

A Study of Low Paid Work and Low Paid Workers in Western Australia

Therese Jefferson

Alison Preston

Sharyn Chapple-Fahlessen

Stephanie Mitchell



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Curtin University of Technology

Perth Western Australia

<http://www.cbs.curtin.edu/wiser>



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WiSER - Women in Social & Economic Research
Curtin Business School
Curtin University of Technology
GPO Box U1987
Perth WA 6845

Telephone: +61 8 9266 7755
Fax: +61 8 9266 3368
Email: wiser@cbs.curtin.edu.au
Web: <http://www.cbs.curtin.edu.au/wiser>

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Authors: Therese Jefferson, Alison Preston, Sharyn Chapple-Fahlesson, Stephanie Mitchell

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Confidentiality provisions prevent us from individually naming the women who participated in interviews as part of this study. However, we owe a debt of gratitude to all those who generously contributed to this study through their candid discussions and views of their work and employment conditions.

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About WiSER

The Women in Social & Economic Research (WiSER) unit was founded in April 1999 in response to a growing void in the gender analysis of the economic and social policy issues that confront Australian women. As an inter-disciplinary unit WiSER brings together feminist and pro-feminist researchers and doctoral students with backgrounds in economics, industrial relations, law, leadership, marketing, management, social policy and social work.

Our high quality quantitative and qualitative research for the purpose of informing policy formulation and business practice, is supported through various research grants and consulting opportunities. Research findings are disseminated through WiSER working papers, WiSER reports, peer reviewed journal publications, conferences and public submissions.

As part of our commitment to engaging our community we also host a regular series of community forums on topical issues. Further details on WiSER events, research programs, reports and papers may be found at our website: www.cbs.curtin.edu.au/wiser

Contact Details

Professor Alison Preston
Co-Director, WiSER
C/- Graduate School of Business
Curtin University of Technology
78 Murray Street
Perth, WA 6000
Tel: +61 8 9266 7900
Email: Alison.Preston@gsb.curtin.edu.au

Executive Summary

In 1993 the State (WA) and Federal Governments both introduced new industrial relations reforms aimed at enhancing flexibility. At the time of introduction the WA reforms were far more radical than those in the Federal system, particularly with regard to individual bargaining and the marginalisation of third parties. The system adopted in WA in 1993, together with subsequent waves, lasted until 2003. The WA reforms served as a model for the radical reforms introduced at the Federal level in 1996, although there were some differences. Whereas the federal legislation incorporated a range of safeguards to ensure bargaining did not reduce the relative standards for vulnerable workers, the WA legislation did not. The latter only provided for a set of minimum standards allowing parties to individual agreements scope to negotiate away accepted community standards. In 2006 the Federal system moved to a limited (five) minimum standards model and curtailed the influence of institutions which traditionally maintained community standards (eg. unions and industrial tribunals).

In introducing the 2006 reforms the government argued that the new regulations would:

... 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).

At the time of introduction there were concerns about the possible effects of the reforms on particular groups of vulnerable or 'at risk' workers such as women in low paid jobs with weak bargaining power. Such concerns saw the commissioning of a research report to assess the extent to which data was available to monitor the employment outcomes of women in 'at risk' jobs, defined as being jobs which had previously been reliant upon the award structure for the determination and adjustment of their employment conditions. The report concluded that current data sources were inadequate for this task and, amongst other things, called for a

comprehensive program of qualitative research to further understand the effects of regulatory reforms aimed at deregulating the labour market.

This report documents the findings from interview-based research with twenty-two low paid workers in Western Australia. Our key findings are as follows:

- (1) The interviews reveal little evidence that the *WorkChoices* reforms have facilitated a demonstrable improvement in employees' capacity to negotiate individually tailored working conditions. This is despite a buoyant State economy and relatively favourable labour market conditions for employees. Further, some participants' comments suggest that there are employers who have used their managerial prerogative to unilaterally change working conditions or hours of work in ways that have been detrimental to particular employees. There is little indication that, even in the context of an economic boom, the outcomes are particularly favourable for those in relatively low paid areas of the labour market.

- (2) The second key finding relates to the willingness and capacity to bargain. Participants in this study revealed a reluctance or unwillingness to engage in direct or individual negotiations to determine their employment conditions. Their reluctance or unwillingness appears to stem from a lack of confidence in their bargaining power (which in turn is also affected by lack of protection for unfair dismissal) and a lack of knowledge about how to establish and pursue an appropriate claim for improved working conditions. Some participants spoke of their preference to change employment rather than work under the provisions of AWAs or to address other concerns at work. Those who were prepared to negotiate did not appear to be expressing a preference for individual bargaining. Rather they were acknowledging that the practicalities of the current labour market made negotiation a necessity even if it was an approach that they would prefer to avoid.

- (3) The third finding concerns community standards such as reasonable hours, penalty rates and minimum wages. Unlike findings from similar projects undertaken in other States (see Elton et al., 2007) few of the WA participants

directly attributed their concerns with their employment and working conditions to the introduction of *WorkChoices*. Participants conveyed a wide range of stories indicating uneven bargaining relationships, growing managerial prerogative and workplace cultures where poor employment practices had been normalised. However, few regarded this as a recent phenomenon! Several participants expressed awareness of increased job insecurity and vulnerability following removal of unfair dismissal protection for firms with 100 or fewer employees. This, in turn, curtailed their willingness to seek improvements in their employment conditions or raise other issues likely to improve workplace productivity. The Welfare-to-Work reforms also added a further vector of vulnerability and several participants believed that they could not afford to decline a job offer, even if it meant accepting less than favourable employment conditions. The reluctance or unwillingness to engage in individual bargaining both at the job hire stage and during the course of employment has allowed employers to drive down labour costs and lower general community standards in low paid jobs in WA (possibly thus explaining the wider gender wage gaps in WA). In such a context there is little left to lose by the introduction of *WorkChoices*, hence the limited impact. The buoyant economy has also cushioned the effects by enabling job churning (turnover). Rather than 'rock-the-boat' and be dismissed for seeking improvements in employment conditions some participants simply sought a job elsewhere, a luxury afforded by the current economic climate.

- (4) Confusion and high levels of uncertainty about entitlements, nature of contract and jurisdictional coverage constitutes our fourth finding. Far from creating a 'simpler' system there is a lack of certainty about issues related to the negotiation of entitlements such as wages, penalty payments and working hours. Under previous regulatory frameworks, industry standards were established in awards and this approach provided highly public and accessible sources of information about wages both within and between occupational classifications. The increased practice of individual bargaining, particularly formalised AWAs with their confidentiality provisions, has curtailed the free flow of information to employees and employers. This in turn is constraining

the efficiency of the labour market. When considered against the extension of managerial prerogative and lack of understanding or information amongst some employers about fair wages and efficient processes to handle employment matters, it is apparent that the lack of institutional support and information may be contributing to inefficient labour market outcomes and lower productivity.

While there are many recommendations that could potentially flow from this report, we have concentrated on two key matters.

Our first recommendation concerns data. Governments have a role to play in ensuring that legislative reforms are in the public interest. To do this they need to be able to adequately monitor the effects of the reforms. With this in mind we recommend that the WA government lobby for a comprehensive, national data collection that facilitates a detailed analysis of wages and employment conditions for employees working under varying forms of employment contract in different industry and occupational sectors.

Our second recommendation pertains to information. The current complexities and confusion suggest to us that there is a need amongst employees and employers for clear and concise information on how to negotiate and vary individual (formal and informal) employment contracts. We see ample scope for collaboration between bodies such as the Small Business Development Commission, the Fair Employment Advocate, the Department of Consumer and Employment Protection and the Office of Women's Policy to prepare and deliver such information.

I 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 (WorkChoices) Bill 2005*. The changes, which mostly came into effect in March 2006, go far beyond the earlier ‘radical’ reforms made under the *Workplace Relations Act 1996*. In introducing the bill the government argued that the new regulations would:

...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).

At the time of introduction there were concerns as to the possible effects of the reforms on particular groups of vulnerable or ‘at risk’ workers such as women in low paid jobs with weak bargaining power. The Human Rights and Equal Opportunity Commission, the National Foundation for Australian Women and the Women’s Electoral Lobby subsequently jointly commissioned a report examining the ways in which women’s labour market experiences under *WorkChoices* might be monitored (Preston, Jefferson and Saymour, 2006).

The resulting report, frequently referred to as the “WESKI report” documented the extent to which existing national statistics could provide accurate indicators of women’s labour market experiences under *WorkChoices*. The report also assessed the extent to which existing data could effectively monitor the stated goals of *WorkChoices*, such as improvements in the balance between work and family. The key finding was that whilst some high quality, nationally representative data did exist, it was not sufficient to provide an adequate account of the wide ranging changes to the arrangement of working conditions that might be negotiated under the 2006 regulations.

One of the reasons for the gaps in existing data bases is that existing data collections were not designed with the new regulatory framework in mind. This has been recognised by the current Minister for Employment and Workplace Relations. Senator Joe Hockey has stated on several occasions, there is a need to develop data that allows us to “compare apples with

apples” (ABC Online 2007). This is a challenge when, for example, “some individuals that have signed AWAs have traded off access to penalties... and in return have received access to say, a bonus pool” (Hockey: ABC World Today transcript 2007).

In the recommendations section of the WESKI report the authors called for, amongst other things, the collection of comprehensive, detailed indicators of employment status that are comparable across time and an on-going, comprehensive national program of case study and interview-based research to further understand the effects of *WorkChoices* and to assist with the development of 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.

This report documents the findings from interview-based research with low paid workers in Western Australia. The project has also been designed with the goal of facilitating the development of a national report that summarises findings from similar projects (using similar methodology) in Queensland, New South Wales, Victoria, South Australia and Australian Capital Territory (Elton, et al. 2007). This project therefore has the goal of being an autonomous but complementary component of a larger program of qualitative research to gain insights into the operation and effects of the *WorkChoices* legislation.

Specifically, the study aims to assess the impacts of changes to work regulation on women employed in sectors that have traditionally relied on awards for defining their conditions of employment. The study aims to communicate the experience of change in a number of real life situations. In doing so, it aims to generate a rich understanding of the social and economic implications that flow from policies that change the institutional arrangements relevant to establishing minimum conditions of employment. The findings from this study will not address the gaps in existing statistical data collections but will augment our reading and understandings of the quantitative data that are already available.

In presenting the findings this report is organised as follows. Section 2 provides an overview of recent regulatory changes impacting on the WA labour market. Section 3 describes recent employment and wage trends as a way of providing some context to the study. Section 4 presents the findings from in-depth interviews with 22 women selected primarily

from the following low paid sectors: child-care, aged-care, cleaning, hospitality and retail. Section 5 offers a summary and discussion and some policy recommendations. The research design and methodology is detailed in appendix documents.

2 IR Systems

2.1 Federal Jurisdiction

The Australian system of industrial relations is widely regarded as unique, with its uniqueness owing much to the constitutional constraints and the limitations placed on the Federal Government to legislate directly for all employees on employment matters. An IR system has thus been created under the Industrial Powers or the Arbitration Powers (Section 51 (xxxv)) of the Constitution. The Australian Industrial Relations Commission (AIRC) and its predecessors has been an important institution within this system, with their key objective being the 'settlement and prevention of industrial disputes, particularly those extending beyond any one State'. Historically the AIRC has adopted a highly centralised arbitral model as a way of minimising 'invidious comparisons' and minimising industrial disputation. The industrial awards (the product of this arbitral model) specifying the pay and conditions for numerous occupational classifications have generated a highly egalitarian wages system and relatively compressed pay scales. Within the Federal jurisdiction only named respondents to awards are covered by their provisions.

Unlike the Commonwealth Government, the State Governments do have powers to legislate directly on employment matters. Historically, however, the States have largely followed arrangements at a Federal level, namely vesting power in State industrial tribunals to make and vary Awards. One of the main differences between the State and Federal jurisdictions concerns 'common rule' provisions. Whereas within the Federal jurisdiction only named respondents to the award are bound by the award, within the State the 'common rule' provisions enable more widespread coverage. At the State level, for example, employers of particular occupational groups (eg. Shop Assistants) are bound by occupational Awards even if they are not an explicit named respondent to the Award. Employees within these occupational groups are similarly covered by the provisions of the relevant occupational Award.

Whilst the highly centralised arbitral model of industrial relations served Australia well throughout much of the last century, by the mid 1980s the general consensus supported a more decentralised system. At the Federal level this was initially pursued through two-tier pay bargaining and in 1991 via enterprise bargaining. In 1993 under pressure to permit non-union bargaining the Federal Australian Labor Party (ALP) used the 'Corporations Power' of the Constitution to introduced non-union collective agreements (known as s170LK agreements), although the particular requirements for the ratification of an s170LK agreement acted as a deterrent to their up-take.

In 1996 the new Liberal-National Coalition (Howard) Government used the Corporations Power to further decentralise pay bargaining and deregulate the labour market. Amongst other things the 1996 Workplace Relations Act (WRA) introduced the option of individual bargaining (in the form of Australian Workplace Agreements or AWAs) for employees in 'constitutional corporations' (eg. incorporated companies). The WRA 1996 also converted all industrial awards to minimum awards and reduced the set of 'allowable matters' (ie. matters which could be bargained over and specified in awards) to twenty.¹

On 30th June 1999 the government sought to introduce further industrial relations reforms via the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill. In moving the bill the government invoked the need for a more flexible workplace relations system to maintain Australia's competitiveness and enhance the employment competitiveness of the unemployed (Reith, 1999). The bill, as noted by Chin (2005) "...set out a comprehensive blueprint of the Government's ambitions for workplace relations reform...", this included further promoting individual bargaining, restricting the right to strike and restricting access to remedies for unfair dismissal.

¹ 1. Classification of employees and skill based career paths; 2. Ordinary time hours of work and the times in which they are performed, rest breaks, notice periods and variations to working hours ; 3. Rates of pay generally (including hourly rates and annual salaries), rates of pay for juniors, trainees and apprentices, and rates of pay for employees under the supported wage system; 4. Incentive-based payments (other than tallies in the meat industry), piece rates and bonuses. 5. Annual leave and leave loadings; 6. Long service leave; 7. Personal/carer's leave, including carer's leave, sick leave, family leave, bereavement leave, compassionate leave, cultural leave and other like forms of leave; 8. Parental leave, including maternity leave, paternity leave and adoption leave; 9. Public holidays; 10. Allowances; 11. Loadings for working overtime or for casual work or shift work; 12. Penalty rates; 13. Redundancy pay; 14. Notice of termination; 15. Stand-down provisions; 16. Dispute settling procedure; 17. Jury service; 18. Type of employment, such as full-time employment, casual employment, regular part-time employment and shift work; 19. Superannuation; and 20. Pay and conditions for outworkers.

The bill failed to win the support of the Australian Senate and was rejected. Smaller bills were subsequently used to make incremental changes to the federal IR system. In October 2004, following a 'historic fourth term' election win (including in the Senate) the Coalition Government was in a position to further deregulate the labour market. Two important pieces of legislation were thus introduced in November 2005 to come into effect in 2006: the Workplace Relations Amendment (*WorkChoices*) Bill 2005 was introduced on the 2nd while the Employment and Workplace Relations Amendment (Welfare to Work and Other Measures) Bill 2005 was introduced on the 9th of November.² *WorkChoices* passed through the Senate on the 2nd of December (one month after being introduced) and both bills received Royal Assent on 14 December 2005. *WorkChoices* came into effect on 27th March 2006, while the welfare-to-work reforms came into full effect on 20th of September 2006. One of the more contentious provisions in the welfare to work reforms is the requirement that single parents in receipt of parenting payment are required to undertake a minimum of 15 hours of paid work per week once their youngest child turns six.

