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**ENTERPRISE BARGAINING:
IMPLICATIONS FOR
OCCUPATIONAL HEALTH AND SAFETY**

Kathryn Heiler

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INTRODUCTION

Recent changes in employment patterns, industry structure and union coverage in Australia have been underscored by changes in institutional bargaining structures at state and federal levels. The formal shift towards enterprise bargaining has occurred within an economic environment characterised by increased international competition, an emphasis on improved productivity and profitability, changes in work practices, high levels of unemployment and declining union density.

The shift towards enterprise bargaining in such an environment has raised concerns about the likely impact of more decentralised bargaining structures on women (eg Robertson, 1992; Hammond, 1992; Hall and Fruin, 1994; Lee, 1994) and workers of non-English speaking background (Alcorso, 1994; Kusuma, 1994). As Alcorso (1994:1) notes:

"Despite the assurance of its advocates, it is not easy to know what is happening under the rubric of enterprise bargaining within workplaces. Nor is the effect on the working conditions and performances of the labour force easily predictable and necessarily positive".

Only recently have questions been raised in Australia about the possible impact of decentralised bargaining on the occupational health and safety of employees, and the capacity of OHS legislation to regulate and prevent changes to work practices which might compromise health and safety (eg Bennett, 1994; Collins, 1993; Maiden, 1993). However, in Britain, the relationship between deregulation in general and its impact on OHS has received considerable coverage (eg Woolfson, 1994; James, 1992; Dawson et al 1988; Nichols, 1983).

These more recent concerns about OHS overlay pre-existing but unresolved debates about the adequacy of current OHS regulatory and organisational arrangements (Brooks, 1988; Gun, 1992); about the efficacy of OHS representatives and committees (James, 1992; Quinlan and Bohle, 1991; Pragnell, 1994); the effectiveness of enforcement procedures (Booth, 1989), and about patterns of reporting and under-reporting (James, 1993). In addition, claims that there exists a commonality of interest between workers and management over OHS (eg Matthews, 1990) continue to be hotly contested (Carson, 1989; Quinlan, 1993; James, 1994).

This preliminary review of the literature about the relationship between bargaining arrangements and OHS is part of a broader study undertaken by ACIRRT and the Effective Change Consultants for Worksafe Australia. The study has also undertaken some exploratory data analysis of AWIRS - the Australian Workplace Industrial Relations Survey and ADAM - Agreements Data-base and Monitor which will be summarised. The final phase of the study - to be completed in 1995 - will consist of 12 case studies which

are already indicating some significant trends. This working paper presents the literature review, the preliminary analysis of AWIRS and ADAM data and is designed to generate some discussion about the ways in which different bargaining arrangements and changes to working conditions might impact on OHS at the workplace.

An explanation of the ways in which more decentralised bargaining arrangements might impact on OHS must be built on an analysis of enterprise level and labour process factors. However, it must avoid narrow firm specific analyses in the "best practice" tradition. Not only will the ways bargaining arrangements impact on OHS need to be explored, but attention must also be paid to the pressures which arise from the particular economic, social and labour market environment. It will also be critical to identify the relationships between regulatory and social phenomena and the mechanisms which link them. There is also a need to be sensitive to what Williams (1992:139) describes as the "ideological construction" of OHS. By this she means that there is a traditional medical and technical construction of OHS which promotes a "blame the victim" mentality. Any study of OHS needs to avoid the assumption which locates the primary causes of ill-health and injury primarily with individual employees.

This working paper aims to draw out some of the relationships between bargaining structures and OHS outcomes, and to identify the mechanisms which sustain them. With some notable exceptions¹ there is not a strong tradition of this type of analysis in the OHS literature. Moreover, a review of the literature reveals a lack of discourse between OHS and industrial relations practitioners, specialists and academics². Examples do exist, but they tend to focus primarily on the impact of collective bargaining arrangements and trade union activity in promoting and enforcing OHS (eg Biggins et al, 1993; Weil, 1991; Taylor, 1987). Certainly writers such as Quinlan (1993) argue eloquently for the need to integrate the centrality of industrial relations and labour process issues theoretically, but this has been rarely attempted empirically. Writers like Hopkins (1984) and James (1987) have demonstrated that a labour process approach to an analysis of OHS can yield rich information, but again, these attempts remain focussed at a workplace level almost exclusively. More recently, writers such as Macintosh (1994) have used a case study approach to explore the relationship between managerial interest and commitment and the degree of employee interest and level of organisation. Even so, OHS empirical studies which utilise a structural framework which integrates ideological, economic, organisational, work process and regulatory factors remain rare.

