in some specific types of work. While suited to other uses, such as estimating aggregate changes in average earnings at a national or industry level, it provides limited potential for monitoring the effects of new workplace regulations.
  
7. The *Employee Earnings and Hours (6306.0)* publication provides significant information disaggregated by the methods used to set wages (e.g. award only, collective agreement or individual agreement). Limitations include the absence of specific information about the spread of hours worked (for example, the prevalence of “split shifts”) or when the hours are worked (for example, weekends, evenings). Data cubes are also available, providing information for industry and occupational classifications disaggregated to 3 digit ACSO level. This is a considerable advantage over some other publications. However, this publication is produced only every two years, using survey data collected in May. The last survey was conducted in May 2006, a brief time after the new regulations were introduced (in March 2006). If current survey intervals are maintained, the following survey will be conducted in May 2008. Publication of survey results generally occurs in the following year. This means that relevant information from this survey may not be available until 2009. It should also be noted that this 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). Further, whilst the survey focuses on earnings and hours of work it contains limited information on other employment related conditions.

8. The Australian Bureau of Statistics publication *Employee Earnings, Benefits and Trade Union Membership (6310.0)* is produced annually and contains a range of estimates relevant to labour force and labour socio-demographic characteristics. Unfortunately, these are not provided in a format that allows comparisons between different types of employment contract. The survey is conducted on an annual basis, and commenced in 1998. It was last conducted in August 2005, and the next survey is due in August 2006. The survey includes professional and managerial staff in its wage estimates and this reduces their usefulness for monitoring “minimum conditions” sectors of the labour market. Its key advantages are that it contains information relevant to those working in more than one job and for a number of employment benefits: including: types of leave; characteristics of employees without leave benefits; superannuation coverage; and trade union membership.
  
9. There are few data that adequately cover the phenomenon of multiple job holding and, in particular, the employment conditions that attach to the “additional” occupations undertaken by multiple job holders. Almost 10 per cent of women employees in non-managerial and non-professional employment are multiple job holders and this may become an area of workplace activity that could usefully be monitored to gain an insight into new workplace developments. The Australian Bureau of Statistics publication *Multiple Job Holding Australia (6216.0)* was last published using 1997 data.
  
10. The Office of the Employment Advocate is required by legislation to present biennial reports to Parliament on workplace agreements. The most recent report covers the period 2002/03, demonstrating a time lag for the purposes of obtaining relevant monitoring information. The analysis and reporting function is fulfilled jointly by the Department of Workplace Relations and the Office of the Employment Advocate. The relevant reports, titled *Agreement Making in Australia Under the Workplace Relations Act* can be found on: [www.workplace.gov.au](http://www.workplace.gov.au).

11. Relatively little of the information in *Agreement Making in Australia Under the Workplace Relations Act* is systematically disaggregated by gender. Rather, information relevant to women (and other “designated groups”) is reported separately, as an “add on” to the main analysis. Gender specific information is generally presented in a highly aggregated form compared with other sections of the report.
12. With respect to Australian Workplace Agreements, earnings estimates in *Agreement Making in Australia Under the Workplace Relations Act* are sourced from the ABS *Employee Earnings and Hours Catalogue 6306.0* (outlined above). Reported earnings estimates are not compiled by reference to wage rates contained within Australian Workplace Agreements lodged with the Employment Advocate.
13. Wage information relevant to collective agreements is presented as an “Annualised Average Wage Increase”. This information is not given with a gender breakdown, however, the two lowest average rates of increase are in the industries of “Accommodation, Cafes and Restaurants” (3.1 per cent) and “Retail” (3.3 per cent), both of which are highly feminised industries.
14. Much of the information produced by the Office of the Employment Advocate is restricted to the prevalence, rather than the quantum, of specific provisions in Australian Workplace Agreements. This is insufficient to allow for detailed analysis of the earnings and employment conditions relevant to specific groups of employees.
15. Currently available information indicates that, under Australian Workplace Agreements, the “absorption” or “trading off” of some forms of penalty payment or entitlements may become increasingly common<sup>4</sup>. This is likely to have a wide range of implications for estimates of average earnings. For example, if entitlements to annual leave or sick leave are traded for higher

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4. Senate Employment, Workplace Relations and Education Legislation Committee, *Budget estimates proceedings*, Monday 29 May 2006, Canberra (Proof Issue): 117-157.

hourly wage rates, this may show as an increase in employees' average earnings in various ABS data collections. It is possible however, that the total "package" of entitlements has remained unchanged.

16. Without a great deal of more information about the provisions contained within Australian Workplace Agreements, it will be difficult to separate and quantify different effects on estimates of wages and employment conditions. It is possible that survey results showing outcomes that appear advantageous to employees may neglect the costs or trade offs of obtaining these outcomes.
17. The three industries generating the highest number of approved AWAs during 2004-05 were: Retail trade (33,791); Accommodation, cafes and restaurants (30,166); Property and business services (24,994). These three sectors accounted for 43.2 per cent of AWAs approved by the OEA in 2004/05. This indicates considerable recent growth in the prevalence of AWAs in feminised industries.
18. The Workplace Relations Policy and Legal Group of the Department of Employment and Workplace Relations maintain a database known as the Workplace Agreement Database (WAD). The database is used to produce quarterly reports called *Trends in Federal Enterprise Bargaining*, which can be downloaded from the website:  
[www.workplace.gov.au/workplace/category/publications/AgreementMaking](http://www.workplace.gov.au/workplace/category/publications/AgreementMaking).  
The latest available report is for the December 2005 quarter.
19. The key indicators developed and reported in *Trends in Federal Enterprise Bargaining* are average annualised wage increases (AAWI) per employee. Again, this means that only estimated changes in wage rates, not wage rates in dollar terms, are reported. No gender breakdowns are provided. Further, the extent to which wage increases represent payments for the forfeiture of other employment conditions is not discernable.

20. The Housing, Income and Labour Dynamics in Australia (HILDA) Survey is currently conducted annually and provides a valuable, additional source of data for monitoring changes in the labour market. In its current format respondents are not asked about their specific type of employment contract. This limits its usefulness as a database for monitoring relationships between forms of employment contract and employment benefits. However it provides useful information for monitoring workplace arrangements, particularly with respect to the arrangements of working hours.
21. The longitudinal nature of the HILDA survey will provide a valuable source of data for future analysis of patterns of workforce participation, earnings and employment arrangements.
22. A “Workplace Industrial Relations Survey” was recently conducted in Queensland and similar surveys are currently being conducted in New South Wales and Victoria (Watson 2005). These surveys contain comprehensive information on wide ranging employment conditions and systematically present information according to type of employment contract. Such surveys are particularly well suited to monitoring the effects of the new workplace regulations. However, their usefulness is restricted to the extent that they are conducted only in some states and there is uncertainty regarding plans for future surveys to provide comparable data through time.
23. There are a range of existing data/indicators that have limited meaning without further investigation defining specific links between, for example, links between changes in the pattern of ordinary working hours/total earnings and flexible working arrangements. Further, there is a lack of commonly applied, working definitions applied to terms such as “flexible” or “family friendly” provisions.
24. It is possible to identify a small number of specific, individual indicators of employment conditions within existing publications. Where appropriate, these have been included throughout the report. However, several of these indicators

have the disadvantage that they are not produced on a systematic, regular basis.

25. It is important to note that the above comments apply to the availability of data relevant to women's employment status, particularly in minimum conditions sectors of Australia's labour market. The difficulties with obtaining adequate data or information for monitoring changes in the employment status of other specific population groups are significantly magnified. For example, researchers with an interest in the workforce experiences of people with a disability, Aboriginal or Torres Strait Island women and women from culturally and linguistically diverse backgrounds are likely to meet considerably greater challenges than those outlined in this report. Where such groups of people are likely to be in relatively vulnerable positions within the labour market, there is an urgent need for improved data collection in a manner that can be disaggregated to allow adequate insights into the experiences of all groups that might experience disadvantage in the labour market.

## **Recommendations**

The introduction of a national workplace relations system covering approximately 85 per cent of employees provides a key opportunity to initiate a system of monitoring of Australian workplace and employment conditions on a national, comparative basis.

1. There is a clear need for the collection of comprehensive, detailed indicators of employment status that are comparable across time. This could be substantially addressed through the introduction of an annual, national Workplace Industrial Relations Surveys of the type currently being undertaken in Queensland, New South Wales and Victoria. In addition to providing comprehensive information relevant to specific forms of employment contract and conditions of employment, this survey has the advantage of including a wide range of questions of interest to employers, including issues such as workplace productivity and recruitment. Priority should be given to the systematic reporting of indicators by age, gender and cultural background,

including Indigenous Australians. Such a survey could be conducted by the Department of Employment and Workplace Relations or contracted to a reputable research organisation on their behalf.

The new workplace relations framework has been designed to enable trade offs between conditions and earnings. In order to monitor the effectiveness of the new system it will be necessary to go beyond simple measures of wages and growth and incorporate measures which monitor conditions. This will be especially important for assessing the outcomes for those employees with caring responsibilities.

2. Australian Workplace Agreements have a key role in the new system of workplace regulations and monitoring their success in meeting the government's stated goals of flexibility, simplicity and fairness should be an area of high priority. Indicators relevant to industry and occupational classifications disaggregated by gender, age and cultural background should be systematically presented throughout such reports rather than added as a discrete section in highly aggregated form.

The Office of the Employment Advocate should be required to produce annual reports which include an extended range of indicators that includes:

- a. average hourly and weekly wage rates for employees in non-managerial and non-professional occupations;
- b. provisions for the adjustment of wage rates during the life of the agreement;
- c. compensatory wage payments for the absorption of penalty rates and/or other employment conditions;
- d. the inclusion of non wage benefits such as bonus payments;
- e. the incidence of trading off provisions, such as annual leave, for wage payments;
- f. the incidence of averaging ordinary working hours across several weeks or months and common averaging periods used for this purpose;

- g. ordinary working hours, including the incidence of ordinary working hours of more than forty per week;
  - h. the availability of flexible start and finish times and breaks;
  - i. developments or changes in the standards of family-friendly provisions such as access to paid family or parental leave;
  - j. the availability of other forms of leave such as annual leave, unpaid leave and long service leave;
  - k. access to family friendly employment benefits such as employer provided or subsidised childcare.
3. As a central point of lodgement for all Australian Workplace Agreements, the Office of the Employment Advocate could establish and manage a comprehensive database that provide indicators from a census of agreements. This would overcome the need to use unpublished sample data from the Australian Bureau of Statistics to report on key indicators such as wage movements in Australian Workplace Agreements.
4. Reporting formats by the Office of the Employment Advocate and the Department of Employment and Workplace Relations, should be standardised to enable comparison of information between collective workplace agreements and Australian Workplace Agreements.
5. While the stated goals of the new workplace regulations are improved flexibility, simplicity and fairness, these are issues that are not readily monitored through the use of quantitative indicators. An on-going, comprehensive national program of case study and interview-based research is urgently required to develop working definitions of flexibility, simplicity and fairness that reflect the perceptions and needs of a diverse range of employers and employees and allow their monitoring over time.
6. The designation of particular employment provisions as “family friendly” is in particular need of a commonly understood working definition for the purpose of comparing conditions of employment between jurisdictions and forms of

employment contract. This term is widely used but encompasses varying conditions of employment. For example, it is unclear why relatively favourable wage rates are rarely discussed as a family friendly provision. It is recommended that this be addressed through a combination of literature review and qualitative data collection and analysis.

7. While earnings and conditions are clearly important, the development of working definitions of job quality would enable the identification of potentially useful indicators from existing data collections. In the first instance, this should be addressed through a combination of literature review and qualitative data collection and analysis.
8. The relationships between existing quantitative indicators lack clear specification in a context of significant regulatory change. Literature, interview and case study research should be undertaken to clarify the meanings that can be used to interpret existing and proposed indicators relevant to the:
  - a. averaging of working hours across several weeks or months;
  - b. working of overtime and shift work;
  - c. entitlements to penalty rates;
  - d. relationship between negotiated start and finish times and the need for discretion to vary start and finish times;
9. Priority should be given to increasing the regularity of key Australian Bureau of Statistics surveys so that they are conducted annually and can be used to assist with monitoring workplace change. This is particularly the case with the *Working Arrangements Survey (Catalogue 6342.0)*, which addresses key areas of employment conditions that are not comprehensively covered in other national surveys. The separate reporting of “split shift” provisions and “on call” provisions would assist with monitoring possible changes in the pattern of ordinary working hours, particularly among workers in service sectors.

10. Indicators available from *Employee Earnings, Benefits and Trade Union Membership (6310.0)* could be made more relevant to the new workplace relations context if respondents were asked about their type of employment contract. This would allow for additional analysis of the capacity of different forms of contract to facilitate the negotiation of different patterns of earnings and conditions.
11. There is significant scope to improve our understandings of multiple job holding. The *Multiple Job Holding Australia (6216)* publication provides a basis for initiating future surveys on the incidence and nature of multiple job holding. The survey could be expanded to collect additional data on the characteristics of employment conditions that attach to second and third jobs, in addition to the characteristics of multiple job holders.
12. Consultation should take place as soon as possible between the Government, key users of workplace relations information and administrators of the Household Income and Labour Dynamics in Australia (HILDA) survey to discuss the feasibility of including a question about respondents' type of employment contract.
13. Movements in wages and employment conditions among minimum wage workers, and in particular the pay gap between men and women employees, must be monitored on a regular basis by the Australian Fair Pay Commission so as to assist in the conduct of its wage reviews and wage-setting processes and adhere to its requirements "to take into account discrimination issues" and "apply the principle of equal pay for work of equal value." It is recommended that the Commission undertake a comprehensive research program systematically examining the wages and conditions in key industries and occupations in which minimum wage women workers are employed.
14. It is further recommended that the Commission undertake a program of monitoring and research with respect to the federal minimum wage and its impact on particularly vulnerable groups of women employees with limited

bargaining power, especially women with a disability, young women, women from CALD and Indigenous backgrounds, and women working in more less protected sectors of the labour market such as outworkers.

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## 1 Introduction

This report was produced in response to a research brief developed by the Human Rights and Equal Opportunity Commission (HREOC), the Women's Electoral Lobby (WEL) and the National Foundation for Australian Women (NFAW). Their brief outlined the need for a project examining women's current employment status:

*“The Australian workplace relations landscape is about to undergo significant change. This makes it particularly important to ensure that information is collected and published that identifies outcomes for Australian employees and enables changes to be monitored.*

*The focus of this project is on developments in conditions of work and income of women in the workforce. Progress towards pay equity and family friendly working conditions continues, but there are considerable variances in the pay equity gap between groups of women and in penetration of family friendly working conditions across sectors and occupations and according to industrial instrument.*

*Information in Australia that allows progress in pay and conditions to be comprehensively tracked is limited and patchy. AWIRS has not been repeated since 1995 and the ABS Employee Earnings and Hours Survey does not provide a clear picture of what is happening for women's earnings and conditions or why it is happening.<sup>1</sup> Some longitudinal studies, notably HILDA and Negotiating the Life Course, give some insight into conditions and incomes for Australian women.”*

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<sup>1</sup> The following note was also part of the project brief :“There are other ABS surveys that provide valuable information about income and conditions for different groups of women, including Survey of Working Arrangements, Survey of Working Arrangements and Super, Forms of Employment, Survey of Employee Earnings, Benefits and Union Membership and Survey of Employment and Superannuation (SEAS). However, these are either not current or limited.”

Labour markets are subject to a number of significant changes – demographic change and the consequent ageing of the workforce is one example. However, the particular “significant changes” that form the focus of this report, and identified by HREOC, WEL and NFAW, are the new regulations introduced under the “Work Choices” amendments to the *Workplace Regulations Act 1996*.

The new regulations are extensive and pose a range of new questions and opportunities for individuals and institutions concerned with workplace relations (Forsyth & Sutherland, 2006; King, 2005; McCrystal, 2006; White, 2005; Williams, 2006). However, in the context of this report, there are two key areas of interest that have been identified as significant for Australian women.

Firstly, women have traditionally held primary responsibility for undertaking unpaid household work within the Australian economy. Increasingly this has been done in combination with participation in the paid labour market. This can be a demanding combination of roles and the goal of improving the balance between work and family life is one that has been emphasised in documents explaining the rationale and operation of the new regulatory framework:

*...workplace relations reforms are designed to achieve the right balance between paid work and family responsibilities by building on and enhancing the protections and flexibilities already provided to Australian workers with family responsibilities. WorkChoices will provide greater flexibility and make it simpler to negotiate family-friendly working arrangements (Australian Government, 2006b A New Workplace Relations System p.10)*

*Bargaining at the workplace level is particularly suited to tailoring working arrangements in ways that assist employees to balance work and family responsibilities (Australian Government, 2006a, WorkChoices and Australian families).*

A second key area of interest is the potential effect of recent legislation on conditions of employment, particularly for women in relatively low paid occupations. In general terms, the recent regulatory changes that can be expected to have significant effects on the determination of pay and conditions for employees in at least two ways. The first is a structural shift away from collective forms of establishing employment entitlements toward individual contracts known as Australian Workplace Agreements (AWAs). The second broad area consists of procedural and institutional changes in the way minimum conditions of employment are established. These include the reduction of minimum conditions to five basic provisions and the establishment of the Australian Fair Pay Commission (AFPC).

The two areas are obviously linked and their effects are likely to be different for those in different sections of the workforce. For some sectors of the labour market, over-award bargaining and informal, individual employment contracts have been established features of the Australian industrial landscape. It has been argued that such features offered significant flexibility under the previous wage fixing system (Plowman, 2002). Whether the new regulations have positive or negative effects on the flexibility to negotiate employment conditions of those in relatively favourable bargaining positions remains an open question. However, on the assumption that those with relatively favourable levels of bargaining power will have some capacity to continue to negotiate "above minimum" conditions under the new regulations, this report focuses on those who have traditionally relied on minimum conditions to establish their employment entitlements.

Among Australian researchers there has been considerable discussion about the effects these changes will have on those who depend on minimum employment conditions and the implications these have for related areas of economic and social activity. Key areas of discussion include:

- The implications of changes in wage negotiation processes for those on low wages (Fenwick, 2006; McCrystal, 2006; Stillwell & King, 2005; van Barneveld, 2006);

- The new processes for setting minimum wages under the Australian Fair Pay Commission and the capacity to address equity considerations (May, 2005; Plowman & Preston, 2005; Pocock & Masterman-Smith, 2005);
- The need to examine links between social security payments and minimum wages (Waring, Burgess, & de Ruyter, 2006; Wooden, 2005);
- The need to closely consider links between individual contracts, lower minimum wages and rates of employment (Ellem, Baird, Cooper, & Lansbury, 2005; Peetz, 2005; Watson, 2005).

The introduction of the recent WorkChoices legislation therefore presents a unique opportunity to look at the way different types of employment agreements, particularly Australian Workplace Agreements (AWAs), meet the diverse needs of employers and employees. In particular, it provides a chance to investigate the ways institutional and regulatory arrangements can facilitate employment arrangements accommodate divergent workplace and household responsibilities. It is also highly relevant to determining the capacity of the new regulations to meet the needs of those with relatively low levels of bargaining power within the labour market.

The original intent of this report was to produce a database of indicators of women's employment status from which to benchmark changes in earnings and employment conditions under the new regulations. However, as the project proceeded, it became apparent that inconsistencies, fragmentation and gaps in and between existing data collections severely constrain the development of such a data base.

The limitations of existing data led to a slight change in the direction of the project. In addition to listing selected existing indicators, the emphasis of this report is to examine the capacity of existing data collections to allow for the monitoring of women's employment related entitlements status under the new regulations. These data will be important if we are to fully understand and clearly demonstrate the role of new workplace regulations in establishing fair employment conditions and facilitating a balance between work and family responsibilities. With these aims in mind, this report has been compiled as a "stock-take" of available data and a mechanism for

identifying strategic areas of future research and data collection that would assist with providing a more complete picture of women's employment status.

The approach adopted in this report forms the first part of a proposed multidisciplinary research project encompassing five Australian states and to be conducted in two stages:

- Stage 1: A comprehensive “stock-take” analysis of available data to identify currently available indicators of women's pay and employment conditions and highlight gaps and areas in need of review.
- Stage 2: Interviews with 100 women across Australia to enhance our understanding how, if at all, the new legislative framework may affect their employment conditions.<sup>2</sup>

This report represents stage one of the project: a “stock-take” of available data to identify key indicators of women's pay and employment conditions. It provides a scholarly review and evaluation of current data collections on the status of women in employment.

Within this framework, a key focus of the research design has been to identify data and indicators relevant to specific industry and occupational sectors which employ relatively large numbers of women and in which the use of minimum provisions for determining wages and conditions of employment are prevalent. As will be shown below, data is available for a number of highly aggregated key indicators (such as trends in average wages at the one digit occupational level). However, women are not homogenous and their workforce experiences differ significantly. By focusing on experiences for particular sectors of the workforce (eg. as suggested, sectors heavily reliant on minimum provisions) researchers and policy makers are able to garner greater insight into the social and economic effects of the legislative reforms.

The following chapter of this report provides an overview of women's current patterns of participation in the paid workforce and their employment status. This is

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<sup>2</sup> Funding for Stage 2 is still under negotiation.

followed by chapter three, which summarises commonly used estimates of wage movements produced by the Australian Bureau of Statistics. Chapter three demonstrates the strengths of these estimates for some purposes but their lack of explanatory power in monitoring changes in employment conditions and the links between such changes and different forms of employment contract.

Information relevant to monitoring employment status and conditions under specific forms of employment contracts is considered in more detail in chapter four. Chapter four demonstrates that potentially diverse and useful estimates of the relationship between earnings and type of employment contract can be sourced from:

- the Australian Bureau of Statistics;
- reports produced by the Office of the Employment Advocate (OEA) and the Department of Workplace Relations (DEWR);
- State based surveys such as the Queensland Industrial and Workplace Relations Survey;
- the Household Income and Labour Dynamics Australia (HILDA) survey;
- the Negotiating the Life Course (NLC) Survey.

However, the report also discusses the relative lack of detailed information available for the provisions of Australian Workplace Agreements (AWAs) compared with other forms of registered employment contracts. The substantial gaps in information for this type of employment contract will pose challenges for monitoring the implications of AWAs for various sectors of the workforce.

The subsequent chapters in this report have been organised so that relevant sources of information are documented for specific conditions of employment: earnings, hours, forms of employment, access to leave provisions and so on. In some cases specific, relatively specialised forms of information additional to those listed above have been listed where they add to our understanding of a specific employment condition and/or the advantages of specific types of research methods and analysis.

Where possible, relevant estimates are presented disaggregated by industrial instrument, industry, occupation and age. All of these factors affect women's pay and

conditions via job security and bargaining power, and all are relevant to provisions of the Work Choices Act.

Where relevant, potential new sources of information that may become available as new procedures are established to effect the implementation of Work Choices legislation. For example, the number and amount of claims supported through new schemes, such as the Unlawful Termination Assistance Scheme and the Alternative Dispute Resolution Assistance Scheme, may provide some insights into the operation of Work Choices legislation. However, it is also the case that the usefulness of some potential sources of information has been limited by a number of simultaneous changes. For example, the research team considered the possibility that the number of company registrations with the Australian Securities and Investment Commission may give insights into the incidence with which employers are becoming “constitutional corporations” in order to be covered by specific Work Choices provisions. However, on further investigation, it was found that the introduction of the new workplace regulations coincided with a significant drop in fees associated with incorporation. Thus, it is relatively difficult to claim that any future increase in registrations is clearly linked to the new workplace regulations alone.

The recommendations produced at the front of this report represent summarise our assessment of currently available estimates of women's employment conditions and status. In particular, they contain recommendations relevant to the collection of data on the status of women in employment that are not currently available. The collection of more comprehensive information will be required to identifying the key areas of advantage and disadvantage women experience in the workplace as the new regulatory structure comes into operation.

## **2 An Overview of Women's Patterns of Workforce Participation and Employment Status**

### **2.1 Introduction**

In order to provide a context for the following sections of the report, this chapter summarises findings from available research that demonstrate links between workplace relations regulation, women's experiences in the paid workforce and their traditional unpaid responsibilities in the household sector. The research indicates that the costs and benefits of different forms of labour market regulation not only affect individual women but have implications for the productivity, efficiency and social capital at broader community and national levels.

The following overview discusses, firstly, women's over-representation in various forms of employment agreement, particularly those that mandate minimum conditions. Secondly, it considers the implications of institutional arrangements governing women's employment and summarises both international literature and recent research conducted in Australia. Thirdly, the capacity of women to genuinely bargain, both for their preferred form of employment agreement and for specific provisions within agreement is considered. The final section defines particular sectors that we shall use to provide examples of the type of information available for monitoring women's employment status under Work Choices legislation.

### **2.2 Segmented Labour Markets**

In common with most economies, Australia's labour market might be more accurately characterised as a number of co-existing, linked labour markets. The tendency for several, relatively discrete, labour markets to exist side-by-side is widely recognized in economic literature and has been variously described as dual labour or segmented labour theory. One way of illustrating this is by examining the coverage of different wage negotiation bargaining systems for employees in different sectors of the labour market, for example part-time workers compared with full-time workers or women compared with men, as discussed below.

At the end of the 1990s just under a quarter of the total workforce (23.2 per cent) was entirely reliant on awards and, thus, the determinations of the Australian Industrial Relations Commission (AIRC) or state industrial commissions for their wage outcomes and adjustments. A substantial proportion of employees (36.8 per cent) relied on collective bargaining (with outcomes detailed in collective agreements) for the fixation of their wages. Limited use was made of registered (i.e. formal) individual agreements with only 1.8 per cent of employees having their wages under this instrument. Informal individual agreements, however, extended to 38.2 per cent of the workforce. Many (possibly the majority) of these agreements would have been common law contracts, in other words outside the bargaining system (Peetz, 2001). A substantial proportion of the balance would have been over-award agreements. In other words, informal arrangements to pay over the minimum occupational rates as specified within the award, noting that awards specify the minimum wage rate for each level (unskilled to skilled) within an occupational hierarchy.

By May 2004, there had been a small but discernable shift from awards only as the basis for determining employment conditions towards other forms of agreement, as illustrated in Table 2.1, below.

**Table 2.1: Methods of Pay Setting, Australia, May 2004**

	Awards Only	Collective Agreements <sup>(a)</sup>	Individual Agreements <sup>(b)</sup>
<b>Males</b>			
Full-time employees	11.2	39.0	49.8
Part-time employees	34.4	35.3	30.3
All employees	15.7	38.2	46.0
<b>Females</b>			
Full-time employees	14.8	45.6	39.6
Part-time employees	34.2	41.5	24.2
All employees	24.4	43.6	32.0
<b>Persons</b>			
Full-time employees	12.6	41.5	46.0
Part-time employees	34.3	39.7	26.0
All employees	20.0	40.9	39.1

**Source:** Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0*, Table 13.

(a) includes registered and unregistered collective agreements; (b) includes registered and unregistered individual agreements and working proprietor of incorporated business.

There is a gender dimension to the patterns discussed above. As shown in Table 2.1, in May 2004 awards (and only awards) determined the pay for 24.4 per cent of all female employees and 15.7 per cent of all male employees. Award minimums are also more likely to be used to fix the wages of part-timers than full-timers. As shown in

Table 2.1, 34.3 per cent of all part-timers (men and women) have their pay set by awards; the corresponding share amongst full-time workers is 12.6 per cent.

It seems likely that the capacity for parties in an employment relationship to choose a form of agreement-making that best suits their needs is closely related to their ability to genuinely bargain. That is, if an unequal bargaining relationship exists, the party with the greater capacity to bargain will have an advantage in ensuring that their favoured form of agreement will be pursued. To some extent therefore, the form of agreement making, together with specific conditions of employment, will both be linked to the relative bargaining position of each party.

The following discussion is based on the proposition that employees in relatively strong bargaining positions will experience relatively favourable rates of pay and other conditions of employment. If this rather uncontroversial statement is accepted, it is possible to demonstrate, in a relatively simple manner, that women's rates of pay and conditions of employment reflect a relative lack of labour market bargaining power.

Table 2.2, below, gives greater detail and provides some extra information from that contained in Table 2.1. In particular, it shows that part-time workers, employees on award conditions and relatively low earnings and women tend to be clustered in the same industry sectors.

Table 2:2 Type of Agreement, Workforce Composition, Women's Employment Status and Average Hourly Earnings by Industry

Industry	1 Award only*	2 Share of employees who are women (%)**	3 Share of employees who are employed part-time(%)*	4 Average hourly total earnings*
Accommodation, cafes and restaurants	60.1	58.3	48.6	17.50
Agriculture, forestry and fishing			25.0	
Communication services	*2.1	32.9	13.6	25.80
Construction	15.2	13.7	13.9	23.80
Cultural and recreational services	17.7	50.5	40.2	23.10
Education	8.9	67.9	32.4	26.40
Electricity, gas and water supply	*1.7	18.8	3.8	29.00
Finance and insurance	4.5	56.1	18.6	26.60
Government administration and defence	*0.8	48.7	15.5	24.70
Health and community services	26.6	78.6	44.6	22.80
Manufacturing	14.9	27.1	10.7	22.50
Mining	*1.9	9.6	4.3	33.70
Personal and other services	23.5	47.0	28.7	23.30
Property and business services	19.7	44.0	26.0	23.50
Retail trade	31.3	51.4	46.3	17.90
Transport and storage	14.4	23.8	15.9	22.50
Wholesale trade	14.9	31.2	17.8	21.40
<b>All industries</b>	<b>20.0</b>	<b>44.6</b>	<b>27.8</b>	<b>23.20</b>

Sources: \*Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0*, p.20, Table 7 and P.29 Table 15)

\*\*Australian Bureau of Statistics (2003a) *Average Weekly Earnings 6302.0*, page 47, Table 41

Notes: Shaded cells in column 1 are those with above average award only coverage.

Shaded cells in column 2 are those with above average percentages of women employees.

Shaded cells in column 3 are those with above average proportions of part-time employees.

Shaded cells in column 4 are those with below average hourly earnings (below average amounts are in bold font)

The rows with a heavy border are those with at least three shaded cells.

For five of the industries reported, Table 2.2 common characteristics include relatively high proportions of women employees, high level of award only coverage, high levels of part-time work and low levels of hourly earnings. The set of identified industries include:

- Accommodation, cafes and restaurants;
- Cultural and recreational services;
- Health and community services;
- Personal and other services;
- Retail trade.

Table 2.2 therefore provides some indication of a link between women's patterns of employment, minimum employment conditions and part-time work. In particular, it appears that "award only" provisions operate not only as minimums but as standard employment conditions in some industry sectors.

The proposition that minimum conditions of employment are particularly important for women has been demonstrated in a number of studies that have demonstrated an important link between the size of the gender pay gap and prevailing bargaining arrangements. In short, centralised systems have been associated with smaller gaps (Blau & Kahn, 1992; Gregory & Daly, 1990, 1992; Gregory & Ho, 1985; Rubery, 1992; Whitehouse, 1992). That is, centralised wage fixing processes appear to be important in providing minimum conditions for those in relatively weak bargaining positions.<sup>3</sup> Women hold fewer positions of power and are lower paid than men and have fewer financial resources (Astor & Chinkin, 1992:109). Women are also less unionised than men are and, it has been argued that this has facilitated lower levels of access to one means of support and advocacy (J. Lee, 1994). There is evidence that the increasing trend in Australia towards individual employment contracts away from industry-based awards and collective agreements particularly disadvantages specific groups of women (M. Lee & Sheldon, 1997). This is of particular importance in an industrial context conducive to the more widespread use of individual forms of employment contract.

The WiSER unit examined the pay gap of women in WA relative to women nationally. In 1996 WA women employed full-time earned, on average, 3.3 per cent less than Australian women employed full-time. In an effort to understand the source of this 3.3 percentage point gap they asked (and researched / modelled) the question: "if Western Australian women received equivalent national rates of pay (rates of return) for their characteristics (including education, age, experience, industry and occupation of employment) would there still be a pay gap?" In other words they sought to identify whether or not there was something 'different' (in terms of characteristics) between the women in WA and women nationally. The results of this

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<sup>3</sup> An exception to this rule appears to occur when changes in institutional arrangements lead men's wages to decline and thus result in an apparent drop in gender earnings gaps (Preston 2003).

analysis showed that women in WA possessed virtually identical characteristics to women nationally – suggesting that the presence of a pay differential in WA derived more from differences in the way characteristics were rewarded (paid for).