The key changes brought about via *WorkChoices* include the overriding of the separate State industrial relations systems by the Federal jurisdiction. Although all the State governments objected to this roping in the government's position was upheld in a High Court challenge. Using the Corporations Power of the constitution the government determined that all constitutional corporations would automatically come under the Federal jurisdiction and, therefore, the provisions of *WorkChoices*.

Other significant provisions within *WorkChoices* include the:

- Primacy given to individual bargaining (Australian Workplace Agreements – or AWAs) over collective bargaining.
- Pairing back of the minimum protected standards to five conditions which are now provided for within the legislated 'Australian Fair Pay and Conditions Standard' (AFPCS). The five standards include: (i) a minimum hourly rate; (ii) ten days sick leave, (iii) four weeks annual leave (two of which can be cashed out); (iv) unpaid parental leave; and (v) a maximum number of weekly working hours. Employers now only legally have to provide employees with these five minimum conditions.

² For details of various pieces of IR legislation discussed see <http://www.workplace.gov.au/workplace/Category/Legislation/WRAct/>.

- Secrecy of individual agreements (AWAs).
- Removal of the 'no disadvantage test' which was originally included to ensure conditions within formally registered AWAs were no worse than the award. Political sensitivity has subsequently seen the introduction of a new 'Fairness Test', operable from May 2007 for collective agreements and for people earning less than A\$75,000 on an AWA.
- Limits on the requirement to offer AWAs on the same terms to comparable employees (opening up potential for greater discrimination between workers doing similar work).
- Limits on pattern bargaining, union rights of entry and union involvement in negotiation.

Under *WorkChoices* the wage setting function in the Federal jurisdiction no longer rests with the AIRC. Responsibility is now vested in a new institution known as the Australian Fair Pay Commission (AFPC). The changes have also seen the removal of the skill-based career classification (and pay) structures from awards. These classifications have been migrated over to a new instrument known as the Australian Pay and Classification Scales (APCS). The AFPC, not the AIRC, has responsibility for setting and adjusting rates in the APCS.

As a new institution the AFPC does not, as yet, have a set of wage fixing principles to guide it in its determination. The AFPC does, however, have a set of obligations that it must follow when setting wages. It must, for example, have regard to:

- The capacity for the unemployed and the low paid to obtain and remain in employment
- Employment and competitiveness across the economy
- Providing a safety net for the low paid
- Providing minimum wages for junior employees, employees to whom training arrangements apply and employees with disabilities that ensure those employees are competitive in the labour market.

The development of the APCS and the vesting of responsibility for wage setting in the AFPC means that nationally co-ordinated arbitrated bargaining (eg. national wage cases) are very

much a thing of the past in Australia. The change is expected to see greater variation in wages across industries, occupations and States as well as within organisations.

2.2 Western Australia

Western Australia was the first State to legislate for compulsory arbitration, although as Plowman (2002:5) notes, “The Industrial Arbitration Act 1900 was passed against the wishes of employers”. Although the State systems were, for a while, the dominant jurisdictions the Federal system gradually grew in importance, particularly with respect to wage determination with the State tribunals, such as the WAIRC, eventually flowing through the National Wage Case decisions of the AIRC, thus bringing about considerable uniformity in the Australian wage structure and minimising differences between States.

Just as WA was the first to legislate for compulsory arbitration, WA was also amongst the first (along with Victoria) to introduce provisions for individual bargaining. The first wave of reforms, commonly known as the ‘Kierath reforms’, were introduced in 1993 following a State election victory by the Liberal Government earlier that year. The 1993 reforms were the first in a series of WA reforms aimed at deregulating the labour market.

In the 1993 reforms individual bargaining was introduced via WA Workplace Agreements (WAWAs). Under WAWAs individuals could sign an individual agreement as a way of opting out of the existing system. WAWAs were underpinned by a set of minimum conditions as specified in the Minimum Conditions of Employment Act 1993 (the MCE Act).³ The minimum conditions required that: (a) the agreement not be in place for more than five years; (b) be written; (c) contain a dispute resolution procedure; and (d) be signed by both parties. Agreements were secret documents although they were registered by the Commissioner of Workplace Agreements provided that it was compliant with the provisions of the legislation and the Commissioner was assured that parties had not entered into the agreement under duress and that they understood their rights and obligations.

Introduction of ‘second wave’ and ‘third wave’ reforms commenced in 1995 and concluded in 1997 following passage of the Labour Relations Legislation Amendment Act 1997. Each

³ The Industrial Relations Act 1979 (the IR Act) continued to support collective bargaining and the activities of the WA IRC

wave focussed on the curtailment of union access and organising rights and each met with weeks of industrial unrest.

Although researching the content of WAWAs was constrained by the secrecy provisions, research by Ford (1998) and ACIRRT (1996) suggests that several WAWAs were minimal in content. Many Award conditions were not covered in the new WAWAs and were, as a result, traded away / lost. There was no requirement for WAWAs to include a wage increase during their life and subsequent research by ACIRRT (1999) also revealed that a sizeable proportion of WAWAs had either increased the span of ordinary hours (often to more than 40 hours per week) or did not include any provisions relating to hours of work.

The Australian Labor Party won government in WA in February 2001 and in 2002, via the Labour Relations Reform Act 2002, abolished secret WAWAs, restored union rights-of-entry provisions and restored the WAIRC as an independent umpire. Individual Employer-Employee Agreements (EEAs) were introduced for those wishing to pursue individual bargaining with the no disadvantage test being applied with reference to the relevant award. The MCE Act was retained providing legislated minimum standards for employees. As part of the change the weekly divisor for calculating the hourly rate of pay was reduced from 40 to 38. Since July 2006 the WAIRC has, following amendments to the IR Act been able to make a 'State Wage Order' to determine the rates of pay for the purposes of the MCE Act and State awards.

Table 2.1 below shows the current distribution of WA employees between the Federal and State jurisdictions. It is apparent from these data that around 60 per cent of employees in the State are covered by the Federal IR provisions. The remainder (40 per cent) fall within the State IR jurisdiction. Of the latter, around 80 per cent are employed in the private sector (WAIRC 2007), with many clustered into sectors where pay and conditions are informed by the Award. As DOCEP (2007) noted in their submission to the recent State Wage Case, at May 2006 "...57.2 per cent of all Australian employees in the Accommodation, cafes and restaurants sector were paid exactly in accordance with the rate of pay specified in an award – making this industry by far the most award-reliant.". In Retail trade the corresponding share was 28.7 per cent. It is clear from Table 2.2 that the majority of employees in WA are not covered by a written formalised (i.e. registered) agreement

with many remaining on the award or covered by informal (eg. verbal) agreements or common law contracts.

Table 2.1: Distribution of WA employees Between the Federal and State IR Jurisdictions

Employee Group	Proportion of all WA employees – May 2004	Proportion of all WA employees – May 2006
Subject to the federal IR jurisdiction	59.9%	61.4%
Incorporated	46.6%	48.8%
Federal Government	2.0%	1.9%
State Corporations	8.5%	8.3%
Local Government	2.8%	2.3%
Subject to the WA IR jurisdiction	40.1%	38.6%
Unincorporated	31.5%	30.7%
State Government	8.6%	7.9%
All employees	100%	100%

Source: DOCEP 2007.

Table 2.2: Methods of Pay Setting in Western Australia, May 2006

Arrangements	Coverage
Federal certified agreements	25.3%
State industrial agreements	12.8%
Australian Workplace Agreements (AWAs)	5.8%
Employer-Employee Agreements (EEAs)	1.2%
Other arrangements	
State or federal awards only (11.1%)	
Common law contracts	
Above award payments	54.9%
Unregistered individual and collective agreements	
Working proprietors setting their own rate of pay	

Source: DOCEP 2007, based on unpublished data from ABS 6306.0

2.3 Summary

Within Western Australia the majority (60 per cent) of employees are covered by the provisions of the Federal jurisdiction, provisions which, since the mid 1990s have increasingly prioritised individual bargaining over collective and limited the role of third party (union and tribunal) involvement in agreement making. The latest reforms introduced via *WorkChoices* are particularly radical and contravene basic ILO conventions, such as the right to bargain collectively. The pairing back of the minimum conditions to five allowable matters together with the unfair dismissal provisions and the removal of the no disadvantage test have significantly weakened the protections afforded to many, and to low paid workers

in particular. The new fairness test recognises growing community concern with the weakened bargaining position of many.

Although *WorkChoices* has only been in effect since March 2006 it is apparent from the above that arrangements deregulating the labour market have been incrementally adopted since the early 1990s. In Western Australia the first wave of deregulation occurred in 1993 and although re-regulated in 2002, the increasing importance of the Federal jurisdiction over this period means that WA has, effectively, operated in a deregulated context for a decade or more.

Within the State less than half (45 per cent) of employees are covered by formal, written, agreements. The remainder are covered by common law contracts, and unregistered (informal) individual and collective agreements (including above award payments). A small proportion (11.1 per cent) of WA employees are covered by only an award. Deregulation has contributed to greater variability in methods of pay setting and agreement making within the State potentially engendered a degree of confusion as to jurisdiction of coverage as well as employer responsibilities and employee entitlements. As will be seen later in the report there appears to be particular ignorance amongst low paid workers as to their method of pay setting and the form and scope of their agreement. The majority appeared to be on verbal agreements and, consistent with the statistics in Table 2.2 above, few had formally signed an employment agreement. Ignorance amongst the low paid workers would appear to be linked, in part, to confusion amongst the employers of low paid workers as to their responsibilities and requirements within the IR system(s).

3 Trends in the WA Labour Market

As at May 2007 there were 1,676,000 people in the civilian population aged 15 years or more in Western Australia, of which 1,136,200 (or 10.4 per cent of the national labour market) were either employed or unemployed (representing a participation rate of 67.8 per cent). Within the State men accounted for 55.5 per cent of all labour market participants, with 86.7 per cent of all employed men employed in a full-time capacity. Women, in contrast, were more evenly distributed between full-time and part-time work. At May 2007 52.5 per cent of all employed women were employed full-time.

In the remainder of this section we review recent trends in the WA labour market, paying particular attention to employment growth and wages growth.

3.1 Employment Growth

Between 1994 and 2007 total employment in WA increased by 49.1 per cent. The majority of new jobs within WA have been filled by women, with sectors such as Property and business services and Retail trade amongst those exhibiting strongest growth (see Table 3.1). Between them they generated one third of all new jobs since 1994. Employment growth has also been particularly strong in the part-time sector of the labour market (see Figure 3.1). By May 2007 29 per cent of all employees in WA were employed on a part-time basis; 75 per cent of the part-timers were women. Relative to the national average women were slightly over-represented in part-time employment in WA (see Table 3.2).

Figure 3.1

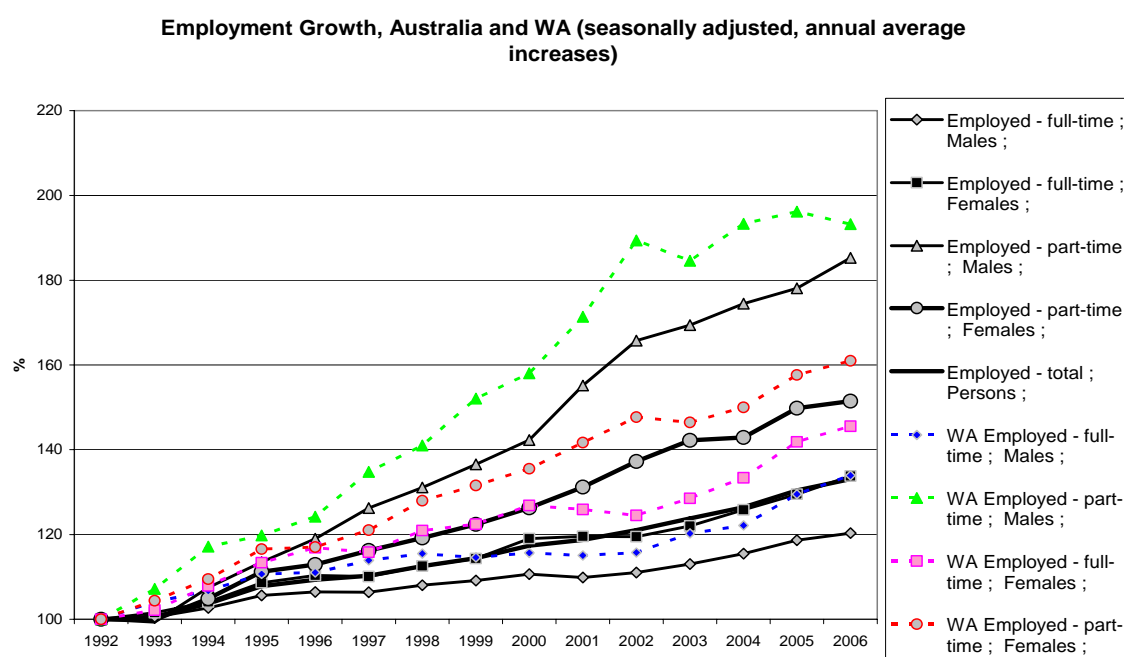


Table 3.1: WA Employment Growth (1994-2007) and Employment Shares at 2007

Industry (sorted by total employment growth in descending order)	Total Employment Growth (%)	Part-time Employment Growth (%)	Industry Employment as share of Total Employment, May 2007 (%)	Share of Women in the Industry at May 2007 (%)
Property and Business Services ^{\$}	189.5	*226.3	11.5	39.0
Construction ^{\$}	185.3	*197.4	7.7	13.5
Government Administration and Defence	176.6	*472.7	5.3	#52.9
Retail Trade ^{\$}	161.6	*185.2	14.8	#57.6
Personal and Other Services ^{\$}	159.7	*223.5	3.9	#52.2
Health and Community Services	156.8	175.6	10.5	#82.0
Mining	153.9	112.5	5.1	18.4
Communication Services	153.9	*185.7	1.6	26.8
Cultural and Recreational Services ^{\$}	153.7	*198.5	2.6	#54.8
Total	149.1	177.1	100	46.0
Accommodation, Cafes and Restaurants ^{\$}	145.1	138.8	4.6	#62.6
Electricity, Gas and Water Supply	137.6	*200.0	1.3	18.8
Transport and Storage ^{\$}	130.8	*370.0	4.1	29.1
Education ^{\$}	130.7	142.2	7.6	#69.5
Manufacturing	127.0	109.3	9.4	22.4
Finance and Insurance	123.7	162.5	3.3	#63.5
Wholesale Trade ^{\$}	107.4	*178.0	4.4	27.4

Source: ABS Labour Force Data. Note: ^{\$} indicates sectors with below average male wages growth between 1994-2007 (see Figure 3.5 below); * indicates above average part-time employment growth; # indicates industry sectors where women are over-represented relative to their share of the total WA workforce.