Given the lack of detailed empirical studies which have explored the links between the industrial relations and work organisation aspects of OHS, rather than the

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technical/medical/legal aspects, a standard literature review has not been possible. Instead, this working paper will attempt to draw together somewhat disparate theoretical and empirical threads, and provide pointers to the types of issues which should be addressed in looking at the impact of bargaining arrangements on OHS. The intention is to move beyond a narrow critique of regulatory frameworks. The aim is to explore the complexities of workplace organisation and industrial relations factors which impact on OHS.

A second qualification is that the analysis will in no way be exhaustive. For example, while some of the debates surrounding the limitations of the existing OHS regulatory framework will be noted, the jurisdictional frameworks for OHS will not be critiqued in detail. Part of the reason for this is that excellent critiques already exist in this area.³ Similarly, much recent attention has been given to "best practice" models of organisational integration of OHS⁴, and therefore this paper will not consider the "best practice" approach in detail.

In summary, the aim is to identify some of the key issues associated with the implications of changed bargaining arrangements on OHS. It is hoped that this paper will generate both discussion and more critical assessment of the processes and work changes contained within enterprise agreements and workplace change trends in general.

The paper is structured as follows:

First, an outline of the framework for analysis, based on the synthesis of some of the major academic contributions in the area.

Second, an overview of the regulatory and economic environment within which enterprise bargaining is taking place and the implications for OHS of this environment;

Third, an exploration of some of the workplace changes implemented within enterprise agreements which have the potential to impact in both positive and negative ways on OHS.

Fourth, an overview of some preliminary findings of the extent of OHS inclusion in workplace agreements using the ADAM data, and the extent of workplace OHS activity using AWIRS data.

3 For example, Creighton and Gunningham (1985), Brooks (1988).

4 See Shaw (1994) for a comprehensive literature review of best practice and benchmarking in OHS.

FRAMEWORK FOR ANALYSIS

The selection of an analytical framework is always underpinned by a number of - usually implicit - assumptions about reality. Because in the social sciences particular phenomenon cannot be "isolated" in the same way as in the natural sciences, there is a huge burden placed on abstraction, that is, the activity of identifying particular constituents and their effects (Sayer,1992:3). By implication, not only is the act of observing social phenomena theory laden, but the methods by which observations are selected and ordered are theoretical. Moreover, the tradition of empiricism, particularly within industrial relations (Marsden, 1982) promotes a view that the selection of analytical categories is a "common-sense" process, unmediated by theory. However a "common-sense" view of the world, which assumes that appearances correspond accurately with reality is, according to Sayer (1992:50), highly problematic. He states that:

"In everyday life, insofar as common-sense is characteristically unexamined, we tend not to notice the social aspect and imagine that we can know objects in an unmediated fashion. In common sense, we think with our beliefs and concepts and not about them."

One of the implications of a "common sense" view of the world is that the concepts which we use to observe and make sense of the world are taken for granted. This creates a tendency whereby what is observed, what appears to the senses, is taken to be the totality of social reality, unmediated by theory. Fine (1980:8) argues that while all theory is preoccupied, at least initially, with the study of appearances, what characterises bourgeois theory is that ". . . it takes the appearances of capitalism for granted and only studies the relationships between them". To do so it is to accept in part many of the unequal power relations within capitalist society, such as those based on sex, class and race, and to leave unexplored the explanations for why these social relationships endure (Isaac, 1987:58).

If we are to move beyond mere description to the level of explanation, we must make explicit our analytical framework. To understand the ways bargaining arrangements might impact on health and safety we must acknowledge that in the process there will be value judgements made which will shape the selection and analysis of observations. For example there will be assumptions made about the distribution of power between the bargaining parties, about the appropriate role of trade unions, about the rights and responsibilities of workers and employees and about the role of the state. Thus while the mediation of observations by theory is unavoidable, the key will be to make theory explicit by exposing the analytical framework used. Identifying and explaining the parameters within which analysis takes place will not overcome all the attendant problems of social science analysis. It may, however, reveal the values and assumptions which underpin analysis and facilitate explanatory rather than purely descriptive analysis.

Explanation requires more than just the documenting of patterns of social phenomena. It requires the identification of mechanism and relationships which sustain and perpetuate these patterns (Isaac, 1987). It requires answers to the "why" questions, not just the "what" questions. Thus we will explore not just what the impact of more decentralised bargaining might be, but why the decentralisation of bargaining arrangements might make a difference.