So what was it about the WA labour market that caused women to be treated less favourably than women nationally and less favourably than men in the State?<sup>4</sup> The study suggests that institutional minimum wage provisions are particularly important for women and part-time workers in WA for four reasons:

- Part-time workers are significantly more likely to be found in the award stream rather than the bargaining stream. In other words part-time workers are dependant on industrial tribunals for cost-of-living adjustments in their wages.
- Part-time workers (the majority of whom are women) are over-represented in particular sectors (eg. Accommodation, Cafes and Restaurants) – sectors that in turn remain heavily dependent on the award system for the determination of pay and conditions.
- Small firms (i.e. less than 50 employees) are more likely to use the award system than larger firms. There is an over-representation of small firms in the WA labour market relative to the national average.
- Historically the WA labour market has been more dependent on the State industrial jurisdiction rather than the Federal. The closer alignment of the WA Minimum Conditions of Employment Act and the adult minimum wage in the Federal jurisdiction thus reduces or helps minimise any gap arising from this source.

In short, minimum conditions of employment appear to become, *de facto*, standard conditions of employment for many women and part time workers. In this context, the streamlining or reduction of minimum conditions of employment might be expected to result in large scale changes to standard employment conditions for specific sectors of the labour market that have limited bargaining power (Preston, 2001).

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<sup>4</sup> It should be noted that Crockett and Preston (1999) also examined whether or not men in WA were rewarded at similar rates to their national male counterparts. The analysis showed that the WA labour market in fact treated males *more* favourably than their national counterparts.

### **2.3 Implications beyond current earnings**

Institutional factors have implications that extend far beyond short term gender gaps in rates of pay and related entitlements such as annual leave and sick leave. Limited workforce bargaining power is also associated with restricted access to a range of benefits that can have long term implications for career paths and into retirement. For example, relative bargaining capacity and part-time work are associated with disadvantage in a range of provisions that relate to women's paid and unpaid roles, including maternity leave, worker's compensation, career advancement and training and superannuation accumulations. Several of these provisions are considered within our report and have significant long term implications for women's patterns of workforce participation and their capacity to contribute to Australia's long term economic productivity.

### **2.4 Heterogeneity among women in the workforce**

The gender analysis of public policies, such as the recent workplace relations regulations, rests on an assumption, often implicit, that it is valid to consider women as a specific population group. As an underlying assumption this requires some justification. Women are not a homogenous population. Different women have varying levels of income, asset holdings, education, access to resources, as well as diverse cultural and social contexts. Despite this diversity, women are frequently discussed as a group and it is assumed, to some extent at least, that women are a relevant population category for research. Within economics, the case for structural analyses based on gender rests on:

...the existence of structural differences between the economic positions of men and women. These differences are found in the uneven division of men and women's labor across the mutually dependent paid and unpaid economies... (Himmelweit, 2002:50)

Structural differences in the economic and social positions of men and women mean that theories which assume a gender neutral or androcentric 'economic agent' can neglect areas relevant to women's social and economic position. There is a large and diverse literature discussing the way in which apparently gender-neutral institutions and economic theories systematically fail to reflect women's interests. For example,

gender analyses have raised insights into: examination of the rationale for classifying women as dependents in census and workforce statistics (Deacon, 1985; Folbre, 1991); neglect of women's unpaid work in economic theory and policy (Cloud & Garrett, 1996; Donath, 2000; Himmelweit, 1995; Ironmonger, 1989, 1996); the relevance of indicators of economic development to women's lives (Duchin & Sinha, 1999; Durbin, 1999; O'Hara, 1999); a focus on choice rather than constraint or provisioning in economic theory (Nelson, 1993); economic research methods used to portray particular behavioural assumptions as universal (Pujol, 1997; Strassman, 1997); and construction of economic theory in a manner that excludes significant aspects of women's lives (Hewitson, 1999; Nelson, 1996, 2003; Strassman, 1994; Strober, 1994). As a result, these analyses have highlighted the relative lack of data about social and economic issues that are particularly relevant to women, including domestic violence, the working conditions of outworkers and the distribution of resources within households (Danner, Fort, & Young, 1999; Durbin, 1999; Folbre, 1994).

An example of both the diversity of women's experiences and the extent to which particular issues can remain neglected in official statistics is provided by considering the position of women with disabilities. Almost one in five Australians report some form of disability and for over 17 per cent of Australians, disability can be significant enough to impose significant limitations or restrictions on their participation in education, the workforce or in other core activity such as self-care or mobility (Australian Bureau of Statistics, 2003b). People with disabilities are more likely than others to live in households in the lower income quintiles and participation in the labour force is relatively low. Females with a reported disability have a workforce participation rate of 46.9 per cent, compared to 72.2 per cent for females with no reported disability (the comparable rates for males are 59.3 per cent and 88.9 per cent). A reported disability is associated with restrictions on the number of hours that can be worked and the need to access leave arrangements that can facilitate appropriate time off work (Australian Bureau of Statistics, 2003b:26).

By looking at indicators relevant to women with a disability, it is apparent that workforce regulations that facilitate or restrict the development of different

employment entitlements might be expected to have a more pronounced effect on some women or groups of women than others. For this reason, it appears desirable that research into women's workforce experiences has the capacity to recognise areas of both commonality and diversity in the experiences of women.

In Australia, official statistics indicate that gender is a key characteristic relevant to the way social institutions operate to distribute paid and unpaid work and access to economic resources, as demonstrated throughout this report. To this extent, the assumption of women as a relevant population category appears relevant to research questions that seek to understand women's workforce participation and earnings in Australia and is retained throughout this report. However, the same official statistics also indicate a wide variation in the social and economic circumstances of different women. As a result, this report focuses on specific groups of women, identified in the following sections, who are illustrative of those in relatively weaker bargaining positions and thus more highly reliant on minimum employment conditions.

## **2.5 The focus of this report**

As discussed above, women have traditionally been over-represented in those sections of the labour market that are heavily reliant on the centralised establishment of minimum employment provisions. Proposed changes to increase the role played by individual bargaining, including a restricted range of minimum provisions appear to have the potential to further erode women's relative positions in the labour market. Therefore, an important aspect of assessing the effects of Work Choice regulations will be to monitor and determine the implications for those who are positioned in relatively vulnerable sections of the labour market.

For the remainder of the report we provide examples of available indicators that are available (or unavailable) for specific groups or sectors that are particularly relevant to women in the workforce and could be expected to have relatively low bargaining power. Where appropriate, the following sectors are used as illustrative examples of the type of information currently available for assessing the impact of new workplace regulations:

- Child-care

- Cleaning
- Retail trade (shop assistants)
- Cafes, restaurants
- Aged care

As will be demonstrated throughout this report, the selection of specific sectors for investigation assists in clarifying the strengths and weaknesses of currently available data.<sup>5</sup> Most commonly, closely targeted monitoring of such groups is limited by the availability of published data at one digit ANZSIC and ACSO<sup>6</sup> levels. These are relatively aggregated levels of industry and occupational groupings that can make it difficult to discern trends for smaller industry and occupational classifications. However, there are other strengths and weaknesses in current data collections, including the regularity of data collection and the types of data collected. These are discussed throughout the report.

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<sup>5</sup> It has been suggested that, rather than focus on these specific sectors of the workforce we might consider reporting on other vulnerable groups such as sole parents, women from NES backgrounds and young women without formal post-school qualifications. Whilst acknowledging the weak bargaining position of these groups we believe a focus on occupation and industry sectors is a more useful starting point for a study of available indicators. Many women with weak bargaining power find themselves working in these sectors, often in part-time and insecure jobs. Understanding trends and patterns of experiences in these sectors therefore sheds some light on the workforce experiences of groups of women employed in these areas.

<sup>6</sup> Throughout this report there are references to the acronyms Australian Standard Classification of Occupations (ASCO), Australia New Zealand Standard Classification of Occupations (ANZSCO). The occupational classification systems are discussed briefly in Appendix 13.2. However, at this point it is useful to note that the ANZSCO systems will be replacing the earlier ASCO. Thus, previous statistical publications will refer to the earlier classifications, even though the new classifications will apply to future data collection.

### **3 Women's and men's average earnings and full-time, part-time or casual status**

#### **3.1 Introduction**

This and subsequent chapters of the report review current data collections, publications and information that facilitate monitoring of changes in earnings and a wide variety of employment conditions. This chapter focuses on earnings estimates that have been commonly used as sources of information for monitoring wage movements within Australia. It focuses on estimates that facilitate comparisons between:

- Men's and women's earnings;
- Average earnings in different occupations;
- Average earnings in different industries;
- Average earnings by employees working on a full-time, part-time or casual basis.

It also contains some information relevant to penalty rates and hours of work.

The aim of this section is to demonstrate the strengths and limitations of average earnings estimates that apply to broad population groups. In particular, it demonstrates the need to distinguish between broad estimates of wage movements at an aggregate level and wage movements for those in specific workforce sectors or on different forms of employment contract.

#### **3.2 Australian Bureau of Statistics Data Collections**

Surveys conducted by the Australian Bureau of Statistics (ABS) that contain indicators of women's pay, penalty rates, hours of work, and full-time or part-time status include:

- *Average Weekly Earnings Survey (Catalogue 6302.0);*
- *Employee Earnings and Hours Survey (Catalogue 6306.0);*
- *Employee Earnings, Benefits and Trade Union Membership Survey (Catalogue 6310.0);*

### **3.2.1 The Average Weekly Earnings Survey (Catalogue 6302.0)**

The Australian Bureau of Statistics' average weekly earnings survey is used to provide estimates of the average weekly earnings of employees in Australia. It is collected quarterly and is widely used to monitor aggregate changes in wage levels. Measured changes in Male Average Total Weekly Earnings (MATWE) are derived from this survey and used for purposes such as adjusting the Age Pension.

The key advantages of this survey are the regularity with which it is conducted and its capacity to generate estimates that indicate aggregate changes in wage movements across the economy over time. The survey has been conducted since 1981 and responses are collected by asking 4,700 employer units about the gross earnings of their employees. The last survey was conducted in February 2006, and the next survey is due to be conducted in May 2006.

One of the key disadvantages of the survey is that it does not reflect changes in overall wage payments that might result from changes in the composition of the workforce. For example, if wage rates alter due to a greater proportion of casuals (with full-time hours) being employed in the workforce (or a changing proportion of juniors, managerial employees and so on) this may affect average wage levels but the cause of that change won't be apparent. Further, the survey was not designed to estimate wage movements for various forms of employment contract (eg individual or collective agreements) or to monitor wage movements for part-time workers. The survey is also unable to capture coverage by wage setting jurisdiction or method of pay setting and, in the absence of occupational information, cannot provide information on trends for particular groups of workers in specific types of work.

Listed below are the names and page numbers of the tables in the February 2006 *Average Weekly Earnings* publication that are particularly relevant to monitoring women's earnings.

It should be noted that managerial employees are not excluded from the estimates of average wages that are used in this publication. Neither are earnings estimates given for occupational groupings. This can make it difficult to determine whether wage

movements in relatively lower paid occupations are different from those in more highly paid occupations. As discussed in the following chapter, the inclusion of managerial employees in earnings estimates can have important implications for the relevance of the estimates for some particular groups of employees in the workforce.

**Tables 1-3: Average Weekly Earnings, Trend (p.4), Seasonally Adjusted (p.5), Original (p.6)**

The three tables list estimates of average weekly earnings (full-time adult ordinary, full-time total adult, and all employees total) for females, males, and persons in Australia. They also list estimates of the percentage changes:

- Between *quarters*, for average weekly earnings (ordinary time, total) for men and women in full-time employment and for all men and women employed.
- Between *years*, for average weekly earnings (ordinary time, total) for men and women in full-time employment and for all men and women employed.

The production of trend and seasonally adjusted estimates makes these estimates particularly useful for monitoring trends in average wage movements, although only for persons employed full-time (defined as 35 or more hours per week). Trends in the pay of part-time employees cannot be discerned from these data.

**Tables 4-6: Average Weekly Earnings, Private Sector, Trend (p.7), Seasonally Adjusted (p.8), Original (p.9)**

These three tables provide similar information to that provided in the earlier Tables but are restricted to the earnings of employees in the *private* sector.

**Tables 7-9: Average Weekly Earnings, Public Sector, Trend (p.10), Seasonally Adjusted (p.11), Original (p.12)**

Again, these three tables provide similar information to that provided in the earlier Tables but are restricted to the earnings of employees in the *public* sector.

**Table 10: Average Weekly Earnings, Industry, Original (p.13)**

This table presents estimates of the same classifications of average weekly earnings to those above but disaggregates information by *industry division*, at the ANZSIC I digit

code level. As a quarterly survey, these estimates provide a valuable source of regular information about movements in men's and women's earnings by industry.

**Tables 11– 13: Average Weekly Earnings, State and Territories, Trend (p.14), Seasonally Adjusted (p.16), Original (p.18)**

Average weekly earnings estimates are provided for each state and territory.

**Tables 14-16: Average Weekly Earnings, Quarterly Percentage Change, Trend (p.20), Seasonally Adjusted (p.21), Original (p.22)**

These tables list, for each state and territory, estimates of the *quarterly percentage change* in average weekly earnings for the same categories of employment as all other tables in this publication: full-time adult ordinary; full-time total adult; and all employees total; disaggregated females and males.

**Tables 17: Average Weekly Earnings, Annual Percentage Change, Trend (p.23)**

As above, this table lists for each state and territory, estimates of the *annual percentage change* in average weekly earnings.

**ABS Data Cubes - Average Weekly Earnings Survey (Catalogue 6302.0)**

From the February 2006 Average Weekly Earnings Survey, the ABS also published a number of data cubes. In general, the tables in the data cubes contained historical quarterly data from November 1983 through to the February 2006 survey. The tables in the data cubes are general stored as Microsoft Excel worksheets. The data cubes from this survey do not contain additional levels of detail (for example, more detailed industry divisions or occupational classifications) from the publication *Average Weekly Earnings Survey 6302.0*. Their key advantage is the inclusion of 23 years of estimates in one source of data.

Listed below are the names of the data cubes produced from the February 2006, which present estimates of Average Weekly Earnings for:

- **Employees, Australia (Dollars) Trend (Table 1.), Seasonally Adjusted (Table 2.), Original (Table 3.)**

- **Private Sector** - Australia (Dollars) Trend (Table 4.), Seasonally Adjusted (Table 5.), Original (Table 6.)
- **Public Sector** - Australia (Dollars) Trend (Table 7.), Seasonally Adjusted (Table 8.), Original (Table 9.)
- **Industry** - Australia (Dollars) – Original– **Males**, Full-time Adult Ordinary Time Earnings (Table 10A.); Full time Adult Total Earnings (Table 10B) and Males, Full Time Adult Total Earnings. Disaggregation remains at the ANZSIC 1 digit code for industry division.
- Similar tables to 10A – 10C are also produced by **Industry** for **Females** (Tables 10D-10F) and by **Industry** for **Persons** (Tables 10G – 10I).
- **States and Territories** (Dollars) – Trend (Table 11A. to 11H.), Seasonally Adjusted (Table 12A. to 12H.), and Original (Table 13A. to 13H.)
- **Private and Public Sectors, States and Territories** (Dollars) – Original (Table 14A. to 14H.) – Persons

### **3.2.2 *The Employee Earnings and Hours Survey (Catalogue 6306.0)***

The main purpose of the *Employee Earnings and Hours Survey (Catalogue 6306.0)* is to provide statistics on the earnings and hours of work of employees. However, it also provides statistics on the distribution of earnings and average earnings disaggregated by the methods used to set wages (e.g. award only, collective agreement or individual agreement). This is a particularly important aspect of the survey which is discussed fully in the following chapter. The discussion immediately below focuses on general earnings data for the population, regardless of wage setting processes.

The *Employee Earnings and Hours Survey* is conducted by the ABS every second year in May. The survey commenced as an annual survey in 1974, and changed to a bi-annual survey in 1996. The last survey was conducted in May 2004, and the next survey is due to be conducted in May 2006. The sample data on earnings and hours work of employees is collected from employers. In the May 2004 survey, 7,000 employers were surveyed and they provided data on approximately 53,000 employees. This means that the survey responses are relevant so far as employees'

earnings relate to income from a surveyed employer. If an employee has a second or third job with another employer, this won't be reflected in the earnings estimates in this survey. It should be noted that this survey focuses on earnings and hours of work but has limited information on other employment-related conditions. Other limitations include the absence of specific information about the spread of hours worked, for example the prevalence of "split shifts" or when the hours are worked (for example, weekends, and evenings). This, in turn, has some implications for the meanings that attach to "ordinary time" earnings information because it limits information about the prevalence of shift loadings that are incorporated into an employee's standard wage.

The estimates contained within *Catalogue 6306.0* are particularly useful for comparing earnings and overtime hours between:

- Occupational groups
- Industry divisions
- State jurisdictions
- Gender
- Part-time and full-time employees
- Managerial and non-managerial employees

The categories of statistics published in *ABS Cat. No. 6306.0* can vary between publications from different years. However, two categories of statistics that have been consistently published since 1998 are estimates for '**all employees**' and '**full-time adult non-managerial employees**'. Further, the data set hasn't been constructed to be used on a longitudinal basis, making it difficult to compare trends over time. This is especially true at disaggregated occupational and industry levels.

The following five tables provide estimates of average total weekly earnings for various categories of employees. These tables are particularly useful for their inclusion of separate average earnings estimates for: part-time and full-time employees; males and females; managerial, non-managerial and junior employees.

**Table 1, page 11: Average Weekly Earnings, Sector and Composition**

This table lists, by composition (managerial adult, non-managerial adult, non-managerial junior<sup>7</sup>), estimates of ordinary, total and overtime average weekly earnings for females and males employed full time and persons disaggregated by sector (public / private) of employment (main job).

**Table 2, pages 12-13 Average Weekly Total Earnings**

This table presents the same estimates to those provided in Table 1 disaggregated by **industry divisions** at the ANZSIC one digit code level.

Table 3.1, below, is adapted from the industry estimates listed in *ABS Cat. No. 6306.0 (p12-13)* and illustrates the type of information available from this publication. It lists the estimates of the average total weekly earnings for non-managerial male and female adult employees employed full-time and non-managerial juniors from selected industry divisions as well as similar estimates for *all* employees from selected industry divisions.

Table 3.1: Average Weekly Total Earnings, All employees – For Selected Industry Divisions, Australia, May 2004

Industry Divisions	Full-Time Employees		Part-Time Employees	All Employees
	Non-managerial adult \$	Non-managerial Juniors \$	Total \$	Total \$
Females				
Retail Trade	647.40	405.60	260.10	373.30
Accommodation, cafes and restaurants	679.40	403.70	282.50	414.40
Health and community services	826.20	396.30	463.50	602.40
Males				
Retail Trade	730.50	393.80	233.20	540.60
Accommodation, cafes and restaurants	708.60	341.90	292.80	525.10
Health and community services	1010.30	436.90	605.70	939.60

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0* p.12

**Table 3, page 14: Average Weekly Total Earnings, Occupation (p. 14)**

This table presents the same estimates to those provided in Table 1 disaggregated by *occupational groups*.

<sup>7</sup> See the Glossary of ABS Definitions at the end of this document for the definition of a junior.

Table 3.2, below, is adapted from the occupational estimates listed in *ABS Cat. No. 6306.0 (p14)* and illustrates the type of information available for major occupational groups at the ACSO 1 digit level. It lists the estimates of the average total weekly earnings for full-time female and male non-managerial adult and non-managerial juniors working in selected occupations and similar estimates for *all* employees in selected occupations.

Table 3.2: Average Weekly Total Earnings, All Employees, For Selected Major Occupational Groups, Australia, May 2004

Major Occupational Groups	FT Employees		PT Employees	All Employees
	Non-managerial adult \$	Non-managerial Juniors \$	Total \$	Total \$
<b>Females</b>				
Intermediate clerical, sales and service workers	717.50	408.80	350.90	520.80
Elementary clerical, sales and service workers	635.90	389.20	252.20	342.70
Labours and Related Workers	654.50	382.60	294.60	404.40
<b>Males</b>				
Intermediate clerical, sales and service workers	836.90	434.40	352.60	717.50
Elementary clerical, sales and service workers	749.50	396.60	246.10	461.20
Labours and Related Workers	801.70	383.60	305.60	610.40

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6303.0:14*

While this information is more detailed than that provided in the quarterly *Catalogue 6302.0*, there are still significant limitations. Firstly, the 1 digit level of occupational classification is insufficient for the identification of specific occupations such as child care aged care, cleaning, restaurant workers and retail sales assistants, which are areas that have been identified as of interest in the current project. Secondly, the data are unrevealing about the number of hours being worked by part-timers and the prevalence of “short-“or “long-hour” part-timers.

***Table 4, page 15: Average Weekly Total Earnings, States and Territories (p.15)***

This table lists similar estimates to those provided above but they are disaggregated by State and Territory.

**Table 5, page 16: Weekly Total Earnings, Distribution of all Employees**

This table lists estimates of the distribution of weekly total earnings for females, males, and persons for each major occupational group. It also lists estimates of the decile and quartile weekly total earnings for females, males, and persons for each major occupational group.

While the five tables discussed above are produced only every two years, they contain a number of advantages over the quarterly estimates produced in the quarterly publication of *Average Weekly Earnings, Australia (6302.0)*. Most importantly, separate estimates are provided for managerial, junior and part-time employees. This addresses some of the issues that might arise from the use of earnings estimates that do not take compositional changes of the workforce into account – except that the data apparently cannot be used to construct a time-series. Further, estimates are provided for occupational groupings. This can be particularly important for some women who might be clustered in feminised occupations within relatively high paying industries – for example catering staff working at a mine site.

As demonstrated within the Tables 3.1 and 3.2, by using industry and occupational estimates, *Catalogue 6306.0* represents our first insights into the earnings for some of the groups of employees we might wish to profile to have a greater understanding of how the legislation is impacting on groups with relatively low levels of bargaining power, such as retail workers and those in the accommodation, café and restaurant sectors. However at this level of aggregation, it is still difficult to find information specific to those working in child-care, aged-care and cleaning. As discussed below, further insights can be gained from data cubes. However, difficulties remain with using such data to assess changes in earnings through time.

Sometimes it is argued that women's weekly earnings are relatively low because they work fewer hours per week. While the above estimates are useful for comparing earnings estimates between population groups, the following six tables contain additional information relevant to the number of hours worked by full-time employees. This is useful for gender comparisons of earnings because it allows for comparisons of hourly, rather than weekly, rates of pay. This usually shows that

women's earnings are relatively low even when differences in working hours are taken into account. However, even this approach has its limitations. The data do not reveal the specific hours that are being worked, so those who perform shift work may appear to be receiving relatively high hourly rates due to penalty payments (nurses are an example of this category of worker). For other occupational groups, the number of hours recorded as being performed at work may exclude a significant number of hours spent on work outside of the workplace. Teachers, who often record their ordinary working time as 30 working hours a week but undertaking significant marking and preparation at home are an example of this situation.

***Table 6, page 19: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Public and Private Sectors***

This table lists estimates of *average weekly earnings* (ordinary, overtime and total), *average weekly hours* paid for (ordinary, overtime and total), and *average hourly earnings* (ordinary, overtime and total) for full-time, adult, non-managerial females, males, and persons working in the *private sector, public sector, and both sectors*.

***Table 7, page 20: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Industry***

This provides similar information to that provided in Table 6 but it presents estimates disaggregated by industry (again, 1 digit code level). Table 3.3, below is indicative of the type of information available from *ABS Cat. No. 6306.0* industry estimates. It lists the estimates of the average weekly earnings (ordinary and overtime), average weekly hours paid for (ordinary and overtime), and average weekly hourly earnings (ordinary and overtime) for full-time, adult, non-managerial females and males for selected major industry divisions.

Table 3.3: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – For Selected Industry Divisions, Australia, May 2004

Industry Divisions	Average Weekly Earnings		Average Weekly Hours Paid For		Average Hourly Earnings	
	Ordinary time \$	Over time \$	Ordinary time Hours	Over time hours	Ordinary time \$	Over time \$
Female						
Retail Trade	638.60	8.80	37.60	0.30	17.00	26.40
Accommodation, cafes and restaurants	659.40	20.00	38.60	0.80	17.10	25.70
Health and community services	806.40	19.80	37.70	0.50	21.40	37.90
Male						
Retail Trade	693.10	37.40	38.30	1.50	18.10	25.60
Accommodation, cafes and restaurants	384.70	*23.90	38.90	*1.0	17.60	25.30
Health and community services	952.60	57.70	38.10	38.10	25.00	46.20

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6303.0.20*

\* estimate has a relative standard error of 25% to 50% and should be used with caution

**Table 8, page 21: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Occupation**

This table again presents the same estimates but in this case they are disaggregated for occupational groups. Some estimates that illustrates the type of information available are shown below in Table 3.4.

Table 3.4: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – For Selected Major Occupational Groups, Australia, May 2004

Major Occupational Group	Average Weekly Earnings		Average Weekly Hours Paid For		Average Hourly Earnings	
	Ordinary time \$	Over time \$	Ordinary time hours	Over time hours	Ordinary time \$	Over time \$
Female						
Intermediate clerical, sales and service workers	702.40	15.10	37.60	0.50	18.70	28.90
Elementary clerical, sales and service workers	620.10	15.80	37.40	0.60	16.60	25.80
Labours and Related Workers	610.00	44.50	37.70	1.60	16.20	27.20
Male						
Intermediate clerical, sales and service workers	809.10	27.90	38.10	0.90	21.20	29.70
Elementary clerical, sales and service workers	707.30	42.20	38.40	1.60	18.40	25.80
Labours and Related Workers	699.70	102.00	38.20	3.40	18.30	30.20

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6303.0.21*

***Table 9, page 22: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – States and Territories***

Again, similar information to that provided in Table 6 is provided, disaggregated by State and Territory place of residence.

***Table 10, page 23: Overtime, Full-time Adult Non-managerial Employees – Sector and Occupation***

This table specifically considers average weekly *overtime* earnings, average weekly and overtime hours (paid for) for full-time, adult, non-managerial females, males, and persons by major occupation groups within the private sector, public sector, and both sectors. In general terms it shows relatively lower rates of prevalence of overtime hours worked and paid for among clerical, sales and services and among women. Private sector employees also work more overtime hours than public sector employees.

***Table 11, page 24: Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Employer size***

This table lists estimates of average weekly ordinary earnings and hours, and average weekly total earnings and hours for full-time, adult, non-managerial females, males, and persons by employer size.

Table 3.5 illustrates the type of information available. It shows relatively similar levels of hours worked by employer size but, in general, higher levels of earnings as employer size increases.

*Table 3.5 Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Employer size, Australia, May 2004*

Private Sector				
Employer Size	Average Weekly Ordinary		Average Weekly Total	
	Earnings \$	Hours	Earnings \$	Hours
<b>Females</b>				
Under 20 employees	\$683.00	38.30	\$689.20	38.50
20 to 49 employees	\$763.20	37.90	\$775.80	38.40
50 to 99 employees	\$739.00	37.80	\$753.20	38.30
100 to 499 employees	\$782.30	37.60	\$807.50	38.40
500 to 999 employees	\$826.40	37.90	\$857.80	39.00
1000 and over employees	\$843.40	37.40	\$860.70	37.90
<b>Males</b>				
Under 20 employees	\$773.50	38.80	\$825.00	40.50
20 to 49 employees	\$842.30	38.50	\$932.40	41.60
50 to 99 employees	\$861.70	38.50	\$936.80	41.00
100 to 499 employees	\$920.10	38.50	\$1,011.20	41.40
500 to 999 employees	\$988.50	38.40	\$1,090.10	41.40
1000 and over employees	\$1,023.90	38.00	\$1,090.00	39.80

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6303.0:24*

### ***i ABS Data Cubes - Employee Earning and Hours Survey (6306.0)***

The ABS also published a number of data cubes from the Employee Earnings and Hours Survey. In general, the tables in the data cubes contain more detailed information than that listed in the tables in publications. In particular, they contain greater detail on industry sectors and occupational groups. As illustrated below, this is advantageous in finding earnings and hours estimates relevant to the “focus occupations” in our report.

The tables in the data cubes are stored as Microsoft Excel worksheets. Listed below are the names of the data cubes produced from the May 2004 Employee Earnings and Hours Survey relevant to monitoring women's pay, penalty rates, hours of work, and full-time or part-time status.

### ***Table 1. Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees - Detailed Occupation.***

This data cube contains the key estimates described in the published ABS *Catalogue 6306.0 Employee Earnings and Hours Australia*, but provides greater detail by including major, sub-major, and minor occupational groups. Table 3.6, below, provides some examples of the estimates contained in this data cube. Of particular

interest is the wide variation between wage rates within a major occupational group. The greater level of detail allows us to identify “carers and aides”, “hospitality workers”, “sales assistants” and “cleaners” as having particularly low earnings. This information provides an example of the advantages, when attempting to identify relevant earnings, of having access to classifications at the three digit ASCO level.

Table 3.6: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees, For Selected Detailed Occupations, Australia, May 2004

Occupation Major, Sub-Major and Minor Groups Codes and Titles	Female		
	Ordinary Earning	Ordinary Hours	Ordinary Hourly Earnings
<b>6 Intermediate clerical, sales and service workers</b>	<b>702.40</b>	<b>37.6</b>	<b>18.70</b>
63 Intermediate service workers	629.00	37.6	16.70
631 Carers and aides	610.30	37.3	16.40
632 Hospitality workers	639.90	38.9	16.50
639 Miscellaneous intermediate service workers	646.20	37.2	17.40
<b>8 Elementary clerical, sales and service workers</b>	<b>620.10</b>	<b>37.4</b>	<b>16.60</b>
82 Elementary sales workers	609.40	37.4	16.30
821 Sales assistants	597.70	37.4	16.00
829 Miscellaneous elementary sales workers	652.90	37.6	17.40
<b>9 Labourers and related workers</b>	<b>610.00</b>	<b>37.7</b>	<b>16.20</b>
91 Cleaners	575.10	37.8	15.20
911 Cleaners	575.10	37.8	15.20

Source: ABS Data Cube, *Employee Earnings and Hours, 6306.0* May 2004, Table 1. Average weekly earnings and hours paid for, full-time adult non-managerial employees - Detailed occupation.

**Table 2. Average Weekly Earning and Hours Paid For, Full-time Adult Non-managerial Employees - Detailed Industry.**

This data cube contains similar information to that provided above but, in this case, it is disaggregated by industry. Again the capacity to access three digit ANZSIC codes is useful for identifying particularly low paid workers.

**Table 3.7: Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – For Selected Detailed Industries, Australia, May 2004**

Industry Division, Subdivision, and Group Codes and Titles	Female Ordinary Time		
	Earnings	Hours	Hourly Earnings
<b>G Retail trade</b>	<b>638.60</b>	<b>37.6</b>	<b>17.00</b>
51 Food retailing	616.80	37.5	16.50
511 Supermarket and grocery stores	619.60	37.1	16.70
512 Specialised food retailing	606.90	38.8	15.60
52 Personal and household good retailing	641.70	37.6	17.10
521 Department stores	653.40	37.0	17.70
522 Clothing and soft good retailing	609.30	37.6	16.20
523 Furniture, houseware and appliance retailing	715.40	38.1	18.80
524 Recreational good retailing	557.90	38.5	14.50
525 Other personal and household good retailing	646.20	37.3	17.30
526 Household equipment repair services	717.50	38.0	18.90
<b>H Accommodation, cafes and restaurants</b>	<b>659.40</b>	<b>38.6</b>	<b>17.10</b>
57 Accommodation, cafes and restaurants	659.40	38.6	17.10
571 Accommodation	634.10	38.7	16.40
572 Pubs, taverns and bars	687.00	38.4	17.90
573 Cafes and restaurants	656.10	38.4	17.10
574 Clubs (hospitality)	705.50	39.0	18.10

Data source: ABS Data Cube, *Employee Earnings and Hours, 6306.0*, Table 2. Average weekly earnings and hours paid for, full-time adult non-managerial employees - Detailed industry

***Table 3. Weekly Total Earnings, Distribution of Full-time Adult Non-managerial Employees - States and Territories.***

This data cube provides estimates of the distribution of weekly earnings for different categories of employees, similar to that illustrated in Table 4.8, below, but in this case for different State and Territories.

***Table 4. Weekly Total Earnings, Distribution of Full-time Adult Non-Managerial Employees – Industry.***

Table 3.8, below, is adapted from the estimates contained in this data cube and illustrates the type of information available. The useful additional information provided by this table comprises insights into how some of the lowest paid workers might be working in an industry with comparatively higher average wage rates. For example, in 2004 the average weekly total earnings for full-time, non-managerial females working in the health and community services industry was \$826.20, which is higher than both the retail trade and accommodation, café and restaurant industry sectors, also shown in Table 3.8. However, health and community services have the lowest earnings in the 10<sup>th</sup> percentile range. This again emphasises the significance of

being able to access detailed data to understand earnings patterns in specific workforce sectors.