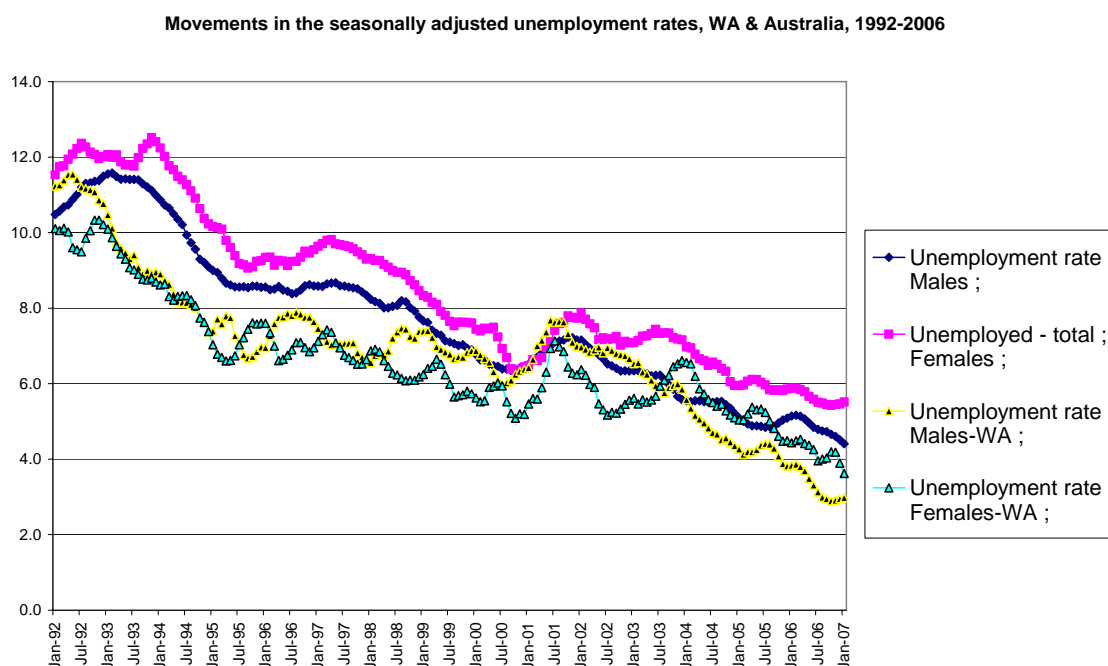
Table 3.2: Employment shares in Australia and WA, May 2007

	Employed - full-time, Males	Employed - part-time, Males	Employed - full-time, Females	Employed - part-time, Females	Employed – total, Persons
Australia					
Total ('000)	4908.8	853	2621.2	2070.8	10453.8
% share	47.0	8.2	25.1	19.8	100.0
Western Australia					
Total ('000)	523.4	88.8	252.4	234.8	1099.4
% share	48.5	7.7	22.7	21.2	100
WA % Australian LM	10.7	10.4	9.6	11.3	10.5

Source: ABS 6202.0

Figure 3.2 shows movements in the WA seasonally adjusted unemployment rate. At May 2007 the WA male unemployment rate was equal to 3.0 per cent and the female rate at 3.6 per cent. As illustrated below, these rates are amongst the lowest ever recorded.

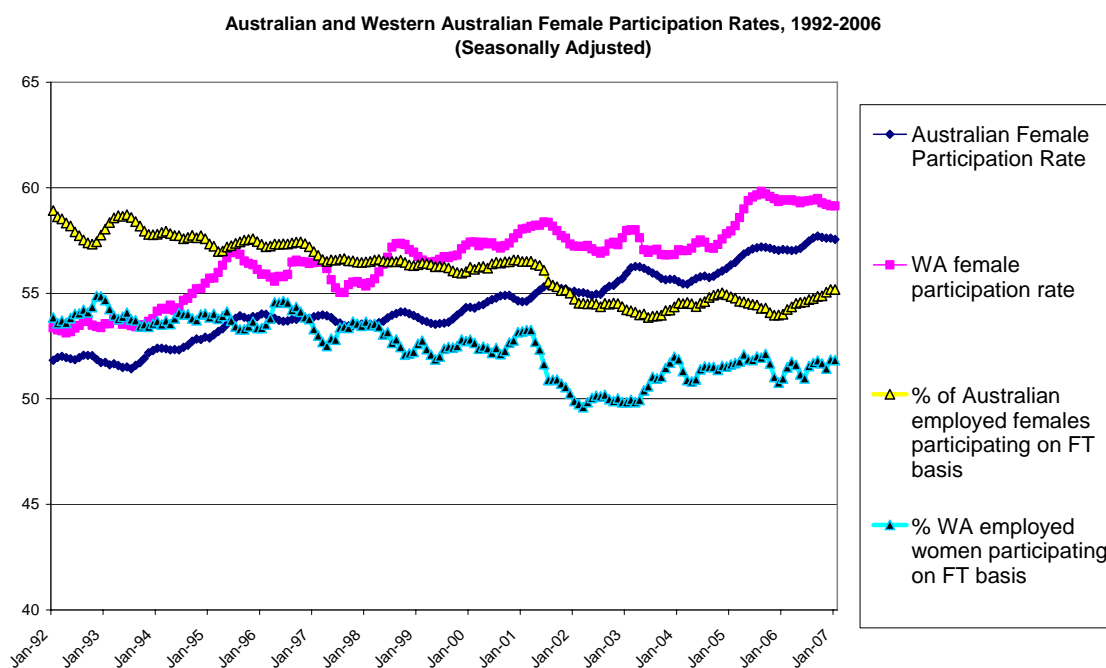
Figure 3.2



Strong employment growth combined with low unemployment has also contributed to strong growth in the labour force participation rate. By May 2007 the seasonally adjusted male and female participation rates were equal to 75.4 and 60.2 per cent, respectively. As shown in Figure 3.3 Western Australia has one of the highest participation rates, especially for women. It is interesting to also note, consistent with trends at the national level, a fall in

the share of WA women participating on a full-time basis. The drop-off is particularly marked after January 2001

Figure 3.3

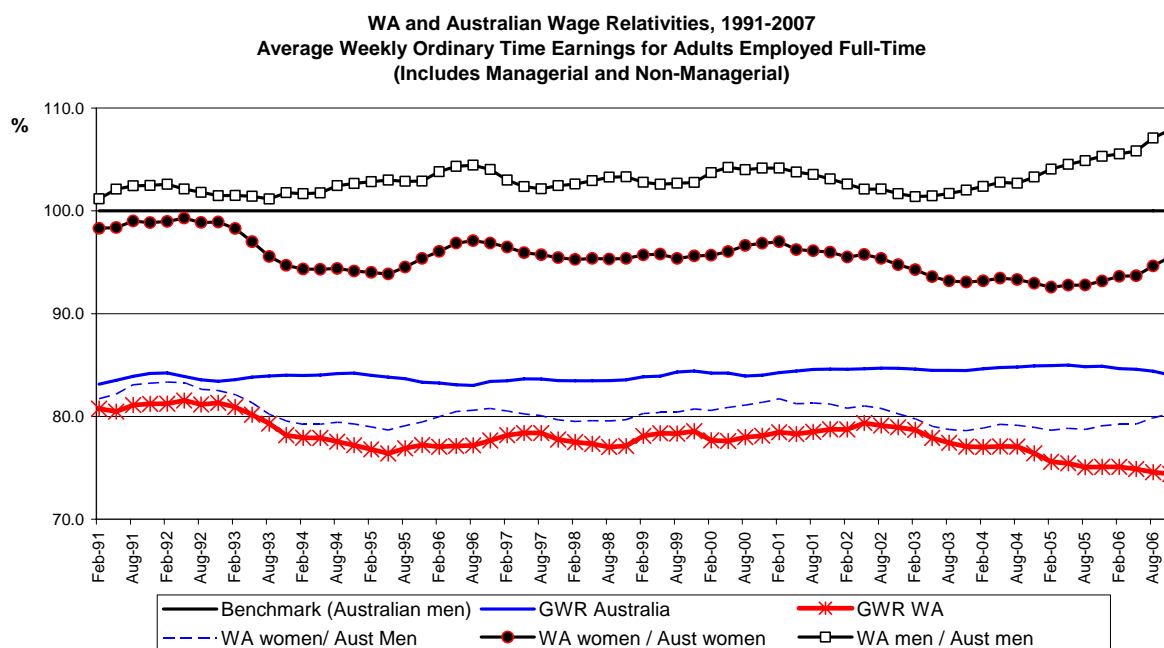


3.2 Wage Movements in Western Australia

Figure 3.4 shows movements in the gender wage ration (GWR) and in the wage relativities of adults employed full-time in WA and Australia over the period 1991 to 2007. It is apparent from this diagram that men in WA have, since the early 1990s, been in receipt of a wage premium relative to their national counterparts. At February 1991 the WA male (full-time employee) / Australian male (full-time employee) premium was 1.2 per cent (measured using seasonally adjusted average weekly ordinary time earnings (AWOTE)). By November 2006 the corresponding premium was 7.9 percent. WA women have, in contrast, trailed behind women nationally. At May 1993 the shortfall was equal to 0.7 per cent, by February 2005 it had widened to a shortfall of 7.4 per cent and by February 2006 was equal to 4.5 per cent. It is beyond the scope of this paper to account for these trends, although it is worth noting that the recent convergence in the earnings of WA women employed full-time relative to Australian women employed full-time has come at a time when fewer WA women are working full-time. The convergence may, thus, reflect in part compositional differences, with more highly paid full-time women remaining in full-time employment thus

raising the overall average. A more useful picture on trends in wage relativities would come from a data set that included time-series data on hourly wages. Unfortunately these data are not available within Australia to enable such comparisons.

Figure 3.4



Source: 6302.0 (Note: four quarter moving average has been applied to smooth the data)

Figure 3.5 shows wages growth between 1994 and 2007 disaggregated by industry sector. To facilitate comparisons the computations are based only on male AWOTE in the full-time labour market. It is apparent from these data that industries experiencing fastest wages growth have been Finance and insurance; Government administration and defence; Health and Community Services and Mining. Industries with the slowest wages growth include Accommodation, cafes and restaurants, Culture and recreational services, Property and business services and Personal and other services. With the exception of Property and business services these industries with below average wages growth also exhibited below average AWOTE at February 2007, with Accommodation, cafes and Restaurants followed by Retail trade at the bottom of the pay hierarchy. These two industries are also highly feminised (see Table 3.1) above.

Figure 3.5

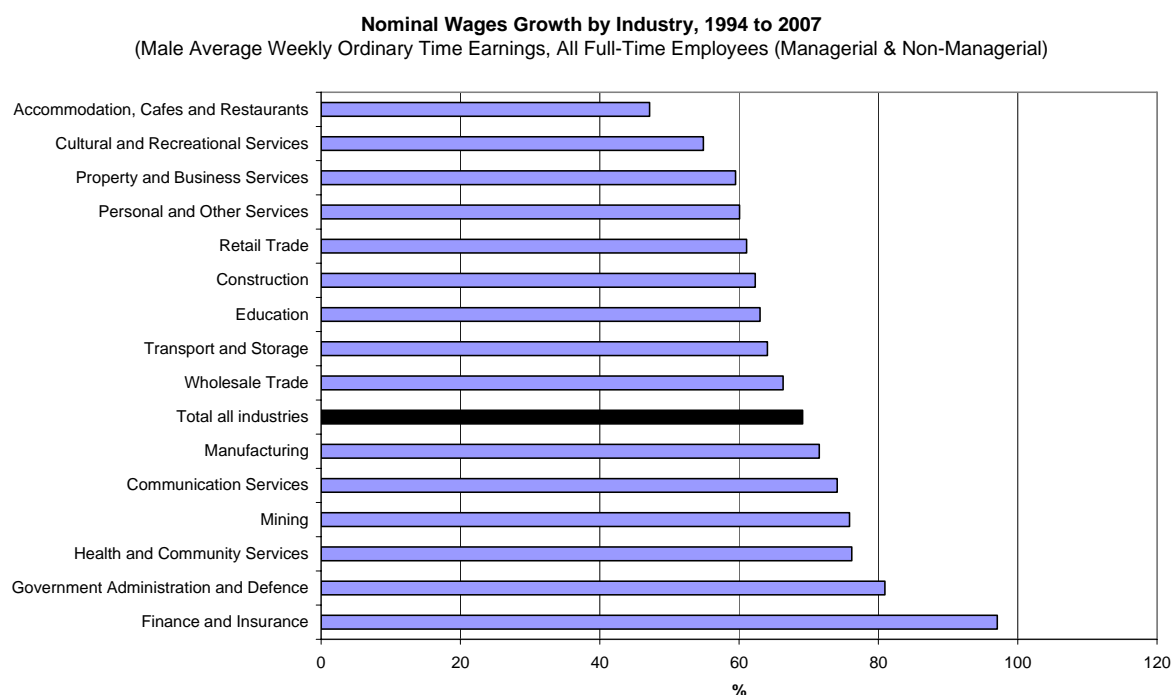


Table 3.3: Average Weekly Ordinary Time Earnings (Seasonally Adjusted) and Earnings Growth of Males Employed Full-Time

	Growth Male AWOTE 1994-2007 (%)	Male AWOTE at Feb-07 A\$
Accommodation, Cafes and Restaurants	47.1	\$778
Retail Trade	61.1	\$833
Construction	62.3	\$1,004
Manufacturing	71.5	\$1,023
Wholesale Trade	66.3	\$1,031
Cultural and Recreational Services	54.9	\$1,072
Personal and Other Services	60.1	\$1,088
Transport and Storage	64.1	\$1,093
Total	69.1	\$1,111
Communication Services	74.1	\$1,174
Government Administration and Defence	80.9	\$1,180
Property and Business Services	59.5	\$1,214
Education	63.0	\$1,252
Health and Community Services	76.2	\$1,298
Electricity, Gas and Water Supply	91.1	\$1,304
Finance and Insurance	97.0	\$1,603
Mining	75.9	\$1,726

3.2.1 Hourly Rates

As noted above, as an indicator of wage movements, trends in the full-time labour market provide only a part-picture. Employment growth in recent years has been particularly strong in the part-time sector where arrangements for wage determination are quite different. National data shows that whereas only 12.5 per cent of persons employed full-time are Award dependent workers, in the part-time sector the corresponding share is 33.8 per cent.

Table 3.4: Methods of pay setting (Australia), Non-managerial employees, May 2006

	Male -FT	Male- PT	Male- Total	Femal e-FT	Femal e-PT	Femal e-Total	Person s-FT	Person s-PT	Person s-Total
- % -									
Award only	11.3	34.0	17.1	14.3	33.7	24.8	12.5	33.8	21.0
Registered collective agreements	41.0	32.8	38.9	45.0	42.2	43.5	42.6	39.3	41.3
Unregistered collective agreements	3.7	*	3.5	2.9	2.8	2.8	3.4	2.8	3.2
Registered individual agreements	4.3	*	4.0	2.9	*	2.5	3.8	2.4	3.2
Unregistered individual arrangements	39.7	27.3	36.6	34.9	19.2	26.4	37.8	21.7	31.3
All methods of setting pay	100	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: ABS 6306.0; * indicates cell size is too small to report.

Table 3.5 sets out the average hourly cash earnings (adjusted for salary sacrificing) of men and women in Australia and WA. The analysis is restricted to all employed (i.e. full-time and part-time) non-managerial employees and is based on hourly cash earnings rather than AWOTE. It is apparent from these data that WA women on awards and unregistered individual agreements earn between four and five per cent less than their counterparts nationally. Award dependent men in WA also earn less than their counterparts nationally.