At a fundamental level, writers such as Quinlan (1993:146) point out that an understanding of the causes of OHS problems is only possible through a more sophisticated understanding of the relationship between management and labour, and between organised and unorganised labour. He argues that OHS is embedded in the organisation and social relations at the workplace. Similarly, Carson (1989) stresses that an understanding of OHS rests on an analysis of the power relationships within broader capitalist society which reflect and reinforce relative bargaining strengths at a firm level.

Theoretically, then, an explanation of the causes of workplace OHS must move outside the narrow confines of the technical/medical/firm based paradigm which tends to dominate OHS analysis. It needs to take seriously the social relations at the workplace, the manifest power relations and the control of the work process which reflect broader economic and social structural relationships. Given the apparent link between OHS outcomes and control of the work process it is particularly important to differentiate forms of employee involvement from genuine worker autonomy and control (Marchington et al, 1993; Evans, and Fischer, 1992), because clearly they are not the same.

A useful framework for analysis must therefore incorporate both societal and organisational factors, and not treat them as mutually exclusive. For instance, James (1993:54) argues that the incidence of injury and ill health is a reflection of the labour process which includes economic, social, ideological labour market and production pressure variables. She asserts (1987:47) that occupational injury is not an unintentional consequence of work, but is embedded in the very relations of production. She further argues that workers have experienced an increasing loss of control at work and that the relations of work are not structured to protect the health of workers (1987:48).

Industrial relations and sociology emphasise the social relations of workplace OHS and seek explanations of injury and illness which move beyond technical or psychological causes. On a more general level, writers such as Johnstone and Quinlan (1993:28) stress that an understanding of how hazards at work arise must take into account work practices, work relationships and organisation which may encourage hazardous practice (p28). Moreover, they argue that the organisation of work itself has profound effects on the physiological well being of workers (p4).

Clearly, the state regulation which surrounds the implementation and enforcement of OHS is critical. Debates about regulation and self-regulation persist (eg Gun, 1992;

Brooks, 1988) and in many respects, a definitive evaluation of the effectiveness of Robens style regulatory framework⁵ in Australia remains to be done. Similarly, the role of enforcement and prosecutions in achieving safer workplaces is hotly contested and far from resolved (eg Carson and Johnstone, 1990; Booth, 1989; Braithwaite, 1989).

A recent paper by Bennett (1994) has been one of the few to explore in more detail what the winding back of minimum conditions might do to work practices like working time arrangements (pp200-201). Her paper is an excellent example of an attempt to widen the analysis about enterprise bargaining, and explore the workplace implications of regulatory changes for issues such as OHS. Indeed, the implications of a whole range of issues such as termination, training, redundancy and so on also needs to be.

There also exists a range of industrial relations and organisational factors which are seen as crucial pointers to OHS outcomes at a workplace level. These include the existence and activity of trade unions either in the form of delegates or as representatives on committees, (Brooks, 1988; Weil, 1991); a level of OHS committee and/or safety representative activity and involvement (Biggins, 1991c); the monitoring of injury rates and regular hazards audit (Quinlan and Bohle, 1991:388); some kind of written policy and/or set of objectives (Quinlan and Bohle, 1991:401; CCH, 1991; Pragnell, 1994); and appropriate levels of training (Worksafe, 1994; CCH 1991).

However, even if these factors do exist formally at the workplace their existence alone is no guarantee of satisfactory OHS outcomes. Indeed, preliminary case study results suggest that indicators such as written policies and management commitment to OHS are no safeguard against poor OHS performance. Factors such as a competitive market environment and the bargaining strength of workers to ensure adherence to OHS systems are likely to be just as important. It is clear that OHS outcomes are a result of a set of complex interdependent societal and organisational factors which are further mediated by factors such as organisational size. Thus a starting point for the assessment of workplace OHS may be a checklist of indicators. However, an analysis based on these sorts of indicators alone will be inadequate.

Such a starting point is the framework offered by Bradley (1989:505) who argues that there exist organisational characteristics which are repeatedly associated with an impressive safety record. These include high levels of management commitment, open communication channels, a stable and experienced workforce; high quality "housekeeping"; a safety emphasis on training and the existence of full-time safety

5 Robens-style legislation is the term used to describe Australian Occupational Health and Safety legislation introduced at a state level throughout the 1980s. This legislation was modelled on the United Kingdom legislation based on the Robens Report. "The Robens philosophy of 'self-regulation' and subsequent provisions for health and safety representativeness became key arguments for worker participation in the Australian reforms" (Biggins, 1993).

personnel reporting to top management. Importantly Frick (1990) argues for the integration of OHS into work and management processes and production design. A Best Practice approach advocated by Worksafe Australia includes a range of criteria by which organisations can be assessed. This includes a management style which is committed and consultative, an organisational structure which is flexible and OHS sensitive, a preventative organisational strategy, a management system which is OHS inclusive, a focus on skills, an empowerment of employees and superior organisational performance.