*Table 3.8: Weekly Total Earnings Deciles and Quartiles, Full-time Adult Non-Managerial Employees – For Selected Industry Division, Australia, May 2004.*

Industry Division	Females		
	Retail Trade	Accommodation, Cafes and Restaurants	Health and Community Services
<b>Deciles and Quartiles Weekly Total Earnings (\$)</b>			
10th percentile	\$506.00	\$509.00	\$491.00
20th percentile	\$534.00	\$551.00	\$576.00
25th percentile (1st quartile)	\$554.00	\$565.00	\$603.00
30th percentile	\$564.00	\$583.00	\$630.00
40th percentile	\$584.00	\$615.00	\$691.00
50th percentile (median) (2nd quartile)	\$605.00	\$657.00	\$747.00
60th percentile	\$639.00	\$679.00	\$817.00
70th percentile	\$677.00	\$720.00	\$911.00
75th percentile (3rd quartile)	\$704.00	\$740.00	\$992.00
80th percentile	\$741.00	\$784.00	\$1,057.00
90th percentile	\$827.00	\$894.00	\$1,265.00
<b>Average weekly total earnings</b>	<b>\$647.40</b>	<b>\$679.40</b>	<b>\$826.20</b>

Data source: ABS Data Cube, *Employee Earnings and Hours, 6306.0* Table 4. Weekly Total Earnings, Distribution of Full-time Adult Non-Managerial Employees – Industry.

**Table 5. Overtime, Full-time Adult Non-managerial Employees by Sector – Industry.**

This data cube contains estimates of the average weekly *overtime* earnings and average weekly overtime hours (paid for) in industry divisions within the private sector, public sector, and all sectors. In addition, the data cube also contains estimates of the percentage of full-time, adult, non-managerial persons paid overtime for each industry division within the private sector, public sector, and all sectors. Some selected estimates are provided in Table 3.9, below. The previously identified pattern of relatively lower numbers of overtime paid hours among women compared with men is shown to vary by industry. In particular, there is relatively little difference in overtime hours by gender in the accommodation, café and restaurant industry division. As noted previously, however, these data continue to have the limitation of not revealing information as to the prevalence of shift work and related penalty payments within ordinary working hours.

**Table 3.9 Overtime, Full-time Adult Non-managerial Employees for the Private Sector – for Selected Industry Division, Australia, May 2004.**

Industry Divisions	Average Weekly Overtime Earnings		Average Weekly Overtime Hours Paid For	
	Females \$	Males \$	Females Hours	Male Hours
<b>Private Sector</b>				
Retail Trade	84.60	141.60	3.2	5.5
Accommodation, cafes and restaurants	151.30	153.50	5.9	6.1
Health and community services	117.60	220.00	3.8	5.3

Data source: ABS Data Cube, *Employee Earnings and Hours, 6306.0*, Table 5. Overtime, Full-time Adult Non-managerial Employees by Sector – Industry.

**Table 6. Overtime, Full-time Adult Non-managerial Employees by Sector - States and Territories.**

This contains similar information to that in the above table with disaggregation by State and Territory.

**Table 7. Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Industry.**

This data cube is largely similar to Table 2, above, but contains estimates relevant to the private sector only and does not provide detailed industry divisions. Indicative information is shown in Table 3.10.

**Table 3.10 Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – For Selected Industry Divisions, Australia, May 2004**

Industry Divisions	Private Sector					
	Weekly Earnings			Weekly Hours Paid For		
	Ordinary time \$	Overtime \$	Total \$	Ordinary time Hours	Overtime Hours	Total Hours
<b>Females</b>						
Retail Trade	\$638.60	\$8.80	\$647.40	37.6	0.3	37.9
Accommodation, Cafes and Restaurants	\$659.40	\$20.00	\$679.40	38.6	0.8	39.4
Health and Community Services	\$715.90	*\$17.40	\$733.30	37.8	*0.6	38.3
<b>Males</b>						
Retail Trade	\$693.10	\$37.40	\$730.50	38.3	1.5	39.8
Accommodation, Cafes and Restaurants	\$682.50	*\$24.10	\$706.60	38.9	*1.0	39.9
Health and Community Services	\$834.70	*\$34.50	\$869.20	37.8	0.8	38.6

Data source: ABS Data Cube, *Employee Earnings and Hours, 6306.0*, Table 7. Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Industry.

\* estimate has a relative standard error of 25% to 50% and should be used with caution

**Table 8. Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Occupation.**

Again, this is similar to Table 1, above but is restricted to the private sector. Only major occupational groups are provided. Table 3.11 illustrates the information available from this data cube.

**Table 3.11: Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – For Selected Occupations, Australia, May 2004.**

Major Occupational Group	Private Sector					
	Weekly Earnings			Weekly Hours Paid For		
	Ordinary time \$	Overtime \$	Total \$	Ordinary time Hours	Overtime Hours	Total Hours
	Females					
Intermediate clerical, sales and service workers	\$677.30	\$16.50	\$693.80	37.9	0.6	38.5
Elementary clerical, sales and service workers	\$607.20	\$13.20	\$620.40	37.5	0.5	38.0
Labourers and related workers	\$609.00	\$49.00	\$658.00	37.7	1.8	39.5
	Males					
Intermediate clerical, sales and service workers	\$792.70	\$25.40	\$818.00	38.4	0.9	39.4
Elementary clerical, sales and service workers	\$694.00	\$37.60	\$731.60	38.7	1.5	40.2
Labourers and related workers	\$699.90	\$104.90	\$804.80	38.3	3.5	41.8

Data source: ABS Data Cube, *Employee Earnings and Hours 6306.0*, Table 8. Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees – Occupation.

**Table 9. Private Sector, Average Weekly Earnings and Hours Paid For, Full-time Adult Non-managerial Employees - States and Territories.**

Similar information to that outlined above is provided for different State and Territory.

### **3.2.3 Employee Earnings, Benefits and Trade Union Membership Survey (Catalogue 6310.0)**

The main purpose of the ABS *Employee Earnings, Benefits and Trade Union Membership Survey (Catalogue 6310.0)* is to provide a range of statistics on labour force and labour socio-demographic characteristics. The survey is conducted on an annual basis, and commenced in 1998. It was last conducted in August 2005, and the next survey is due in August 2006. The survey includes professional and managerial staff in its estimates.

In contrast to the two earnings surveys (*Catalogues 6302.0 and 6306.0*) considered earlier in this chapter, this survey seeks respondents from dwellings rather than employers. In 2005 responses were obtained from over 27,500 respondents. The survey contains extensive information relevant to earnings (from more than one job, if applicable) and wide-ranging employment benefits, including:

- Types of leave;
- Characteristics of employees without leave benefits;
- Superannuation coverage;
- Trade union benefits.

The following discussion focuses on estimates of weekly earnings. Other information from this publication is included throughout the report under appropriate subject headings.

***Table 1, page 8: Employees in Main Job, Mean Weekly Earnings in all Jobs – August 1995 to 2005***

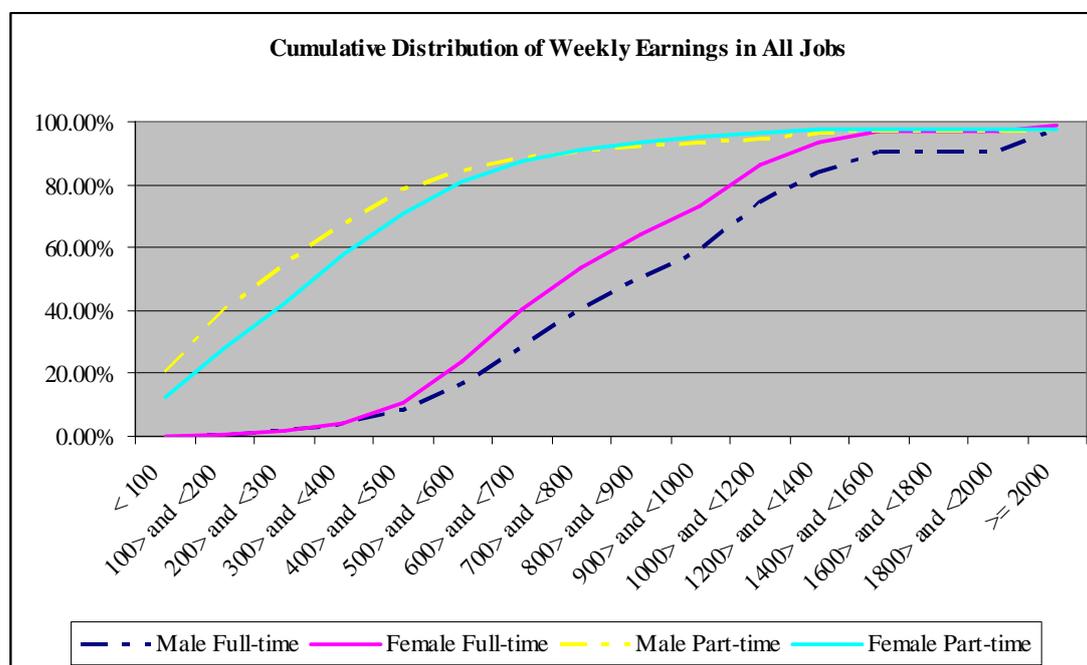
This table lists for state and territories in Australia, and for Australia, estimates of the *mean* weekly earnings for females and males, working full-time or part-time. Estimates are listed for the years 1995 through to 2005, but exclude 1996. In contrast with the estimates provided in *6306.0*, it considers the earnings of people who work in more than one job.

***Table 2, page 11: Employees in Main Job, Weekly Earnings in all Jobs – By Full-time or Part-time Status***

Again, one of the features of this information is its estimate of weekly earnings from all jobs worked in by female and male employees working full-time or part-time. This has both advantages and disadvantages. While giving insights into total earnings, it may also serve to obscure some relevant information at the level of wages and conditions relevant to individual jobs. This table shows the distribution of such earnings and provides estimates for median and mean weekly earnings.

Chart 3.1 is adapted from the estimates listed in the table, “*Employees in Main Job, Weekly Earnings in all Jobs – By Full-time or Part-time Status*”. It displays the cumulative distribution of weekly earnings for females and males working full-time or part-time.

**Chart 3.1: Cumulative Distribution of Employees in Main Job, Weekly Earnings in all Jobs, Working Full-time or Part-time, Australia, August 2005.**



**Data source:** Adapted from Australian Bureau of Statistics (2006b) *Employee Earnings, Benefits and Trade Union Membership* 6310.0, p. 11

**Table 3, page 14: Employees in Main Job, Mean Weekly Earnings in Main Job – By Selected Characteristics**

This table lists for selected characteristics (i.e. Age group (mostly 5 year cohorts), Country of birth, Industry divisions, Major occupational groups, Sectors of main job, and Size of location (number of employees)), estimates of the mean weekly earnings for females, males, and persons working full-time or part-time in their main job. Again, however, the number of hours worked by part-timers remains unspecified, making some types of comparison difficult because it is unknown whether earnings reflect wage levels or the number of hours worked. Table 3.12 is adapted from the estimates provided and illustrates the type of information available in this section of the publication. In this case, the characteristic of age has been selected to illustrate the relatively lower earnings of those who are younger or aged over 65.

Table 3.12: Employees in Main Job, Mean Weekly Earnings in Main Job, For Selected Characteristics (Age Group, Industry Division, Major Occupational Group, and Size of Location), Australia, August 2005.

Characteristics	Full-Time		Part-Time	
	Males \$	Females \$	Males \$	Females \$
<b>Age Group (years)</b>				
15-19	448.00	434.00	136.00	137.00
20-24	737.00	671.00	298.00	294.00
25-34	1023.00	888.00	429.00	412.00
35-44	1162.00	915.00	521.00	446.00
45-54	1171.00	915.00	558.00	461.00
55-59	1132.00	860.00	540.00	421.00
60-64	987.00	911.00	435.00	382.00
65 and over	958.00	693.00	397.00	300.00
<b>Industry</b>				
Retail Trade	795.00	669.00	199.00	241.00
Accommodation, cafes and restaurants	772.00	639.00	282.00	263.00
Health and community services	1143.00	837.00	477.00	472.00
<b>Occupation</b>				
Intermediate clerical, sales and service workers	903.00	710.00	313.00	350.00
Elementary clerical, sales and service	742.00	624.00	211.00	229.00
Labourers and related workers	738.00	597.00	239.00	267.00
<b>Size of Location</b>				
Less than 10	888.00	731.00	332.00	337.00
10 – 19	916.00	766.00	278.00	322.00
20 – 99	1037.00	839.00	308.00	377.00
100 or more	1205.00	949.00	460.00	457.00

Source: Australian Bureau of Statistics (2006b) *Employee Earnings, Benefits and Trade Union Membership* 6310.0: 14

**Table 5, page 15: Employees in Main Job, Full-time or Part-time Status in Main Job – By Selected Characteristics**

This table provides estimates for the number of females and males who are working part-time or full-time in their main job. The estimates are provided for the same range of characteristics as those provided in the previous table, that is: age group (5 year cohorts), country of birth, industry divisions, major occupational groups, sectors of main job, and size of location (number of employees).

**Tables 6-11 Differences between mean and median weekly earnings**

One of the key features of these tables is the inclusion of estimates for both mean and median weekly earnings for different population groups. This is useful information because, as noted earlier, most of the earnings estimates in this publication include professional and managerial employees and could be expected that their inclusion may increase average earnings estimates. The inclusion of median earnings estimates provides us with a point of comparison. The following discussion considers Tables 6-

11 and focuses on contrasting mean and median earnings. Table 3.13, below, provides some context for the following discussion by listing comparative estimates of mean and median earnings for full-time employees in different industries. It shows that median earnings differ by up to \$240 per week (males in property and business services).

**Table 3.13 Comparison of Mean and Median Weekly Earnings in Main Job for Females and Male Full-Time Employees by Industry Divisions, August 2005**

	Males		Females	
	Mean	Median	Mean	Median
Industry	\$	\$	\$	\$
Mining	1,572	1,450	1,232	1,038
Manufacturing	995	865	799	700
Electricity, gas, water	1,302	1,150	998	1,000
Construction	970	861	787	735
Wholesale trade	995	800	808	700
Retail trade	795	690	669	605
Accom, cafes, restaurants	772	700	639	600
Transport and storage	1,025	940	866	800
Communication services	1,113	998	922	850
Finance and insurance	1,375	1,143	982	788
Property and business services	1,240	1,000	892	800
Government, admin and defence	1,114	1,000	985	900
Education	1,144	1,114	998	1,000
Health and community services	1,143	1,000	837	750
Cultural and recreational services	999	798	910	800
Personal and other services	999	960	727	690
<b>All Industries</b>	<b>1,047</b>	<b>900</b>	<b>854</b>	<b>758</b>

Source: Australian Bureau of Statistics (2006b) *Employee Earnings, Benefits and Trade Union Membership 6310.0*;26-27, Table 10.

Additional information provided in these tables includes:

- The number of males and females working part-time and full-time in each major industry division and occupational classification (*Table 6, page 16*). This table also gives the breakdown between males and females who work as employees or as owner-managers of an incorporated business.
- The distribution of earnings for males and females in different age groups (*Table 7, pages 17-18*).
- A comparison of the earnings of males and females who are and are not entitled to paid leave. The issue of leave entitlements is discussed in detail in

chapter 8 but it is interesting to note that those with paid leave entitlements have higher average and median weekly earnings than those who without (Table 8, pages 19-20).

- Mean, median and distribution of weekly earnings in main job by occupational group and private/public sector (Table 9, pages 21- 24) and for industry divisions (Table 10, pages 25-27).

The above tables have been used to derive Table 3.14 below to illustrate the types of information and estimates available.

Table 3.14: Employees Weekly Earnings in Main Job – Median and Mean Weekly Earnings in Main Job for Selected Hours Paid For, Occupational and Industry Group, Australia, August 2005.

	Females					
Age Groups (years)	15-19	20-24	25-34	35-44	45-54	55-59
Median Weekly Earning (\$)	420	650	800	800	807	789
Mean Weekly Earnings (\$)	434	671	888	915	915	860
Number of hours worked	1-19	20-29	30-34	35-39	40	41-45
Median Weekly Earning (\$)	196	450	600	741	760	800
Mean Weekly Earnings (\$)	251	515	666	819	840	909
Major Occupational Group	Intermediate Clerical, Sales and Service Workers (full-time)		Elementary Clerical, Sales and Service Workers (full-time)		Labourers and Related Workers (full-time)	
Median Weekly Earning (\$)	671		600		574	
Mean Weekly Earnings (\$)	710		624		597	
Industry Division	Retail Trade (full-time)		Accommodation, Cafes and Restaurants (full-time)		Health and Community Services (full-time)	
Median Weekly Earning (\$)	605		600		750	
Mean Weekly Earnings (\$)	669		639		837	

Source: Australian Bureau of Statistics (2006b) *Employee Earnings, Benefits and Trade Union Membership 6310.0:16-27*, Tables 6-11.

***i ABS Data Cubes – Employee Earnings, Benefits and Trade Union Membership Survey (6310.0)***

It should be noted that the ABS publish limited data cubes from the August 2005 *Employee Earnings, Benefits and Trade Union Membership Survey*, with most information relevant to patterns of union membership rather than earnings and benefits. There are two data cubes listed on the ABS website relating to 2001. However, the link to these data appears to no longer operate.

### **3.2.4 Census of Population and Housing: Expanded Community Profiles**

Every five years the Australian Bureau of Statistics conducts a population census to collect vital information on 'the social, economic and housing characteristics of Australian society'. The last Census was conducted in 2001 and the next will be administered in August 2006. Limited data are generally available one year later with access to more disaggregated data often available after two years. As with other important and frequently accessed databases the ABS publishes information via a number of different 'products' such as catalogues as well as more innovative and flexible forms including CD-ROM and Household Sample Files (HSFs) in CURF (Confidentialised Unit Record Files) format.

The HSFs contain a one per cent random sample of the total population. The advantage of the Census data in CURF format is that it contains a sufficiently large sample for detailed disaggregate analysis. The weakness of the Census data is that information or responses are only sought across a limited set of questions. With respect to employment type questions the Census will have information on occupation and industry of employment and hours worked. However, it doesn't contain information on wages but rather income from all sources (which includes wage and non-wage labour). The Census similarly doesn't collect information on employment conditions, union membership, nature and form of agreement etc. Rather the focus is on individual characteristics such as their age, qualifications, marital status, number of children, number of people living in the same dwelling etc.

Whilst the Census data do contain sufficient observations to study occupational outcomes at a high level of disaggregation the limited information on workplace characteristics and employment conditions negates the usefulness of this dataset for monitoring the impact of Work Choices. The five year gap between surveys is a further constraint on the usefulness of the Census data for monitoring purposes.

### **3.3 Which Earnings Estimates are the Best to Use?**

The variety of earnings estimates and formats makes it a complex task to know the most appropriate estimate of earnings to use in a particular context. The answer is that the “best” estimate depends on the specific question being addressed. In this report, our task is concerned with identifying the possible changes in earnings and employment conditions that affect particular groups of women on low pay and with relatively poor bargaining positions. For this reason it is desirable that average earnings estimates exclude managerial employees who are not in this position and who are unlikely, in any case, to be moving from awards to other forms of employment contracts. Table 3.15 compares the weekly adult, ordinary time earnings estimates from the three different publications considered above. It should be noted that in order to obtain estimates from the same year, the estimates from catalogue 6310.0 are from August 2004 (not the most recent survey, August 2005). This Table illustrates firstly, the differences in estimates from the different surveys and secondly, the significantly lower average earnings estimates that result from excluding managerial employees.

**Table 3.15 Comparison of Weekly Adult, Ordinary Time Earnings Estimates from Different ABS publications, May or August 2004**

ABS catalogue	Males			Females		
	6302.0	6306.0	6310.0	6302.0	6306.0	6310.0
	Average, f/t, ordinary time, all employees	Average, f/t, ordinary time, non-managerial employees	Mean, weekly earnings in main job, F/T.	Average, f/t, ordinary time, all employees	Average, f/t, ordinary time, non-managerial employees	Mean, weekly earnings in main job, F/T.
Month/year of survey	May 04	May 04	Aug 04	May 04	May 04	Aug 04
Industry	\$	\$	\$	\$	\$	\$
Mining	1,556.00	1,437.80	1,400.00	1,144.00	1,113.50	1,084.00
Manufacturing	942.00	858.10	926.00	774.10	734.40	745.00
Electricity, gas, water	1,236.90	1,064.70	1,181.00	1,011.70	901.40	1,296.00
Construction	924.00	907.90	908.00	810.30	765.90	812.00
Wholesale trade	937.20	830.70	932.00	796.30	752.90	724.00
Retail trade	736.50	693.10	762.00	654.20	638.60	632.00
Accom, cafes, restaurants	703.50	684.70	764.00	665.50	659.40	641.00
Transport and storage	982.80	886.40	986.00	811.00	767.20	766.00
Communication services	1,051.20	987.00	1,071.00	927.90	833.50	866.00
Finance and insurance	1,450.20	1,151.90	1,404.00	933.40	875.90	899.00
Property and business services	1,065.90	947.60	1,167.00	817.60	825.90	865.00
Government, admin and defence	1,054.00	912.10	1,085.00	946.90	882.10	940.00
Education	1,138.20	1,040.10	1,132.00	1,004.20	957.20	958.00
Health and community services	1,172.30	952.60	1,114.00	879.10	806.40	813.00
Cultural and recreational services	1,033.30	902.10	1,1071.00	859.80	833.90	842.00
Personal and other services	964.80	970.20	1,001.00	786.60	753.10	773.00
<b>All Industries</b>	<b>1,004.80</b>	<b>904.80</b>	<b>993.00</b>	<b>851.20</b>	<b>812.40</b>	<b>817.00</b>

### **3.4 The Household, Income and Labour Dynamics in Australia (HILDA) Survey**

The Household Income and Labour Dynamics in Australia (HILDA) Survey is managed by the Melbourne Institute of Applied Economic and Social Research. It is a household-based longitudinal survey. The main purpose of the HILDA survey is to collect statistics on labour market dynamics, economic well-being, subjective well-being and family dynamics. The survey was first conducted in 2001 (wave 1). The 2004 (wave 4) survey was the last set of HILDA survey results to be released. The next set of HILDA survey results, the 2005 (wave 5) survey, are due to be released in January 2007. In the 2001 (wave 1) survey, 7,682 households and 19,914 individuals were surveyed. The design of the survey is such that the goal is to track these same households and individual respondents in each wave of the survey.

Methods have been developed to replace those who drop out of the survey with new respondents.

The Melbourne Institute of Applied Economic and Social Research do not directly produce regular publications or data cubes from the HILDA survey data. Instead, researchers who wish to use the data enter into a deed of licence with the Melbourne Institute of Applied Economic and Social Research. The Institute charges a fee for administration costs (\$77 at the time of this report).

In keeping with the above, the research findings and HILDA statistics produced in this report (see below) have been generated by the authors following the granting of a users licence. The views expressed by the relevant authors should, therefore, not be attributed to FaCSIA (Department of Families, Community Services and Indigenous Affairs) or the Melbourne Institute and neither the FaCSIA nor the Melbourne Institute accepts any responsibility for the accuracy or completeness of the research findings or statistics.

The HILDA survey data is collected using a number of questionnaires. The questionnaires used in the 2004 (wave 4) HILDA survey included a:

- Household Form;
- Household Questionnaire;
- Continuing Persons Questionnaire;
- Self-Completion Questionnaire.

Table 3.16 presents an overview of selected variables collected in each of the HILDA (Wave 4) questionnaires that have some relevance to monitoring women's pay, penalty rates, hours of work, and full-time or part-time status.

**Table 3.16: Overview of Selected HILDA Survey Variables Relevant to Women's Pay, Penalty Rates, Hours of work, and Full-time or Part-time Status, HILDA Survey 2004 (Wave 4).**

Topic	Types of variables
Sex	Male or female
Date of Birth	
Usual weekly hours of work – all jobs	Includes paid and unpaid overtime hours.
Preferred weekly hours of work – all jobs	Few hours, about the same hours, or more hours.
Reason for working part-time hours	
Multiple job holding	Individual works for more than one employer.
Usual weekly hours of work – main job	Includes paid and unpaid overtime hours.
Days of the week worked – main job	Days of the week usually worked in main job.
Usually Work on Weekends	
Shiftwork	Includes <i>regular (daytime schedule, evening shift, and night shift), rotating shift, split shifts, on call, or irregular schedule.</i>
Occupation	Occupation types are based on the 2-digit Australian Standard Classification of Occupation (ASCO) code.
Occupation Change	Has the individual changed her/his occupation since last HILDA survey.
Occupation Experience	The total number of year experiences the individual has in her/his current occupation .i.e. her/his occupation at the time of the HILDA survey.
Job Tenure	The length of time the individual has worked in her/his current job.
Paid holiday leave	Employer provides paid holiday leave.
Paid sick leave	Employer provides paid sick leave.
Employment contract type	Employment Contract types are <i>fixed-term contract, casual basis, and permanent or ongoing basis.</i>
Labour hire	Individual is employed through labour-hire firm or temporary employment agency. In other words, the agency pays the individual's wages.
Employer type	Commercial ( <i>Public, Private, and Other</i> ) and Non-Commercial ( <i>Public, Private, and Other</i> ).

Data Source: Adapted from (Goode & Watson 2006, pp. 101-108).

The size and scope of the HILDA survey mean that it is useful for a wide range of analyses. An indication of this capacity can be gained by referring to the HILDA website and viewing the wide range of research papers on diverse subjects that have been produced using the HILDA data set.

It is not possible in this report to canvass all the possible uses of the HILDA data set for examining links between women's employment status and other aspects of their lives, both within and outside of the paid labour market. In the following tables we report information relevant to a comparison of men's and women's earnings, with particular reference to those occupational classifications of interest in this report. HILDA data provides occupational classifications at the two digit ASCO level, covering aged care, child care workers and restaurant and café workers (two digit ASCO code 63: Intermediate service workers), retail sales assistants (code 82:

Elementary sales workers) and cleaners (code 91: Cleaners). The comparable average earnings for all non-managerial employees are provided in Table 3.18.

Table 3.17: 2004 mean gross weekly wage for selected occupation groups – Employees in main job, full-time and part-time

	All		Full-time		Part-time	
	Male \$	Female \$	Male \$	Female \$	Male \$	Female \$
63: Intermediate service workers	538 (N=107)	349 (N=412)	670 (N=71)	528 (N=119)	286 (N=36)	279 (N=293)
82: Elementary sales workers	440 (N=172)	272 (N=377)	696 (N=81)	509 (N=82)	192 (N=91)	210 (N=295)
91: Cleaners	364 (N=58)	287 (N=75)	538 (N=28)	473 (N=18)	233 (N=30)	229 (N=57)

Source: HILDA survey data. Notes: Population weighted sample, N=1298 and there were 97 missing responses. \$ rounded to nearest dollar.

Table 3.18: 2004 mean gross weekly wage for all non-managerial employees in main job– full time and part-time

	All		Full-time		Part-time	
	Male \$	Female \$	Male \$	Female \$	Male \$	Female \$
Non managerial workers	709	438	815	650	263	272

Source: HILDA survey data. Notes: Population weighted sample, N=4,951 and there were 422 missing observations for these categories. People with a negative income are classified as a missing response. \$ rounded to nearest dollar. For the purposes of these tables, "non-managerial" has been defined as all workers excluding those in ASCO levels 1 and 2, which include professional and managerial workers.

One of the striking features of the wage information from HILDA data is that the rates are significantly lower than those provided in ABS estimates. This cannot be attributed only to the two digit level of occupational classification compared with the broader one digit code used in most ABS publications, as there are also significant differences between these average wage rates and those at the more specific three digit level in ABS data cubes (see especially Table 3.5, earlier in this chapter).

The differences in mean wage estimates may be attributable to differences in survey methods – for example, households are respondents to the HILDA survey, ABS surveys often have employers as their respondents, there are differences in specific questions and so on. However, this is another important example of the significance of comparing trends over time from consistent data sets. That is, both ABS and HILDA data provide relevant data for monitoring trends in earnings across time but are not directly comparable with each other.

Despite the differences between the ABS and HILDA estimates, there are two significant advantages that are associated with HILDA data as a resource for monitoring developments under new workplace regulations. The first is that the survey is conducted annually, which means that it is available more regularly than the two yearly ABS survey reports discussed previously. Secondly, as a longitudinal data set, the same respondents are surveyed in each wave and it is possible to undertake analysis examining variables for the same individuals through time. So for example, it would be possible to undertake analysis examining the working life/career paths of say, cleaners, and discover if individual respondents experienced particular changes in earnings or other employment related conditions. Unfortunately, the survey does not currently contain questions regarding the method of wage setting that is relevant to respondents – limiting the potential for analysis linking specific types of agreements with particular labour market outcomes.

### **3.5 Negotiating the Life Course (NLC) Survey**

The Negotiating the Life Course Surveys is managed by the Australian National University. It is a household-based longitudinal survey. The NLC survey has a number of aims, including tracking women's and men's career trajectories over their life course, identifying issues within the family-household environment and labour market that affect women's participation in the labour market, and identifying the bi-directional affects that labour market participation and the family-household environment have on each other.

The NLC survey is conducted every three years. The first NLC survey (wave 1) was conducted in 1997, and the last survey was conducted in 2003 (wave 3). The next survey is due to be conducted in 2006. In the first wave of the survey, respondents answered questions that covered their educational and work history for each year. While this section is not strictly a longitudinal study, the survey does contain significant historical data for each individual. The Australian National University do not produce any publications or data cubes from the NLC survey data. Instead, researchers who wish to use the data have to apply to the Australian National University for permission to access the data.

Table 3.19 presents an overview of some of the variables collected in the NLC survey. There are a number of variables that appear relevant to the monitoring of women's workforce status, particularly the fine level of detail for occupation and hours of work.

**Table 3.19: Overview of Selected NLC Survey Variables Pertaining To Monitoring Women's Pay, Penalty Rates, Hours of work, and Full-time or Part-time Status, NLC Survey, Wave 2, 2000.**

Subject	Variable
Sex	
Date of Birth	Month/year of birth.
Occupation	6-digit ASCO code.
Employer	Private, Government, or Self employed.
Industry	
Number of Employees	Number of people employed at location where individual works.
Part of Larger Company	Employment site is part of a larger company.
Permanent Employee – in main job	Individual works on a <i>permanent, contract, or casual basis</i> .
Type of Position Held	Individual holds a <i>managerial, supervisory, or other position</i> .
Upper/Middle/Lower Manager	The individual is an <i>upper level manager, middle level manager, lower level manager, or classification does not apply</i> .
Work in More Than One Paid Job	Self explanatory.
Total Hours Usually Worked	Number of paid and unpaid hours worked in a normal week.
Total Hours Paid to Worked	Number hours paid to worked in a normal week.
Total Hours Worked Last Week	Number hours actually worked in the previous week.
Why Not Full-time	Why the individual does not work full-time (35 hours or more a week). The individual can choose one of fifteen specified reasons for not working full-time.
Like to work more or less hours	Like to work more hours, Like to work fewer hours, and Happy with present hours.
How Many Hours Like to Work	How many hours the individual would like to work.
Reason for not working extra hours	The individual can choose one or more reasons from seven specified reasons for not working extra hours.
Reason for not working fewer hours	The individual can choose one or more reasons from ten specified reasons for not working fewer hours.
Paid Sick Leave	Is the individual eligible for paid sick leave in her/his job.
Paid Holiday Leave	Is the individual eligible for paid holiday leave in her/his job.
Long Service Leave	Is the individual eligible for paid long service leave in her/his job.
>3mth Paid Maternity/Paternity Leave	Is the individual eligible for more than 3 months paid maternity/paternity leave in her/his job.
<3mth Paid Maternity/Paternity Leave	Is the individual eligible for less than 3 months paid maternity/paternity leave in her/his job.
Unpaid Maternity/Paternity Leave	Is the individual eligible for unpaid maternity/paternity leave in her/his job.
Work Broken Shifts or Irregular Hours	Individual works broken shifts or irregular hours; <i>often, sometimes, or (rarely or never)</i> .
Work Overtime or Very Long Hours	Individual works overtime or very long hours; <i>often, sometimes, or (rarely or never)</i> .
Work Weekends	Individual works weekends; <i>often, sometimes, or (rarely or never)</i> .
Work Nights	Individual works nights; <i>often, sometimes, or (rarely or never)</i> .
Take Work Home	Individual takes work home; <i>often, sometimes, or (rarely or never)</i> .