Table 3.5: Average Hourly Cash Earnings (A\$), Non-managerial adult employees, May 2006

	Australia		WA		WA/Australia Ratio (%)	
	Males	Females	Males	Females	Males	Females
Award only	\$18.0	\$18.6	\$16.60	\$17.80	0.92	0.96
Registered collective agreements	\$28.7	\$25.7	\$29.10	\$25.60	1.01	1.00
Unregistered collective agreements	\$23.6	\$20.7	\$28.00	\$20.20	1.19	0.98
Registered individual agreements	\$28.1	\$22.8	\$36.70	\$23.20	1.31	1.02
Unregistered individual arrangements	\$27.2	\$23.1	\$28.90	\$21.90	1.06	0.95
All methods of setting pay	\$26.3	\$23.2	\$28.80	\$23.10	1.10	1.00

Source: ABS 6306.0

Figure 3.6 concludes this sub-section with a comparison of the average hourly earnings of non-managerial women and men disaggregated by method of pay setting. The overall short-fall experienced by women in WA is equal to 19.2 per cent. This compares to a gender wage gap of 25.6 per cent at November 2006 based on AWOTE of men and women employed full-time (see Figure 3.4). A part explanation for this difference lies in the fact that the data from ABS 6302.0 (used to generate figure 3.4 above) includes managers as well as non-managerial employees. Research elsewhere (eg. Kee, 2006) shows that the gender pay gap is higher amongst higher pay employees where there is greater variability in the wage outcomes. The difference also arises because the figure for average hourly includes part-time employees.

Figure 3.6



At 2006 the gender wage gap amongst those covered by unregistered collective agreements and unregistered individual agreements in WA was 27.9 and 25 per cent, respectively. Amongst those covered by registered individual agreements the gender pay gap in WA was equal to 36.8 per cent, reflecting the diversity of coverage and different strategic purposes for using formal AWAs. In the high paying industry sectors such as mining AWAs have been used as a way of discouraging union membership. In low paying sectors such as Retail AWAs have been used as a way of curtailing labour costs. These sectors, as noted earlier, also differ significantly in terms of gender representation meaning that men are much more likely to be covered by more generous provisions in their AWAs than women. Labour market deregulation has an important gender dimension to it, as borne out in these aggregate statistics.

The following section further explores the recent experiences of low paid women workers in low paid work in the highly deregulated WA labour market.

4 Low Paid Work and Low Paid Workers in WA

4.1 Working and getting paid in the “minimum conditions” labour market

While the previous sections provide an overview of the current economic and industrial relations context in Western Australia, this section focuses on the experiences of twenty two women working in largely feminised industries and occupations. This is a key area of interest because such sectors often utilise minimum conditions as the basis for their employment practices. By examining the experiences of women working in low paid sectors of the labour market, it is possible to gain some insights into the way in which labour market regulations affect people’s working lives and their capacity to negotiate arrangements which suit their needs at work and at home.

A discussion of the research design, data collection methods and analysis process is provided in the appendix documents at the conclusion of this report.

4.1.1 Income

Participants in our interviews were predominantly employed in low paid occupations, often in part-time or casual positions. Of the twenty-two participant the mode hourly wage rate was between \$16 and \$20 per hour.⁴

The highest personal annual income (from all sources) disclosed by an interview participant was in the \$50,000 - \$59,000 bracket. Thirteen participants had personal annual incomes of less than \$40,000 and eight participants lived in households where total household income was less than \$40,000. While two participants lived in households where total household income exceeded \$100,000, the women who participated in our interviews were substantial contributors to total household income and could not be characterised as being in the workforce to earn “extra” household income for discretionary spending purposes. This is reinforced by the fact that almost half of the interview participants did not live with a

⁴ Of the twenty-two participants: four earned between \$10 and \$15 per hour; nine earned between \$16 and \$20 per hour; three between \$20 and \$25 per hour; one between \$35 and \$40 per hour; and five not specified.

partner or other family members. The participants' earnings through the labour market are both low and essential to their economic well being.

Most of the participants readily recognised that they were in relatively low paid work and this was largely accepted as the "norm" for their particular occupation or industry. Most also discussed pay structures that consisted of standard hourly or weekly wage rates in which the payment of penalty rates and overtime were relatively rare occurrences. This was not because such payments had been specifically traded or renegotiated as a formal part of the participants' employment contracts. Instead, it appears that the payment of penalty or overtime rates is the exception rather than the rule for those we spoke to:

A: No. When I first started they asked me to do overtime, to work a couple of weekends. I told them because of my children I couldn't do it, but they did ask me.

Q: Would they have paid more?

A: No, same amount.

Q: What about shift loadings and penalty rates?

A: We don't get any of that. That's one thing I don't like ... we don't have to work public holidays, but if we do we don't get paid any extra. But I have to work public holidays because I'm afraid that I won't make my hours and... but they told us that straight off, if we decide to work over Good Friday or Easter Monday or Foundation Day we do not get paid any extra.//

Where penalty rates were paid, they were appreciated as additional income:

... of course you get penalties which is good when you have to work on the weekend, so that's a bit of extra income there.//

I've always had Sunday and Monday off... I knew I'd probably get it because a lot of people like working Sundays because they want the penalties.//

The incidence of unpaid time at work was particularly prevalent among those working full-time who were expected to complete "unpaid overtime". Interview participants spoke about pressure to remain at work to complete particular tasks, outside agreed or ordinary hours of work, without receiving additional payment. Where compensation was provided, this was sometimes in the form of "time off in lieu", usually taken at the discretion of the employer:

I work full time, I'm on a salary so I don't get paid overtime. ...if I do work overtime I accumulate time in lieu and it's at their discretion when I get to take it. //

I work a 38-hour week. There's not really a lot of overtime involved, but some days there can be. It's unpaid overtime when there is some. //

... I was employed originally as a coordinator here at [centre name] and I was only meant to be doing a 75-hour fortnight. I average on about 86 hours a fortnight.

Q: And do they pay you for that over-time?

A: No. I just get paid a flat rate. Which I am not too happy about. //

There were some that hadn't been paid right for quite some time and they were owed thousands for overtime, but they [managers] said that they had never paid overtime and wouldn't start now. But I thought that as a part of an award if you worked overtime you had to be paid for it.//

Underpayment of wages was also an area of concern. The causes of underpayment were diverse, ranging from errors or delays in processing wage payments to more questionable practices of determining wage entitlements. For some employees, it appears that being paid correctly is a matter that requires a level of vigilance. A small reserve fund of savings was one employee's solution to overcoming difficulties associated with being paid correctly and on time. At the time of interviewing, two participants were in the process of seeking legal remedies to pursue relatively substantial amounts of back pay:

... he has got this habit of getting it wrong. He gets it wrong a lot, and never gets it wrong in your favour, ... like yesterday I had to go up and say that, "You've short-paid me \$100 dollars", and it's like "Um well, would you like it next week"? Yes of course I would like it next week... //

We had a bit of a hiccup this week because the girl who was doing the pays was sick,... but there's still a pay in the bank to cover the commitments.//

It says under that Award that I should be getting, so much, like time and a half for my first two hours of overtime, so when it brings it to 40 hours, and then double time after that. So I haven't received any of that. //

It came about by accident... it might have been about a question that someone asked him at work and he started to research about annualised salary and he started looking at pay ... he said, "we've been grossly, grossly underpaid." ... To cut a long story short we have learnt that it is systematic through the whole [organisation], we're not the only ones, but we're the only two that have stuck our heads up...//

Other types of "unpaid work hours" and potential underpayment were also discussed by participants. For example, one participant who works in the aged care sector, is paid for the time she spends with clients in their own homes but is not paid for time spent travelling between residences. So even though she feels she works "full time" hours, she is not paid full time wages. She is, however, paid a kilometre allowance for travelling expenses:

It's not totally 40 hours because a lot of it, even though I am working 9 till 5, I don't work from 9 till 5 in the sense that they don't pay for all those hours. They allow 15 minutes between clients, travelling from client to client. So if I finish with one client at 1 I am I don't

have to start at the next client's place till 11.15 because sometimes it takes a while to get there.//

Another area of discussion was that of having jobs reclassified so that an employee experienced either a reduction in pay or assumed additional duties for the same wage rate:

...they changed the job title [from Stock Room Manager], to Independent Stockroom Controller... Which means you're a level 3 not a level 4... because you don't manage anyone anymore. There used to be 3 people in there, now there is only one.//

I didn't have any trouble with my salary, it was more the conditions and what was expected of you... like I'm 62 years old and when it was quiet I was asked to go outside and do work outside, which is something that I never dreamed of doing in my lifetime.... And I said, "No, I'm not going to do that", and after I said that I was treated with anger because I chose not to do that. You know it's just little things like that. It was not the right thing for them to do.//

And that's why at the start of April I actually stepped down as supervising officer. It's only if you are supervising officer that it comes back on you... and that's what I was without knowing what potential that job, or position was actually for. Like if there was a wrong birth certificate it would be my fault and there would be a fine to the licensee. So they put their trust in me, but I couldn't do it, I only did it for about what... 4 months. Yeah I tried but there were just too many mistakes... and if management don't want to fix it...//

Other perceptions about wages and fairness related to "big" issues, such as gender equity:

...if you have a little education and you're a women you pretty much have to take the first shitty job that you can get, but guys, they can go and work in the mines or the can work like doing what, tiling and stuff like that and you can get like 1400 dollars a day.

...Q: Why don't you become a tiler?

A: Because you can't.//

In general, participants discussed a range of challenges and views about wage structures and getting paid that appeared relatively separate from any direct effects from the 2006 WorkChoices legislation. However, two participants had experienced changes in the structure of their wage rates as a result of changing from awards to AWA based employment contracts. Both participants spoke about negotiations where a higher hourly wage rate had been offered in exchange for the cessation of penalty payments and weekend loadings. In both cases, the hourly increase was considered by participants as inadequate to compensate for the concessions granted:

It [hourly wage rate] did go up by 50cents an hour.... [but] they changed the loadings. Like when we used to work on a Sunday to do stock take it was double time and a half, but that went.

.... A lot of people were upset about that, because like for stock take, which was compulsory, but not for me because I was sick, it was double time and a half for a Sunday and they stopped that.//

Well in the AWA it does state, well this is another bone of contention, they told us around the time the AWAs first came in that the new salary structure incorporates the leave loadings, your public holidays and lieu days and that sort of thing, but when you work it out once again it doesn't, it certainly doesn't include 17% leave loading. //

In a context where underpayment or incorrect payment of overtime and penalty rates is relatively common, it may be difficult for employees to clearly identify the implications of changes in their wage structure that occur through negotiations or employment contracts in which penalties or loadings are traded for a higher hourly wage rate. The experience of the two participants who identified disadvantages in their revised pay structures under AWAs suggests that the full implications of concessional negotiations may not be understood at the time that a new employment contract is signed.

4.1.2 Hours

While no-one expressed a particular liking for low levels of pay, in the absence of overt underpayment, relatively low wages appeared to be largely accepted by most interview participants. Of greater concern were numerous issues related to working hours. This was particularly important to participants who had arranged their working hours to meet their household responsibilities, usually caring for their children. One participant told of her experience of resigning from her employment after being told that her full-time working hours were to change, only to be later re-hired as a casual employee in the same workplace:

The other girl, she said that she couldn't start at 6.30 in the morning because she had a young baby and I couldn't do it either because I have three children and I didn't want to get my kids out of bed that early and have them in before school care and then go on to a full day at school.... And they said, "Well you have to or you have to leave". And we... we all knew about *WorkChoices* at that stage, and we all knew that they could get rid of us if they wanted to for some reason, the whole twelve girls that worked there so... . So [worker's name] she put in her resignation the week after, and I put my resignation in the week after that, because we didn't think it was going to work, and it's better to resign than be sacked.//

Another participant discussed her preference for different hours of work with her employer to be told that this could not be accommodated and the only option was for her to leave:

...I would prefer to be home before 6:00pm and just work about three days.... But they say they can't fix the days and they can't fix the shifts.... the only option is for me to leave. Because that's what the manager said, in this kind of job you have to accept shift work and I agree.//

Participants who are able to negotiate their hours of work are very appreciative of this capacity and appear relatively happy with their employment, even if it is not highly paid:

... when I initially went for it, it said full-time but when I went for the interview I explained to them that I had children and that I could only work... and the lady who employed me [name] said that she could accommodate to my needs...me. That's why I start at 9.30 and if I'm having a really busy morning I might start at 10 and that doesn't bother them. They are really nice people to work for...//

...[they] try and keep me in a certain area so I am only 15 minutes away from the kid's school.... So if I have to leave to pick the kids up if they are sick, I'm not too far away; they keep me in the general area.... they're really good. //

Despite the flexibility that WorkChoices and AWAs are intended to facilitate, no interview participants identified any changes or improvements in their working hour arrangements that they attributed to this form of employment regulation. Flexible or negotiated working hours appeared to be more closely associated with managerial decisions and workplace needs than with any specific form of employment contract. In the one case where a change in working hours was directly attributed to the introduction of WorkChoices, the interview participant viewed the experience as largely counterproductive to her requirements.

4.1.3 Breaks

Meal or rest breaks were another area which some interview participants discussed as an area of concern. Several participants discussed the routine working of long shifts without a break:

... If you do the 8 [hour shift] you get a break. But there are times when you work a 6, like 10- 4 and you don't get a break. Which I find is terrible... It's OK at nights because you might do a 5 till 11 and you've already eaten ...but if it is in the middle of the day like 11- 5 or 10- 4 you struggle a bit.//

So you are led to believe, especially because you start your trade at 16 or 17 that You learn to believe that that is just how it is for you. Wait staff and management staff are different, they get breaks, they can request days off, they get sick days when they want to, but those things don't apply to you, you are in the kitchen, it's different.//

While the issue of meal or rest breaks was not raised by many participants it was a further example of specific work practices that have developed over time in some workplaces.

Participants who raised these issues were clearly not in favour of their current situation with respect to breaks. However, there appeared to be about whether such practices were formally sanctioned within the terms of their employment contract or whether it was an issue that could be legitimately raised with their supervisor.

4.1.4 Leave

Interview participants were relatively evenly distributed between those that classified themselves as full-time (six participants), part-time (eight) and casual (eight). In contrast to some other conditions of employment, participants expressed some confidence that they were reasonably well aware of the leave entitlements attached to their form of employment and specific employment contract:

I'm casual, I don't get sick pay and I don't get holidays, no.//

... they need someone with my experience and that was the only way that I would take the job, and those were the terms that I was paid the proper amount of money and on a full-time basis, not a casual basis... they had [other] people there on a casual pay and they worked 40 hours a week, week in week out, and they never got holidays, they never got sick pay or anything like that and I considered that to be wrong.//

I get all my sick pay, I think that is 14 days or something, which is standard, maternity leave you have to be there for a year, and then you get 8 weeks maternity leave but you only get 5 weeks when you first leave and then you get 3 if you come back.//

[I'm] Permanent part-time.... I think it works better for me... if you're sick or if you need a holiday or you've spent all your money. That's my choice I could have been casual if I wanted to.//

One participant, who considers herself to be a casual employee, was pleasantly surprised when she received a standard pay when she had taken a day off work due to illness. Again, this participant demonstrated a reasonable level of familiarity with the implications of being a casual:

Actually I don't think I am entitled to any of that but one time I was sick and that fortnight when I got paid, I still got a full pay. Whether they paid me out of the kindness of their heart... I was under the impression if you don't work you don't get paid.//

For those who did express concerns about their leave, the relevant issues were receiving the correct pay or being able to have leave approved, rather than a debate about their basic entitlements:

Q: And what about sick pay and things like that?

A: I should get it but I've never actually had it, as I have only been part-time for 6 months so I haven't taken any sick pay.

Q: If you were ill, do you think they would pay you?

A: Well they probably wouldn't, but I'd run after them so they would pay me.//

...I've never had holidays, because there were not enough staff to take three weeks off or two weeks, you might be able to get one week off at a time if you would be lucky, and that would be it.... I just didn't take my holidays and they paid it into my superannuation.//

In summary, leave provisions appeared to be relatively well understood and participants felt reasonably well informed about the different leave provisions that apply to full-time, part-time and casual employees. The reasons for a comparatively high level of awareness and information cannot be stated with certainty within the context of this study. However, it is tempting to note that minimum leave provisions have typically been established through national or industry awards that have set benchmarks that have become well known industry standards. This may contribute to a situation where employees are confident in their knowledge of their entitlements. In the longer term, the possible trading of leave entitlements for other employment conditions may have implications for the extent to which employees have a degree of certainty about their entitlements to leave or the existence of "standard" leave provisions.

4.1.5 Casual and part-time status

While participants expressed an awareness of the differences between full-time, part-time and casual employment, they did not always agree with the way in which their particular job was classified. Several discussions about participants concerns with their wages, overtime and penalty payments and working hours can be traced to a degree of confusion, either on the part of the interview participant or by their employer, about the appropriate classification of a job:

Well I don't know... there seems to be... they really don't know what I am. No one can say whether I am casual or permanent part-time. In my pay book it is written as a permanent casual but there is no such thing as a permanent casual apparently.//

Well I did full-time hours, like I was always doing 30 plus hours a week, but it was always casual pay, you don't get holiday pay or anything like that.//

I probably do about 34 hours a week, on average. I'm actually permanent part-time. When I joined [this employer] they no longer had full time; well, I don't think [this employer] ever had fulltime, it was permanent part-time. So I can do a maximum of 76 hours a fortnight before I get paid overtime. //

In these discussions, the key issue was not the specific entitlements that relate to various forms of employment but the criteria that determine the full-time, part-time or casual status of an employee. While there may be some instances where employees or employers have particular strategic interests in promoting one form of employment status over another, the discussions did not necessarily indicate a systematic approach with respect to this issue. Rather, from the experiences related by interview participants, there appeared to be ample scope for both employees and employers to have a better understanding of employment structures and the implications for the appropriate status and tenure that attach to particular jobs.

4.2 Being a Low Paid Worker

So far this report has provided both “macro” and “micro” pictures of the minimum conditions sectors of the Western Australia labour market, particularly those sectors that are highly feminised. In this section we focus on the experience of being employed in this sector. In this discussion we are concerned not just with relatively objective issues such as rates of pay and hours of work but with the implications that these employment standards have for the lives of those working for low pay.

4.2.1 Things I like about work

It would be easy to paint a relatively gloomy picture of work in the minimum conditions sector of the labour market and, with little doubt, there are some aspects of low paid work which are not to be envied. However, when interview participants discussed their work, it was a not a case of “doom and gloom”; most people enjoyed specific areas of their work. A relatively common comment was that there was much to enjoy at work, especially social interaction with co-workers and clients:

Yes, the interaction with people and just the general chitchat that goes on, you get involved you know. You get to know everything working behind the bar; it's pretty good, people tell you their life story. I like the interaction with people.//

I loved it. Because I had been there for so long I knew everybody; it was like one big happy family until he came in.... they were all my friends; they weren't just my customers, they were my friends.//

... behind the bar people come, they talk to you and if they like you they come back again. Then they make it their pub...//

...it's not necessarily about the people you work for but the people you work with are great. You know we've got a great crew there... I mean you meet some really interesting people, hospitality is a very good educator of life skills, you learn a lot about human psychology and problem solving. ... You learn a lot about different cultures and respect for different cultures... //

The one thing I like about it is the actual girls I work with, they are a great group of girls.//

The thing I like most about the work, well two things... one is that I like the kids, I love working with the kids and I like the girls that I work with as well. It is a nice friendly environment between us and we have lots of fun together.//

...just working with the people is what I like...//

Work content was also a source of satisfaction for many of the participants, especially when they felt they were helping clients and achieving a sense of a job well done:

I like working with people. I don't like to see people with disabilities but I suppose they need some help and that's the gratifying part of my job to see someone happy, to do something for someone and see them getting better, to improve their lifestyle...//

Well, the actual interaction with the residents; the ones who do interact with you. But even the ones who don't ...more often than not, you're anticipating their needs and you're just doing [things] for them more than anything else because they can't do for themselves. //

... it's nice to meet different people, like slowly through the service sort of get friendly with the people and make the best or most out of their experience.//

I am doing something worthwhile for someone who cannot do things for themselves. And you get the appreciation when they just turn around and thank you.//

Participants expressed their views that their job was an important part of "who they are":

Especially if I'm at work, I'm paid to do a job. So therefore you do the job... I don't carry anyone and I don't expect anyone to carry me...//

I love my job.... I like looking after people... it's just nice to get out into the community so I can feel like I'm not 'just mum', I'm somebody, I've got identity //

4.2.2 Difficulties at work

Given that most of the participants accepted their relatively low wage rates as the usual course of events, it was generally issues other than pay and conditions that were the causes of specific problems or dissatisfactions at work. The pride that participants took in their work meant that they were sometimes particularly stressed or frustrated when they felt constrained in their capacity to do their job well. For example, one participant had experienced an illness which makes it challenging for her to work for more than three hours at a relatively high intensity level but finds it difficult to find employment that offers shifts of this length. She expressed some frustration at the limits this imposes on her and the advice she has received not to inform potential employers of her preferences for shorter shifts:

I would rather do 3 hours as a good worker... [as] a good worker, I do what I say I'm going to do and not slack off, ... I think part of being a good worker was telling them that I wanted to do 3-hour shifts//

Other participants found it stressful or annoying when they felt new management or work processes hindered their capacity to do their job well. Often this was associated with increasing work intensity and/or understaffing:

... I don't mind the responsibility, it's just that I've got other stuff I have to do. I don't have time to do stuff that they never told me I would have to do because they are deciding to expand and they don't want to hire more people.//

What actually happens in those situations is that a lot of the time you have to minimise the care that you give to the resident which is not fair on the resident. So instead of having a shower, the person gets washed. Because timewise you've got to get everybody done and then just have to cut down here and there. You start cutting corners. And you start minimising the care which I don't like the idea of but sometimes it can't be helped. As a one off, okay. But sometimes it happens twice, three times a week and it's like "No – the situation is getting ridiculous". //

...we were doing the cleaning, the taking care of the kids and the cooking, because they hadn't employed a cook. So we had to cook for them as well as rummage up food and we also had to do the gardening and bits and pieces of maintenance around the centre. So there was a lot of work for us to do.... And we were often told off by management if things weren't done on time and to a specific level... and the priority should be the children.//

Within work itself, sometimes you just feel like Management doesn't listen. I mean this whole point where they say to you: the clients come first, the residents come first, you've got to look after their care, their safety and that. And yet when you turn around and say to them "look, we need this kind of equipment; we need this for this reason" the comeback is always "we haven't got it", "we haven't got the money" ... and sometimes you feel like they're not listening. //

Sometimes the source of frustration is not a particular managerial decision but a lack of clarity about who has responsibility for particular decisions in the workplace. In other cases there appeared to be a lack of consistency in the approach of managers and supervisory staff. Complex management structures mean that supervisory staff can be unclear about their responsibilities or authority.

So I rang up the person who I thought was my boss ... and he said that he is not the bar manager at all because nothing has gone through the committee to say that he is.... They don't even know who my real boss is. No one can tell me who my boss is, whether it's [one person] or [another person] or ... Nobody knows... but I always thought the licensee was the boss.//

There are certain rules that apply there that don't apply anywhere else, unless you have worked [here] you can't understand why people work the way they do; the exec chef is God, what he says goes. Quite often he will contradict management, but you work for him. If you want to go over his head to management, you might as well go and find yourself another job.//

...the only thing I do find frustrating is that at this workplace there is more than one boss. Well [name] who employed me is the actual boss-boss, but I also report to [name] on reception and [name] the fix-it man...//

Just the support, that you, that it is required for staff members, not just coordinators, not 2 IC's just support in general. You know direction, like this is what you are and this is how it is... it is so wish washy and all over the place, we don't know what's going on sometimes.//

I think that it was a total misunderstanding, because they figured it was an American company and it didn't have to apply, abide by Australian rules and regulations...//

Many of these issues are largely unrelated to legislation such as WorkChoices. However, participants' comments on the difficulties they face at work suggest a close relationship between managerial structures and communication practices in particular workplaces. The key issues represent a complex array that includes managerial responsibilities and structures, the organisation of duties and rosters among employees and staffing levels and the way in which decisions are made and communicated.

It appears from the experiences gathered in this project, new workplace regulatory structures introduced via national legislation have done little to minimise or solve these challenges. Rather, it appears to indicate a potential role for support structures for managers and small business owners which facilitate the acquisition of sound employee relations practices.

4.2.3 Juggling household responsibilities and child care

In many cases, a routine part of working life is the need to juggle rosters and hours in order meet household childcare responsibilities:

There has been quite a few times where they have said that “we are having a meeting and you have to stay back” and I say “well I’m sorry but I have to pick my son up from daycare at this time, so I can’t stay until then”. “Oh well can you come in early tomorrow morning” and I say “ well no I can’t, daycare only opens at such ‘n’ such time. But this company haven’t been too bad about it, they will let me come and go, but I still have to do they overtime if they want it.//

So I’m having a bit of a problem just now, especially with my daughter.... So even though I thought that I could go and work full-time, I find that now I have to be at home when she’s at home. But the work that I am in now, in aged care there is a lot of shift work, and weekend work and that’s not really suitable for us at this point.//

Participants who are able to negotiate their hours of work are very appreciative of this capacity and appear relatively happy with their employment, even if it is not highly paid:

4.2.4 Changing jobs, resigning and being dismissed

Media attention following the introduction of WorkChoices often focused on changes to regulations regarding unfair dismissal. The experience of several interview participants indicates that this group of women were already vulnerable to experiencing a loss of employment. For example, one participant, who is currently seeking legal advice, was dismissed from her job after raising a complaint about sexual harassment from a co-worker:

Well I made a complaint [about sexual harassment] to the boss who owned the place and I thought that he would do something about it, but I ended up getting sacked because I made the complaint.//

Another participant was dismissed when she took time off work to look after her child who was sick:

...my son was sick over a period of six weeks and they just said “don’t come back”.... I don’t really think they really did give me a reason. I know they really needed staff, because three people quit within a month, so I don’t think they were a very nice company to work for, people were leaving quite regularly. ... when Jared was sick, they just said “don’t come back because we’ve found someone else”.//

The threat of being sacked was sufficient to prevent one participant from lodging a claim for underpayment and accepted her manager's advice that such a claim could be pursued if she decided to leave her current job:

And I didn't want to lose my job, because they said to me if I leave, when I leave I could put in a claim, an unpaid entitlement form or something....

And after nine years in childcare I don't want to be sacked over [a claim for payment]... as much as I could sit there and explain my story, people are still going to say, "Well how come you were sacked?" ... they're not going to look at me again./

Several participants discussed situations in which dismissal was unlikely to occur because employers used means which either encouraged employees to resign or simply reduced the hours of casual employees so that they effectively no longer had a viable job:

Well they haven't put me off, they haven't sacked me but they are not giving me any work either. They say I am a casual...//

Well the way the company operated was that if you didn't like the conditions or anything about the place you could simply leave and that was it. They had no room for negotiation or anything like that; do you understand what I mean?

They are unlikely to sack people; they are more likely to make your life miserable until you resign. Their modus operandi is never to sack someone, they were taken to unfair dismissal once and they did win that but I take it that it was a fairly traumatic experience that they didn't want to repeat. So if it's someone they want to get rid of they will give them written warnings and harass them until they resign of their own accord.//

I don't know, when I got put off... well not put off but it was made difficult and the best thing was to leave...//

When interview participants identified particular issues at work which they felt were challenging or problematic, a common "solution" was to resign rather than face dismissal. In a study of this nature it is difficult to know whether this is because employment is relatively easy to find in Western Australia's current labour market. What we can identify from participants' interviews is a preparedness to change jobs rather than confront specific employment issues or conditions in the workplace. One participant discussed her preference to change jobs rather than work under the provisions of a workplace agreement. As mentioned previously, another participant felt that the new WorkChoices regulations meant that it was preferable for her to resign when her working hours were rostered to be

incompatible with her home commitments. She felt this was a better option than potentially facing dismissal.

A: Well I don't like the new workplace agreements (laughs).

Q: Do you think you would sign one...

A: No way, I'd just leave.//

... we all knew about WorkChoices at that stage, and we all knew that they could get rid of us if they wanted ... she put in her resignation the week after, and I put my resignation in the week after that, because we didn't think it was going to work, and it's better to resign than be sacked.//

The introduction of WorkChoices, on top of an existing propensity to resign or change employment in the face of tensions at work appears to have contributed very little to a culture or atmosphere of negotiated workplace arrangements. Despite Western Australia's relatively longer engagement with individual forms of employment contracts, the people we spoke to are not proactively engaged in negotiated outcomes at work.

4.3 Understanding and negotiating Employment contracts

4.3.1 Types of Employment Contracts

Of the twenty-two participants, twelve stated that they were employed under award conditions, three specified individual contracts or AWAs as the basis of their employment contract, three specified enterprise or other collective agreements and four didn't know the type of employment contract relevant to their job. Typical responses to questions about the basis of participants' employment contracts were quite short:

I don't have a contract, I have just a ... what do you call those things?
... an award. It was a state award and now we've become part of the federal system, so we're under WorkChoices.//

I didn't sign anything; it was just a verbal agreement.//

Hotel and tavern Award and I think it is 1988.//

...when they first started with it they said it was an Enterprise Bargaining. We went through enterprise bargaining and that's how we came to a collective agreement.//

In a small number of cases participants had been in circumstances where they were asked to change from an award to an AWA. Some participants demonstrated a reasonable working

knowledge of some of the differences and implications of the different forms of employment contract in the context of their work:

... last year they tried to introduce AWAs but I wouldn't sign it, because there was nothing in the AWA they offered, for me. It had no advantages for me so I chose to stay on the award system.//

There were a couple of people who went to management and said, "I want this or I'm leaving", and one was given a new AWA to sign, it was like "sign that", "I don't think so." And again because he is desperately needed as a night auditor, if he doesn't want to sign they're not going to make him do it because if he resigns they're in trouble. He is one of those essential staff members. They say no one is irreplaceable but it would be very difficult if he was to leave; they temper their approach depending on the person...//

The apparent confidence that some participants had in stating their form of employment contract, however, contrasted with their lack of preparedness to negotiate or discuss conditions of employment with their employer or supervisor.