## Towards a Database of Women's Employment Status Key Indicators

Travel Away from Home Overnight	Individual travels away from home overnight; <i>often, sometimes, or (rarely or never).</i>
Has Access to Flexible Working Hours	Individual has access to flexible working hours; <i>yes, no, or sometimes.</i>
Contribute to Superannuation	Individual personally contributes to a superannuation or retirement benefits.
Employer Contributes to Superannuation	Employer contributes on individuals behalf to a superannuation of retirement benefit scheme.
Gross Income Per Fortnight	Gross income for wages or salary, includes any overtime payments, bonuses, tips or commissions the individual commonly receives.

Unfortunately, upon analysis, the numbers of respondents falling within the various occupational classifications imposes significant limits on the usefulness of the data for the purposes of monitoring the earnings of specific groups of employees. For example, as shown in Table 3.20 below, the cell sizes are very small (in some cases less than 10 observations), thus reducing the reliability of the estimates.

**Table 3.20: Mean wages and numbers of respondents – NLC Survey data for selected occupational groups, full-time, part-time and all**

	Mean wages		Number of respondents	
	Males - \$	Females - \$	Males - N	Females - N
Intermediate service workers - all	629	409	5	33
Elementary sales workers – all	623	428	5	15
Cleaners – all	673	194	3	5
Intermediate service workers – full-time	1,000	563	2	5
Elementary sales workers – full-time	631	599	4	4
Cleaners – full-time	790	400	2	1
Intermediate service workers –part-time	415	374	3	28
Elementary sales workers – part-time	576	383	1	11
Cleaners –part-time	59	157	1	4

Source: NLC Survey data (McDonald, Baxter, Jones, & Mitchell, 2001)

This does not mean, however, that NLC data is not useful for the purpose of analysing interactions and links between earnings, hours and other aspects of workforce participation as the new workplace regulations come into operation. Methods which use the longitudinal aspects of the data to analyse interactions between specific variables for larger population groups through time are likely to yield interesting and informative results. The key point for this report however, is that the data is not suited to the type of monitoring covered in this report and more appropriately facilitated by the use of alternative forms of Australian workforce data.

## **4 Earnings and Different Forms of Employment Contract**

### **4.1 Introduction**

In a context of changing workplace regulation, one of the key concerns will be to distinguish between the advantages and disadvantages of different forms of employment contract for different population groups. As noted previously, the focus of this report is to identify relevant indicators for monitoring possible relationships between different types of employment contracts and changes in women's employment status and conditions of employment.

The following discussion considers information that gives insights into different forms of employment contracts and their links to employment conditions, particularly wage levels. Other conditions of employment are considered briefly in this chapter and discussed more fully in the subsequent chapters.

As background information, it is useful to clearly define the different types of employment contract that are included in the following discussion.

An employment contract refers to an agreement that outlines a person's rights and responsibilities in an employment relationship. In the Australian context there are a variety of different types of employment contract, both national and state wage setting jurisdictions and a range of regulatory institutions relevant to the implementation and monitoring of employment provisions.

#### *Individual unregistered agreements.*

A common form of employment contract is an agreement formed between an employer and an individual employee, which is not lodged with or monitored by a third party. If there is a disagreement between the parties about the agreement's operation, this can be dealt with in the same manner as any other type of contract: recourse to courts for the enforcement of an agreed contract. Among professional and managerial staff in the private sector such contracts are regularly agreed upon, signed and copies retained by the parties involved.

*Individual registered agreements*

An employment contract might be agreed between an employer and an individual employee and then lodged with a third party. Most contracts which take this form are made under the provisions of the Federal *Workplace Relations Act*, as amended by the “Work Choices” legislation in 2006. Such contracts are known as Australian Workplace Agreements, which are lodged with the Office of the Employment Advocate. There are very few employment contracts made under similar arrangements in state jurisdictions. For the purposes of the following discussion, individual registered agreements are largely synonymous with Australian Workplace Agreements (AWAs).

*Collective agreements*

Rather than negotiating their terms and conditions of employment individually, some employees and employers have form collectives and negotiate employment contract provisions as a group. In Australia, trade unions have traditionally used this approach for negotiating provisions of an employment contract for particular groups of employees in particular occupations or industries. Historically, one of the most relevant outcomes of this process was an “award”, which outlined the details of minimum employment conditions that applied to specific industries or workplaces.

However, awards negotiated between groups of employees (and/or groups of employers) with union involvement provide only one example of collective agreement. Within the Federal jurisdiction, awards are being systematically reviewed and either being “simplified” or replaced with a new regulatory framework which provides for a new range of collective agreements. These include:

- *Employee collective agreements*. These are defined by s.327 of the Work Choices legislation and refer to agreements made between an employer and a group of employees who *are not* represented by a union.
- *Union collective agreements*. These are defined by s. 328 of the Work Choices legislation and refer to agreements made between an employer and a group of employees who *are* represented by a union.
- *Union greenfields agreements*. These are collective agreements made between an employer and a union to establish conditions of employment that will apply

as new employees are recruited to a new business, project or undertaking (s. 329 of Work Choices).

- *Employer greenfields agreements.* Technically, these are collective agreements formed by an employer to establish conditions of employment that will apply as new employees are recruited to a new business, project or undertaking (s.330). However, as the employer would not have employees at the time of establishing such an “agreement”, it remains uncertain who the conditions are actually agreed with (Cooney, 2006).
- *Multiple business agreements.* Collective agreements can be made with more than one employer, although there are several conditions that must be met (s.331). Notably, multi business agreements can only be if an employer gains authorisation from the Employment Advocate who must establish that the matter could not be more appropriately dealt with under an alternative form of agreement.

In addition to the above classifications, there are also a range of provisions within various State jurisdictions that govern the formation and registration of collective agreements. The notable exception is Victoria, which ceded the role of industrial relations regulation to the Commonwealth. It should be noted that it is also possible to have an unregistered collective agreement. This form of agreement is acknowledged in some ABS publications, although it applies to a relatively small number of employees and does not form a major part of the following discussion.

For simplicity, the following discussions will refer to the following two types of individual employment agreements and two types of collective agreements:

- Unregistered individual agreements;
- Registered individual agreements (largely synonymous with federal AWAs);
- Awards (a collective form of agreement);
- Registered or “certified agreements”, other than awards, relevant to State or Federal jurisdictions (a range of different collective agreements being considered as a group).

The following discussion will focus particularly on the Federal jurisdiction. This is because this is the jurisdiction with the most significant regulatory change in recent years. Further, it has been established to encourage a structural shift from collective forms of agreement making to individual AWAs. The implications of this shift are a key focus of this report.

## **4.2 Australian Bureau of Statistics, Employee Earnings and Hours Survey (Catalogue 6306.0)**

As noted in the previous chapter, the main purpose of the *Employee Earnings and Hours Survey* is to provide statistics on the earnings and hours of work of employees. However, it also provides a range of useful information on the number of employees covered by different forms of employment contract and average wage rates set under different types of agreement. Of the three major ABS surveys covered in the previous chapter, this is the only survey that provides different earnings estimates for employees on different forms of employment contracts. As noted previously, this survey is conducted by the ABS every second year in May. The following discussion refers to the results of the May 2004 survey.

### ***Table 12 (p. 25): Methods of Setting Pay, Sectors and Composition***

This table lists for the private sector and the public sector, estimates of the percentage of females and males who have used an award, a collective agreement (registered or unregistered), or an individual agreement (registered or unregistered) as a method of setting pay. In addition, the table also lists for the private sector and the public sector, estimates of the average weekly total earnings of females and males who have used an award only agreement, a collective agreement (registered or unregistered), or an individual agreement (registered or unregistered) as a method of setting pay. Table 4.1 provides a snap-shot of the data available.

Table 4.1: Methods of Setting Pay and Female Average Weekly Total Earnings, For Selected Sectors, Australia, May 2004.

	Award Only	Collective Agreement		Individual Agreement	
		Registered	Unregistered	Registered	Unregistered
<b>Proportion (%) of Females</b>					
Private Sector	31.00	25.20	2.80	2.20	34.90
Public Sector	*3.50	92.60	*0.20	0.90	2.80
<b>Proportion of Males</b>					
Private Sector	19.0	23.3	3.6	3.0	41.7
Public Sector	*0.7	90.7	*0.6	3.0	5.0
<b>Average Weekly Ordinary Time Earnings (\$)</b>					
<b>Females (\$)</b>					
Private Sector	390.10	533.80	591.10	551.10	677.40
Public Sector	488.40	780.70	896.00	1,169.00	928.30
<b>Males (\$)</b>					
Private Sector	469.90	778.80	802.40	914.90	959.00
Public Sector	657.00	974.20	1,696.90	1,465.10	1,258.00

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0*. 25

\* estimate has relative standard error of 25% to 50% and should be used with caution.

\*\* estimate has relative standard error greater than 50% and is considered to unreliable for general use.

There are two key aspects to the estimates provided in Table 4.1. The first relates to the coverage of different forms of employment contract. The vast majority of those in the public sector are covered by collective agreements. "Award only" conditions of employment are to be found largely in the private sector. Within the private sector, women are much more likely than men, (31 per cent compared with 19 per cent) to be employed on "award only" conditions of employment. That is, mandated minimum conditions of employment are particularly important for women. Finally, in May 2004, only about 2-3 per cent of employees had their conditions of employment set under an individual, registered agreement (mostly AWAs).

The second feature of the above table relates to the different levels of weekly earnings for males and females with different types of employment contracts. This part of the table shows that those employed on individual agreements have relatively favourable levels of earnings. Such estimates are sometimes quoted by those who support the introduction of individual forms of employment contract, with recent debate focusing on AWAs.

However, it is important to note that the estimates in this part of *Catalogue 6306.0* do not exclude managerial employees. This is significant because managerial employees have not historically had their wages and conditions of employment determined by

collective forms of agreement and professional and managerial employees continue to be “overweighted” in individual forms of agreement, who have considerably higher average earnings than other classifications (see Australian Bureau of Statistics, 2004a:30, Table 16). If a comparison is to be made between the working conditions of employees moving from collective to individual forms of agreement, it is appropriate to restrict comparisons between employees who are classified as “non-managerial”. In addition, the estimates provided above do not distinguish between full-time, part-time and casual employees. Given women's over-representation in part-time and casual positions, hourly, rather than weekly earnings estimates can provide another important comparison. Such estimates are available from later sections of the same publication, as described immediately below.

**Table 20, (p. 34): Methods of Setting Pay, Average Weekly Total Earnings and Hours Paid For of Non-managerial Employees and Type of Employee**

This table lists for methods of pay setting (*i.e. award only, registered collective agreement, unregistered collective agreement, registered individual agreement, unregistered individual agreement*), estimates of average weekly total earnings, average weekly hours paid for, and average hourly earnings for females, males, and persons for each of the following categories permanent full-time, permanent part-time, casual, non-managerial employees. Table 4.2, below, provides relevant wage rate information for non-managerial employees, by type of agreement.

Table 4.2: Methods of Setting Pay, Average Hourly Earnings for Non-Managerial Employees, by Type of Employee, Australia, May 2004.

	Award Only	Collective Agreement		Individual Agreement	
		Registered	Unregistered	Registered	Unregistered
<b>Male Average Hourly Total Earnings (\$)</b>					
<b>Type of Employee</b>					
Permanent Full-Time	16.00	25.70	22.30	26.60	24.00
Permanent Part-Time	16.20	20.60	22.40	15.40	23.70
Casual	17.50	21.30	21.10	19.10	23.00
All non managerial	16.40	25.10	22.00	25.10	23.90
<b>Female Average Hourly Total Earnings (\$)</b>					
<b>Employment status</b>					
Permanent Full-Time	15.90	23.30	20.10	21.70	21.30
Permanent Part-Time	16.90	20.90	21.10	15.90	21.70
Casual	16.70	21.10	20.20	17.10	19.40
All non managerial	16.40	22.50	20.30	20.00	21.20

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0:34*

The importance of the distinction between estimates that includes managerial employees and estimates that consider only non-managerial employees arises in some other publications relevant to agreement making. This is discussed at further points throughout this report.

The estimates in Table 4.2 provide a very different picture from those included in Table 4.1. They show that part-time employees on registered individual agreements have lower average hourly earnings than those on awards. In contrast, those with full-time status appear to have relatively higher earnings than award employees. Further, those on collective agreements appear to earn comparatively higher hourly rates for almost all categories of employee. The estimates are not definitive. For example, it is likely that patterns of earnings and methods of setting pay will vary between occupations and industry and, of course, the estimates are now over two years old. However, they illustrate the importance of identifying hourly wage estimates for non-managerial employees.

***Table 13 page 27: Methods of Setting Pay, Full-time and part-time status***

This table is also useful for illustrating some of the points discussed immediately above. It shows the high incidence of “award only” conditions of employment among part-time employees, both males and females. Unfortunately it does not distinguish between registered and unregistered forms of individual agreements, making it difficult to determine the coverage of AWAs by full-time and part-time status. It also provides earnings comparisons which include managerial employees.

***Table 14, page 28: Methods of Setting Pay, Type of employee***

This table is similar to that discussed immediately above but divides employees into those who are permanent or fixed term and those who are casuals. Table 4.3 below provides some examples of the estimates available from these ABS tables 13 and 14.

Table 4.3: Methods of Setting Pay, Full-time and part-time status, Type of employee and average total weekly earnings for males and females, May 2004

	Award Only	Collective Agreement	Individual Agreement	Working proprietor of incorporated business
<b>Male</b>				
<b>Full-time, part-time status</b>				
Full time employee (%)	11.2	39.0	40.8	9.0
Part time employee (%)	34.4	35.3	27.1	3.2
<b>Type of employee</b>				
Permanent or fixed term (%)	11.2	39.8	39.7	9.3
Casual (%)	40.2	29.8	30.0	..
<b>Average Total weekly earnings</b>				
All Males (\$)	510.00	939.00	1,005	949.90
<b>Female</b>				
<b>Full-time, part-time status -</b>				
Full time employee (%)	14.8	45.6	35.8	3.9
Part time employee (%)	34.2	41.5	22.2	2.0
<b>Type of employee</b>				
Permanent or fixed term (%)	16.4	48.7	31.0	3.9
Casual (%)	48.2	28.3	23.5	..
<b>Average Total weekly earnings</b>				
All females (4)	401.10	674.60	687.60	670.40

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0: 27-28*, Tables 13 and 14)

The estimates provided in Table 4.3 again emphasise the importance of disaggregated statistics when discussing different types of employment contracts. In May 2004, award only conditions of employment were relevant to almost half the population of working women (48.2 percent) and about one-third of the part-time workforce.

There are a number of other tables in the *Employee Earnings and Hours (Catalogue 6306.0)* publication that are relevant to methods of setting pay, disaggregated by industry, occupation, states and territories, employer size, jurisdiction, and distribution of weekly total earnings (Tables 15-19, 21). None of these tables contain estimates disaggregated by gender, although they can be combined with other sources of information to provide insights into structural features of the workforce, as was done earlier in Table 2.2.

An example of the type of information available is provided in Table 4.5 below. While gender breakdowns are not available this part of *Catalogue 6306.0*, the estimates may provide some benchmarks for considering structural shifts in the types of employment contracts prevalent in Australia as new workplace regulations are implemented. This might be particularly relevant because, as noted later, the Office of

the Employment Advocate is reporting significant increases in the number and coverage of AWAs.

**Table 4.5: Method of setting pay by State– per cent of employees covered**

	Federal registered agreement (a) %		State registered agreement (b) %		Other method (c)%	All methods of setting pay
	Collective	Individual	Collective	Individual	Total	
New South Wales	16.2	1.2	18.6	na	64.0	100
Victoria	39.6	2.2	na	na	58.2	100
Queensland	16.4	1.4	22.6	np	59.6	100
South Australia	22.0	3.2	20.3	na	54.5	100
Western Australia	22.4	8.0	15.2	0.3*	54.1	100
Tasmania	17.7	3.3	20.8	na	58.1	100
Northern Territory	49.9	1.9	na	na	48.1	100
Austn Capital Territory	53.5	4.0	na	na	42.5	100
Australia	24.3	2.4	13.9	nil	59.3	100

Source: Australian Bureau of Statistics (2004a) *Employee Earnings and Hours 6306.0:33*, Table 19

Notes: \* estimate has a relative standard error of 25-50% and should be used with caution.

na- not applicable

nil- nil or rounded to zero

(a) Federal registered agreement refers to an agreement which has been registered, certified or approved by the Australian Industrial Relations Commission or the Office of the Employment Advocate

(b) State registered agreement refers to an agreement which has been registered, certified or approved under a NSW, Queensland, SA, WA or Tasmanian industrial tribunal or authority.

(c) Employees covered by award only, unregistered agreements and working proprietors of incorporated businesses.

## **4.3 Office of the Employment Advocate Publications**

### **4.3.1 Agreement making in Australia under the Workplace Relations Act 2002 and 2003**

The Office of the Employment Advocate is required by legislation to present biennial reports to Parliament on workplace agreements. The analysis and reporting function is fulfilled jointly by the Department of Workplace Relations and the Office of the Employment. The relevant reports are not located directly on the OEA or DEWR home websites but can be found on: [www.workplace.gov.au](http://www.workplace.gov.au).

Within the OEA/DEWR reports, information is reported separately for certified agreements and Australian Workplace Agreements. Each section uses different formats and categorisations and this makes it difficult to compare information across the different types of agreements.

Relatively little of the information is systematically disaggregated by gender. Rather, information relevant to women (and other “designated groups”) is reported as a separate section, added on to the initial analysis and presentation of information. It is generally presented in a highly aggregated form, rather than in the more disaggregated forms, such as breakdowns by industry or type of agreement, available in other sections of the report.

With respect to rates of pay, penalty rates and hours of work, the following areas are relevant (references are for the report covering 2002 and 2003):

- Wage developments in collective agreements by industry, by form of collective agreement and types of performance related wage clauses.
- Wage developments in collective agreements for the designated groups: women; part-time employees, non-English speaking background employees; and young employees.
- Hours of work provisions in collective agreements.
- Incidence of provisions relating to pay increases, performance pay provisions, loadings and benefits in AWAs.
- Incidence of hours of work provisions and span of hours provisions in AWAs.

The report contains statistical information on comparative wage rates between men and women. However, this information is sourced from the *ABS Employee Earnings and Hours Catalogue 6306.0* (outlined above) not from reference to wage rates contained within AWAs lodged with the Employment Advocate. In its use of ABS data, the report contains some previously unpublished information and, for this reason, it is included in the discussion below. However, this information is highly aggregated and does not distinguish between employees with, for example, different skills and qualifications.

#### **Rates of Pay Information – Collective Agreements**

Wage information relevant to collective agreements is reported in the format of an Annualised Average Wage Increase (AAWI). AAWIs are reported for all employees as 3.8 percent in 2002 and 4.1 percent in 2003. This varied considerably between industries as shown in Table 4.6 below. As noted previously, this information is not

given with a gender breakdown, however, the two lowest average AAWIs across the four years are in the industries of Accommodation, Cafes and Restaurants and Retail (industries with a high share of women).

There are some limitations on the usefulness of this data without reference to the relevant wage rates in each industry. For example, employees in the mining industry working under certified agreements recorded a relatively modest average increase of 3.3 percent. However, it seems likely, given wage data discussed previously, that these employees have considerably higher wages than those in other industries.

**Table 4.6 Average Annualised Wage Increases in Certified Agreements by Industry 2000-2003**

Industry	AAWI per employee (%)				<i>Average 2000-2003*</i>
	2000	2001	2002	2003	
Accommodation, cafes and restaurants	3.6	2.7	2.8	3.1	<i>3.05</i>
Agriculture, forestry and fishing	3.4	3.5	3.2	3.0	<i>3.28</i>
Communication services	3.8	3.9	3.8	4.7	<i>4.05</i>
Construction	4.8	4.7	4.5	4.2	<i>4.55</i>
Cultural and recreational services	3.3	3.7	3.8	3.9	<i>3.68</i>
Education	4.1	3.8	4.3	4.4	<i>4.15</i>
Electricity, gas and water supply	3.8	4.3	4.3	3.8	<i>4.05</i>
Finance and insurance	4.6	4.3	4.2	4.0	<i>4.28</i>
Government administration and defence	4.2	4.0	4.3	4.6	<i>4.28</i>
Health and community services	3.0	4.1	4.1	3.9	<i>3.78</i>
Manufacturing	4.0	4.1	4.0	4.1	<i>4.05</i>
Mining	3.4	3.5	3.3	3.0	<i>3.30</i>
Personal and other services	3.2	4.6	4.4	4.1	<i>4.08</i>
Property and business services	3.5	3.7	4.3	4.1	<i>3.90</i>
Retail trade	3.5	3.1	3.1	3.3	<i>3.25</i>
Transport and storage	3.5	3.6	3.5	3.8	<i>3.60</i>
Wholesale trade	3.8	3.7	4.1	3.4	<i>3.75</i>
<b>All industries</b>	<b>3.9</b>	<b>3.8</b>	<b>3.8</b>	<b>4.1</b>	<b><i>3.90</i></b>

Source: DEWR and OEA (2004) *Agreement Making in Australia under the Workplace Relations Act 2002/2003*, Table 2.2.1, page 38.

\*This column is not in the original table.

Gender information is provided at an aggregate level for 2002 and 2003. It shows little difference in the AAWIs between men and women. However, certified agreements covering a relatively even mix of men and women had the lowest AAWIs in 2002 and 2003 (see Table 4.7).

Table 4.7: AAWI per employee by % of women employees

	AAWI per employee (%)	
	2002	2003
Overall		
Men	3.7	4.1
Women	3.8	4.1
Share of employees in Certified Agreement		
<40% women	4.0	4.1
40-60% women	3.5	4.0
>60% women	3.9	4.1

Source: DEWR and OEA (2004) *Agreement Making in Australia under the Workplace Relations Act 2002/2003*, Table 2.3.1, page 43.

### **Rates of Pay Information – Australian Workplace Agreements**

There is no comparable information given for employees working under Australian Workplace Agreements. ABS data is used to present female weekly earnings by type of agreement but no comparison is provided with male weekly earnings. ABS hourly earning estimates are provided for both men and women and are presented below in Table 4.8.

While not specified, the tables contained in the OEA/DEWR report appear to have used earnings data relevant to all employees, rather than “non-managerial” employees. As discussed previously, comparisons of wage rates among “non-managerial” can be seen as appropriate because few managerial employees have historically been employed on award wage rates or collective agreements. The hourly earnings rates produced in the OEA/DEWR report (see Table 4.8) therefore vary from those readily available from published ABS estimates in *Cat. 6306.0* for non managerial employees (see Table 4.9).<sup>8</sup> For example, according to the OEA/DEWR report in 2002 total hourly earnings in State and Federal registered individual agreements ranged from \$22.90 to \$31.50 for males. Estimates published in ABS 6306 suggest that, for males during the same period, average earnings in registered individual agreements were \$23.70.

<sup>8</sup> It should be noted that 2002 ABS estimates have been included in Table 4.9, so that the comparison in data is from the same year as the OEA/DEWR information. Similar information for 2004 is provided in Table 4.2, above.

**Table 4.8: Total hourly earnings by gender and type of agreement, (managerial & non-managerial employees) 2002**

	Total hourly earnings (\$)	
	Male	Female
Federal registered certified	25.00	21.30
<i>Federal registered individual agreement (AWA)</i>	<i>31.50</i>	<i>28.10</i>
State registered certified agreement	26.60	24.10
<i>State registered individual agreement</i>	<i>22.90</i>	<i>16.70</i>
Other (includes awards & informal agreements)	28.90	20.20
<b>All employees</b>	<b>27.50</b>	<b>21.10</b>

Source: Reported in DEWR and OEA (2004) *Agreement Making in Australia under the Workplace Relations Act 2002/2003* Table 3.3.2, Page 99 and compiled from unpublished ABS data (catalogue 6306.0).

**Table 4.9: Average hourly earnings by gender and type of agreement, non-managerial employees 2002**

	Average hourly earnings (\$)	
	Male	Female
Award	15.80	15.20
Registered collective agreement	23.80	21.30
Unregistered collective agreement	21.50	19.20
<i>Registered individual agreement</i>	<i>23.70</i>	<i>20.70</i>
Unregistered individual agreement	21.30	19.10
<b>Total</b>	<b>21.50</b>	<b>19.10</b>

Source Australian Bureau of Statistics (2002) *Employee Earnings and Hours* 6306.0 Table 29, page 51.

Other information about wages and remuneration in the AWA section of the report is restricted to the incidence of specific types of provisions in AWAs. This information is presented in a format such as that demonstrated below in Table 4.10 below, which details the incidence of the absorption of loadings provisions in AWAs<sup>9</sup>.

Neither gender breakdowns are not provided in this part of the report, nor are details provided that would allow comparisons of particular rates and provisions between different populations groups or different agreements. Further, the magnitude of the variation in weekly or hourly wage rates to compensate for the “absorption” of such provisions is not detailed. While previous agreements have been subject to the no disadvantage test, this is not a requirement of future agreements.

It appears from the information in Table 4.10 that, under AWAs, the absorption of some forms of penalty payment or loading is a relatively common practice. As AWAs become more prevalent this is likely to have a wide range of implications for estimates of average earnings. For example, if entitlements to annual leave or sick

<sup>9</sup> The term “absorption” here is used to refer to the elimination of certain forms of employment benefits which may, in turn, be compensated for by higher wage rates.

leave are traded for higher hourly wage rates, this may show as an increase in employees' average earnings in various ABS data collections. It is possible however, that the total "package" of entitlements has remained unchanged.

Without a great deal of more information about the provisions contained within AWAs, it is going to be difficult to separate and quantify the implications that AWAs have on indicators relevant to wages and employment conditions. It is possible that survey results showing outcomes that appear advantageous to employees may neglect the "costs" of obtaining these outcomes.

Table 4.10 Sample of "Incidence" format for reporting of AWA provisions by OEA/DEWR Biennial Report to Parliament: Incidence of absorption of loadings provisions in AWAs, 2002-2003

Payment Type	Payment is absorbed (%)	Payment is not absorbed (%)	No provision on this type of payment (%)
Penalty rates	54	44	2
Shift rates	18	82	-
Overtime	25	72	3
Allowances	41	56	3
Annual leave	34	63	4
Annual leave loading	41	57	1
Sick leave	28	68	4
Rostered days off	2	93	4
Other payments *	32	65	4

Source: DEWR & OEA (2004) *Agreement making in Australia under the Workplace Relations Act 2002-03*: 91, Table 3.2.5

Notes: The original table was produced using data from the Online Award and Agreement Database by Australian Centre for Industrial Relations Research and Training.

\*Other payments include redundancy, retrenchment, severance, bereavement leave and long service payments.

Both the certified agreement and AWA sections of the report contain information for a range of other types of employment-related conditions, including:

- Employee benefits provisions
- Hours of work provisions
- Flexible work organisation provisions
- Leave provisions
- Family-friendly provisions
- Training provisions

This information is presented in other relevant sections of this report dealing with each of these specific areas.

### **4.3.2 Annual Report 2004/05**

The Office of the Employment Advocate presents the Minister for Employment and Workplace Relations with an annual report. It can be downloaded from the OEA website: [www.oea.gov.au](http://www.oea.gov.au). Much of the information within the report is relevant to operational aspects of the Office, for example, expenditure on media advertising etc. However, it also contains information relevant to the number and distribution of Australian Workplace Agreements relative to other forms of agreement making (notably various forms of certified collective agreements).

Gender breakdowns of information are not a feature of OEA annual reports. However, it is possible, by considering industry breakdowns, to gain some appreciation of the prevalence of agreement type in feminised sectors of the workforce. For example, as shown in Table 4.11, AWAs are becoming increasingly common in industries such as accommodation, cafes and restaurants, communication services, personal and other services. Table 4.11 is reproduced from the OEA annual report of 2004/05 and contains an interesting feature. The “employee coverage” column refers to the number of AWAs as a proportion of the number of federally registered *agreements*, not the number of *employees* covered by each form of agreement. Thus caution must be exercised when interpreting this information. Each collective agreement could cover some tens, hundreds or potentially, thousands of employees. In comparison, workplaces using AWAs would require one AWA for each of the tens, hundreds or thousands of people they employ. The total number of each type of agreement is unlikely to represent the proportion of employees covered by different types of registered agreement.

**Table 4.11: Comparison of federally registered agreements by industry**

Industry	Union certified agreements LJ, LL and LN	Non-union certified agreements LK	AWAs approved in the previous three years	Employee coverage  AWAs as a proportion of all federally registered agreements
Accommodation, cafes and restaurants	8,700	7,900	53,600	76%
Agriculture, forestry and fishing	4,000	2,500	6,700	51%
Communication services	68,500	10,800	41,000	34%
Construction	92,500	7,900	26,300	21%
Cultural and recreational services	28,700	4,900	10,000	23%
Education	196,800	4,100	2,600	1%
Electricity, gas and water supply	15,800	200	1,300	8%
Finance and insurance	60,500	19,500	12,100	13%
Government administration and defence	2226,100	16,800	22,500	8%
Health and community services	135,800	13,000	21,700	13%
Manufacturing	169,600	24,500	57,700	23%
Mining	17,700	4,000	33,000	60%
Personal and other services	14,600	6,100	12,500	38%
Property and business services	27,100	15,600	59,000	58%
Retail trade	307,000	22,400	77,100	19%
Transport and storage	78,800	6,100	14,200	14%
Wholesale trade	3,900	1,200	7,900	61%
<b>All industries</b>	<b>1,456,100</b>	<b>167,500</b>	<b>459,200</b>	<b>22%</b>

Source: Office of the Employment Advocate (2005):36, Table 4

**Sources and notes listed in OEA.**

1. Certified agreement numbers are sourced from unpublished Trends in Federal Enterprise Bargaining data and refer to employees covered. Agreements are current as at 31 March 2005.
2. The AWA data is sourced from the OEA in house system WorkDesk and includes AWAs approved in the past three years to 30 June 2005. The methodology is based on the most commonly adopted expiry date for an AWA (and the maximum specified in the *Workplace Relations Act 1996*)
3. The table above refers to federally registered agreements under the Workplace Relations ACT 1996; those made under 170LJ, 170LL, 170LN, 170LK and AWAs.

The three industries generating the highest number of approved AWAs during 2004-05 were:

- Retail trade (33,791);
- Accommodation, cafes and restaurants (30,166);
- Property and business services (24,994).

These three sectors accounted for 43.2 per cent of AWAs approved by the OEA in 2004/05.

Table 4.12: Proportion of AWAs approved for the last two financial years by industry

Industry	Financial year 2003-04	Financial year 2004-05
Accommodation, cafes and restaurants	10.6	14.7
Agriculture, forestry and fishing	1.9	1.3
Communication services	8.5	10.6
Construction	5.9	5.0
Cultural and recreational services	1.9	2.1
Education	0.6	0.6
Electricity, gas and water supply	0.4	0.2
Finance and insurance	2.4	2.2
Government administration and defence	4.6	4.1
Health and community services	4.8	4.8
Manufacturing	12.4	12.1
Mining	6.4	6.4
Personal and other services	2.7	2.8
Property and business services	14.3	12.1
Retail trade	17.6	16.4
Transport and storage	3.3	2.8
Wholesale trade	1.8	1.7
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

Source: Office of the Employment Advocate (2005)

#### ***AWA undertakings, refusal and referrals***

During 2004-05, the OEA was required to establish that employees were not disadvantaged under new agreements. This was done by comparing the new agreement with previous conditions of employment (often award conditions).

If the Employment Advocate has concerns as to whether an agreement passes the no-disadvantage test and those concerns are resolved by a satisfactory written undertaking being given by the employer, the Employment Advocate may approve the AWA.

- During 2004-05, 11.7 per cent of agreements required written employer undertakings, before they could be approved by the Employment Advocate.
- 0.5 per cent of AWAs were refused because they did not satisfy additional approval requirements of the *Workplace Relations Act 1996*.
- 0.6 per cent of AWAs were referred to the AIRC because of concerns relating to the no disadvantage test (Office of the Employment Advocate, 2005:38).

With the introduction of the WorkChoices legislation, the Employment Advocate's duties in this regard are altered. There is no longer a requirement on the part of the

Employment Advocate to check or approve the content of agreements. A sample of agreements is, however, checked for prohibited content and analysed to gather information that is required for the Employment Advocate to meet reporting requirements. If during this process breaches of protected award conditions are found, then these are referred to the Office of Workplace Services for further action.

The OEA's annual report shows that AWAs were the source of over 90 percent of the complaints that were received for breaches of the Workplace Relations Act in 2004/05, as shown in Table 4.13.