4.3.2 Negotiating conditions at the time of employment

The preponderance of award or other collective forms of employment agreements appears to have contributed to a context in which participants accepted that their conditions of employment would be adequately defined and appropriate to their job. Few participants thought it was necessary or even appropriate to negotiate conditions of employment when they commenced employment. Two main reasons were offered for not negotiating conditions of employment when starting a new position. Firstly, when you need a job, you just accept what is offered. Secondly, employers have the "upper hand" in terms of a negotiating position, so there is little to be gained by asking for higher wages or conditions:

...if you are commencing employment with a company or the employer, they have the advantage because they, well, this is what they approached me with: we can ask you to work for \$12 or whatever it was, \$12.50 an hour, we don't have to give you the award rate; if you want the job badly enough you have to be prepared to [accept it]...//

I didn't really ask. I was out of work and needed a job...//

...you just take what they offer and you kind of don't really ask them you just compare it with what friends are earning.//

When I first started there they just told me what I would be paid and I just accepted that, I never even thought to ask for any more, I was just happy to get some extra money into the household. And I would be pretty bad at negotiating anyway.//

The lack of discussion about individually negotiating employment conditions is interesting given Western Australia's relatively long history of individual employment contracts and its current tight labour markets. Even in this context, participants showed a marked reluctance to negotiate conditions prior to commencing employment.

4.3.3 Varying conditions during employment

Once employees commence in a job, the question arises of how to vary conditions of employment over time. Most participants were unaware of the mechanisms that lead to increases in their rates of pay and relied upon employers to either notify them of wage increases or to just implement relevant increases in award rates when these occur:

I don't know, I never asked. They would just say you got a pay rise this week or... I have never really bothered to look into it. I suppose I should have... but I didn't.//

...you just see it on your payslip or just notice a couple of extra dollars in your ... well payslip, because they put it straight into your bank.//

...as the award increased so did my wage...//

To be quite honest with that area I have no idea.... No idea at all. Some people say, "We got a pay rise" or whatever, "Oh have we? Oh OK".//

Two participants who were on AWAs were able to articulate details about the way in which their wage rates would change over time, although only one felt that the process was satisfactory:

Well this AWA is for a period of 3 years ... pay rises are indexed.//

So technically you have to be working a year and six months to get your raise, If you get it, .and I know that other people who have been there for years and still never got it,... and I think that's a bit shit.//

Another participant expressed her surprise when she read about a pay rise in a newspaper and realised that her wage had not been adjusted for some time. She then approached her employer about receiving appropriate back pay to compensate for underpayment of wages:

What happened was, we found out via papers that we were meant to be getting a pay rise... and it was only when I rang up the hotline to find out what award I was meant to be on and I found out we were supposed to get a pay rise last August, one in December and one in February.//

4.3.4 Individually negotiating employment conditions

The extent to which participants relied on employers to have knowledge of appropriate wage rates and to vary them according to changes in minimum wage decisions or changes in award rates is reflected in their discussions about being reluctant to negotiate employment conditions. Most participants felt that they did not possess the necessary skills or knowledge to negotiate their own wages. Indeed, some felt that a system in which people negotiated their own wages would be unfair because it may lead to employees doing the same work but being paid different wage rates. In general, participants expressed significant reservations or reluctance about engaging in an active, individualised negotiation process for determining their employment conditions.

I would like to improve the conditions but I don't think I can as just one person; I don't think one person can stand-alone, but I really can't be fussed because I'm only there short term now.//

Yeah well I've never looked at that because I've never been in the situation where I have had to. In all my jobs, I can't say that I have ever had a bad job; I have always been treated good and had decent pay, you get paid for what you do and that's it... but now times have changed.//

I've always seen it in places like this that you don't negotiate. You get paid, you are told what you're getting paid and that's what you're getting paid ... You can't really ask for a raise because then they would have to give everyone a raise.//

No, I think they would laugh at me if I did... I mean I don't think that I could go up to them and say I needed extra money. The only thing I would love to do is to go up to them and say, "Look, I'd love to become a permanent part-time", so I would get certain entitlements, but I don't know if they would allow me to do that. I've never gone up and asked them. I don't think they would sack me or anything like that, I'm just not comfortable asking them because I think I know the answer, and I would get too upset.//

I don't like confrontation and to me that would almost be, even though it wouldn't have to be threatening, that in itself would be a confrontation. //

I don't think I'm smart enough to do that... I'd probably talk with my son, he's my financial advisor and I'd run it by him.... I think it's over my head.//

The notion that wages can be negotiated individually, rather than part of a structure that compared jobs and determined some sort of comparison or benchmark for valuing a job was particularly problematic for some:

Well you can't, how are you supposed to? Because you say, okay I want a raise, and they say okay, well when your next review comes up you can talk about it then. And it will go up to whatever the next level is. It's not like you'd get your own wage.//

I'm not just pulling a number out of the air. You have to realize why you get paid this amount and what you could do or what you actually need to get that amount or how long

you needed to be there but I wouldn't just go in and say... this is what I think I'm worth. ... I'd need to know... you've got a [structure] of what would equal what.//

I think that would be difficult. Because I would like for everyone to get together. I might go and say something and underquote myself, compared to what they're paying another and we're all doing the same job... You are doing the same job and one person could be working harder than the other and be getting paid less, in that way it's not fair.//

...I think that it is really hard to negotiate if you don't know what other people in the industry are getting. How do you know what you are really worth?//

These views are, however, somewhat at odds with the individual nature of workplace agreements which, in theory at least, can vary between each employee. As one participant pointed out, she was specifically told not to reveal her employment conditions to her workmates:

I was told not to discuss my pay rates with other employees, so they obviously have different pay rates for different people there. Yeah, I'm not to discuss pay with other workers.//

Such confidentiality provisions both operate against perceptions of "fairness" as perceived by interview participants quoted above. It can also be noted that confidentiality provisions are at odds with significant economic theories of efficient and competitive markets that rely on accessible information about prices (in this case wages).

There were however, a small number of participants who had experienced the process of negotiating their conditions of employment. These participants discussed the ways in which they had learned the necessity of negotiating their conditions of employment and had become better at it as they gained confidence in both their skills at work and their relative bargaining position:

...there was a bit of anxiety because I'm not usually very good at asking for things that I want...I'm getting better and in this particular interview for this job I was very good at it...//

Q: ... if you found yourself negotiating now, you would be quite comfortable?

A: Oh completely. A couple of years ago not at all, but now absolutely.//

Yes I don't mind, I know what I am capable of doing and I know that I am loyal and trustworthy and a good employee and yes, I feel that I am able to state what my expectations are.//

Q: Are you confident to negotiate yourself?...

A: Yeah, but the first time I just resigned, I just wanted to go...//

In summary, there was a contrast between participants' readiness to nominate their form of employment contract and their preparedness to negotiate or play an active role in varying their conditions of employment. There was an apparent willingness to accept that employers will 'do the right thing' with respect to varying wages and conditions over time. This is somewhat surprising given other areas of discussion about underpayment and inflexible working hours. Such tensions and contradictions appear to stem from a strong preference not to engage in individual negotiation of employment conditions and an acknowledged lack of bargaining power to allow successful engagement in negotiating processes.

4.3.5 Voice, representation and union access

As might be expected, participants had varying views on securing a voice and representation at work. This was particularly the case when discussions turned to the role of unions in participants' workplaces. Some participants expressed a degree of confusion about the best course of action in their particular context. For example one participant, who is currently in a dispute with a former employer and seeking legal advice, was unsure whether joining a union was particularly useful when she had lost her job:

Yes, but they told me last night to join a union, but I thought why should I bother joining a union now when I haven't got a job. I don't know what to do.//

In contrast, another participant who is an active union member expressed frustration with fellow employees' readiness to express dissatisfaction with workplace policies and then their reluctance to take collective action:

...but even then, they are outraged at the time but a half an hour later you ask them if they would like to come to a union rally and they're like "I'm busy" or would you like to join the union "Oh I can't afford it". Or would you like to form an OHS committee where we can take issues to management "Oh no I don't want to get in trouble."//

The point about not getting into "trouble" is one that was expanded upon in her conversation and that arose in other participants' comments:

If it wasn't for someone somewhere along the line standing up to the system you wouldn't have workers rights now. Once again that political apathy and fear of retribution, even though they know that management can't fire you for union membership if your name is on the list, it's still big brother and the management pick on the young ones and the casuals jobs are never secure. They pick one and spread the word and before long you have complete fear and paranoia. And I have seen that they deliberately employ people that will do as they

are told, they are quieter they are more amenable to towing the line. The ones that stick up for themselves, they get booted out, they get harassed, do you know what I mean?//

In at least three cases, participants expressed some fear of recrimination from their employer if they were associated with union membership or action. For example, one employee was advised by “Work Choices” (presumably they were referring to a government department such as Office for Workplace Services), that she had been badly underpaid and then went to her union to seek advice. She appears to be confused as to her rights with respect to being paid correctly and is under the impression that pursuing a wage claim with union involvement will lead to her dismissal:

I've only just gone union because... when I was speaking to the Work Choices they said there was something in the award that I was not getting.... one of the weeks that I looked at I had worked 101 hours, and I brought home only \$1 500 and in fact if I had got my proper overtime I would have taken home over two grand. And I didn't. And I've already brought that up with (my supervisor), which they said to me take - it up with your boss first... But they said I could lose my job, and I'm not prepared to lose my job over it. I don't want to get fired. That's why I just let it rest. //

Another participant who also works in the hospitality industry is more actively involved in union activities and has found that this has caused tension with her supervisor at work:

[I had a meeting of] the Miscellaneous Workers Union. Oh did I get crucified for that.
Q: What, for bringing the union into it?
A: Because I had a union meeting in my house,...
[a few minutes later] I said we'll go to the union. And X said, “We'll have a meeting, but away from work”... But they went around and told every one at work that it was in their best interest that they don't attend the union meeting.//

Still another hospitality worker expressed her fear that being associated with a union might cause tensions with her employer:

...But then it's just, you think I'll get into another job that's easier. And it is hard because you think that once you upset your employer, that you know from then on they might treat you different or when something else or a problem happens they think you're going to act up...//

In short, participants who discussed the role of unions expressed both a lack of knowledge of individual workplace rights and a concern that there may be recriminations from involving unions in steps to resolve workplace issues. In an era of reduced rights for union entry and relatively low union membership in some workplaces, union membership is something that some employees feel can make them a “target” for unfair or unfavourable treatment.

4.4 Government Policies and the Minimum Conditions Labour Market

4.4.1 WorkChoices

In general, the participants in this study discussed a wide range of workplace issues and only a minority can be reasonably attributed directly to the introduction of the WorkChoices legislation. Management practices and broader social policies are clearly important in many of the issues raised by the women we spoke to. However, WorkChoices has done little to improve the situation of participants and few expressed any positive outcomes. One of our participants expressed her misgivings about WorkChoices at the relatively general level of changing power relations between employers and employees:

I think WorkChoices has made things more difficult because my employer doesn't really understand the issues... just because WorkChoices has come in doesn't mean you have to comply to everything, employees still have choices and it's not just about the employer; so it has made life more difficult...

Given the extent of media coverage that the WorkChoices regulations have received, it was surprising that few Western Australian interview participants directly associated their experiences at work with either AWAs or the WorkChoices regulations. In response to direct questioning about the effects of WorkChoices on their employment, few interview participants identified a direct effect and many felt that it had not been immediately relevant to them.

I don't think at the company I worked for, that it made a great deal of difference to anyone.//

Q:... you've probably heard about WorkChoices on the TV, have there been any changes in your workplace or your idea about work since you've heard about WorkChoices...

A: Well it hasn't been much; I don't think people are talking much about it yet.//

Q: Have you had any changes in your working conditions since WorkChoices has been introduced, that you know of?

A: No, no.//

Some participants lacked a "pre-WorkChoices comparison" because they started with their current employer after WorkChoices was introduced:

I started with this company after they came in so nothing has changed.//

I wasn't here when it happened and it didn't occur in my other workplace...//

With respect to the relatively muted response that WorkChoices appears to have had among Western Australian participants, it is perhaps worth noting two key features of the

Western Australian context. Firstly, individual workplace agreements have relatively longer history in Western Australia than in most other states. As noted previously, individual bargaining was first introduced in 1993 via WA Workplace Agreements (WAWAs). Deregulation has contributed to Western Australia's relatively greater variability in methods of pay setting and agreement making. This has potentially engendered a degree of confusion as to jurisdiction of coverage as well as employer responsibilities and employee entitlements. Our interviews suggest that there is a relatively low level of awareness of some areas of employment entitlements both among employees and employers and this may in part be due to confusion amongst the employers of low paid workers as to their responsibilities and requirements within the IR system(s).

A second area of particular relevance to the Western Australian context is that the State is currently in the midst of an economic boom. This has made it relatively easy for people to change jobs when faced with challenges or tensions in the workplace and several interview participants have availed themselves of this opportunity. In the words of one interview participant:

So I suppose at the moment we're lucky, it's boom time out there and there are a fair few jobs and it's working to our advantage, but it might not always be that way. The day might come when employers can really bargain down...//

In a context of a relatively long history of individual workplace agreements and strong employment growth, direct "cause and effect" statements about the introduction of WorkChoices appear to be relatively uncommon. In Western Australia, particular interests or issues directly attributed to the introduction of WorkChoices tended to fall within two groups. Firstly, some participants were worried about the implications of the new regulations for other people in the workforce, even though they stated they hadn't personally experienced an adverse outcome:

I would never sign one of those workplace agreement things, no way; and I won't let my daughter either.//

I'm very lucky where I am working, they are good to me, but that's not to say that other people are as lucky as I am. My personal opinion on the work laws is that some of it's fair and some of it's not.... you do get crappy workers and they're .. you know like, they cause trouble and you just want to be able to fire them, like: "You're fired!" but you can't..... But then it's unfair if the person is just being discriminated against, and they get fired.//

... if I was younger and I wanted to stay here I would be a bit more concerned. Also as a mother I see my son working in the hospitality industry and really he works all sorts of hours, all sorts of days never gets off on time, casual rates very limited.//

... the only parts that I was aware of it were that people were concerned that they might just get sacked and that was it you know, that was the main worry.

Second, there were participants who told of specific, personal experiences in the workplace that they attributed to the introduction of AWAs rather than the 2006 legislation. For example, the following statement made by Ellen (a cook in a busy hotel) refers to an AWA that was introduced prior to the passing of the 2006 WorkChoices legislation:

... it was explained to me that it would be in my best interests that if I had career aspirations that I sign the workplace agreement. So under duress I did sign it... //

This does not mean that WorkChoices has had no effect on WA workplaces. As discussed, one child care worker talked about resigning from a position in a child care centre because she feared having a dismissal on her record after her hours of work were changed. She attributes a number of tensions in her workplace as deriving from the WorkChoices legislation:

I do know that there is a lot of fear in our workplace. We all know if we don't do something that we should that there is that possibility that we can get sacked on the spot. And a lot of the young girls have got car loans and live out of home and things like that, and they are really quite concerned and don't want to ask for things and don't want to approach the owners if something is broken or needs fixing... because you know one day... if they are seen as rocking the boat they might be ousted.//

4.4.2 Welfare-to-Work

An issue of particular concern for a number of participants was the interaction between their experiences and provisions at work and their access to income support through CentreLink. A number of different issues were raised with respect to how the WorkChoices and Welfare-to-Work regulations interact. Firstly, one participant identified a reduced incentive to negotiate higher wages because of the effective marginal tax rate that operates via her reduced CentreLink entitlements:

Because I know in my mind, that if I go up and over \$15 an hour Centrelink is going to take income. So I am doing quite fine with \$13. I mean it's not heaps of money but we are getting by now. I know I'm not going to stay here forever, so should I kick myself in the teeth and lose what I get from Centrelink, or just be happy with what I get.// (Gabby)

That's why I've cut down. I was doing more. I was doing 3 shifts last year, but now I've just figured out, it is easier for me not to work as much and get my full Centrelink amount at the moment.//

Hours of work and leave provisions were of greater concern for other participants. For example, participants were very concerned that they might not meet their required work 15 hours per week if their rostered shift fell on a public holiday. Similarly, one participant feared taking any annual leave because of she was concerned that her CentreLink payments may be reduced as a result:

With Centrelink I only have two weeks off every year and now with these new laws I am afraid to take these two weeks in case I get penalised for it but I also feel like it's taking the quality of my life and my kids' off me because I used to use the holidays to go and visit my family but now I can't do that so I feel even more isolated. I can't just take 2 weeks off whenever I feel like it and go and see my parents or take them up to see their other grandparents and that makes it hard because, yeah it's annoying. I hate it, that's one thing I don't like but that's got nothing to do with my work it's Centrelink. That's how all these rules are now, it is frustrating; you get afraid to take the public holidays off because you will miss out on the hours and you'll be in trouble.//

I think you'll find a lot of other people are in the same situation as well because I don't think Centrelink really care about public holidays. If your boss doesn't want you to work on that public holiday and you lose that 5 hours, then at the end of the week you are 5 hours short of your 15, and Centrelink don't want to know about it. That makes it hard because if you are employed to work Monday, Wednesday, Friday and there are so many Mondays and Fridays that are public holidays and you just lose your hours.//

... the shifts either start too early in the morning or end too late in the evening. So either I can't send my children off to school or spend quality time with them in the afternoon. Even though Centrelink encourages women to go out and do this course "Aged Care" they should realise that it is shift work which may not suit the family...//

For one participant, the interaction between her working hours and CentreLink entitlements is having quite dramatic effects on decisions about her and her partner's decision to separate:

Well one thing that I am concerned about is that my husband and I want to separate but the thing keeping us together is the whole idea about Centrelink and what they are going to require me to do and how that will impact on the kids. Because I will be a single parent and my youngest child has turned six and if I am to get a pension... or they might even put me on Newstart, I'll have to work 15 hours and it will be hard to balance that with looking after my kids and study as well. My study would be under 15 hours a week in contact time at uni so I don't know. I'm really concerned about that, the future, how I'm going to juggle all of that.// (Sue)

While not directly related to the WorkChoices legislation, participants' discussion about the Welfare-to-Work provisions, particularly the way in which the 15 hours work requirement is operating, indicate that the new regulations are necessarily operating as intended. For

some participants, potential reductions in CentreLink entitlements continue to operate as a high effective marginal tax rate and reduced motivation to work longer hours or negotiate better wages. For others, perceived inflexibilities about working hours at both work and in CentreLink administrative procedures are a source of stress and potential barrier to taking entitlements such as public holidays and annual leave. Such outcomes contradict the government's stated goals of workplace flexibility that accommodates family friendly practices and there appears to be ample scope for further understanding the potential interaction between WorkChoices and Welfare-to- Work regulations.

5 Summary and Recommendations

In 1993 the State (WA) and Federal Governments both introduced new industrial relations reforms aimed at enhancing flexibility. At the time of introduction the WA reforms were far more radical than those in the Federal system, particularly with regard to individual bargaining and the marginalisation of third parties. The system adopted in WA in 1993, together with subsequent waves, lasted until 2003. The WA reforms served as a model for the radical reforms introduced at the Federal level in 1996, although there were some differences. Whereas the federal legislation incorporated a range of safeguards to ensure bargaining did not reduce the relative standards for vulnerable workers, the WA legislation did not. The latter only provided for a set of minimum standards (Plowman and Preston, 2005), allowing parties to individual agreements scope to negotiate away accepted community standards. In 2006 the Federal system moved to a (bare) minimum standards model and curtailed the influence of institutions which traditionally maintained community standards (eg. unions and industrial tribunals).

In designing and championing the Federal reforms emphasis was given to economic considerations such as competition, productivity and employment. Much less attention was placed on more normative matters such as fairness and equity. In introducing the 2006 reforms the government argued that the new regulations would:

... 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).

Since the mid 1990s the WA and national economies have performed well. WA is currently in the midst of an economic boom with the economy growing at around 10.5 per cent⁵ per annum and a seasonally adjusted unemployment rate of 3.2 per cent, the lowest of all States. Much of the economic growth has been underpinned by the resources sector. That said, the

⁵ Estimates in the WA Chamber of Commerce and Industry March Quarter 2007 Economic Outlook show that in the 2006 calendar year the WA economy grew by 10.5 per cent as measured by growth in state final demand.

mining sector only accounts for five per cent of all West Australian employment. This contrasts with sectors such as property and business services and retail trade which, between them, generated one third of all new WA jobs since 1994 and now account for around one quarter of the State's total employment. Property and business services and retail trade also exhibited below average wages growth over the same period. From a salary perspective it is clear that the purported benefits of the IR reforms have not been accessed by all. In WA women, for example, earn around 25.5 per cent less than their male counterparts.⁶

In an effort to better understand how the legislative reforms are impacting on at risk groups in the labour market this study used an inductive qualitative research approach to study the impacts of changes to work regulation on women in low paid jobs. Participants in the study were primarily employed in sectors such as retail, hospitality, child-care, aged-care and cleaning – sectors that have traditionally relied on awards for defining their conditions of employment. There are four key findings that summarise the outcomes from this project.

Firstly, the interviews reveal little evidence that the WorkChoices reforms have facilitated a demonstrable improvement in employees' capacity to negotiate individually tailored working conditions. This is despite a buoyant State economy and relatively favourable labour market conditions for employees. Further, some participants' comments suggest that there are employers who have used their managerial prerogative to unilaterally change working conditions or hours of work in ways that have been detrimental to particular employees. There is little indication that, even in the context of an economic boom, the outcomes are particularly favourable for those in relatively low paid areas of the labour market.

The second key finding relates to the willingness and capacity to bargain. Participants in this study revealed a reluctance or unwillingness to engage in direct or individual negotiations to determine their employment conditions. Their reluctance or unwillingness appears to stem from a lack of confidence in their bargaining power (which in turn is also affected by lack of protection for unfair dismissal) and a lack of knowledge about how to establish and pursue an appropriate claim for improved working conditions. Some participants spoke of their

⁶ This gender wage gap is based on estimated in the full-time labour market and could be expected to be larger if women employed part-time were included in the statistics. Further details are contained in Section 2.

preference to change employment rather than work under the provisions of AWAs or to address other concerns at work. Those who were prepared to negotiate did not appear to be expressing a preference for individual bargaining. Rather they were acknowledging that the practicalities of the current labour market made negotiation a necessity even if it was an approach that they would prefer to avoid.

The third finding concerns community standards such as reasonable hours, penalty rates and minimum wages. Unlike findings from similar projects undertaken in other States (see Elton et al., 2007) few of the WA participants directly attributed their concerns with their employment and working conditions to the introduction of WorkChoices. Although participants conveyed a wide range of stories indicating uneven bargaining relationships, growing managerial prerogative and workplace cultures where poor employment practices had been normalised, few regarded this as a recent phenomenon! Several were aware of their increased job insecurity and vulnerability following removal of unfair dismissal protection for firms with 100 or fewer employees and this, in turn, curtailed their willingness to changes to seek improvements in their employment conditions or raise other issues likely to improve workplace productivity. The Welfare-to-Work reforms also added a further vector of vulnerability for those affected by the laws and for several participants meant that they could not afford to decline work even if it meant accepting less than favourable employment conditions. The reluctance or unwillingness to engage in individual bargaining both at the job hire stage and during the course of employment has allowed employers to drive down labour costs and lower general community standards in low paid jobs in WA (possibly thus explaining the wider gender wage gaps in WA). In such a context there is little left to lose by the introduction of WorkChoices, hence the limited impact. The buoyant economy has also cushioned the effects by enabling job churning (turnover). Rather than 'rock-the-boat' and be dismissed for seeking improvements in employment conditions participants have simply sought a job elsewhere, a luxury afforded by the current economic climate. New jobs acquired generally don't pay higher but may offer a set of working arrangements more suitable to the person's needs.

Confusion and high levels of uncertainty as to entitlements, nature of contract, jurisdictional coverage etc constitutes our fourth finding. Far from creating a 'simpler' system there is a lack of certainty about issues related to the negotiation of entitlements such as wages,

penalty payments and working hours. Whereas in the past awards set the industry standard and provided highly public and accessible sources of information about wages both within and between occupational classifications, the increased practice of individual bargaining, particularly formalised AWAs with their confidentiality provisions, has curtailed the free flow of information to employees and employers. This in turn is constraining the efficiency of the labour market. When considered against the extension of managerial prerogative and lack of understanding or information amongst some employers about fair wages and efficient processes to handle employment matters, it is apparent that the lack of institutional support and information may be contributing to inefficient labour market outcomes.⁷

There is an inherent irony in the requirement that the provisions of AWAs be kept confidential and the resulting relative lack of accessible information about wage rates and common employment provisions for different labour market sectors. Much of the rhetoric about new labour market regulations appears to be based on a notion that a “deregulated” labour market will lead to more efficient labour market outcomes. As many elementary economics text books will confirm, accessible information about prices is a key component of the operation of an efficient competitive market (see for example McTaggart *et al* 2007:226). In a labour market, the relevant “price” is comprised of the wages and conditions payable to employees. Lack of information about wage rates not only leads to significant doubts about the fairness and equity of employment conditions, it may also contribute constraints on effective market operation.

Whether or not one accepts competitive market theory in the context of labour markets, there are good arguments for facilitating the level of information that is generally available to employees and employers and their rights in the labour market. Rather than a negotiated contract, this study suggests that the current use of individual agreements has facilitated a unilateral approach to the determination of employment conditions. This in turn contributes to a context in which managerial or employer decisions are the key variable in the standard of conditions offered. This finding is also consistent with previous WA research (Berger 2000).

7

The extension of managerial prerogative however, does not appear to have been accompanied by an extension of knowledge and skills in developing and implementing employment contracts. Many of our participants' discussions suggest cases where employers and supervisors have a lack of familiarity with fair and appropriate employment practices. In some cases this may be a result of questionable judgement on the part of an employer. However, in other cases, participants' discussions do not appear to suggest a "strategic" decision on the part of an employer to underpay employees or otherwise treat them inappropriately. Rather, there appears to be a lack of understanding or information among some employers and employees about fair wages and efficient processes to handle employment related matters. In this situation it may not only be employees lack institutional support in the current framework. Some business, in particular small business may lack a ready source of information to guide their employment practices and decisions.

In conclusion, when considered against the stated aims of WorkChoices we found little evidence to suggest that the reforms were delivering the claimed outcomes. Participants were generally unable (or unwilling) to negotiate arrangements that enabled them to better balance their work and family responsibilities and they weren't in receipt of better pay. Whilst employment growth has been strong much of it is of a part-time nature and in low wage sectors (i.e. in sectors with below average wages growth). Poor community standards and employment practices would appear to have been normalised in these sectors, in turn leading to inefficient work practices and constraints on productivity growth. Finally, far from simplifying the system the reforms have added another layer of confusion and have hampered the free flow of information necessary for the working of any 'competitive' market.

5.2 Recommendations

In considering the recommendations that could arise from this study we have decided to focus on two recommendations which we see of particular priority. We leave the identification of additional policy recommendations to others.⁸

⁸ For a detailed list of other possible recommendations see the set of recommendations contained in the summary report of the national findings on women and WorkChoices (Elton et al., 2007a)..

Our first recommendation concerns data. Governments have a role to play in ensuring that legislative reforms are in the public interest. To do this they need to be able to adequately monitor the effects of the reforms and they need to apply a gendered lens in the process (i.e. understand that men and women have different roles and responsibilities in society and that reforms have the potential to impact differently on different sections of the community). With this in mind we recommend that the WA government lobby for a comprehensive, national data collection that facilitates a detailed analysis of wages and employment conditions for employees working under varying forms of employment contract in different industry and occupational sectors. At the moment such data are not available and we are far from having even a shared definition of some considerations – eg. conditions that might be defined as family friendly.

Our second recommendation pertains to information. The current complexities and confusion suggest to us that there is a need amongst employees and employers for clear and concise information on how to negotiate and vary individual (formal and informal) employment contracts. We see ample scope for collaboration between bodies such as the Small Business Development Commission, the Fair Employment Advocate, the Department of Consumer and Employment Protection and the Office of Women's Policy to prepare and deliver such information.

6 APPENDIX A:

6.1 Research Method

This study utilises an inductive, qualitative research method. This method does not aim to verify an existing hypothesis but rather aims to construct key insights directly from rich data. The data were collected through a program of twenty individual, semi-structured interviews designed to investigate the lived experiences of women employed in selected workforce sectors in metropolitan and regional Western Australia.

The research method has been specifically selected with the goal of allowing women participating in this project to discuss their experiences in the workforce and to define those issues of most importance to their particular context. The sample of women that participated in this study does not represent a statistical sample that can be considered representative of all women's experiences. Interview participants were selected to focus upon areas and industries where employees have been particularly reliant on the previous industrial regulatory regime and therefore where the possible of advantages or disadvantages of 'WorkChoices' will be evident and industrially and socially significant, with a focus on the areas of aged care, child care, cleaning, hospitality and retail sectors. The sample has been selected to gain insights into key social and economic connections between working conditions and other areas of women's working and non-working lives within the broader community.

6.2 Ethics

This project meets necessary requirements of confidentiality and voluntary participation. Relevant documentation was submitted to Curtin University's Human Research Ethics Committee and their approval was granted for the duration of the project (approval reference: GSB097).

6.3 Recruitment

Interview participants were recruited by the widespread distribution of invitations to participate in this research project. Following personal discussions with their representatives

of their organisations, one hundred invitations were forwarded to both UnionsWA the Chamber of Commerce and Industry WA for distribution among their members. Further invitations were distributed via a community forum to discuss *WorkChoices* co-hosted by the Women in Social & Economic Research Unit and the National Foundation for Australian Women in March 2006. Approximately fifty invitations were also distributed through the Employment Law Centre, a community organisation based in Perth's inner northern suburbs. Staff involved in the project distributed invitations to contacts that they thought may have an interest in the project. In addition, radio interviews and media articles outlining the project and encouraging potential participants were included in local community newspapers, where it was emphasised that researchers wanted to hear a full range of stories, positive or negative, about women's experiences of *WorkChoices* regulations. Advertisements were also placed in newsletters distributed among community organisations by the Office for Women's Policy, in which community members were invited to contact WiSER and request an invitation to participate in the project.

Each invitation contained a copy of a reply form and a reply paid envelope, as well as telephone and fax details for potential participants to register their response. A copy of the invitation is attached in Appendix B.

6.4 Selection Criteria

Approximately 60 responses were received from women volunteering to take part in the research project. Each response form contained some brief information about the potential participant, including occupational group, age and other socio-demographic characteristics. This form is contained in Appendix B.

The response form did not contain any information about the source of the respondent's invitation, nor were potential participants asked to include information about their particular experiences of the new workplace regulations. Interview participants were selected from the total group of respondents on the basis that their selection would contribute to a diversity of participants that would complement the sample at both a State and National level. The resulting sample is therefore a purposeful but random sample of

participants that fall within the project's design of focusing on women who work in particular occupational and industry groups. A monitoring grid maintained by both WiSER and by researchers at the University of South Australia facilitated this process. Appendix C contains a summary of occupational and socio-demographic features of participants in Western Australia and in other States.