Table 4.13: Complaints received relating to alleged breaches of the Workplace Relations Act 1996 for the last two financial years

Complaint Type	Financial Year 2003-04	Financial Year 2004-05
Australian Workplace Agreements	251	302
Coercion in agreements	1	0
Freedom of association	15	17
Other	15	12
Right of entry	0	0
Strike pay	0	0
Total	282	331

Source: Office of the Employment Advocate (2005):52, Table 10

## **4.4 Department of Employment and Workplace Relations**

### **4.4.1 Trends in Federal Enterprise Bargaining**

The Workplace Relations Policy and Legal Group of the Department of Employment and Workplace Relations maintain a database known as the Workplace Agreement Database (WAD). The database is used to produce quarterly reports called Trends in Federal Enterprise Bargaining, which can be downloaded from the website: [www.workplace.gov.au/workplace/category/publications/AgreementMaking](http://www.workplace.gov.au/workplace/category/publications/AgreementMaking). The latest available report is for the December 2005 quarter. Technical notes outlining the composition of the database are also available from this web site and these form the basis of the following discussion.

The Workplace Agreements Database is comprised of information on federal enterprise (collective) agreements that have been certified or approved by the Australian Industrial Relations Commission. It covers details such as:

- Industry division (ANZSIC 1 digit code);
- Duration of agreement;
- Number of employees covered;
- Wage details amounts and timing of increases;
- Employment conditions.

The information on employee coverage is obtained from a number of sources. The number of employees covered by an agreement appears to be generally obtained from statutory declarations provided by the parties to an agreement when it is registered with the AIRC. The technical notes state that actual employee numbers are known for “over three quarters of new agreements”<sup>10</sup>. In other cases, employee numbers are estimated by reference to previous agreements or a “modified mean” is used to estimate employee coverage.

The key indicators developed and reported from this data base are average annualised wage increases (AAWI) per employee. That is, the report provides “estimates of average wage increases... for those federal wage agreements that paid *quantifiable* increases”. Information on AAWIs is presented in Tables which distinguish between different forms of certified agreements, the public and private sector and major industry group. The number of employees in each relevant group is also given.

As with the DEWR and OEA indicators discussed above, only estimated changes in wage rates are reported, not the wage rates themselves. No gender breakdowns are provided and the potential that wage increases represent payments for the forfeiture of other employment conditions is not canvassed. It should be noted that this data base excludes any information about individual agreements such as Australian Workplace Agreements. A sample of the type of information available through this report is provided below in Table 4.14.

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<sup>10</sup> Department of Employment and Workplace Relations (2005) *Technical Notes: Trends in Federal Enterprise Bargaining*, downloaded from [www.workplace.gov.au/workplace/category/publications/AgreementMaking](http://www.workplace.gov.au/workplace/category/publications/AgreementMaking), June 21, 2006.

Table 4.14 Average Annualised Wage Increases (AAWIs) Per Employee

	September Quarter %	December Quarter %	Change in AAWI Points
<b>Wage agreements in quarter</b>			
All sectors	4.0	4.5	0.5
Private sector	4.3	4.2	-0.1
Public sector	3.8	4.7	0.9
<b>All Current wage agreements</b>			
All sectors	4.1	4.1	0.0
Private sector	3.9	3.9	0.0
Public sector	4.3	4.4	0.1

Source: Department of Employment and Workplace Relations (2005)

## 4.5 Hansard

### **4.5.1 Senate Employment, Workplace Relations and Education Legislation Committee Budget estimates proceedings, Monday 29 May 2006, Canberra (Proof Issue)**

While the information and indicators reported in DEWR and OEA publications has some gaps with respect to details about wages and conditions of employment, it appears that additional detail may be available through existing databases. The following examples of information from DEWR and OEA databases that extend our understanding of different forms of employment contract were obtained from a Proof Issue of Hansard which provided a transcript of proceedings before a Senate Committee.

Such transcripts are available from: <http://www.aph.gov.au/hansard/hanssen.htm>.

On 29 May 2006, Mr Peter McIlwain appeared before the Senate Committee and was able to provide detailed estimates of the following features of AWAs in April 2006:

- In 84 per cent of the agreements sampled, wages were greater than the comparable standard rate, expressed either as weekly and/or hourly rates (p.93);
- In 89 per cent of the sampled agreements, the annual leave conditions were equal to those of the standard, however, it is not possible to determine how many of those agreements contain provisions to “cash out” annual leave. Of the remaining 11 per cent of sampled agreements, five percent had provisions in excess of the standard and six percent had a benefit less than the standard (pp. 93-94).

- 86 per cent of casual employees received a casual loading that met or exceeded the standard. 14 per cent of casual employees received a loading that was inferior to the standard (p.97).
- The three most commonly modified standard award provisions were overtime loadings (31 per cent), rest breaks (29 per cent) and public holiday payments (27 per cent). However, it was not possible for Mr McIlwain to provide details on the nature of such modifications, for example, whether they had been improvements (or otherwise) on standard provisions (pp98-99).
- 78 per cent of AWAs contained a provision for a pay increase during the life of the agreement, 22 per cent did not. However, it was not possible to discern, from current data collections, whether wage rates in new AWAs were higher or lower than previous AWAs (p.100).
- Examples of family-friendly provisions in AWAs can be provided but no statistical data on the number of agreements with family-friendly provisions are collected (p.102).
- AWA coverage can be provided by postcode (pp104-105).
- Up until March 27 2006, every AWA that was approved was found to have met the “no disadvantage” test (p.107).
- In the six months to the end of March 2006, 14 per cent of AWAs were approved after the OEA requested undertakings from employers to meet the no disadvantage test.
- After March 27 2006 the OEA provides a “lodgement only” system (pp.108) in which a receipt is issued in return for an employer’s declaration stating that the document being lodged is a copy of the relevant workplace agreement.

The full transcript provides considerably greater detail, particularly on the data collection processes that are implemented by DEWR and OEA. However, two particular aspects of the information provided through the Hansard transcripts are relevant. Firstly, there appears to be some potential for improved availability of more detailed information, particularly on AWAs, than is currently provided through existing, regular reports. A second aspect is the potential for data base records to be improved to give additional insights into AWA provisions that differ from standard or minimum conditions.

## **4.6 Queensland Workplace Industrial Relations Survey**

In 1990 and 1995 the Commonwealth Department of Industrial Relations conducted the Australian Workplace Industrial Relations Surveys (AWIRS) which were intended to “provide a comprehensive, reliable database on workplace industrial relations in Australia” (Commonwealth Department of Industrial Relations, 1995). The survey was designed and conducted to fill an important gap into the operation of industrial and employment relations within the workplace:

Prior to AIWRS '90 there were no comprehensive and statistically reliable nationwide data on workplace relations and it was to fill this gap that the first AWIRS was conducted... (Moorhead, Steele, Alexander, Stephen, & Duffin, 1997:1).

Despite the stated need for industrial relations information at the workplace level, the survey was not repeated after 1995. There is some irony in this – extensive legislation was introduced shortly afterward in 1996, which according to the (then) Minister for Industrial Relations, Peter Reith:

...puts the emphasis on direct workplace relationships, and on the mutual interest of employer and employee in the success and prosperity of the enterprise. (quoted in Dabscheck, 2006)

However, “in the tradition” of previous AWIRS, similar surveys have been conducted recently in Queensland, New South Wales and Victoria. Of the three surveys, only the Queensland survey has been completed and produced results released publicly at the time of writing this report. The results of Queensland Industrial Relations Survey, which was conducted in October and November 2005, are available via the website of the Department of Industrial Relations (Watson, 2005). The surveys in NSW and Victoria will be completed later in 2006. In the following discussion, therefore, specific indicators relevant to women's employment status are available only from the Queensland Workplace Industrial Relations Survey (QWIRS) report. Similar information will become available in Victoria and New South Wales in coming months. Procedures for access to and dissemination of future results are yet to be finalised.

Gender is not a key focus of the QWIRS report and the estimates provided in most tables group industry sectors in a slightly more aggregated format than the ANZSIC classifications used ABS publications, although the difference is not large. The report does provide detailed tables of the occupational and industry groups in which females are employed, along with detailed information on their employment in part-time and casual positions (Watson, 2005:22-24, Tables A.15 - A.17). This information confirms the widely recognised pattern of women's part-time and casual employment, with relative over representation in intermediate and elementary clerical occupations and the industry sectors of retail trade, health and education and recreational and personal services. As shown in Table 4.15 below, these are also the labour market sectors with relatively few people achieving high rates of hourly pay.

**Table 4.15: Queensland – lowest hour rate of pay at workplace, 2005**

	Range in dollars per hour				
	<12 %	12<15 %	15,17 %	17<20 %	>20 %
Mining and utilities	0	31	20	15	33
Manufacturing	5	26	35	30	4
Construction	1	11	28	32	28
Transport and wholesale trade	1	25	43	22	8
Retail trade	21	23	24	32	0
Finance, insur. and business services	7	28	20	20	24
Health and education	4	26	42	19	9
Recreational and personal services	11	37	33	16	2
Total	7	25	30	25	12

Source: QWIRS (Watson, 2005:8, Table 2.6)

One of the main advantages of the QWIRS report is its systematic integration of methods of setting pay throughout the report. This allows for insights into linkages between pay methods and conditions of employment that are largely unavailable from other sources. It is not possible in this report to reproduce the extensive information provided on pay setting methods that is available in the QWIRS report, although some specific illustrations of relevant information are provided below. At a more general level, however, the report demonstrates the advantages of comprehensive, purposeful research with industrial and workplace relations as its key focus. The compilation of such survey databases provide much needed estimates for providing improved understandings of the links between pay setting methods and the employment conditions of those in relatively poorly paid workforce sectors. At this stage, the only disadvantages of relying on this form of survey as a potential instrument in

monitoring the effects of regulatory change are those associated with uncertainty regarding the regularity and frequency of future data collection.

It should also be noted that the scope of the QWIRS report extends beyond other surveys that focus on earnings and conditions of employment. It canvasses a range of issues to do with industrial action, employer satisfaction with industrial relations arrangements, communication in the workplace and other aspects of industrial relations management at the individual workplace level. While these parts of the survey do not provide indicators especially relevant to gender issues, they do go to a number of the key justifications for introducing the new workplace regulations and if the survey is repeated at a future date, may provide some interesting comparisons.

Table 4.16 below shows the relatively minor role played by federal AWAs in Queensland in late 2005 and, if the survey is conducted regularly, provides a valuable benchmark for monitoring whether structural shifts in pay setting methods have occurred. While AWAs only two per cent of all employees in Queensland are covered by an AWA it is interesting to note that, elsewhere in the report, eight per cent of workplaces state that AWAs are their preferred method of setting wages and conditions, while 13 per cent prefer to rely on awards only, 26 per cent on over award and 40 per cent on informal individual agreements (Watson, 2005:34, Table A.27).

Table 4.16: Queensland Methods of setting pay, employee estimates 2005

Pay setting method	QWIRS %
Collective agreements	28
Award only	17
Over-award	31
Individual agreements	22
Other	2
Total	100
<b>By jurisdiction</b>	
Federal collective agreement	9
State collective agreement	16
Federal individual agreement (AWA)	2
State individual agreement	1
Other	72
Total	100
<b>Union/non-union</b>	
Union collective agreements	23
Non-union collective agreements	5
Other	72
Total	100

Source: QWIRS (Watson, 2005)

The QWIRS estimates contained in Table 4.16 also illustrate the prevalence of over-award provisions (31 per cent) compared with award only provisions (17 per cent). However, this varies considerably for different workforce sectors. In labour market sectors characterised by high rates of female or casual employees, almost two thirds of workplaces have pay setting methods based on “award only” provisions – as shown in Table 4.17 below. The QWIRS report contains more detailed estimates supporting the same conclusions at page 24, Table 17.

Table 4.17: Queensland dominant pay method for female, part-time and casual employment

	Female		Part-time		Casual	
	<10%	>60%	<10%	>40%	<10%	>40%
All workplaces	19	24	74	5	59	18
Dominant pay method						
Award only >60%	4	65	71	9	10	65
Over-award >60%	23	17	76	6	66	8
Collective agreements >60%	41	22	71	4	66	13
Individual agreements >60%	14	12	79	0	77	5
Other >60%	0	0	41	0	100	0
No dominant system	8	22	71	7	62	15

Source: QWIRS (Watson, 2005:23, Table A.16)

**Note:** How to read: 19% of workplaces have women making up less than 10 per cent of their workforce, while 24% of workplaces have women making up more than 60% of their workforce. Of workplaces with less than 10% of their workforce comprised of women, 4% have “award only” as the dominant method of setting pay. Of workplaces with more than 60% of their workforce comprised of women, 65% have “award only” as the dominant method of setting pay.

The strong reliance on award provisions by those on lower rates of pay is indicated in estimates listed in table 4.18 below. This shows that among workplaces with one dominant method of setting pay, it is “award only” workplaces that have relatively low median rates of hourly pay and tend to have no employees in the highest earning category of over \$20 per hour. Similar patterns exist for average weekly earnings and casual hourly rates of pay (Watson, 2005:42, Table A.34 and 44, Table A.36).

Table 4.18: Queensland, Lowest hourly rate of pay at workplace by dominant pay method, 2005

	Median \$	Range in dollars per hour				
		<12 %	12<15 %	15<17 %	17<20 %	>20 %
All workplaces	16.00	7	25	30	25	12
Dominant pay method						
Award only >60%	15.99	12	29	33	26	0
Over-award >60%	16.00	6	30	29	28	7
Collective agreements >60%	16.25	7	18	35	12	29
Individual agreements >60%	17.00	3	17	28	33	19
Other >60%	22.00	0	0	0	18	82
No dominant system	15.30	14	28	27	20	11

Source: QWIRS (Watson, 2005:39, Table A.32)

In general terms, QWIRS estimates confirm the patterns discernable from ABS estimates, although the reporting format uses slightly more aggregated occupational and industry groupings. However they have the advantage that all estimates are very recent and are systematically provided by pay setting method. Given the relevance of QWIRS to the current context of changing industrial relations regulation, illustrations of the information from the QWIRS report will be provided in subsequent chapters. However, it should be noted that QWIRS contains significant useful information that cannot practically be reproduced in this document.

#### 4.7 The Household, Income and Labour Dynamics in Australia (HILDA) Survey

Unfortunately the HILDA survey does not currently contain questions about the type of employment agreement relevant to determining respondents' conditions of employment. It is likely that the future inclusion of such questions may yield useful data. This would be an issue appropriately dealt with by direct discussion with those responsible for constructing and maintaining the HILDA data base.

## **5 Patterns of Ordinary Working Hours**

### **5.1 Introduction**

An established feature of collective forms of agreement, particularly awards, has been the designation of some hours of work as “ordinary”. “Ordinary” hours of work can vary from agreement to agreement but generally have the features that they are regular, predictable and warrant payment of an agreed, standard weekly wage. In contrast, there are hours of work that fall outside of “ordinary” provisions, and these can include provisions can include being on call, working overtime or working double shifts and so on. The distinguishing feature of many of these hours is that they attract an extra payment to compensate for their sporadic, unexpected or perhaps inconvenient or onerous nature.

With the introduction of five minimum conditions of employment, a range of previously “standard” minimum conditions that attached to the arrangement and spread of working hours may now be negotiated. There is a potential for previous distinctions between “ordinary” hours and those that previously attracted penalty rates to become blurred. For example, it is now possible to spread or average ordinary working hours over a greater range of days without incurring penalty payments.

In this context, there are two key reasons for monitoring changes to the arrangement of ordinary working hours. Firstly, it is an area that may have implications for aggregate earnings (through entitlements, or otherwise, to penalty payments). Secondly, the specific hours that employees are required to work are also an important condition of employment that has implications for time spent with family and friends and a wide range of non-work activities. Atypical working patterns, such as “casual, asocial and ‘on-demand’ hours at one end and sequential, long shifts such as 10 and 12 hours worked sometimes over 14 day blocks or longer at the other extreme” (O'Neill, 2004:6) make significant demands of employees and there are important arguments for monitoring their fair and equitable introduction and use (Pocock, 2003).

Another important aspect of the arrangement of working hours is the extent to which they facilitate employees' capacity to undertake their unpaid responsibilities within

their households and communities (Willis 1997). This particular aspect is discussed in the following chapter.

### **5.1.1 Working Arrangements Survey (Catalogue 6342.0)**

The ABS conducts the Working Arrangements Survey as a supplement to its monthly Labour Force Survey. It was conducted two yearly from August 1993 until August 1997 and again in November 2000 and November 2003. The ABS website does not indicate future plans for this survey.

*Working Arrangements (Catalogue 6342.0)* is the key publication from this survey and it contains the following estimates for male and female employees in part-time and full-time work:

- Whether starting and finishing times at work are fixed, not fixed, variable on a daily basis and whether they were negotiated with an employer;
- Entitlements to a rostered day off;
- The regularity with which overtime is worked;
- Working of shift work in the last four weeks;
- The capacity to choose when holidays are taken;
- The option of working additional hours in order to take time off work;
- Days of the week usually worked;
- Entitlement to and use of different forms of paid and unpaid leave;
- The presence of children aged under 12 within a household;
- Main reasons for taking leave;
- Access to job sharing arrangements; and
- Trade union membership.

Some of these estimates are available for employees by characteristics such as age group and their relationship in a household.

The main advantages of *Catalogue 6342.0* over other information sources are the number and detail of the estimates it provides and the inferences that it can provide for the working arrangements of the Australian population. However, it provides no estimates for working arrangements under different forms of employment contract.

Thus it does not provide a basis for concluding that collective agreements are either less or more conducive to facilitating favourable working hours for various groups of employees or employers. Previous surveys have been conducted every two or three years. This will make it challenging to link future variations in working arrangements to specific changes to recent changes in workplace regulations.

The main tables in *Catalogue 6342.0* that are relevant to the arrangement of ordinary working hours and are described below and selected estimates are provided.

***Tables 1-3, pages 6-8: Employees in Main Job – Selected Working Arrangements***

This table contains a wide range of indicators relevant to working arrangements, some of which are discussed in following chapters on family friendly working arrangements and leave entitlements. The main indicators relevant to the arrangement of working hours are: the working of shift work, days of the week usually worked and whether overtime is worked on a regular basis. The information in this table, the first in *Catalogue 6342.0*, gives an overview, with subsequent tables providing additional detail. A selection of indicators, for part-time and full-time male and female employees is provided in Table 5.1 below.

**Table 5.1: Employees in main job - Selected working arrangements November 2003**

	Full-time employees		Part-time employees	
	Males %	Females %	Males %	Females %
<b>Days of the week usually worked</b>				
Works Monday to Friday	69.8	75.7	22.7	21.2
Nine-day fortnight	1.0	0.8	*	*
Days vary from week to week	9.5	9.4	26.5	20.4
Days vary from month to month	1.0	0.7	1.4	1.1
<i>Other</i>				
Usually works weekdays only	1.3	2.9	26.8	38.7
Usually works weekends only	*	*	4.4	3.9
Usually works some weekdays and some weekends	17.3	10.6	18.1	14.5
Worked shift work in last four weeks	14.7	12.0	17.2	14.3
Works overtime on a regular basis	49.1	40.7	10.6	14.1

Source: Australian Bureau of Statistics (2004c) *Working Arrangements Australia 6342.0*

Notes: \* less than 0.1% with relative standard errors of more than 25%.

***Tables 9 - 10, pages 20 - 21: Employees in Main Job, Whether Overtime is Worked on a Regular Basis – By Employee Characteristics***

This table provides estimates of the number of females and males who work, or do not work, overtime on a regular basis. Access to overtime is a difficult provision to assess as favourable or unfavourable on an *a priori* basis. While overtime can increase gross income levels, the capacity to accommodate it within constraints of other household arrangements can mean that the net effects will vary for employees with different household and other characteristics. Of course, the implications also vary when overtime is not paid for. Table 9 within *Catalogue 6342.0* contains estimates of the number of employees who have overtime included in their overall salary package and who work unpaid overtime. This may provide some basis for monitoring the absorption of overtime penalty rates.

In general terms, higher levels of overtime are worked by males compared with females, by parents who are in couple relationships compared with lone parents and by those in the 35-54 year age range. Overtime is worked on a regular basis by 37.3 per cent of employees. Selected estimates are provided in Table 5.2.

**Table 5.2: Employees in main job – Working of overtime on a regular basis by selected employee and occupational characteristics**

	Paid overtime %	Overtime included in salary package %	Overtime taken as time off in lieu %	Unpaid overtime %	Other %	Overtime not worked on a regular basis %
Males	19.6	10.3	1.8	12.0	0.6	55.8
Females	8.0	5.1	2.7	13.0	0.3	74.0
Age group						
15-19(a)	15.9	*0.4	*0.7	2.3	-	80.1
20-24	17.5	2.9	1.5	7.1	*0.2	70.8
25-34	17.2	8.8	3.2	13.6	0.4	56.8
35-44	14.2	9.4	3.0	13.6	0.4	60.2
45-54	11.4	10.2	2.2	15.1	0.7	60.5
55-69	9.0	7.5	1.4	13.0	0.7	68.6
Trade union member	21.2	4.9	2.2	13.4	*0.2	58.1
Not a trade union member	11.9	9.0	2.2	12.3	0.6	64.0
Intermediate clerical, sales and service workers	10.0	4.0	2.6	8.0	0.1	75.4
Elementary clerical, sales and service workers	11.5	1.4	0.7	3.4	0.2	82.7
Labourers and related workers	18.0	0.7	0.7	1.9	0.2	78.5
All	14.3	7.9	2.2	12.4	0.5	62.7

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0*

Notes: \* estimate has relative standard error of 25-50% and should be treated with caution. (a) excludes school students.

***Table 11, page 22: Employees in Main Job, Whether Worked Shift Work in the Last Four Weeks – By Employee Characteristics***

***Table 12, page 23, Employees in Main Job, Whether Worked Shift Work in the Last Four Weeks – By Job Characteristics***

Part of this table provides estimates of the number of females and males who work, or did not work, shift work in the last four weeks. For shift work worked in the last four weeks, the table lists estimates of number of females and males who worked on rotating shifts, regular morning/afternoon shifts, regular evening, night or graveyard shifts, or “other” shifts. The definition of “other” shifts is an aggregate that includes split shifts, being on call or undertaking irregular shifts. Approximately 19.0 per cent of males and 24.1 per cent of females who worked shift had a shift arrangement listed as “other”.

While the estimates presented in this table are informative, greater detail would be required to assess whether new workplace regulations were having an effect on the shift working arrangements for particular workforce sectors. While shift working arrangements are provided by age and relationship in household, these breakdowns are not provided by gender. So, for example, it is possible to note that “other” shift arrangements are relatively prevalent in the 25-34, 35-44 and 45-54 year old age groups; it is not possible, from published estimates, to say how these arrangements are apportioned between men and women in each age group.

Table 12 in *Catalogue 6342.0* provides shift work information for different industry and occupational classifications to the one digit level ACSO code. Estimates in this table show relatively high percentages of employees who had work shift work in the Mining Industry (44 per cent) and of these, about 12.8 per cent had worked “other” shifts. In comparison, approximately 31.3 per cent of employees in the accommodation, cafes and restaurants industry worked shift work, of whom 29.6 per cent had “other” shift arrangements. As noted previously, it is difficult to know, on an *a priori* basis, how these estimates should be interpreted. Is an increase in shift work to be interpreted as a “good” or “bad” development? The task is made more difficult by the aggregations of classifications such as “on call” employees with “split shift” employees. While being on call may be an accepted part of professional work, “split shifts” are a possible way of increasing the spread of hours for those in relatively low paid positions such as workers in catering occupations. The format currently used for publishing work arrangements does not distinguish between these two types of shift work.

## **5.2 Office of the Employment Advocate Publications**

### **5.2.1 Agreement Making under the Workplace Relations Act 2002 and 2003**

#### ***Collective Agreements***

As noted previously, this report is comprised of different sections for discussion of collective agreements and AWAs and data presentation varies between them, making

comparison difficult. Further, gender breakdowns are not reported within the format used in the main body of the report but are presented in discrete sections.

The information provided by DEWR about working arrangements is relatively comprehensive. In Table 5.3 below, estimates of the prevalence of different working hour arrangements have been brought together from two different sections of DEWR's report for purposes of comparison. The table shows changes in working arrangements between the two reporting periods of 2000-01 and 2002-03, as well as working arrangements covering female employees in 2002-03.

As discussed previously, interpreting these figures presents challenges. For example, the absence of restrictions on the days for working ordinary time hours and the averaging of working hours over an extended period are discussed favourably as signs of flexibility. However, it is possible that such provisions might work to reduce penalty or overtime payments and that the extent to which they are perceived as favourable may vary between employees. Similarly, it appears that there was a marked increase in the incidence of time off in lieu for working on rostered days off (from 9 to 26 per cent), although the extent to which this is an improvement in conditions is unclear.

The interpretation of these provisions becomes particularly important if there is an interest in monitoring future changes in women's working conditions. As the column for female employee coverage demonstrates, there are significant differences in the prevalence of some provisions among male and female employees. In particular, female employees are much more likely to have provisions that contain no restrictions on the days that can be worked or that allow ordinary hours to be averaged over an extended period.

Table 5.3 Hours of Work Provisions in Collective Agreements, 2000-01 and 2002-03

Provision	% of Collective Agreements		
	2000-01	2002-03	2002-03
	All employees %	All employees %	Female employees %
<b>Span of ordinary hours and how they are worked</b>			
Average weekly hours *	38.1 hrs	37.4 hrs	
Specified weekly hours	51	70	73
Make-up time	7	5	29
Time in lieu at ordinary rates	11	11	32
Time off in lieu at penalty rates	6	4	32
No restrictions on days to perform ordinary hours	11	12	42
Ordinary hours of work may be averaged over and extended period**	4	9	29
Compressed week	2	2	6
Hours of work decided by employee majority	8	5	3
Hours of work may be negotiated	12	6	18
Hours of work may be varied by employer in consultation with employee	6	7	10
Management may alter hours	3	2	9
Flexible starting and finishing times for ordinary hours of work	3	4	14
Flexitime	3	2	16
<b>Shifts and rostered days off</b>			
12-hour shifts	8	8	15
Rostered days off may be banked/accrued	40	45	11
Rostered days off may be varied by mutual agreement	40	38	5
Time off in lieu maybe granted for working on a rostered day off	9	26	3
Public holidays may be taken on another day by mutual arrangement	9	7	18
<b>Breaks</b>			
Staggered breaks	14	8	4
Breaks not to interrupt continuity of work	10	5	4
Management may alter break	3	2	6

Source: DEWR & OEA (2004):54 and 70

Notes: \* These figures refer to number of hours not percentage figures.

\*\* An 'extended period' in this provision usually means a period longer than a month.

### ***Australian Workplace Agreements***

The *Agreement Making in Australia* report provides information on working hours provisions within Australian Workplace Agreements but does this in a very different format to that used above. Instead, it presents a two part analysis. The first part is based on the OEA Employee Attitude Survey conducted in 2001, which included some questions on employees' satisfaction with various working hour arrangements. There were 2,000 respondents to the survey. Half of the respondents were sourced randomly from the telephone directory, the other half were sourced via employers who were identified as employees of employers who had AWAs lodged with the

OEA. The survey did not collect separate information for employees with collective agreements. As a proxy measure for employee provisions under collective arrangements, responses from employees who are union members and work for employers with more than 100 employees are assumed to represent those working under collective agreements. On this basis, survey responses are compared for AWA employees and collective agreement employees. In the two page analysis, there are three paragraphs that deal with survey results relevant to the arrangement of employees' hours of work. This analysis is reproduced in its entirety in the shaded box below.

*Overall, AWA employees reported higher levels of satisfaction with their hours than collective employees (68 percent compared with 65 per cent). They were also more satisfied with their level of control over hours than collective employees (52 per cent compared with 49 per cent)....*

*Similar proportions of AWA and collective employees felt they had, as a minimum, some influence over start and finish times (62 per cent compared with 61 per cent). AWA employees, however, were more likely to report that their influence over start and finish times had increased in the two years prior to being surveyed (25 per cent compared with 19 per cent)...*

*Forty-five per cent of collective employees reported that balancing work and family life had become harder in the past two years, compared with 39 per cent of AWA employees. Collective employees were also less likely than AWA employees to report that balancing work and family life had become easier in this period (19 per cent compared with 20 per cent). (DEWR & OEA, 2004:85-86)*

The second part of the OEA's analysis of AWAs presents information on the contents of a sample of 250 AWAs. From this sample, two key tables relating to the arrangement of working hours are produced and these are included below as Tables 5.4 and 5.5.

As noted previously, the format used for presenting information relies on the prevalence of particular provisions. With respect to the arrangement of working hours this does not present the same types of challenges noted for wage rates and is relatively informative about hours of work arrangements. For example, it is interesting to note that just 36 per cent of AWAs contain provisions relating to ordinary weekly hours and 44 per cent on ordinary work days. In the accompanying text, it is noted that “in 96 per cent of AWAs with an ordinary weekly hours provision, ordinary weekly hours were specified as 40 hours or less” (DEWR & OEA, 2004:62) Presumably this means that 4 per cent of AWAs had ordinary hours in excess of 40 hours per week. Such detail within the report's text provides an indication that there is significant extra information that is not presented in a standardised format covering the complete sample of AWAs. For example, there are comments on the daily span of hours in different industries but no table used to present such information in a similar format as, for example, the ABS and DEWR tables that use industry classifications to present comprehensive estimates.

Another example relates to comments on the average of work hours. It is noted that of the 26 per cent of AWAs that contain an averaging provision, 76 per cent average hours over a 1-4 week period, while 15 per cent average ordinary hours over 52 weeks. Such commentary indicates that there may be scope to extend the degree of detail systematically reported in the DEWR/OEA report if, as expected, the incidence and significance of AWAs as a form of employment contract expands.

Despite the potential for extending reporting on this subject, this section of the report provides information which is difficult to access from other sources. This is particularly the case with the information about the percentage of AWAs with different daily spans of working hours, ranging from less than 8 to more than 16 (Table 6.5). Such information may provide useful indicators of the types of working arrangements that are introduced if AWA coverage expands through workplaces.

Table 6.4: OEA Reporting of Incidence of hours of work provisions in AWAs, 2002-03

Provision	% of AWAs
Ordinary weekly hours	36
Span of hours	33
Limit on hours worked	15
Ordinary work days	44
Variation to working hours	33
Averaging of working hours	26
Shift types and hours	10

Source: DEWR & OEA (2004):92, Table 3.2.7

Table 6.5: OEA Reporting of daily span of hours provisions in AWAs, 2002-03

Daily span	% of AWAs
Less than 8 hours	1
8-10 hours	21
10.5-12 hours	34
12.5-15 hours	20
16 or more hours	24

Source: DEWR & OEA (2004):92, Table 3.2.8

### 5.3 Queensland Workplace Industrial Relations Survey

There are three key tables within the QWIRS report directly related to working hours: Tables A.20-22 (Watson, 2005:27-29). The first of these tables provides estimates of the operating hours of different workplaces, from less than 40 hours per week (38 per cent of workplaces) to 24 hours a day, 7 days a week (6 per cent of workplaces). The mean number of operating hours at Queensland workplaces is 59 hours per week. The second table provides estimates of the prevalence of shift work (25 per cent of workplaces) and length of shifts in workplaces (average, 8 hours). The third provides estimates of the total number of weekly working hours for full time employees (average, 8 hours). Unfortunately, gender breakdowns of these estimates are not provided. However, long operating hours, shift work and shorter duration shifts are more prevalent in "award only" workplaces. Workplaces with pay setting methods other than award only are more likely to have longer total weekly hours. Without additional detail, it is difficult to discern the implications for women in the paid workforce.

Closely related to the arrangement of ordinary working hours, the QWIRS report also contains estimates of the percentage of non-managerial employees who are entitled to overtime payments and weekend penalty rates. Again, these are not disaggregated by gender but are available according to the dominant pay setting method used in the

workplace. Selected estimates relevant to both working hours, overtime and weekend penalty rates are provided in Table 5.6. The estimates show that relatively few people working in workplaces using individual agreements as their dominant pay setting method have entitlements to either overtime or weekend penalty rates.

Table 5.6: Queensland dominant pay method for female, part-time and casual employment

	Entitlements		Mean	Total working hours for FT employees				
	Overtime	Weekend penalty rates		<35	36<=38	39<=40	41<=49	>=50
All workplaces	64	55	40	9	31	30	21	9
Dominant pay method								
Award only >60%	54	71	38	23	35	25	12	5
Over-award >60%	77	54	40	10	36	31	18	6
Collective agreements >60%	65	62	42	7	38	24	11	19
Individual agreements >60%	31	30	41	1	28	39	21	11
Other >60%	77	18	42	0	0	82	0	18
No dominant system	75	70	41	0	15	31	37	8

Source: QWIRS (Watson, 2005:29, Table 22 and 46, Table 38)

## 5.4 The Household, Income and Labour Dynamics in Australia (HILDA) Survey

HILDA data on the arrangement of working hours may provide a number of useful variables for monitoring change over time. At a relatively general level, it can provide the mean hours per week worked by full-time, part-time and casual workers. For the purposes of this discussion it is important to note that “full-time” and “part-time” are definitions based on the number of hours worked each week (the ABS defines 35 hours or more (all jobs) for “full time”, less than 35 for “part time”)<sup>11</sup>, while casual refers to employment tenure. Thus, it is possible in this system of categorisation to be a full-time casual or a part time casual, depending on both tenure and number of hours worked.

<sup>11</sup> In ABS Labour Force publications (eg. 6203) a person will be defined as full-time if they work 35 hours or more; this may be done across two part-time jobs (eg. one job with 20 hours and another with 15). In other surveys, such as HILDA, questions are generally framed with reference to main job (eg. hours per week usually worked in main job and all jobs?)

Table 5.7 below, provides some relatively general information on the average number of hours worked by selected occupational groups.

**Table 5.7 Mean hours worked in main job by selected occupational groups for male and female employed persons, full-time, part-time and casual, 2004**

	Full-time		Part time		Casual	
	Male hours	Female hours	Male hours	Female hours	Male hours	Female Hours
Intermediate service workers	41.7	42.0	18.6	18.2	23.1	17.9
Elementary sales workers	45.5	37.8	15.3	15.3	14.5	14.7
Cleaners	40.2	38.1	19.0	16.2	22.7	15.3

**Source:** HILDA survey, Wave 4, 2004. **Notes:** Population weighted sample, N= 1298. There were 97 missing responses.

The HILDA survey asks a range of questions relevant to the pattern of hours worked by respondents. It is possible to use the data to obtain estimates of the percentage of people working regular daytime schedules, rotating shift work, regular evening shifts, regular night shifts, split shifts, irregular schedules or on call. Relevant estimates for non-managerial<sup>12</sup> employees are provided in Table 5.8 below.

**Table 5.8: Work Schedules for Non-Managerial Employed persons in main job, Australia, 2004**

Work Schedule	Males	Females
Regular Daytime Schedule	72.0	71.3
Rotating Shift (Changes from days to evenings to nights)	9.3	7.4
Irregular Schedule	8.4	9.5
Regular Evening Shift	3.6	5.3
Regular Night Shift	2.7	1.5
On Call	1.7	2.0
Split Shift	1.5	1.9
Other	0.9	1.2

**Source:** HILDA survey, Wave 4, 2004. **Notes:** Population weighted sample, N= 5,373

For the purposes of monitoring changes in the working arrangements of particular groups within the workforce, however, it may be more useful to obtain more specific estimates. An illustration of this is shown in Table 5.9 which contains estimates of the prevalence of different work schedules for occupational groups at the two digit ASCO level. As illustrated by these estimates, there are differences in the work schedules that are prevalent among different occupational groups. The relatively large percentage of female cleaners working “irregular shifts” provides one example.

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<sup>12</sup> Non managerial has been defined as excluding those with ASCO code commencing with 1 or 2, which excludes both managers and professional employees.

Again, however, much of the interest in this information will lie in whether there are discernable shifts over time in the prevalence of different work schedules.

Table 5.9: Work Schedules for selected occupational groups, persons in main job, Australia, 2004

	Intermediate service workers	Elementary service workers	Cleaners
<b>Males</b>			
Regular daytime schedule	55.6%	69.8%	61.5%
Rotating shift (changes from days to evenings to nights)	14.8%	10.6%	2.1%
Regular evening schedule	7.1%	6.5%	11.0%
Regular night schedule	3.6%	0.2%	0.00%
Irregular schedule	8.3%	8.9%	8.1%
Split Shift	4.6%	1.5%	12.4%
On Call	3.8%	0.8%	3.2%
Other	2.1%	1.7%	1.7%
<b>Females</b>			
Regular daytime schedule	45.7%	65.3%	54.6%
Rotating shift (changes from days to evenings to nights)	21.2%	10.5%	1.0%
Regular evening schedule	8.6%	9.7%	11.1%
Regular night schedule	9.5%	3.1%	2.9%
Irregular schedule	8.2%	9.4%	25.2%
Split Shift	0.6%	1.1%	2.4%
On Call	2.5%	0.5%	2.8%
Other	3.7%	0.4%	0.0%

Source: HILDA survey, Wave 4, 2004. Notes: Population weighted sample, N= 1,298

Estimates in Table 5.10 consider the patterns of working hours according to the days of the week that are worked. Again, much of the interest in indicators of this type will be to discover whether significant shifts in the pattern of work schedule types over time.

Table 5.10: Work Schedule Types for Non-Managerial Employed Persons in main job, Australia, 2004

Work Schedule Type	Male %	Female %
Monday to Friday	49.5	39.6
Days Vary from Week to Week	13.9	12.5
Days Vary from Month to Month	1.1	1.0
Nine Day Fortnight	1.1	0.6
Other	34.4	46.3

Source: HILDA survey, Wave 4, 2004, excludes those with ASCO codes commencing with 1 and 2.

Notes: Population weighted sample, N= 5,373

## 5.5 Australian Bureau of Statistics Time Use Surveys

### 5.5.1 Bittman (2005) Sunday Working Time and Family Time

A paper by Michael Bittman (2005) has been included in this report because of its use of an unusual ABS data set in relation to monitoring conditions of employment. Bittman has used data from ABS surveys of Time Use to undertake an analysis of the proportion of working-age Australians engaged in paid work on Sundays and to examine whether this proportion changed between 1974 and 1997. He also investigates whether those who work on a Sunday compensate for this time at work by catching up on their traditional weekend activities on other days of the week. Unfortunately, the last time use survey was conducted in 1997, now nine years old. However, Bittman notes that data from next survey are likely to be available in 2007 and data from previous surveys will provide a context to assess the direction of possible future changes in weekend working patterns.

Bittman finds that among 20-59 year olds living in metropolitan areas, the percentage of people working on a Sunday has risen from 9 per cent in 1974, to slightly over 26 per cent in 1997 (Bittman, 2005:65). Comparing Sunday workers with those who do not work on a Sunday, Bittman also finds significant differences in the time allocated to other activities:

*Sunday workers get less opportunity to sleep-in and less personal care time, including time spent eating with family members... Sunday workers spent half the time in cooking, cleaning and laundry, and one quarter of the time in gardening... A significant reduction in childcare... significant fall in community activities including formal and informal volunteering...a large drop in socialising...a big fall in recreational activities...(Bittman, 2005:69)*

The nature of the data used by Bittman makes it difficult to determine direct, causal links between specific types of employment contract and patterns of weekend work. However, at a more aggregate level, it provides indicators on the incidence and potential social impact of Sunday work (see also Pocock, 2003).

## **6 Working Hours and Flexibility**

### **6.1 Introduction**

There are specific aspects of the arrangement of working hours that are particularly important for women in the workforce. The strong relationship between women's unpaid household responsibilities and their patterns of workforce participation is indicated most clearly by the relatively common pattern of undertaking part-time work following the birth of a child (see for example the study by Willis 1997). The recognition of the importance of patterns of paid and unpaid work forms the base of a range of theoretical and empirical studies of women's workforce participation, ranging from human capital theory to surveys of time use. It is also the reason that some working hour arrangements are perceived as "family friendly". As noted in the introduction to this report, the achievement of work and family balance is a key goal articulated by the government for its introduction of new workplace regulations. This chapter focuses on the aspects of regular working hour arrangements that have links with women's traditional roles as providers of unpaid labour within households.

Working arrangements that are identified as "family friendly" are often related to the availability of specific forms of leave, some examples being, maternity leave, paternity leave carer's leave. Such provisions are discussed in Chapter 9, Leave Entitlements. The following discussion focuses more narrowly on the arrangement of regular working hours, such as the discretion that can be exercised over start and finish times.

When estimates of earnings are used as economic indicators, their meaning is usually clear: for example there is little question about assuming higher wages are beneficial to employees. However, the relationship between time spent at work and in unpaid duties is relatively complex. Access to part-time work is one mechanism that assists people accommodate multiple roles in their economic and social lives but it is not the only important factor facilitating workforce participation. The times that hours are worked, the extent to which hours can be altered to accommodate unforeseen events, the availability of paid or unpaid leave and access to child care, for example, can all have an impact on patterns of workforce participation. This is the case particularly

among women, who have traditionally undertaken the majority of unpaid work in the economy.

Given the complexity of relationships between paid work and unpaid responsibilities, it would be ideal if clear measures existed for concepts such as “flexibility”, “preferred hours” and “family friendly hours”. However, preferences for various types of working arrangements vary between people and households. It is challenging to identify clear indicators to act as proxy measures for concepts such as “flexibility” because it is a term that is relevant to both informal workplace interactions and specified workplace entitlements.

The challenges of adequately defining a term such as “flexibility” can be illustrated by reference to the following example. The Australian Bureau of Statistics has survey questions asking respondents whether their start and finishing times at work are “fixed” or variable. Without a contextual framework, however, it is difficult to know, *a priori*, which arrangement is preferable. Variable start and finishing times may be beneficial for employees who can exercise discretion with their working time: for example, to vary work times so that they can assist children to engage in extracurricular activities after school. For others, fixed working times and a regular number of paid hours might be required to plan child-care arrangements and household budgets. In such cases, requests from employers for employees to vary start and finishing times may result in significant difficulties. The important feature, from an employee’s point of view, is the extent to which discretion which can be exercised while also meeting workplace requirements, rather than the existence of fixed or variable start and finish times. The specific definitions attached to the term “variable” is therefore important in interpreting the extent to which women’s preferred patterns of work are facilitated. The ABS uses the term “variable” working times to indicate that a degree of discretion is available on the part of the employee. It is a detail that is worth considering if/when other sources of data are being used.

A second source of complexity relates to the availability of relevant information. In his 2004 research paper on family friendly employment provisions, O’Neill commented that “obtaining recent data on these arrangements is reasonably difficult”

(O'Neill, 2004:3) and, although he was writing in 2004, he relied on findings from the 1995 Australian Workplace Industrial Relations Survey to argue that “giving employees some control over time and work issues produced better results in lower stress and better satisfaction” (O'Neill, 2004:3).

In general terms, available information indicates that employees' discretion to vary start and finish times at work, or to negotiate working times with their employer, appears to be associated with those factors that generally indicate bargaining power in the workforce. For example: middle aged employees are more likely to have access to these provisions than young employees; “male” sectors are more likely than “female” sectors. There is relatively little in the following estimates to conclusively support the proposition that those who work in areas with lower earnings are more likely to experience compensation through favourable access to “family friendly” working arrangements. That is, there is no direct evidence that a trade off is occurring between higher wages and flexible working hours. Rather, flexible working hours appear to be relatively more prevalent among those sectors which are relatively well paid.

## **6.2 Australian Bureau of Statistics**

### **6.2.1 Working Arrangements Survey (Catalogue 6342.0)**

This survey was discussed in the previous chapter. In brief, it is conducted as a supplement to the ABS monthly Labour Force Survey. It was conducted two yearly from August 1993 until August 1997 and again in November 2000 and November 2003. The ABS website does not currently indicate future plans for this survey. The tables discussed below include those that contain estimates relevant to indicators of flexible or family friendly working hour arrangements.

#### ***Table 1, pages 6-8: Employees in Main Job, Full-time or Part-time – By Selected Working Arrangements***

This table lists, for female and male (full-time or part-time) employees, estimates of the number and percentage of employees who had access to selected working arrangement characteristics, including: whether start and finish times are fixed; whether entitled to a rostered day off; whether overtime is worked on a regular basis;

whether worked shift work in the last four weeks; whether able to choose when holidays are taken; whether able to work extra hours in order to take time off; days of the week usually works in main job; and whether paid or unpaid leave for most recent absence.

Table 6.1: Selected estimates of employees with fixed and variable start and finish times: Employees in main job, male and female, part-time and full-time employees

	Part-time		Full-time	
	Male	Female	Male	Female
	% of part time males	% of part time females	% of full time males	% of full time females
Start/finish time not fixed	37.5	30.3	37.3	29.1
Start/finish time fixed	62.5	69.7	62.7	70.9
	% of pt males with fixed times	% of pt females with fixed times	% of ft males with fixed times	% of ft females with fixed times
Fixed start/finish times negotiated with employer	23.9	33.9	22.1	22.8
Fixed start/finish times not negotiated with employer	76.1	66.1	77.9	77.2
	% of pt males with variable times	% of pt females with variable times	% of ft males with variable times	% of ft females with variable times
Start/finish time variable daily	55.2	58.8	68.9	69.0
Start/finish times not variable daily	44.8	41.2	31.1	31.0

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0*

It might be assumed that variable start and finishing times are a sign of flexible working arrangements and that this is one indicator of the existence of “family friendly” arrangements within a workplace. If this is the case, it appears that women have less access to this “family friendly” workplace arrangement than men. Estimates from *Catalogue 6342.0*, reproduced in Table 6.1 above, indicate that, at an aggregate level, women are less likely to have variable start and finishing times at work. This appears to vary little according to whether employees are working on a full-time or a part-time basis, with approximately 70 per cent of women having fixed start and finishing times.

However, the negotiation of starting and finishing times provides another indication of whether those with fixed times have been able to arrange preferred working times. The negotiation of start and finish times appears to occur for a minority of employees. As shown in Table 6.1, about two-thirds to three quarters of employees do not negotiate with their employer on this matter. However, female part-time employees

appear to be more likely to negotiate their start and finish times than other groups, with approximately one third of female part-timers negotiating these arrangements with their employer. Again, however, this tells us relatively little about the preferences of other employees: was little negotiation required because working hours were already suited to their requirements? Further, for those who did negotiate their start and finish times, how close were the final arrangements to their preferred working hours?

Perhaps the largest degree of discretion over working hours lies with those who can vary their start and finish times on a daily basis. Estimates in Table 6.1 show that of the proportion of employees with variable start and finish times, the majority have discretion to vary those times on a daily basis. Again such estimates are open to varying interpretation but it would appear that while only 30.3 per cent of part-time and 29.1 per cent of full-time female employees can vary their hours, up to 69 per cent of these employees can vary their arrangements on a regular basis. At an aggregate level, this means that approximately 18 per cent of part-time and 21 per cent of full-time female employees can regularly exercise some discretion over their start and finish times. Slightly higher estimates apply to men: 21 per cent of part-timers and 26 per cent of full-timers responded that they could vary their times on a daily basis.

It should be noted that, in common with several other ABS surveys, this survey includes professional and managerial employees. This makes it difficult to determine the prevalence of specific types of working arrangements among workforce groups with relatively low levels of negotiating capacity or decision-making discretion – features typically associated with highly feminised workforce sectors. The extent to which such discretion is available to all sectors of the workforce is discussed below, with reference to specific tables in *Catalogue 6342.0* which provide disaggregated estimates for employees with varying characteristics and for different industry and occupational classifications.

***Table 2, p.9-11: Employees in Main Job, Leave Entitlements – By Selected Working Arrangements***

This table similar to the table described immediately above. However, instead of categorising employees as part-time or full-time, they are categorised according to whether or not they have leave entitlements.

***Table 3, pages 12-14: Employees in Main Job, Trade Union Membership – By Selected Working Arrangements***

This table presents similar information to the previous two tables but provides estimates according to whether or not employees are members of a trade union.

***Table 4, page 15: Employees in Main Job, Whether Has Children Aged Under 12 Years – By Selected Working Arrangements***

This table lists, for female and male employees, in her/his main job, who have children aged under 12 years or does not have children under 12 years, estimates of those with access to selected working arrangements. Again, there are several interpretations which might be applied to the estimates in this table. However, it does show that males with children under 12 years of age are more likely to have some measure of discretion than females with respect to their start and finish times – as do males working full-time compared with females. Females on fixed start and finish times were more likely to have negotiated these times with their employer.

As with previous estimates however, it is not possible to tell whether the negotiations were perceived as adequate. One of the more interesting aspects of these estimates however, relates to the comparatively lower levels of variable start and finishing times among female employees. It is often posited that women accept lower earnings in exchange for flexible working hours. However, there is little support from these estimates that women experience greater degree of working hour flexibility than men. Some selected estimates are provided in Table 6.2 below.

Table 6.2 Selected indicators of working arrangements for male and female part-time and full-time employees by whether employee has child aged under 12 years

	Start and finish times not fixed			Start and finish times fixed		
	Number '000	% of fixed and not fixed	Variable daily as % of not fixed	Number '000	% of fixed and not fixed	Negotiated with employer as % of fixed
<b>With child aged under 12 years</b>						
Males	449.9	40.2	71.4	670.3	59.8	24.5
Females	264.3	31.6	71.3	571.2	68.4	37.3
<b>Without child aged under 12 years</b>						
Males	1153.3	36.4	65.5	2024.0	63.6	21.7
Females	814.5	29.0	62.1	1991.8	71.0	24.5

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0:15*, Table 4.

***Employees in Main Job, Whether Start and Finish Times are Fixed – By Employee Characteristics (p.16)***

This table provides estimates of the number of females and males whose start and finish times are not fixed, and whether or not they vary daily. It also lists estimates of the number of females and males whose start and finish times are fixed, and whether or not she/he negotiated the start and finish times with her/his employer.

Table 6.3: Indicators of working arrangements for employees by selected age group and household relationship

	Start and finish times not fixed			Start and finish times fixed		
	Number '000	% of fixed and not fixed	Variable daily as % of not fixed	Number '000	% of fixed and not fixed	Negotiated with employer as % of fixed
<b>Sex</b>						
Males	1,605.1	37.3	67.2	2,694.3	62.7	22.3
Females	1,078.8	29.6	64.4	2,563.4	70.4	27.6
<b>Age group</b>						
15-19	103.1	25.5	21.2	300.8	74.5	16.7
20-24	237.0	23.3	40.0	780.1	76.7	19.9
25-34	655.4	32.6	64.5	1,355.0	67.4	24.6
35-44	684.9	35.8	71.7	1,228.2	64.2	28.6
45-54	665.3	38.1	73.3	1,079.7	61.9	26.1
55-69	320.5	38.7	74.4	507.2	61.3	26.6
70 and over	17.7	72.2	90.4	6.8	27.8	42.6
<b>Relationship in household</b>						
Husband wife or partner with dependents	973.5	37.5	72.7	1,621.5	62.5	28.4
Husband wife or partner without dependents	810.7	35.6	69.3	1,466.9	64.4	24.7
Lone parent with dependents	91.1	31.2	63.4	200.5	68.8	34.9
Lone parent without dependents	23.6	28.3	67.4	59.7	71.7	25.9
Lone person	247.4	34.3	69.4	473.1	65.7	24.2
<b>Total</b>	<b>2,683.9</b>	<b>33.8</b>	<b>66.1</b>	<b>5,257.7</b>	<b>66.2</b>	<b>27.9</b>

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0:16*, Table 5

There are some interesting aspects to these estimates. Firstly, the capacity to vary start and finish times appears closely related to age and therefore, it could be expected, years of workforce experience. The percentage of employees who can choose to vary their start and finish times and those who can do so on a daily basis increases with employees' age group. Secondly, lone parents with dependents appear to have a relatively low capacity to choose to vary their start and finish times compared with lone parents without dependents, and those in a couple relationship. Instead, lone parents with dependents appear to rely to a greater extent on negotiated but fixed start and finish times. Even then, it is a large minority of lone parents with dependents (34.9 per cent) who do so. At a general level, there is little indication in these estimates to support the proposition that those who might be in most need of flexible working arrangements are those who are most likely to have access to such arrangements in the workplace. Rather, flexible arrangements appear to be related to aspects of the employment relationship more commonly associated with bargaining or negotiating capacity, such as years of workforce experience. Similar patterns can be noted between males and females, with males more likely to have discretion over start and finish times and females more likely to negotiate fixed start and finish times.

***Table 6, page 17, Employees in Main Job, Whether start and finish times are fixed by job characteristics***

This table provides similar estimates to those provided in the previous tables but in this case, they are disaggregated for different industry sectors and occupational groups to one digit classification levels. Selected estimates are shown in Table 6.4.

Table 6.4: Employee fixed and variable start and finish time by industry sector and occupational classification

	Start and finish times not fixed			Start and finish times fixed	
	Number '000	% of fixed and not fixed	Variable daily as % of not fixed	Number '000	Negotiated with employer as % of fixed
<b>Industry</b>					
Agriculture, forestry and fishing	81.2	50.4	69.7	79.9	29.5
Mining	18.4	21.2	61.4	68.2	13.3
Manufacturing	269.8	27.3	71.6	718.1	18.6
Electricity, gas and water supply	20.0	28.9	71.0	49.2	27.8
Construction	213.5	41.5	65.1	301.3	20.7
Wholesale trade	162.4	40.2	74.6	242.1	29.0
Retail trade	273.9	25.2	48.4	813.0	30.7
Accomm, cafes and restaurants	153.4	38.3	38.5	247.6	29.9
Transport and storage	150.5	40.3	44.1	222.7	23.7
Communication services	56.2	36.2	65.7	99.1	23.9
Finance and insurance	132.4	40.7	83.3	192.9	27.1
Property and business services	404.7	43.3	78.9	530.7	27.4
Government administration and defence	219.4	49.7	86.6	222.3	25.6
Education	166.4	24.8	64.9	503.3	16.4
Health and community services	207.1	23.3	55.9	682.7	25.8
Cultural and recreational services	68.3	38.7	59.3	108.1	30.2
Personal and other services	86.3	32.9	67.9	176.4	29.0
<b>Occupation</b>					
Managers and administrators	326.7	65.4	86.1	172.7	40.9
Professionals	653.5	40.3	78.3	967.4	22.8
Associate professionals	409.2	43.5	75.3	532.1	33.7
Tradespersons and related workers	230.7	24.8	56.7	698.8	19.3
Advanced clerical, sales and service workers	126.6	40.4	82.3	186.6	34.5
Intermediate clerical, sales and service workers	422.6	27.9	59.1	1093.3	27.9
Intermediate production and transport workers	176.6	27.2	35.2	471.7	18.0
Elementary clerical, sales and service workers	1686.3	22.3	30.3	587.0	28.0
Labourers and related workers	169.8	23.7	43.9	548.1	15.5
<b>Total</b>	<b>2683.9</b>	<b>33.8</b>	<b>66.1</b>	<b>5257.7</b>	<b>24.9</b>

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0:17*, Table 6

As with previous estimates, it is far from clear that flexible working arrangements are available to all those who may wish or need to have access. In Table 6.4, as previously, it appears that those with relatively high levels of access to variable start and finish times are those in relatively strong negotiating positions such as professionals, associate professionals, managers and administrators. In contrast, those with relatively lower earnings, such as clerical, sales and service workers are more likely to have fixed start and finish times. At an industry level, both the capacity to choose or negotiate start and finish times appears closely related with the type of work

undertaken within the industry. Industries associated with large scale commodity production, such as mining and manufacturing appear to provide limited access to variable or negotiated start and finish times. Within the service sector, highly feminised sectors such as retail trade, education, health and community services and personal and other services have relatively low levels of access to variable start and finish times. However, these sectors do appear to have close to average rates of negotiated, fixed starting and finishing times.

***Table 7, page 18: Employees in Main Job, Whether Able to Work Extra Hours in Order to Take Time Off – By Employee Characteristics***

While discretion over start and finish times is one form of workplace flexibility, there are a range of other devices that can be used to achieve some flexibility over the pattern of hours spent in paid work. Another relatively common form of flexible workplace arrangements is the capacity to work extra hours on one day at work in order to work fewer hours on another day. The prevalence of this type of arrangement is indicated by estimates of the number of females and males, with varying characteristics, who are able, or not able, to work extra hours in order to take time off.

In general terms, about 41.3 per cent of the workforce can access this type of arrangement. Patterns of access are broadly similar to those outlined above with respect to start and finish times. Older employees have greater access to this provision, males have slightly more access than females and employees in a couple relationship have slightly more access than lone parents with dependents. Again, there is little indication that access to this provision reflects varying needs rather than differences in negotiating or bargaining capacity.

***Table 8, page 19: Employees in Main Job, Whether Able to Work Extra Hours in Order to Take Time Off – By Job Characteristics***

This table is similar to that described immediately above, although in this case access is described by different industry sector or occupational classification. Again, access is broadly similar to that noted for variable or negotiated start and finish times. Those working in clerical, sales, service or labouring occupations have levels of access to

this provision, generally between 27.2 and 31.5 per cent, compared with the average for the workforce (41.3 per cent).

**Table 13, p.24: Employees in Main Job with Children Aged Under 12 Years – By Use of Formal Child Care**

This table takes a number of variables that were provided earlier in the publication, particularly those in Tables 1 and 4 and provides estimates of the number of people with children aged under 12 years who have access to variable start and finish times or negotiated, fixed start and finish times, broken down according to whether or not they used formal child care.

Again, the interpretation that should be placed on these estimates is unclear. For example, is there a reason, *a priori*, to expect that variable start and finish times are either more or less necessary for parents who use formal child care? Whatever the interpretation, it is apparent that there is relatively little variation for these variables depending on whether employees use formal child care. For example, variable start and finish times are available to approximately 40 per cent of full time male employees (with children under 12), regardless of their use of formal child care. Approximately 33.3 per cent of women full-timers who used formal child care had variable times, compared with 28.7 per cent of those who did not use formal child care. Negotiated start and finish times were particularly high among female part-timers, whether or not they used formal child care.

Table 6.5: Selected estimates of employees with children aged under 12 and their access to fixed and variable start and finish times by whether use formal child care

	Full-time			
	Used formal child care		Did not use formal child care	
	Male	Female	Male	Female
	% of full-time males	% of full-time females	% of full-time males	% of full-time females
Start/finish time not fixed	40.9	33.3	39.8	28.7
Start/finish time fixed	59.1	66.7	61.2	71.3
	% of ft males with fixed times	% of ft females with fixed times	% of ft males with fixed times	% of ft females with fixed times
Fixed start/finish times negotiated with employer	25.8	31.1	24.3	26.5
	Part-time			
	Used formal child care		Did not use formal child care	
	Male	Female	Male	Female
	% of part-time males	% of part-time females	% of part-time males	% of part-time females
Start/finish time not fixed	*29.7	32.4	43.0	31.9
Start/finish time fixed	70.3	67.6	57.0	68.1
	% of pt males with fixed times	% of pt females with fixed times	% of pt males with fixed times	% of pt females with fixed times
Fixed start/finish times negotiated with employer	*14.4	42.3	22.5	42.0

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0:24*, Table 13

Notes: \* denotes that estimates used in calculating this percentage had a relatively standard error of 25%-50% and should be used with caution.

### 6.2.2 Child Care, Australia (Catalogue 4402.0)

The close alignment of working arrangements with child-care for parents who work in paid employment means that there are relevant working arrangement indicators to be found in the ABS *Child Care Survey (Catalogue 4402.0)*. This survey is conducted as a supplement to the monthly Labour Force Survey and was been conducted in June 1996, 1999, 2002 and 2005. Two tables that are particularly relevant are detailed below.

**Table 23 page 38: Families With Children Aged 0-12 Year With At Least One Parent Employed: Work Arrangements Used To Care For Child (p.38)**

This table provides estimates of the number of employed mothers and fathers who used alternative work arrangements to care for children between the ages of 0 and 12. Some selected estimates are provided in Table 6.6 below.

**Table 6.6: Families with Children aged 0-12 years with at least on parent employed – Work arrangements used to care for child June 2005**

	Couple families %	One parent families %	All families %
	Families with employed father		
Work arrangements used by father			
Flexible working hours	24.2	52.6	24.7
Permanent part-time work	2.7	*15.1	2.9
Shiftwork	6.0	*8.2	6.0
Work at home	8.6	*17.5	8.7
Other (includes job sharing)	2.4	*5.0	2.5
	Families with employed mother		
Working arrangements used by mother			
Flexible working hours	43.7	42.9	43.6
Permanent part-time work	35.1	36.5	35.3
Shiftwork	8.1	7.9	8.0
Work at home	18.4	9.2	17.2
Job sharing	3.9	3.4	3.8
Other	2.4	*2.8	2.5
	All families with at least one parent employed		
Working arrangements used by either parent			
Flexible working hours	40.8	44.4	41.2
Permanent part-time work	24.4	33.6	25.3
Shiftwork	9.8	8.0	9.6
Work at home	16.7	10.4	16.1
Job sharing	3.0	3.0	3.0
Other	2.8	3.0	2.8

Source: Australian Bureau of Statistics (2006a) *Child Care Australia 4402.0:38*, Table 23

**Table 30, page 46 Families With Children Aged 0-11 Year With At Least One**

**Parent Employed: Work Arrangements Used To Care For Child**

This table lists similar estimates to those in the preceding table for March 1996, June 1999, June 2002, and June 2005. Estimates for the total proportion of families using work arrangements to provide child care are shown in Table 7.7 below.

**Table 6.7: Families with Children aged 0-12 years with at least on parent employed – Work arrangements used to care for child March 1996- June 2005**

	March 1996 %	June 1999 %	June 2002 %	June 2005 %
	Families with employed father			
Families where father used work arrangements	26.1	26.7	30.0	34.0
	Families with employed mother			
Families where mother used work arrangements	68.7	67.8	70.4	74.3
	All families with at least one parent employed			
Working arrangements used by either parent	52.3	52.9	56.2	61.3

Source: Australian Bureau of Statistics (2006a) *Child Care Australia 4420.0:46*, Table 30

## **6.3 Office of the Employment Advocate Publications**

### **6.3.1 Agreement Making under the Workplace Relations Act 2002 and 2003**

#### *Collective Agreements*

DEWR information about working hour arrangements in collective agreements on an industry basis provides an interesting comparison with ABS estimates. In Table 7.8 below, ABS estimates of variable start and finishing times are contrasted with working hour arrangements stated in collective agreements. As can be readily seen, the estimates vary considerably.

There are a wide range of possible reasons for the discrepancies. Firstly, the DEWR estimates are collected directly from the provisions formally documented in collective agreements. In comparison, the ABS estimates are formed as a result of survey data in which respondents are asked directly about their work practices. It is possible that actual work practices are considerably more flexible than is evident from formal documentation alone. Secondly, the two groups of estimates cover different populations. As noted previously, ABS estimates include professional and managerial employees who are unlikely to be covered by the collective agreements used to form the DEWR estimates. To some extent, it is possible that part of the discrepancy lies with the added flexibility that professional and managerial employees may exercise over their starting and finishing times.

In any case, the estimates in Table 6.8 provide an example of the caution that needs to be exercised in attempting to determine the flexibility available in different workplaces by reference to formal agreements alone. Not only might the interpretation applied to specific examples of "flexibility" vary between employees and workplaces but the extent to which formal estimates accurately reflect the availability of specific working arrangements may vary from practice.

Table 6.8: Comparison of ABS and DEWR estimates of start and finish time arrangements by industry sector

	ABS estimates	DEWR estimates			
	Start and finish times not fixed%	Flexible start and finishing times %	Management may alter hours %	Hours of work may be varied after consultation %	Hours of work may be negotiated %
<b>Industry</b>					
Agriculture, forestry and fishing	50.4	4	4	5	7
Mining	21.2	3	6	10	3
Manufacturing	27.3	7	3	6	7
Electricity, gas and water supply	28.9	16	1	1	13
Construction	41.5	2	1	10	5
Wholesale trade	40.2	2	9	4	9
Retail trade	25.2	3	9	4	6
Accomm, cafes and restaurants	38.3	1	10	6	3
Transport and storage	40.3	8	4	3	6
Communication services	36.2	14	14	-	11
Finance and insurance	40.7	14	4	7	10
Property and business services	43.3	3	3	2	8
Government administration and defence	49.7	17	5	4	16
Education	24.8	8	1	5	6
Health and community services	23.3	3	1	2	3
Cultural and recreational services	38.7	13	3	3	8
Personal and other services	32.9	4	4	3	5
	<b>33.8</b>	<b>4</b>	<b>2</b>	<b>7</b>	<b>6</b>

Sources: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0:17*; DEWR & OEA (2004):123

### *Australian Workplace Agreements*

The reporting of AWA provisions on working hours was covered in the previous chapter and there is little to add to that discussion. AWA provisions relevant to “family friendly” provisions are discussed in Chapter 8, on leave entitlements.

## **6.4 Queensland Workplace Industrial Relations Survey**

QWIRS contains some indicators relevant to the availability of “flexi-time” as a work and family policy. In the context of QWIRS, flexi-time refers to the capacity to make up for missed work time at a later date. Award only workplaces were relatively less likely to have this provision than other workplaces, as shown in Table 6.9 below.