6.5 Data Collection

The interviews were designed to capture a wide range of influences on women's pay and employment conditions including organisational influences, industrial instruments, type of workplace, jurisdiction, discrimination, health and welfare outcomes, and factors typically not collected in published data sources. This type of interview generates high quality, rich data that reflect the concerns and issues of importance to the workers involved in these industries and sectors. In particular, it allows analysis of the potential linkages between possible changes in pay and conditions as workplace regulatory changes proceed, pursuing for example, whether potential trade-offs in rates of pay for more flexible hours are occurring in a form that was helpful to workers meeting the demands of work and family, or indeed, whether there was a demand for such a trade-off.

A single interview instrument was developed that comprised both structured questions and semi-structured prompts. The structured questions gave some areas of data that were common to all participations, while the semi-structured prompts allowed participants explain their experiences, perceptions and expectations in the workplace. This approach provided scope for interview participants to raise issues of concern or relevance to them in their particular occupational and industry context. This enables the study to explore, in depth, issues which interviewees define as important to them. This allows for a process in which issues that might otherwise remain neglected can gain recognition through this project. A copy of the interview schedule is provided in Appendix D.

Interviews were held at a variety of locations, chosen to accommodate the preferences, convenience and comfort of the interview participants. Venues included private homes, offices at Curtin University's Graduate School of Business, cafes and parks. The briefest interview lasted twenty minutes and the longest one and a half hours. Most interviews went

for approximately 40-60 minutes. With each participant's consent, interviews were transcribed for later analysis. Each participant was sent a copy of their interview transcript and invited to make any changes they felt were necessary to ensure that the transcript accurately reflected their views. Each participant was given a \$40 gift voucher at the conclusion of the interview.

6.6 Data Analysis

The twenty-two interviews resulted in approximately 300 pages of transcript. The data was analysed by researchers reading through each transcript and coding text according to the key issues discussed by interview participants. The use of N*Vivo software facilitated the data coding and retrieval process. Some areas of coding reflected the relatively structured nature of specific questions. For example questions about income and housing were relatively structured and the types of responses are common to all interviews. These answers were coded together. Other areas of coding reflect the issues raised by participants – for example, comments about a lack of negotiating skills, discomfort with raising matters of pay and conditions with employers. In this way, the data analysis process reflects a combination of issues identified as important by both the researchers and the interview participants.

7 Appendix B – Invitation to participate in project

- Understanding the effects of workplace regulations - An invitation to participate in a research project

In March, 2006, the Commonwealth Government's new industrial relations system, *WorkChoices*, came into effect.

The WiSER team at Curtin University of Technology invites you to take part in an interview to discuss how, if at all, the recent changes to the system are affecting you and what the changes to workplace regulations mean to you.

We are keen to hear from a broad spectrum of women from a range of occupations and industries in part-time or full-time employment. The success of this project depends on your willingness to participate and we will welcome your interest and contribution. Further information about the information is contained on the back of this invitation.

If you would like to participate in this project, please contact Professor Alison Preston by
Friday 23rd March 2007

by phoning 08 9266 7900 or 08 9310 9453 or emailing: alison.preston@cbs.curtin.edu.au. You can also apply by filling in the attached form and returning it to Alison Preston, Graduate School of Business, Curtin University of Technology, Reply Paid U1987, Perth WA 6845 – a reply paid envelope is enclosed.

Interviewed participants will receive a \$40 gift voucher.

Please consider participating as your experiences will help inform research and policy development.

This project is being conducted by the Women in Social & Economic Research (WiSER) Unit at Curtin University, in partnership with the Office for Women's Policy, a State Government Office in Western Australia. You can find further information about WiSER on their website: www.cbs.curtin.edu.au/wiser.

This study has been approved by the Curtin University Human Research Ethics Committee. If needed, verification of approval can be obtained by either writing to the Curtin University Human Research Ethics Committee, c/-Office of Research and Development, Curtin University of Technology, GPO Box U1987 Perth WA 6845, or telephone 9266 2784. The approval number for the project is GSB 097.

ABOUT THE PROJECT

What is this study about?

The purpose of this study is to better understand the effects of Australia's new workplace regulations on workers and families. We are, for example, interested in your views on workplace flexibility. What does this mean to you and how does it work?

Who is funding the study?

The study is being conducted by the Women in Social and Economic Research (WiSER) research unit at Curtin University. It is jointly funded by Curtin University and the Western Australian Office of Women's Policy (OWP).

What do you want from me?

We hope you are willing to participate in a one-on-one interview with a WiSER researcher. We're seeking participation from women from all walks of life and will welcome your contribution.

Where will the interviews be conducted and how long will they take?

A WiSER interviewer is happy to meet with you at a place and time convenient to you. The interview will take about 45 minutes.

What do you do with this information?

The interview will be recorded and subsequently transcribed. The findings from your interview will be analysed along with findings from other interviews, reviewed and then combined to form our report.

Will the interview be confidential and anonymous?

Yes, confidentiality and anonymity can be assured.

How is confidentiality maintained?

All data is "de-identified". That means your interview will be transcribed and coded without reference to any personal identifying information. All transcripts and recordings will be kept securely at Curtin University of Technology as part of our ethical obligations.

What will happen with the findings?

The outcomes of the research will be used to advise policy makers on how the new industrial relations system is impacting on workers and their families. It will also inform job design.

Do I have to participate?

Your participation is voluntary, you don't have to answer any of our questions, and you can stop at any time. There are no risks to you personally for being involved in the research, or for withdrawing from the research.

What do I get if I do participate?

We recognise that you are busy and time is precious. To partly compensate you for your time and the inconvenience of attending an interview we are offering a \$40 Coles-Myer voucher to each participant on completion of the interview.

Can I find out what the results of the study?

Yes. Towards the end of the research a brief overview of the results will be made available to participants.

Ethical concerns?

This study adheres to the guidelines of the ethical review process of Curtin University. If you would like to discuss your participation in this survey with one of the researchers, you are welcome to contact Alison Preston on (08) 9266 7900. If you would like to speak to an officer of the University *not* involved in the study, you can contact the Ethics Officer on (08) 9266 2784. The approval number for the project is GSB 097.

**“Understanding the effects of Workplace Regulations”
INVITATION TO PARTICIPATE**

I am willing to participate in the above project on women’s experiences of changes to Australia’s workplace regulations

Name: _____

Address: _____

Phone number/s: _____

Email: _____

When is the best time to contact you?

To ensure that we have participants with wide ranging experiences and backgrounds it would help if you could provide the following details.

Are you employed?

- Yes
 No

Do you have a partner who is employed?

- Yes
 No

If you are employed, what form(s) of employment do you have?

- Casual
 Part time
 Full time

What type(s) of employment contract do you have?

- Award
 Collective agreement
 Individual contract/AWA
 Don’t know/Other

What area do you work in?

- Cleaning
 Retail
 Cafes & restaurants
 Clerical
 Child care
 Aged care
 Other _____

(please specify)

Are you an Aboriginal or Torres Strait Islander?

- Yes
 No

Do you have a disability?

- Yes
 No

Your age:

- 20-29
 30-39
 40-49
 50-59
 60+

Are you from a non-English speaking background?

- Yes
 No

Do you have children under 18 years?

- Yes
 No

Thank you for completing this form. Please return it to Alison Preston, Graduate School of Business, Curtin University of Technology, Reply Paid U1987, Perth WA 6845 in the reply paid envelope provided.

Do you have more than one job?

- Yes
 No

8 Appendix C – Interview participants

The following table summarises selected characteristics of women who participated in our study.

Selected characteristics		No. of participants
Occupations	Cleaning	1
	Retail	3
	Cafes, resaurants/hospitality worker	6
	Clerical	2
	Child care	2
	Aged care	3
	Other	5
Ages	18-24 years	2
	25-44 years	12
	45-54 years	3
	55 years & above	5
Household	With children	13
	Without children	9
	Dual earner household	10
	Sole mother/earner household	7
Employment contract	Award	12
	Collective agreement	3
	Individual agreement/AWA	3
	Unsure	4
Work arrangement	Casual	8
	Part-time	8
	Full-time	6
Total number of participants		22

9 Appendix D – Interview Schedule

“Understanding the effects of workplace regulations”

Interview Schedule

Chosen Pseudonym.....Real first name.....

Interview No. Date of interview.....

Interviewer:

Interview Questions and Notes (*these are guidelines only; pursue interesting issues where they arise. Skip questions already covered in earlier answers. Keep interview to 40 minutes. Skip questions if necessary*)

Introduction:

1. Read out information sheet about project.
2. Do you have any questions about the research?
3. Read consent form – yes or no: clear recorded response required.
4. This can take from 30 minutes to an hour – is that OK? Please feel free to stop the interview at any time if you need to, for any reason at all.
5. Would you like to choose another name so that we can use it in place of your real name which we want to keep confidential?

Interview questions

1. I wonder if you could start by giving a five or ten minute version of your life story – where you grew up, went to school, started work and so on?

Checklist:

- Age
- Country of birth
- Main language spoken at home
- Year left high school
- Highest level of post-school education
- Children/dependents?
- Household Type
- Occupation

- Residential Postcode: _____
- Work Postcodes: _____

2. Could you tell me a bit more about your work for example, how many hours you work, whether you are casual or full time, the type of work you do, the people you work with, do you do lots of overtime?

Checklist:

Job

- How many jobs being worked at present
- Description of job
- Length of time in job
- Casual/permanent/set term contract
- If casual – relief work/seasonal/unpredictable/on call?
- Number of ordinary hours worked each week?
- Amount of over time usually worked each week?
- Quality of work eg career path, security and training

Workplace

- Size of workplace
- Is workplace part of a larger organization?
- Is it a largely female workforce? (Rough %)?

3. Could you tell me about the things you like about work?

4. What are the good things about your pay and conditions?

5. Now could you tell me what you don't like about your work?

6. Who pays your wages?

Job 1: Employer A labour agency Self-employed Other _____

Job 2: Employer A labour agency Self-employed Other _____

Job 3: Employer A labour agency Self-employed Other _____

7. Can you tell me how your wages and conditions of employment are set?

Job 1: AWA enterprise agreement individual agreement award other

Job 2: AWA enterprise agreement individual agreement award other

Job 3: AWA enterprise agreement individual agreement award other

8. Can you tell me about the methods your employer uses to change conditions of employment? Do you know when your wages and conditions of employment will be reviewed next time?

9. Who negotiates your pay and conditions?

- Are you confident to negotiate by yourself or do you feel you would like help?

10. You may have heard about some legislation that was introduced last year called *WorkChoices*. Have any changes been made to your wages, working conditions or work practices since *WorkChoices* was introduced?

Checklist

- Type of employment contract?
- Hourly rates of pay
- Total weekly pay
- Hours of work – total number and arrangement?
- Access to various forms of paid leave (eg maternity leave, sick leave, personal emergencies, leave for cultural reason?)
- Shift loadings, overtime loadings, penalty rates, casual loadings

Question 11 - Subsidiary questions – if necessary

**If participant holds more than one job: What about in your other job(s)?
Have there been any changes there?)**

Has the atmosphere at work changed much over the last 12 months?

Has workload changed noticeably in last 12 months? Why do you think that might be?

Has it become easier or harder to balance work and non-work commitments?

12. Can you tell us about any other employment issues that are important to you?

13. What's the single biggest issue for you at work at the moment?

14. How would you describe the relevance of the new workplace laws for people in jobs like yours?

15. Is there anything you would like to add?

Give participant pages 5 and 6 to tick boxes and talk them through what the questions are asking. Answers can be recorded later on this page or as you go.

16. Finally, we also need some information about your income and your household's income. So we have some specific questions about this...

a) Your hourly wage rate at work? (in main job, job 2, 3...)

.....

b) Your wage income per year (in main job)

.....

c) *If more than one job: Individual wage income per year (in all jobs)*

.....

d) *Do you receive any income other than wages? – If yes, could you estimate your total income from wages and other sources for the year?*

.....

e) Which bracket best describes your household's income?

.....

f) What is the main source of household income

.....

g) Which type of dwelling best describes your own housing situation?

.....

h) Could you indicate your monthly Housing Costs (Rent/Loan)?

.....

Closing: Future follow up and further recruitment (if required)

Would you be willing to be contacted for a follow up interview in a year or two to see if anything has changed in your experiences at work? Yes No

If so, what number would be best to call you on?.....

We would like to speak to more people about these issues, would you be happy to pass on our contact details to others who might be interested?

Ensure payment of gift voucher and recording of its receipt

16.a *Individual hourly rate (in main job, job 2, 3...)*

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> under \$10 | <input type="checkbox"/> \$30---\$35 |
| <input type="checkbox"/> \$10---\$15 | <input type="checkbox"/> \$35---\$40 |
| <input type="checkbox"/> \$15---\$20 | <input type="checkbox"/> \$40---\$50 |
| <input type="checkbox"/> \$20---\$25 | <input type="checkbox"/> over \$50 |
| <input type="checkbox"/> \$25---\$30 | |

16.b *Individual wage income per year (in main job)*

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> 0-----9k | <input type="checkbox"/> 50---59k |
| <input type="checkbox"/> 10---19k | <input type="checkbox"/> 60---69k |
| <input type="checkbox"/> 20---29k | <input type="checkbox"/> 70---79k |
| <input type="checkbox"/> 30---39k | <input type="checkbox"/> 80---89k |
| <input type="checkbox"/> 40---49k | |
| <input type="checkbox"/> Over (specify) | |

16.c *Individual wage income per year (in all jobs)*

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> 0-----9k | <input type="checkbox"/> 50---59k |
| <input type="checkbox"/> 10---19k | <input type="checkbox"/> 60---69k |
| <input type="checkbox"/> 20---29k | <input type="checkbox"/> 70---79k |
| <input type="checkbox"/> 30---39k | <input type="checkbox"/> 80---89k |
| <input type="checkbox"/> 40---49k | <input type="checkbox"/> Over (specify) |

16.d *Individual total income per year*

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> 0-----9k | <input type="checkbox"/> 50---59k |
| <input type="checkbox"/> 10---19k | <input type="checkbox"/> 60---69k |
| <input type="checkbox"/> 20---29k | <input type="checkbox"/> 70---79k |
| <input type="checkbox"/> 30---39k | <input type="checkbox"/> 80---89k |
| <input type="checkbox"/> 40---49k | <input type="checkbox"/> Over (specify) |

16.e *Household annual income*

- 0-----9k
- 10---19k
- 20---29k
- 30---39k
- 40---49k
- 50---59k
- 60---69k
- 70---79k
- 80---89k
- Over (specify)

16.f *Main source of household income*

- Wages and salaries
- Government entitlements/pensions
- Business
- Other (eg. superannuation/investments)

16.g *Dwelling Type*

- Fully owned
- Being purchased
- Being purchased (rent/buy scheme)
- Renting (public/state)
- Renting (private)

16.h *Monthly Housing Costs (Rent/Loan)*

- \$1-----\$199
- \$200-----\$399
- \$400-----\$599
- \$600-----\$799
- \$800-----\$999
- \$1,000---\$1,199
- \$1,200----\$1,399
- \$1,400----\$1,599
- \$1,600----\$1,799
- \$1,800----\$1,999
- \$2,000 or more

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