Table 6.9: Queensland, Prevalence of flex-time and informal arrangements as work and family practices, by dominant pay method, 2005

	Flexi -time %	Informal individual arrangements %
All workplaces	55	6
Dominant pay method		
Award only >60%	41	6
Over-award > 60%	63	9
Collective agreement >60%	51	0
Individual agreement >60%	59	7
Other > 60%	100	0
No dominant system	52	6

Source: QWIRS (Watson, 2005:47 Table A.39)

Without further contextual information it is difficult to know the possible interpretations of these estimates, for example the above estimates alone cannot provide answers to questions such as: Are “award only” workplaces less flexible (and if so, for whom)? Does the lower number of average hours mean that less flexibility is required in award only workplaces?

## 6.5 The Household, Income and Labour Dynamics in Australia (HILDA) Survey

The HILDA survey contains information relevant to the availability of flexible start and finish times. Table 6.10 shows estimates of the availability of such flexibility for non managerial employees, working full-time or part-time.

Table 6.10: Flexible Start/Finish Times for Non-Manual Employed Persons in main job, Australia, 2004

	All		Full-time		Part-time	
	Male %	Female %	Male %	Female %	Male %	Female %
Flexible start/finish times not available	37.3	33.4	39.7	34.0	26.9	32.9
Flexible start/finish times available	37.9	44.6	37.7	45.0	38.6	44.2
Don't know if flexible times available	8.5	9.1	7.4	9.0	13.2	9.2
Other response	16.3	12.9	15.2	12.0	21.2	13.7

Source: HILDA survey, Wave 4, 2004. Excludes employees with ASCO codes commencing with 1 or 2. Notes: Population weighted sample, N= 5,373

While the above information is interesting, one of the advantages of the HILDA data set is that it tracks the same individuals through time. Thus, the main interest from the survey may lie in estimates showing changes in the number and pattern of working hours for individuals during progressive waves of the survey. For example, it may be possible to discern whether work arrangements such as split shifts or varying working days become prevalent among employees who did not previously have such arrangements.

## **7 Casual Employment**

### **7.1 Introduction**

Women's overrepresentation in the part-time and casual sectors of the labour market was discussed in Chapter 4. This section of the report reviews currently available information for different forms of employment, particularly casual employment. About one quarter of women employees are employed on a casual basis. "Casual" employment has traditionally been used as a term that refers to something other than "permanent" employment. "Permanent" employment is generally considered to be ongoing over several weeks, months or years with permanent employees accruing benefits, such as annual leave, that are in addition to their wage entitlements. "Casual" employment generally denotes payment on an hourly basis, with a higher hourly wage rate in lieu of access to employment related benefits such as annual leave. In recent years the relationship between casual employment and access to various forms of paid leave has become a little more complex (ABS *Catalogue 6102.0*: 44). However, the close association of casual employment with low access to forms of paid leave has resulted in the Australian Bureau of Statistics using the category of "employees without leave entitlements" as a proxy measure of casual employment. In the following discussion, the term "casual" is used as a colloquial abbreviation for "employees without leave entitlements". This means that "non-casual" or permanent employees may be either full-time or part-time – the distinguishing feature of casual employees is their lack of access to leave entitlements, not the total number of hours worked.

### **7.2 Australian Bureau of Statistics, Forms of Employment (Catalogue 6359.0)**

The ABS undertakes a "Survey of Forms of Employment" as a supplement to its monthly Labour Force Survey. The survey was first undertaken in 1998 and then subsequently in 2001 and 2004. The ABS website does not provide details of future plans for this survey. The survey provides a range of details about the extent to which males and females engage in casual employment and provides industry and occupational information about the prevalence of casual employment. It also provides some information about employees' expectations of tenure. There is no information providing details about the prevalence of forms of employment according to the type

of employment contract used. This makes it difficult to determine whether AWAs or collective agreements are more or less likely to be associated with casual employment.

An interesting feature of *Catalogue 6359.0* is that it contains estimates of the number of persons who work as owner managers of both incorporated and unincorporated enterprises and whether their enterprise has employees. This has some relevance to the new workplace regulatory framework because the supporting legislation is based on the federal government's constitutional jurisdiction over "constitutional corporations". Information from this publication may provide one potential indicator as to whether employers are incorporating in order to access federal workplace regulations.

The following sections outline the key information in this publication related to women working in specific areas identified at the start of this report: child care, cleaning, retail trade, cafes and restaurants, and aged care.

***Table 1 pages 7-8: Employed Persons Aged 15-69 Years, Employment Type – August 1998 to November 2004***

This table lists the number and percentage of males and females in the workforce who have specific types of employment type:

- Employees with leave entitlements;
- Employees without leave entitlements;
- Owner managers of incorporated enterprises; and
- Owner managers of unincorporated enterprises.

Selected information from this table is contained in Table 7.1 below. It shows that the predominant form of employment for both males and females is that of "employment with leave entitlements". However there are notable differences between males and females, particularly the relatively high rate of casual work in the female workforce: 26.1 per cent for females compared with 16.1 per cent for males.

Table 7.1: Employed persons aged 15-69 years, employment type August 1998-August 2004

	August 1998		August 2001		August 2004	
	Males %	Females %	Males %	Females %	Males %	Females %
Employees with paid leave entitlements	61.7	59.8	60.7	60.7	59.4	60.4
Employees without paid leave entitlements	15.1	26.7	15.1	25.9	16.1	26.1
Owner managers of incorporated enterprises	7.8	4.2	8.9	4.4	9.3	4.3
Owner managers of unincorporated enterprises	15.5	9.3	15.2	9.0	15.1	9.2

Source: Australian Bureau of Statistics (2004b) *Forms of Employment 6359.0:7-9*, Table 1

**Table 2, pages 9-10: Employed Persons, Employment Type, By Selected Personal Characteristics**

This table lists, for selected personal characteristics (*i.e. relationship in household, age group (mainly 5 year cohorts), and country of birth*), estimates of the number of females, males, and persons with, and without, paid leave entitlements. Table 7.2 provides selected estimates to show that among those with partners and among lone parents, casual employment is relatively more common for those with dependants. In particular, female lone parents with dependants are more likely to have casual forms of employment.

Table 7.2: Employed persons, casual employment by selected personal characteristics

	% of people with these characteristics who are employees without paid leave entitlements	
	Males	Females
Husband, wife or partner with dependants	7.9	21.2
Husband, wife or partner without dependants	11.1	18.6
Lone parent with dependants	19.1	30.5
Lone parent without dependants	11.0*	21.0

Source: Australian Bureau of Statistics (2004b) *Forms of Employment 6359.0:10-11*, Table 2

**Table 3, pages 12 -14 Employed Persons, Employment Type, By Industry and Occupation**

This table provides a breakdown of forms of employment by industry and occupational classification to the one digit ANZSIC and ACSO levels. The percentage of males and females in casual employment in each industry sector or occupational classification is shown below in Table 7.3, and those with above average levels of casualisation have been shaded. It should be noted that over a quarter of female employed persons are casuals, with rates approaching 60 per cent of females working in the accommodation, cafes and restaurant sector working as casual employees (compared with 40.4 per cent of males). As has proven the case throughout this report, those in the occupational and industry classifications of interest in this report

are among the sectors with the lowest incidence of entitlements, in this case to paid leave.

**Table 7.3: Employed persons, per cent in casual employment by industry and occupation**

Industry	Employees without leave entitlements as % of employees in sector	
	Males %	Females %
Agric, forestry and fishing	17.4	22.4
Mining	11.7	12.5*
Manufacturing	10.4	22.2
Electricity, gas, water	7.1*	5.3**
Construction	13.2	14.4
Wholesale trade	9.9	16.6
Retail trade	30.9	46.6
Accom, cafes, restaurants	40.4	57.9
Transport and storage	17.2	20.3
Communication services	13.3	15.4
Finance and insurance	4.8	7.9
Property and business services	15.3	20.3
Government, admin and defence	7.1	9.1
Education	13.3	18.3
Health and community services	11.6	18.3
Cultural and recreational services	22.6	44.6
Personal and other services	9.7	20.0
<b>Occupation</b>		
Managers and administrators	2.5	5.2
Professionals	7.7	12.1
Associate professionals	6.9	11.9
Tradespersons and related workers	10.6	27.3
Advanced clerical and service workers	12.9	12.4
Intermediate clerical, sales and service workers	17.6	28.0
Intermediate production and transport workers	23.4	37.1
Elementary clerical, sales and service workers	48.5	58.3
Labourers and related workers	37.1	45.3
Total	16.2	26.1

Source: Australian Bureau of Statistics (2004b) *Forms of Employment 6359.0:12-13*, Table 3

***Table 4, page 15: Employed persons, whether works on a contract basis by industry and occupation***

In some cases people are employed on a “contract basis”, meaning that they are employed to undertake a particular basis or provide a particular service for an agreed price. In previous decades such work was more closely aligned with a worker being designated an individual contractor rather than employee. However, in more recent years this distinction has become somewhat blurred. This aspect of the publication is an interesting, although not especially relevant feature of the available estimates, as “contract employees” would not usually be covered by the types of employment agreements that form the basis of the new workplace regulatory framework. The

existence of such information is noted in the following paragraphs but not discussed in detail.

**Table 5, page 16: Employed Persons, Employment Type, By Selected Employment Characteristics**

This table provides a breakdown of the percentage of people in different forms of employment who have selected job characteristics, including: the number of hours worked in their main job, the length of time they have spent with their current employer or business and their expected of future employment with their current employer or business. Some selected estimates are provided below in Table 7.4, which shows that females employed on a casual basis have particularly high levels of expectations that they will not be working with the same employer in 12 months time. In general terms, the estimates illustrate lower rates of employment continuity among casual employees, particularly among casual female employees.

**Table 7.4: Persons employed on a casual basis – selected employment characteristics**

Employment characteristic	Males		Females	
	% of male employees	% of males employees with this employment characteristic who are casual	% of female employees	% of female employees with this employment characteristic who are casual
Number of hours worked				
Worked less than 35 hours	30.6	34.1	56.9	38.9
Worked 35 hours or more	69.4	8.3	43.1	9.2
Continuous duration with current employer				
Under 1 year	22.1	37.0	24.8	47.4
Does not expect to be with current employer in 12 months	9.4	41.8	11.2	50.8

Source: Australian Bureau of Statistics (2004b) *Forms of Employment 6359.0:16-17*, Table 5

**Table 6, pages 19-21: Employed Persons, Whether Works on a Contract Basis, By Selected Employment Characteristics (p.19)**

As noted above, the type of contract basis has limited immediate relevance to the current project.

***Table 7, pages 22 - 23: Employed Persons, State and Territory of Usual Residence, By Selected Employment Characteristics***

This table provides estimates of the number of people resident in each state or territory that have particular forms of employment. However, as the estimates are based on place of residence rather than industrial relations jurisdiction they have limited relevance to this report.

***Table 8. page 24: Employees, Leave Entitlements - By Selected Employment Arrangements***

As noted in the introduction to this chapter, leave entitlements are a key variable defining casual employment. Despite this, there are some casual employees who are entitled to some forms of paid leave. This is discussed more fully in the following chapter.

## **7.3 Office of the Employment Advocate Publications**

### ***7.3.1 Agreement making in Australia under the Workplace Relations Act 2002 and 2003***

#### ***Collective Agreements***

The Department of Employment and Workplace Relations provides information on the prevalence of provisions relevant to casual employment. The report notes that 76 per cent of collective agreements contain provisions relevant to casual employment, some of which include:

- Provisions covering the hours that can be worked by casuals, quotas of casual workers and minimum weekly wages for casuals (23 per cent);
- Wage loadings for casuals (48 per cent); and
- Provisions for casuals to be transferred to permanent status (15 per cent).

A high incidence of casual employment provisions was noted in the industry classifications of finance and communications, communication services, accommodation, cafes and restaurants and health and community services. This is tentatively attributed to both the operational needs of these industries and the preference of employees.

Unfortunately, the prevalence of a specific provision about casual employment within agreements provides little information about the number of casual employees working under the terms of that agreement. Similarly, the fact that 48 per cent of collective agreements contain clauses relevant to wage loadings for casuals gives us little insight into the actual quantum of those payments. In Table 7.5 below, DEWR information about casual employment in collective agreements for different industries is provided. Perhaps one of the more interesting features of this information is that industries in which there is a relatively strong union presence are more likely to contain some form of restriction or quota on the use of casual hiring.

**Table 7.5: Type of casual employment provisions in Collective Agreements**

Industry	Casual employment provision in CA			
	Casual employment %	Casual employee quotas %	Casual employee loading quantum %	Casuals transferred to permanent status %
Agriculture, forestry and fishing	80	7	40	11
Mining	62	3	46	7
Manufacturing	73	10	39	19
Electricity, gas and water supply	58	5	48	5
Construction	82	38	57	17
Wholesale trade	75	4	49	11
Retail trade	74	9	51	11
Accomm, cafes and restaurants	82	8	55	10
Transport and storage	68	6	45	13
Communication services	92	5	57	11
Finance and insurance	75	11	53	9
Property and business services	68	8	43	8
Government administration and defence	49	3	24	5
Education	66	9	39	6
Health and community services	66	4	28	7
Cultural and recreational services	72	2	57	8
Personal and other services	70	12	45	16
<b>All industries</b>	<b>76</b>	<b>23</b>	<b>48</b>	<b>15</b>

Source: DEWR & OEA (2004):120

### ***Australian Workplace Agreements***

A search for the term “casual” in the AWA section of the report reveals the following details: Approximately 25 per cent of employees working under the provisions of AWAs are casual employees (DEWR & OEA, 2004:88). The rate of casual employment among females is higher (26 per cent) than for males (20 per cent). Part-time work is also more prevalent among females (18 per cent compared with 11 per

cent) (DEWR & OEA, 2004:100). Approximately one in four casuals on AWAs worked less than 35 hours a week, while one in eight worked on a full time basis (p.101). Young employees aged under 21 years on AWAs are more likely to be casual than older employees (40 per cent compared with 20 per cent) (p. 103). No further details relating to casuals were revealed in the AWA part of the report.

## 7.4 Queensland Workplace Industrial Relations Survey

Most of the information in QWIRS that refers to casual employment was previously discussed in section 5.6. However, the estimates reproduced in Table 7.6 below show a similar concentration of casual employment in the same industry groupings as those identified in ABS estimates. Table 8.6 shows that casual employees make up over 40 per cent of the workforce in 37 per cent of retail trade workplaces and 51 per cent of recreational and personal services workplaces. Retail trade workplaces are, however, less likely to pay casual loadings and of, industry groups, are the third most likely to pay casual loadings of less than 20 per cent.

Table 7.6: Queensland, prevalence of casual workforce and payment of casual loadings by industry group, 2005

Industry Group	Casual		Casual loading paid %	Range in % loadings		
	<10%	>40%		<=20 %	21<24 %	=>25%
Mining and utilities	79	6	78	54	10	37
Manufacturing	62	15	94	42	47	10
Construction	71	4	74	23	70	7
Transport and wholesale trade	60	14	80	39	35	26
Retail trade	40	37	67	41	42	17
Finance, insur and business services	73	6	82	20	58	23
Health and education	44	14	77	19	72	9
Recreational and personal services	27	51	81	19	25	56

Source: QWIRS (Watson, 2005:23, Table A.16 and 45, Table A.37)

These estimates may provide a future benchmark for monitoring whether casual loadings become absorbed into standard hourly wage rates in future collective and/or individual agreements.

## 7.5 The Household Income and Labour Dynamics in Australia (HILDA) Survey

HILDA data provides information on both occupational classification at two digit ASCO level and on casual employment tenure for respondents. This makes it possible to estimate the extent of casualisation among specific groups of workers, as shown in Table 7.6 below. While these estimates have some relevance to current discussions of women's workforce status, their key advantage might be in future waves of the survey. The longitudinal nature of the data means that it will be possible to track shifts between casual and other forms of employment for specific individuals. Thus if new workplace regulations lead to significant shifts to (or from) casual employment, this might show up in future HILDA surveys. This may prove a useful project as further HILDA surveys become available.

Table 7.6: Proportion (%) of employed persons working as casuals for selected occupational classifications, males and females, Australia 2004

	Males	Females
63 Intermediate service workers	42.1	48.1
82 Elementary sales workers	43.6	60.2
91 Cleaners	29.3	45.3

Source: HILDA, Wave 4, 2004. Note: Population weighted sample, N= 646

## 8 Leave Entitlements

### 8.1 Introduction

As noted in the previous chapter, entitlement to various forms of leave is one of the distinguishing characteristics of permanent employment compared with casual employment. This section of the report focuses on the availability of different forms of leave and the extent to which they are accessible to different groups of employees.

### 8.2 Australian Bureau of Statistics

#### 8.2.1 *Employee Earnings, Benefits and Trade Union Membership Survey (Catalogue 6310.0)*

The key features of this publication are discussed earlier in this report (see section 3.1.3). *Catalogue 6310.0* contains a range of useful estimates relevant to leave entitlements for different groups of employees.

***Table 8, page 19: Employees in Main Job, Weekly Earnings in Main Job – By Leave Entitlement in Main Job***

This table shows the distribution of weekly earnings for female and male employees, working full-time and part-time according to whether they have leave entitlements. This is important because, as noted in the previous chapter, those who are employed on a casual basis are generally paid extra to compensate for their lack of access to paid leave provisions. The information in *Catalogue 6310.0* shows that despite the common payment of a loading, casual employees are over represented in the lower earnings brackets. Similarly, median and mean earnings are lower among those without leave entitlements, as shown in Table 8.1 below.

Table 8.1: Employees in Main Job – Weekly Earnings by Leave Entitlements

	Median and Mean Weekly Earnings in Main Job \$			
	With leave entitlements		Without leave entitlements	
	Males	Females	Males	Females
Full-time Employees - Median	918	786	750	610
Full-time Employees – Mean	1,065	869	931	728
Part-time Employees – Median	420	450	200	205
Part-time Employees – Mean	528	489	275	270

Source: (Australian Bureau of Statistics, 2006b:19, Table 8)

**Table 12, page 31: Employee in Main Job, Type of Leave Benefit – By Selected Characteristics, including industry and occupation classification**

This table lists for selected characteristics (*i.e. Specified weekly earnings ranges in main job, Industry division, Major occupational group, Full-time or part-time in main job, and Main job in private or public sector*), estimates of the percentage of females, males, and persons who have holiday leave, sick leave, long service leave, maternity/paternity leave, one or more leave benefits, all leave benefits, or no leave benefits. Table 8.2 is adapted from the estimates listed in *Catalogue 6310.0*. It lists estimates of the percentage of females and males who have access to holiday leave, sick leave, long service leave, and maternity/paternity leave, according to their industry and occupational classifications.

**Table 8.2: Male and female employees in main job: Types of paid leave benefits for selected industries and occupations**

	Holiday leave		Sick leave		Long service leave		Paid maternity/paternity leave	
	M %	F%	M%	F%	M%	F%	M%	F%
Industry								
Retail trade	62.4	46.9	62.4	47.2	52.6	40.9	19.8	19.3
Accom, cafes, restaurants	48.7	28.5	47.4	28.4	36.3	26.3	17.1	13.7
Health and community services	76.3	78.3	76.3	78.5	70.2	73.7	37.7	49.4
Personal and other services	80.2	69.0	79.6	69.0	75.8	53.1	47.1	35.3
Occupation								
Intermediate clerical, sales and service workers	77.3	67.2	77.1	68.1	69.8	60.9	33.4	37.8
Elementary clerical, sales and service workers	51.0	39.3	51.4	39.7	44.7	36.3	19.6	18.7
Labourers and related workers	55.9	46.5	55.6	46.9	47.1	45.3	17.7	22.0
Total	75.9	67.8	75.8	68.2	66.9	62.1	31.5	41.0

Source: Australian Bureau of Statistics (2006b) Employee *Earnings Benefits and Trade Union Membership* 6310.0:31-32

**Table 13, page 34: Employees in Main Job, Leave Entitlements in Main Job – By Selected Characteristics**

**Table 14, page 35: Employees in Main Job, Without Leave Entitlements<sup>13</sup> in Main Job – By Selected Characteristics (p.35)**

Table 13 compares the number of owner managers of incorporated enterprises who have leave entitlements with the number of other employees with leave entitlements.

<sup>13</sup> The same as footnote 3.

Table 14 provides similar information to that illustrated in Table 8.2 above; however, it gives the number of people in each industry classification rather than the percentage of people with an entitlement.

### **8.2.2 Working Arrangements (Catalogue 6342.0)**

The main focus of *Catalogue 6342.0* is the arrangement of working hours. It covers issues such as the flexibility of daily start and finish times at work and whether working hours are negotiated with employers. However, table 14, on page 26 of this publication contains some information on the use of leave entitlements for covering various forms of absence from work. The types of leave taken are not matched against the specific reasons for absence from work. However, the estimates illustrate that there the number of persons who were absent for “family” reasons substantially exceeded the number who took parental or carers leave. Absences from work due to pregnancy was included in the category of “own health/physical disability” and in November 2003 12,000 women had such an absence. Some selected estimates are included below in Table 8.3 to illustrate the type of information available.

Table 8.3: Employees who had an absence from their main job in last two weeks, selected reasons and leave details

	Males '000	Females '000
Main reason for most recent absence		
Own ill-health/physical disability	250.0	259.8
Caring for ill/disabled children	12.9	22.4
Caring for other ill/aged/disabled family member	16.6	13.9
Other family reason	28.3	21.2
Type of leave taken for most recent absence		
Maternity/paternity leave	4.4	15.6
Parental/carers leave	14.4	14.7
Total employees who had an absence	842.0	758.9

Source: Australian Bureau of Statistics (2004c) *Working Arrangements 6342.0.26*

### **8.2.3 Forms of Employment (Catalogue 6359.0)**

This publication was discussed more fully in Chapter 7, which discussed casual employment. As casual employment is typically defined by the lack of an entitlement to paid leave this publication contains a number of tables relevant to the discussion of paid leave. Most of these were discussed in the previous chapter. However, Table 8 on page 24 contains some information that demonstrates that there are a number of “casual” employees who have some entitlement to paid leave. Conversely, the

estimates also show that there are employees who do not consider that they are casual who are not entitled to paid holiday or sick leave. A selection of estimates is provided in Table 8.4 below.

The information provided in Table 8.4 is interesting for a couple of reasons. Firstly, it shows that 15.6 per cent of males and 8.9 per cent of females who do not consider that they are casual employees do not have an entitlement to paid holiday or sick leave. Secondly, it shows that 97.7 per cent of employees with leave entitlements do not consider themselves to be casual employees. These estimates may provide an interesting source of information in the future if it becomes common practice to trade leave entitlements for additional pay under the terms of AWAs. If this is the case, it may be possible to observe an increase in the number of “non casuals” without leave entitlements. It would be useful however, if there was a method of measuring the extent of entitlements rather than only its presence or absence. The format of this information does not currently allow for monitoring a change from, for example, four weeks paid annual leave to two weeks.

Table 8.4 Selected employees leave entitlements by working arrangements

	Employees with leave entitlements %		Employees without leave entitlements %	
	Males	Females	Males	Females
Whether entitled to paid holiday leave				
Entitled to paid holiday leave	98.8	98.7	-	-
Not entitled to paid holiday leave	1.0	1.2	95.1	97.6
Did not know	0.3	*0.2	4.9	2.4
Whether entitled to paid sick leave				
Entitled to paid sick leave	99.0	99.0	-	-
Not entitled to paid sick leave	0.7	0.7	94.6	97.4
Did not know	0.3	0.2	6.4	2.6
Whether entitled to long service leave				
Entitled to long service leave	88.7	88.6	5.0	4.4
Not entitled to long service leave	3.7	3.7	87.9	91.1
Did not know	7.6	7.7	7.0	4.5
Whether entitled to paid maternity/paternity leave				
Entitled to paid maternity/paternity leave	45.8	64.1	*0.1	*0.2
Not entitled to paid maternity/paternity leave	19.9	15.5	94.4	96.4
Did not know	34.3	20.4	5.4	3.4
Whether considers job to be casual				
Considers job to be casual	2.3	4.3	84.4	91.1
Does not consider job to be casual	97.7	95.7	15.6	8.9

Source: Australian Bureau of Statistics (2004b) *Forms of Employment 6359.0:25*, Table 8

### 8.3 Office of the Employment Advocate Publications

#### 8.3.1 Agreement making in Australia under the Workplace Relations Act 2002-2003

Collective agreements monitored by the Department of Employment and Workplace Relations (DEWR) commonly contain provisions relevant to paid leave entitlements. A summary of the prevalence of leave provisions in collective agreements and the per cent of employees covered is given in Table 8.5. However, as DEWR note, it is important to recognise that these estimates do not necessarily indicate actual access to particular leave provisions. The presence of a provision in an agreement does not indicate the extent to which it is used nor does its presence indicate the specific content of the provision in specific agreements. Additionally, an absent condition might be contained in another document, such as a previous agreement or human resources policy or practices. In this respect it is interesting to note that sick leave is not mentioned in DEWR report of leave provisions. Despite these limitations,

estimates indicate that female employees have relatively favourable access to leave provisions in collective agreements.

**Table 8.5 Main Leave Provisions in Collective Agreements**

Provision	% of Collective Agreements	% of Employees Covered	% of female employees covered	% of male employees covered
Long Service Leave	66	75	78	71
Annual Leave	60	76	81	77
Personal/Carer's Leave	80	76	82	76
Parental Leave	12	44	44	48

Source: DEWR & OEA (2004):49 and 68

The DEWR information on collective agreements also provides details about types of leave that have been identified as “family friendly” employment provisions. While these are not as prevalent as the forms of leave identified above, they provide some indication on the range of leave arrangements that currently exist within collective agreements. Further, in contrast with some other sections of the report, the average entitlements to specific forms of leave are recorded in addition to their prevalence within collective agreements. Information relevant to paid family friendly leave provisions, by industry classification, is contained in Table 8.6 and further detail is available in Appendix C3 of the DEWR report.

**Table 8.6: Paid family leave provisions in Collective Agreements by industry 2002-2003**

Industry	Paid family leave		Access to leave for other caring purposes		Paid maternity/primary carer's leave		Paid paternity/Secondary carer's leave	
	% of collective agreements	No of days	% of collective agreements	No of days	% of collective agreements	No of weeks	% of collective agreements	No of weeks
Agric, forestry and fishing	5	4.5	39	6.6	7	8.3	3	2.0
Mining	4	2.6	27	5.6	2	6.3	2	1.8
Manufacturing	4	5.2	24	5.6	9	6.5	6	1.8
Elect gas and water supply	5	5.0	34	8.8	40	9.3	27	1.3
Construction	1	3.8	4	4.9	2	5.4	2	1.1
Wholesale trade	9	3.0	36	5.0	5	4.7	5	1.1
Retail trade	17	3.4	58	5.0	4	6.0	2	1.2
Accom cafes and restaurants	8	4.4	52	5.1	11	6.3	3	1.0
Transport and storage	8	4.5	26	5.8	6	6.6	3	1.3
Communication services	11	3.5	51	4.7	32	5.8	16	1.3
Finance and insurance	20	4.9	56	6.1	52	7.5	37	2.7
Property and business services	5	4.2	31	5.4	10	7.7	6	1.9
Govt admin and defence	9	4.5	44	5.5	44	10.5	25	1.7
Education	14	5.3	60	8.0	56	10.3	43	1.9
Health and community services	4	4.6	27	6.1	40	5.2	29	1.1
Cultural and recreational services	16	3.9	43	5.1	33	10.4	20	1.2
Personal and other services	6	4.4	33	5.4	18	6.4	12	1.1
All industries	4	4.4	18	5.7	10	7.2	7	1.5

Source: DEWR & OEA (2004):127

### ***Australian Workplace Agreements***

As with collective agreements, the absence of a provision from an AWA does not necessarily mean that a specific provision is not available to an AWA employee. It is possible, in the case of annual or long service leave for example, that relevant State or award provisions apply where there is no relevant AWA provision. So, for example, while annual leave provisions are present in 59 per cent of AWAs, these provisions do not necessarily relate only to leave entitlements. Rather, it is possible that the existence of an “annual leave” provision may be a clause relating to the option to pay out annual leave rather than taking holidays. The incidence of such provisions with reference to annual leave is indicated in the OEA’s report and reproduced below as Table 8.7.

Table 8.7: Incidence of specific annual leave provisions in AWAs 2002-03

Provision	% of AWAs
Option to pay out annual leave during employment	17
Annual leave must be taken	5
Employer may determine when annual leave is taken	17
Additional pay/leave if public holiday falls during annual leave	5

Source: DEWR & OEA (2004):93

Other information about AWA leave provisions includes:

- 61 per cent contain sick leave entitlements of 10 days per year.
- 4 per cent contain sick leave entitlements of 5 days per year.
- 5 per cent contain sick leave entitlements of more than 10 days.
- Most long service leave provisions either confirmed statutory obligations or referred to an award or other document for defining entitlements.
- 5 per cent contained a provision for cashing out long service leave.

In addition, a variety of leave provisions are defined as “family friendly” entitlements. Most commonly this was bereavement leave (in 49 per cent of AWAs), family or carer’s leave (25 per cent), the option of taking sick leave as family/carer’s leave (17 per cent) or parental leave (24 per cent). Other provisions that were less frequently mentioned include paid maternity leave (8 per cent), paid paternity leave (5 per cent) and options relevant to additional maternity leave (1 per cent) (DEWR & OEA, 2004:95). Males are more likely to have access to a family friendly leave provision (66 per cent coverage) compared with females (52 per cent) (DEWR & OEA, 2004:101).

## 8.4 Queensland Workplace Industrial Relations Survey

Most of the relevant QWIRS information about leave entitlements is contained within two tables, which cover employment related entitlements and access to family policies and practices. Paid maternity leave and annual leave loadings are among the employment related entitlements covered by the survey and survey estimates of the availability of these entitlements is produced in Table 8.8 below, according to the dominant pay method used in workplaces. Other indicators of access of leave provisions are available in a table which indicates access to various forms of leave as

a method of family policies and practices. Selected indicators are included in Table 8.9 below.

Table 8.8: Queensland, Selected entitlements of non-managerial employees, by dominant pay method, 2005

	Paid maternity leave %	Annual leave loading %
All workplaces	22	76
Dominant pay method		
Award only >60%	17	67
Over-award > 60%	17	85
Collective agreement >60%	26	78
Individual agreement >60%	35	62
Other > 60%	0	100
No dominant system	27	84

Source: QWIRS (Watson, 2005:46 Table A.38)

Table 8.9: Queensland, Prevalence of leave provisions available as work and family practices, by dominant pay method, 2005

	Family or carer's leave %	Paid sick leave %	Annual leave %	Unpaid leave %
All workplaces	51	75	80	84
Dominant pay method				
Award only >60%	39	63	65	76
Over-award > 60%	53	72	86	82
Collective agreement >60%	55	78	82	94
Individual agreement >60%	53	80	76	88
Other > 60%	41	77	100	100
No dominant system	56	86	85	83

Source: QWIRS (Watson, 2005:47 Table A.39)

## 8.5 The Household Income and Labour Dynamics in Australia (HILDA) Survey

The HILDA survey contains variables relevant to the availability of specific leave provisions and estimates of access to maternity leave, parental leave and special leave are provided in Table 8.10. Perhaps the most surprising aspect of the estimates is the relatively large proportion of respondents who don't know whether they have an entitlement to these forms of leave. As illustrated in the table below, it is not uncommon for about a quarter to one third of respondents to give this answer. Further, particularly large numbers of respondents record "other" responses<sup>14</sup>. As a result, the

<sup>14</sup> "Other responses" include any response other than "yes, no or don't know". That is, they include refusals to answer, cases where the question wasn't asked, invalid responses and so on. Because of the unusually high number of "other" responses, they have been included in this instance.

number of people recording an entitlement to some specific provisions seems unexpectedly low. For example, only 46 per cent of women employed full time recorded an entitlement to unpaid maternity leave. Whether this is related to issues such as respondents perceiving the question as “not applicable” to their circumstances requires further investigation. However, at first glance the estimates appear to suggest a relatively low level of awareness of entitlements to some forms of leave.

Table8.10: Types of leave available to non-managerial employed persons, Australia 2004

Type of leave available	All		Full-time		Part-time	
	Male %	Female %	Male %	Female %	Male %	Female %
Paid maternity/paternity leave						
Yes	21.3	23.0	25.0	32.8	5.9	15.0
No	36.9	39.9	34.5	33.9	47.2	44.8
Don't know	25.3	24.0	25.4	20.9	25.0	26.4
Other responses	16.4	13.2	15.1	12.3	21.9	13.8
Unpaid maternity/paternity leave						
Yes	27.6	38.7	31.4	46.0	11.8	32.7
No	27.9	19.8	25.5	15.6	37.8	23.1
Don't know	27.9	28.2	27.8	25.6	28.4	30.4
Total Other responses	16.7	13.4	15.4	12.7	22.0	13.9
Parental leave						
Yes	29.7	32.8	34.5	41.6	9.9	25.7
No	26.5	23.2	23.9	17.4	31.3	27.9
Don't know	27.2	30.5	26.4	28.5	30.8	32.2
Total Other responses	16.6	13.4	15.3	12.6	21.9	14.1
Special leave						
Yes	38.4	40.5	43.5	47.7	17.1	34.7
No	22.4	20.2	20.1	16.4	32.0	23.3
Don't know	22.7	26.0	21.1	23.7	29.4	27.9
Total Other responses	16.5	13.3	15.3	12.3	21.5	14.1

Source: HILDA Wave 4, 2004. Excludes employees with ASCO codes commencing with 1 or 2. Notes: Population weighted samples. N= 5,373.

## 8.6 Research Publication and Current Project

### 8.6.1 Richard Denniss (2004) *Annual leave in Australia: An analysis of entitlements, usage and preferences*

Denniss' research on annual leave in Australia not only gives a range of insights into annual leave entitlement. It also provides a valuable example of the significance of considering employees' usage of entitlements and their preferences for specific types of employment conditions when assessing the advantages or disadvantages of specific entitlements. Two key findings arise from Denniss' study. Firstly, 42 per cent of full

time employees have difficulties accessing their annual leave entitlements. Secondly, there appears to be a mismatch between labour market conditions with employee preferences. More than half full time employees express a desire for additional annual leave. However, it is rare to find data indicating movements toward increasing the amount of annual leave provided in employment arrangements. Indeed, the focus of new minimum employment conditions has placed a focus on the trading of annual leave entitlements for increased earnings.

Denniss uses survey data from a Newspoll survey of 345 full time employees as the basis for his analysis. Three tables from his analysis are included below. Table 8.11 shows, by income group, the percentages of respondents who took all their annual leave in 2002. Table 8.12 lists the reasons that respondents gave for not taking their total leave entitlement. Table 8.13 shows, by age group and gender, preferences for an additional paid leave rather than for a four per cent increase in earnings.

**Table 8.11 Whether or not respondents took all their leave in 2002 (%)**

	Total	Men	Women	25-34	35-49	50-59
Yes	39	38	41	37	36	50
No	57	60	53	59	40	48
Don't know	4	3	6	4	4	2
Respondents No.	345	228	117	101	168	76

Source: (Denniss, 2004) Table 3, page 10

**Table 8.12 Reasons for not taking all paid leave entitlements, by income, 2002 (%)**

	Total
Saving for leave for a future holiday	39
Could not get time off that suited	13
Were too busy at work	29
Rather have the money than have the extra holiday	4
Preferred to work rather than take holidays	7
Leave was paid out when changed jobs	7
Saving leave for other reason	4
Other	9
Don't know	1
Number of respondents	198

Source: (Denniss, 2004) Table 4, page 11

Table 8.13 (%)

	Total	Men	Women	25-34	35-49	50-59
Four per cent pay rise	45	45	44	40	47	49
Additional 2 weeks annual leave	52	53	49	57	49	48

Source: (Denniss, 2004) Table 5 page 12

Access to annual leave provides an important way of balancing paid work responsibilities with activities outside of the formal labour market and a source of flexibility in the arrangement of working hours. Combine with case study research (Pocock, 2003) surveys such as that analysed by Denniss provide an illustration of the insights that can be gained by studying employees preferences in addition to their entitlements to specific forms of employment conditions.

### **8.6.2 Parental Leave in Australia Survey**

While not yet released, a new source of information will shortly be available as a result of the Parental Leave in Australia Survey. In 2005 the Parental Leave in Australia survey was conducted as a nested study within "Growing Up In Australia, the Longitudinal Study of Australian Children" (LSAC). LSAC was initiated and is funded by the Australian government through the Department of Families, Community Services and Indigenous Affairs and is being conducted in conjunction with the Australian Institute of Family Studies and a consortium of research agencies and universities. The Parental Leave in Australia survey is part of an Australian Research Council Linkage project (LP0453613) being conducted by Gillian Whitehouse and Chris Diamond at the University of Queensland and Marian Baird at the University of Sydney, and the questionnaire was circulated to the LSAC infant cohort in May 2005 as part of the LSAC between-waves mail-out. The goal of the survey is to fill statistical gaps in knowledge about parental leave uptake and impact in Australia, and inform analysis on a wide range of 'work/family' questions including the experiences of women returning to work after maternity leave. Data are due for release in August 2006

## 9 Superannuation Coverage

### 9.1 Introduction

Research has demonstrated the gendered effects of an occupational superannuation framework. In average terms, women's broken patterns of employment, together with their lower earnings in the labour market is predicted to result in a retirement income gender wage gap of approximately 35 per cent for baby boomers (Jefferson & Preston, 2005). Currently, women aged 45 – 64 years have accumulations worth less than 50 per cent of men's superannuation accumulations (Warren, 2006:41). This chapter reviews information relevant to women's workplace entitlements and their superannuation coverage.

### 9.2 Australian Bureau of Statistics

#### 9.2.1 *Employee Earnings, Benefits and Trade Union Membership (Catalogue 6310.0)*

Superannuation coverage is not the main focus of this publication. However, it does contain some estimates relevant to the distribution of superannuation by employees with different levels of weekly earnings. As an annual survey, this information is a useful supplement to the more focused superannuation survey discussed later in this chapter.

#### *Table 15, page 36: Employees in Main Job, Superannuation Coverage – By Selected Characteristics (p.36)*

This table lists for selected characteristics (*i.e. Weekly earnings in main job (specified ranges) and Sector of main job*), estimates of the number and percentage of females, males and persons, working either full-time or part-time in their main job, who are provided with superannuation coverage by their employer in their main job. Table 9.1 is adapted from the ABS estimates in *Catalogue 6310.0*. As may be expected, coverage rates are particularly low among people with lower earnings.

Table 9.1: Employees in Main Job, Superannuation Coverage – By Selected Characteristics, Australia, August 2005.

Characteristics	Full-Time		Part-Time	
	Males %	Females %	Males %	Females %
<b>Weekly Earnings in Main Job</b>				
Under \$200	79.30	80.20	47.00	55.30
\$200 and Under \$400	84.90	87.00	78.00	90.00
\$400 and Under \$600	92.20	95.60	84.50	96.00
\$600 and Under \$800	95.80	97.50	86.10	96.10
\$800 and Under \$1,000	97.00	98.80	89.00	97.80
\$1,000 and Under \$1,200	97.10	98.90	87.50	95.80
\$1,200 and Under \$1,400	97.60	98.80	91.70	92.80
\$1,400 and Under \$1,600	98.20	98.80	*100.00	*97.20
\$1,600 and Over	96.50	96.60	93.90	91.60
<b>Sector of Main Job</b>				
Public Sector	98.80	98.60	84.70	95.80
Private Sector	94.30	96.00	65.80	78.70

Data source: Australian Bureau of Statistics (2006b) *Employee Earnings, Benefits and Trade Union Membership*, 6310.0, p. 36.

\* estimate has relative standard error of 25% to 50% and should be used with caution.

### 9.2.2 Employee Arrangements and Superannuation Survey (Catalogue 6360.0)

The main purpose of the Employee Arrangements and Superannuation Survey is to provide a range of statistics on people's working arrangements and superannuation coverage. The survey was conducted in 2000 and its capacity to give an accurate picture of women's superannuation in 2006 has some limitations. While it seems likely that the patterns of superannuation coverage and holdings may be largely similar between 2000 and 2006, it also seems likely that the relevant estimates may have changed. For example, it is likely that superannuation holdings will have increased significantly as compulsory occupational superannuation, introduced in 1992, has now been in operation for fourteen years, rather than the eight years of its existence in 2000. While Catalogue 6360.0 contains considerable detail about superannuation holdings, the following discussion focuses on those parts of the publication that are specifically relevant to links between women's patterns of workforce participation and earnings and the gender superannuation gap.

**Table 1: pages 11- 13: Persons Aged 15 to 69, Superannuation Coverage**

This table lists for selected characteristics (age group (mainly 5 year cohorts), labour force status, and income), estimates of the percentage of pre-retired and retired females, males, and persons whose superannuation coverage comes from:

- Employer/business contributions only;
- Personal/spouse and employer/business contributions;
- Personal/spouse contributions only;
- Has superannuation – but no contributions currently being made;
- No superannuation;
- Received a lump sum or income from superannuation;
- Received no lump sum and not receiving income from superannuation.

The general pattern that is observable in these tables is that women are more likely to have no superannuation and less likely to be making personal contributions to a superannuation account. However, information from other sources indicates that estimates for coverage from this publication are now dated and so a sample of the estimates is not provided here. This can be illustrated by reference to the estimate that 46.6 per cent of males with annual incomes of \$100,000 or more were receiving employer contributions, an estimate that varies considerably from the 96.5 per cent coverage indicated for full-time male employees earning over \$1,600 per week in Table 10.1 above.

**Table 2, pages 14-16: Pre-Retired Persons, Superannuation Coverage (p.14)**

This table is similar to the previous table but lists estimates for pre-retired persons only. It shows the same patterns of coverage as those noted above.

**Table 3, pages 17-19: Jobholders, Superannuation Coverage**

Again, the same estimates are listed as for the two previous tables but in this case they are relevant to job holders only.

**Table 4, pages 20-22: Jobholders, Superannuation Coverage by Industry and Occupation (p.20)**

This table provides similar information to that provided in the preceding table but provides estimates of coverage for industry and occupational classifications.

***Table 5, page 23: Pre-Retired Persons with Superannuation, Number of Accounts***

This table shows that casual and fixed term contract employees are more likely to have multiple superannuation accounts.

***Table 6, page 24: Pre-Retired Persons, Spouse Superannuation Coverage***

This table is relevant for the analysis of superannuation coverage on a household basis rather than workforce participation. However, it does show that 53.6 per cent of persons with superannuation had a spouse who also had superannuation coverage. Conversely, 12.9 per cent of persons with no superannuation also had a spouse with no superannuation. As noted previously, the age of these estimates, during a period of rapid change in superannuation coverage, means that they should be treated with caution.

***Tables 7-11, pages 25 -30: Superannuation Account Balances***

While these tables provide considerable detail about the account balances of persons with different types of superannuation account, they are now relatively out of date and demonstrate the importance of re-running this survey to gain more current insights.

***Table 12, page 31: Jobholders, Whether Making Personal Superannuation Contributions***

This table lists estimates of the percentage of female and male jobholders who are making, and not making, personal superannuation contributions. It shows that females, casual and fixed term employees, owner managers and those in lower income brackets were less likely than other groups of job holders to be making personal superannuation contributions. Similar estimates, by industry and occupational classification are provided in the following table.

***Table 14, pages 33- 34: Jobholders, Main Reason Not Making Personal Superannuation Contributions***

This table lists, for selected age groups (*i.e.* 15-24, 25-34, 35-44, 45-54, 55-69), estimates of the proportion of females, males, and persons who did not make personal superannuation contributions, for a specified range of main reasons for not making

personal superannuation contributions. In 2000, the most common reasons were those associated with affordability or a lack of concern or knowledge about superannuation. Re-running this survey would provide an interesting source of comparison, particularly on the aspect of awareness and knowledge of superannuation.

***Tables 15 and 16, pages 35 – 37: Jobholders, Personal and Employer Contributions to Superannuation for 2 Years or More (p.35)***

These tables provide estimates of the percentage of females and males who make weekly contributions to personal superannuation or have such contributions paid their employers.

***ABS Data Cubes - Employee Arrangements and Superannuation Survey***

This data cube (Excel spreadsheet) contains eighteen worksheets which combine significantly greater detail relevant to the estimates briefly outline above. Unfortunately, the age of the data is again a significant issue. Given the amount of research on superannuation and retirement incomes that has been undertaken since 2000, we have not used these estimates in this report. There is however, a significant need for such information to be updated. If this was to be done, there would be an opportunity to examine in detail possible relationships between different forms of employment contract and superannuation coverage for specific population groups. In particular, if there is to be a structural change in the type of employment contract relevant to the coverage of women, part-time and casual employees, it would be useful to monitor the effects on superannuation coverage among those in occupations such as child-care, aged-care, retail sales, cleaning and restaurant and café work.

## **9.3 Office of the Employment Advocate**

### ***9.3.1 Agreement making in Australia under the Workplace Relations Act 2002 and 2003***

#### ***Collective Agreements***

About 87 per cent of collective agreements, covering 81 per cent of relevant employees, have a provision relevant to superannuation (DEWR & OEA, 2004:49). Women's superannuation coverage (86 per cent) under collective agreements exceeded men's (76 per cent) (DEWR & OEA, 2004:67). It is unusual for women's

coverage to exceed men's and it is interesting that women employed under collective agreements appear to be doing relatively well on this count. However, without significantly more detailed data collection allowing comparative analysis of different forms of employment contracts and access to particular provisions, it is difficult to reach definitive conclusions. Details of the incidence superannuation provisions for different industry sectors also tentatively suggests that women do relatively well under collective agreements, with relatively high coverage in feminised industries such as retail trade, accommodation, cafes and restaurants and health and community services, as shown in Table 9.2 below. However, it is difficult to infer this connection with certainty as female employee coverage is not provided by industry.

**Table 9.2: Incidence of superannuation provisions in collective agreements by industry 2002-03**

Industry	Superannuation provision %
Agriculture, forestry and fishing	77
Mining	83
Manufacturing	74
Electricity, gas and water supply	77
Construction	97
Wholesale trade	76
Retail trade	85
Accommodation, cafes and restaurants	88
Transport and storage	78
Communication services	70
Finance and insurance	86
Property and business services	74
Government administration and defence	71
Education	75
Health and community services	86
Cultural and recreational services	74
Personal and other services	68
All industries	87

Source: DEWR & OEA (2004):121

### ***Australian Workplace Agreements***

It is estimated that 3 per cent of AWAs contain provisions for non-statutory employer contributions to be made to employee's superannuation accounts, although there is little information about which sectors of the workforce receive this entitlement ((DEWR & OEA, 2004:91). However, an interesting piece of information is given on page 94, which quotes an example of an AWA provision allowing employees to cash out a portion of their annual leave entitlements and have the resulting payment paid to their superannuation fund as an employer contribution. While there is scant detail to rely on, it is possible that this is an example of tax incentives working to provide an

incentive to make additional contributions to superannuation that is not available to those who are not working as employees.

## 9.4 The Household Income and Labour Dynamics in Australia (HILDA) Survey

### 9.4.1 Aspects of Retirement for Older Women (2006)

This report, produced by Diana Warren for the Australian Government's Office for Women focused on transitions to retirement and contains an impressive account of the financial and non-financial aspects of women's retirement transition experiences. Warren's report contains an extensive analysis of HILDA data relevant to the financial well-being of older women. One table, reproduced below as Table 9.3, is particularly relevant for its provision of current estimates of women's years of workforce participation and their average and median superannuation balances, which for older women are much lower than men's.

Table 9.3: Superannuation holdings and years in paid work of people who have not yet retired (2002)

Gender and age group	Average number of years in paid work	% with super	Average super balance for those with super \$	Median super balance for those with super \$
Women				
15-24	2.1	55.2	4,342	1,000
25-44	12.6	83.0	28,360	10,000
45-54	24.2	87.4	69,434	25,000
55-59	30.5	82.4	69,505	30,000
60-64	33.9	83.3	89,623	31,000
65+	34.1	46.3	61,875	4,600
Total	14.6	76.9	36,952	10,000
Men				
15-24	2.4	59.8	6,842	2,000
25-44	15.8	92.5	46,402	20,000
45-54	30.7	92.1	122,787	66,000
55-59	38.6	84.2	189,555	86,427
60-64	43.3	79.2	155,552	86,000
65+	51.4	53.1	148,103	100,000
Total	19.6	83.4	69,982	20,100

Source: (Warren, 2006:41)

## **10 Dismissals, Retrenchment and Redundancy**

### **10.1 Introduction**

Since the introduction of new workplace regulations in March 2006, there has been significant publicity surrounding employment security, with several media stories about employees' being dismissed or retrenched and later offered individual employment contracts with lesser entitlements. Further, the new regulations imposed limits on the capacity of those working for employers with less than 100 employees to initiate unfair dismissal proceedings.

One method of monitoring the possible effects of the new regulations is to monitor conditions of employment, such as earnings, penalty payments, leave entitlements. An alternate way might be to monitor available information on the termination of employment contracts to assess whether the new regulations provide an incentive for behaviour associated with dismissing and/or re-employing workers. The following chapter assesses the availability of information relevant to dismissals, retrenchment and redundancy.

### **10.2 Australian Bureau of Statistics Retrenchment and Redundancy, Australia, (ABS Cat. No. 6266.0).**

The Australian Bureau of Statistics ran a Retrenchment and Redundancy Survey in July 1997 and July 2001 as a supplement to the monthly Labour Force Survey. Included in the survey were employees who:

- Had accepted an inducement or had pressure applied to them to accept a redundancy package; or
- Were retrenched or the business for which they working for closed down due to financial difficulties; or
- Were dismissed from their job for any other reason, including age and own ill health or injury.

Clearly the survey was not designed for the purposes of monitoring the possible effects of the 2006 workplace regulatory legislation and this limits the relevance of previous data collections to the current context. However, it is interesting to note that

in the two past collections, retrenchments were heavily concentrated in the male oriented industries of manufacturing, construction, mining and communication services, with the most common reason being 'not enough work/job cuts' (42 per cent in 2001), business closed (18 per cent) and change of management (10 per cent). If the survey is again conducted, some of the estimates that may be relevant to monitoring women's employment status include:

- Main reason for retrenchment or redundancy;
- Prior notice of retrenchment or redundancy;
- Characteristics of persons made redundant – gender, casual, full-time or part-time status, industry and occupational classification and length of employment.

Whether this survey is conducted again and proves to be relevant remains an open question.

### **10.3 Queensland Workplace Industrial Relations Survey**

Information about dismissals from QWIRS has the advantage of being recent, relatively comprehensive and available for different forms of pay setting methods. There are three key tables in the appendix to the QWIRS report that are relevant to information about dismissals, Tables A.42, A.43 and A.45. The tables contain information about the number of and reasons for workforce reductions, the methods used to reduce the workforce the number of unfair dismissal claims experienced by workplaces. Together with planned surveys in New South Wales and Victoria, the information available through QWIRS may provide a benchmark for monitoring whether widespread increases in dismissal, retrenchment or redundancies occurs alongside any future changes in the dominant methods of pay setting in workplaces. Table 10.1 below contains some indicators from QWIRS of the types of methods used to achieve workforce reductions by Queensland workplaces in 2005. It shows that while "natural wastage or attrition" was the most prevalent method of achieving workforce reductions in most areas of the workforce, compulsory redundancies or retrenchments were relatively more common in workplaces using individual agreements as their dominant method of setting pay and conditions.

Table 10.1: Queensland, Methods of reducing workforce by dominant pay method, 2005

	Attrition %	Redeploy-ment %	Early Retirement %	Voluntary Redundancy	Compulsory Redundancy	Other
All workplaces	61	4	2	19	21	6
Dominant pay method						
Award only >60%	75	1	0	4	15	8
Over-award > 60%	63	0	1	12	23	3
Collective agreement >60%	58	13	3	28	16	1
Individual agreement >60%	41	9	0	33	49	0
Other > 60%	.	.	.	.	.	.
No dominant system	80	0	0	0	1	20

Source: QWIRS (Watson, 2005:51 Table A.43)

#### 10.4 State Industrial Commissions and Unfair Dismissal Proceedings

Each of the State's Industrial Commissions produces annual reports which contain information about the number of unfair dismissal claims initiated and the outcomes of those claims. The reports are available for downloading from the various Commissions' websites. However, the direct relevance of these reports to potential dismissals, retrenchments and redundancies within the Federal jurisdiction is obviously limited: State Industrial Commissions conduct proceedings relevant to individual State jurisdictions. For this reason, no specific indicators have been included in this report. Also relevant to this report is the lack of any disaggregation of unfair dismissal statistics by gender (or any other population characteristic).

#### 10.5 Australian Industrial Relations Commission (AIRC) and Termination of Employment Matters

The AIRC produces an annual report which contains information on the number of its cases related to the termination of employment. (AIRC, 2006). The 2004/05 Annual Report states that for the twelve months to 30 June 2005, there were 6,707 applications relating to termination of employment. This was a reduction from 7044 in 2003/04 and part of a five year trend in a decline in such applications (from 8,109 in 2000/01). Over 61 per cent of the cases originated in Victoria, which ceded its industrial relations role to the federal jurisdiction.

Perhaps unsurprisingly, most of the detail provided in the report relates to the manner in which the applications were resolved. Thus, information relevant to applicants themselves, for example their occupation, industry, type of employment agreement and gender is not available from this source. However, the AIRC's annual report may provide some useful aggregate indicators of the general prevalence of unfair dismissal claims in the federal jurisdiction.

## **10.6 Potential sources of future information**

### **10.6.1 UTAS and ADRAS**

In April 2006, the Minister for Employment and Workplace Relations launched two schemes which will operate to provide legal assistance to those believe they were unlawfully dismissed or who require access to “alternative” (to the Australian Industrial Commission) forms of dispute resolution (Andrews, 2006a, 2006b). The two schemes are known as:

- Unlawful Termination Assistance Scheme (UTAS); and
- Alternative Dispute Resolution Assistance Scheme (ADRAS).

Under each of these schemes, “eligible terminated employees” or parties to “eligible disputes” can receive funding to assist with the costs of seeking legal advice (with respect to unfair dismissal) or private dispute resolution procedures (with respect to other disputes).

With respect to the issue of dismissals, it is the UTAS scheme that has the most direct relevance. Applicants can be eligible to receive up to \$4,000 if they were:

- Terminated on or after 27 March 2006;
- Have a certificate from the AIRC stating that the claim has merit, or that merit cannot be determined; and
- Are assessed as having financial need.

Given the above criteria, it is unlikely that information about the number of applicants or recipients of UTAS will provide comprehensive indicators about the number of dismissals, retrenchments or redundancies that might occur with in the workforce.

However, it is possible that variations in UTAS applications might be an indicator of changes in the prevalence of such behaviours in the workforce.

Both UTAS and ADRAS are to be administered by the Department of Employment and Workplace Relations. Information from future annual reports may provide indicators of unfair dismissals and other dispute related actions within the federal jurisdiction.

### ***10.6.2 Employment Related Matters Lodged with Anti-Discrimination and Equal Opportunity Commissions***

Anti-discrimination and equal opportunity organisations at both the State and Australian levels currently collect a range of data relevant to gender and other forms of discrimination. In most jurisdictions the majority of enquiries or complaints received by these organisations relate to employment matters. For example, the most recent Annual Report for the Human Rights and Equal Opportunity Commission states that 85% of complaints received under the Sex Discrimination Act were related to employment (HREOC 2005:68). The annual reports and the websites from which they can be accessed are listed in the references to this report (Anti Discrimination Commission Queensland 2005; Government of South Australia Equal Opportunity Commission 2005; Office of the Anti-Discrimination Commissioner, Tasmania 2005; Equal Opportunity Commission Victoria 2005; Equal Opportunity Commission (WA) 2004; Anti-Discrimination Board of NSW 2005; Northern Territory Anti-Discrimination Commission 2005).

Currently, the data about employment related complaints and enquiries are presented in an aggregated, as they form only of several identified areas of enquiry. There may be some capacity for relevant enquiry and complaint data from HREOC and their State counterparts to identify whether there are specific workplace issues under the new regulations that are causing concern to women. In addition to the subject matter of the enquiry or complaint, it may also be possible for characteristics of the types of employment that generate such concerns, for example, the occupation or industry in which the enquirer works. Of course, it would be beneficial if such data was collected on a uniform basis across jurisdictions.

A further issue worthy of consideration relates to the fact that each of these organisations collects a range of information relevant to areas for which there is currently little data. For example, existing annual reports contain some information on discrimination and people with a disability. The systematic collection of data on employment related enquiries from people with disabilities might assist with identifying specific issues of relevance under the new workplace regulations. While it is recognised that these organisations have limited capacity to produce comprehensive data for the purposes of monitoring the operation of employment agreements, there may be some scope for identify areas of concern for further investigation.

## **11 Multiple Job Holding**

### **11.1 Introduction**

Much of the information that is available for monitoring developments in the workforce appear to be based on an implicit assumption that people are engaged in one job. However, multiple job holding is not uncommon, especially for those who can not earn adequate income in their main job. There are relatively few indicators that are available for monitoring this area of workforce activity.

### **11.2 Australian Bureau of Statistics, The Multiple Jobholding Survey (Catalogue 6216.0)**

The main purpose of the Multiple Jobholding Survey is to provide statistics on the extent of multiple jobholding and the earnings and hours worked by multiple jobholders. The ABS first conducted the Multiple Jobholder Survey in November 1965. The most recent surveys were conducted in July 1991, August 1994, August 1997, and July 1999. However, it appears that no publication was produced for July 1999 survey. As such, this report will refer to the publication produced from the August 1997 Multiple Jobholding survey.

The survey does not cover the reasons that people might be working in more than one job. However, it seems likely that working in more than one job would be related to a need or desire to earn more income than is available through only one job (Harris & Preston, 1990). Another motivation might be to spread the risk of insecure employment tenure across two or more jobs. Given recent trends in part-time and casual employment it is likely that any future ABS Multiple Job Holding survey (and associated publication) would produce useful information for monitoring the impact of regulatory frameworks on women's workforce experiences. Some of the estimates provided in previous surveys are briefly discussed below.

**Table 1, page 9: Number and Proportion of Employed Persons Who Were Multiple Jobholders**

During the 1990s females were more likely than males to hold multiple jobs. Table 11.1 below lists selected estimates for August 1987, July 1991, August 1994, and August 1997 showing the proportion of employed females and males who were multiple jobholders.

Table 11.1 Proportion of employed persons who were multiple job holders, August 1987 – August 1997

	August 1987 %	July 1991 %	August 1994%	August 1997 %
Proportion of employed males	3.4	3.7	4.4	4.4
Proportion of employed females	4.1	5.3	6.1	6.3

Source: Australian Bureau of Statistics (1998) *Multiple Job Holding 6216.09*

With the age of the last survey in mind, the following summary is provided to illustrate the type of information that may become available if the survey is run in the future. In August 1997:

- Persons working in Education and Cultural and recreational services in their main job were most likely (9 per cent) to be multiple job holders.
- 14 percent of multiple job holders held their second job in Retail trade, 11 per cent each in Property and business services, Education and Health and community services.
- The distribution of multiple job holders who are employees showed that there were higher proportions of females than males in the lowest weekly earnings ranges.
- In most age groups between 5 and 6 per cent of employed persons held multiple jobs. For people aged 55 years and over the proportion was 4 per cent.

### **11.3 Household, Income and Labour Dynamics in Australia (HILDA) Survey**

The HILDA survey provides some more recent information relevant to multiple job holders (MJH) and tells us something about the characteristics of *individuals* who hold more than one job. Data from the ABS multiple job holding survey (discussed immediately above) tells us that multiple job holding is relatively more common among those in professional occupations. However, in this publication the focus has

been on those in “minimum conditions” sectors. For this reason, managerial and professional employees have been excluded from the estimates below. As shown in Table 11.2 below, estimates from HILDA data show that 7.8 per cent of men and 10.7 of women are multiple job holders. Further, multiple job holding is relatively more common among the occupation groups that have been the focus of this report, particularly employees included in ASCO occupational categories 63, intermediate service workers, and 91, cleaners.

**Table 11.2 Multiple job holding among selected employee groups, Australia 2004**

	% with more than one job	
	Male (%)	Female (%)
All Non-Managerial Employees	7.8	10.7
63 Intermediate Service Workers	13.9	13.4
82 Elementary Workers	7.0	10.9
91 Cleaners	20.0	17.3

**Source:** HILDA Wave 4, 2004. **Notes** Excludes employees with ASCO codes commencing with 1 or 2. Population weighted samples

Whilst profiling characteristics of multiple job holders is interesting, of perhaps more relevance for the purposes of monitoring the impact of regulatory change is a study of the characteristics of the second (and subsequent) jobs. For example, are second jobs typically covered by an informal or registered individual agreement? Are second jobs in particular industry and occupation sectors? Do second jobs pay superannuation? Are second jobs casual jobs with regular or irregular hours scheduling? What are the differentiating features between ‘main’ and ‘second’ jobs?

Unfortunately most surveys, including HILDA, do not focus on questions such as those posed above. Whilst we can identify whether or not more than one job is held and, from HILDA and ABS data, potentially gain some insights into trends in multiple job holding over time, information on the characteristics of second jobs and experience in such work is not collected. Rather, surveys typically only collect such data for the main job.

In view of the above, specific surveys on multiple job holding (such as ABS 6216.0) remain the most appropriate vehicle through which we can monitor this area of activity. For the future, it would be advantageous if more attention was given to reviewing the scope and purpose of such surveys.

## 12 Appendix

### 12.1 Note on Occupational Classifications

Throughout this report there are references to the following systems of classifying different occupations:

- ASCO – Australian Standard Classification of Occupations
- ANZCSO – Australian and New Zealand Standard Classification of Occupations

The Australian Bureau of Statistics and Statistics New Zealand have been working to develop and implement uniform systems of classifying occupations and industries. Within Australia, it is intended that ANZSCO will replace the pre-existing Australian Standard Classification of Occupations (ASCO). The intention is to provide “an integrated framework for storing, organising and reporting occupation-related information in both statistical and client-oriented applications, such as matching job seekers to job vacancies and providing career information” (Trewin & Pink, 2005:1)

While full descriptions and details of the classifications are available from the Australian Bureau of Statistics, the classification systems have some implications for the classification codes that apply to some of the occupations discussed throughout this report (Trewin & Pink, 2005). The codes relevant to the occupations discussed in this report will vary according to the time the data was collected and analysed. In particular, the ANZSCO appears to provide relatively more targeted codes for the occupations discussed in this report. The relevant codes under both the ASCO and ANZSCO are listed below.

Table 12.1 ASCO, Second Edition, 1997  
Selected Major and Sub-Major Classification Groups

<b>6</b>		<b>Intermediate Clerical, Sales and Service Workers</b>
	61	Intermediate Clerical Workers
	62	Intermediate Sales and Related Workers
	63	Intermediate Service Workers
<b>8</b>		<b>Elementary Clerical Sales and Service Workers</b>
	81	Elementary Clerks
	82	Elementary Sales Workers
	83	Elementary Service Workers
<b>9</b>		<b>Labourers and Related Workers</b>
	91	Cleaners
	92	Factory Labourers
	99	Other Labourers and Related Workers

Table 12.2. ANZSCO 2005  
Selected Major and Sub-Major Classification Groups

<b>4</b>		<b>Community and Personal Service Workers</b>
	41	Health and Welfare Support Workers
	42	Carers and Aides
	43	Hospitality Workers
	44	Protective Service Workers
	45	Sports and Personal Service Workers
<b>6</b>		<b>Sales Workers</b>
	61	Sales Representatives and Agents
	62	Sales Assistants and Salespersons
	63	Sales Support Workers
<b>8</b>		<b>Labourers</b>
	81	Cleaners and Laundry Workers
	82	Construction and Mining Labourers
	83	Factory Process Workers
	84	Farm, Forestry and Garden Workers
	85	Food Preparation Assistants
	89	Other Labourers

## **12.2 Glossary**

AAWI	Average Annualised Wage Increase
ABS	Australian Bureau of Statistics
ADRAS	Alternative Dispute Resolution Assistance Scheme
AFPC	Australian Fair Pay Commission
AIRC	Australian Industrial Relations Commission
ANZCSO	Australian and New Zealand Standard Classification of Occupations
ASCO	Australian Standard Classification of Occupations
AWA	Australian Workplace Agreement
AWIRS	Australian Workplace and Industrial Relations Survey
CURF	Confidentialised Unit Record Files
DEWR	Department of Employment and Workplace Relations
FaCSIA	Department of Families, Community Services and Indigenous Affairs
HILDA	Housing, Income and Labour Dynamics in Australia
HREOC	Human Rights and Equal Opportunity Commission
HSF	Household Sample Files
MATWE	Male Average Total Weekly Earnings
MJO	Multiple Job Holder
NFAW	National Foundation for Australian Women
NLC Survey	Negotiating the Life Course Survey
NSW	New South Wales
OEA	Office of the Employment Advocate
QWIRS	Queensland Workplace and Industrial Relations Survey
SA	South Australia
UTAS	Unlawful Termination Assistance Scheme
WA	Western Australia
WAD	Workplace Agreement Database
WEL	Women's Electoral Lobby
WiSER	Women in Social & Economic Research Unit, Curtin University of Technology

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