These factors are certainly important, but to use them exclusively is to limit the analysis. This becomes clear if the impact of changed bargaining arrangements are considered in terms of such checklists. For instance, attention to these factors alone would exclude consideration of the competitive market environment within which firms operate, the state of labour markets, the strategic position of the firm, and the role of the state in regulating both OHS and industrial relations. Equally, checking for the presence of these factors will tell us nothing about why they might be absent. The more macro factors will together shape the ways in which bargaining arrangements are negotiated and determine the relative bargaining position of the parties. These issues in turn are associated with OHS outcomes. To ignore them is to render the analysis inadequate.

The notion that bargaining arrangements may impact on OHS outcomes also takes seriously the role of social relations of work, work organisation and the power relations at a workplace level. Any enterprise level changes which accompany enterprise bargaining or are contained within enterprise agreements must be evaluated within this broad framework which takes into account macro and firm level factors.

There are four levels of analysis within which an assessment of enterprise bargaining on OHS can take place.

- First, there is the existing regulatory framework for both OHS and enterprise bargaining which sets some of the parameters within which change can take place.
- Second, is the environmental and economic context within which enterprise bargaining is occurring which emphasises improved productivity, profitability and efficiency and which may act to reorient and restructure the activities of organisations;
- Third, is the level of the workplace where changes introduced during the bargaining process and their implications for OHS will be most directly observed.
- Finally, there is an existing a range of "mediating" factors such as industry structure, industry size, management style, workplace reform agendas, union activity, and pre-existing bargaining and OHS arrangements. The ways in which

these factors interrelate and the organisational and societal conditions under which they converge at a workplace level remain to be explored empirically.

This working paper will concentrate primarily on the second and third levels of analysis. This is because it is these areas which have attracted comparatively less attention both in the literature and in empirical studies.

THE REGULATORY FRAMEWORK FOR BARGAINING

An intensified competitive environment due to deregulation of the financial markets and lowering of tariffs has led to a concern with cost-cutting and productivity improvements in Australia. These factors, plus attempts to strengthen Australia's manufacturing base have underpinned the justification for the shift towards enterprise bargaining (Matthews, 1994). There has been a concomitant focus on how work itself is organised, with renewed pressure to increase the efficiency and maximise the inputs involved in the labour process.

Industry and the government have seen the resolution of these problems as lying with a more decentralised, enterprise based industrial relations system (Matthews, 1994; Sloan, 1993). Government - at federal and state levels - have responded with a variety of regulatory solutions, while industry - in both planned and unplanned ways - has restructured and reoriented its activities. The mixed levels of support for enterprise bargaining from the trade union movement, and in particular the ACTU reflects both the dependence of parts of the labour movement on the Labor government, and the concerns of some unions about the ability to protect industrially weak and poorly organised workers (Kelly, 1994:144). As mentioned, concerns about enterprise bargaining have focussed primarily on issues such as equity, wage dispersion, attack on trade unions. Only more recently has debate expanded to include issues such as the impact of decentralised bargaining on OHS.

Regulatory Frameworks for Bargaining

While informal and unregistered enterprise level bargaining has existed and at times flourished in Australia (ACIRRT, 1994a), most recent public attention has been on registered agreements at state and federal level. Buchanan and Callus (1993) argue that considerable flexibility has always existed within the arbitration and conciliation system, and the shift towards enterprise bargaining is not an attempt to "free up" or deregulate the industrial relations system, but rather to replace external regulation with rules which are determined within business units (p516). This also has the effect of removing some of the protective mechanisms which existed within awards which governed a whole range of working arrangements and conditions such as shift work and other working time

arrangements. It has also lessened the capacity of industrial tribunals, via the trade union movement to intervene on such issues.

For health and safety issues, the result is to facilitate a further shift towards "self-regulation" already enshrined within OHS Robens-style legislation⁶. This is particularly the case in those states, such as Victoria, where the influence of the industrial commissions has been greatly reduced. In some respects, the shift towards enterprise bargaining over wages and conditions means that a range of work practice issues with OHS implications are taken further away from external regulatory control and towards workplace negotiation. It cements the focus of OHS at a workplace level and leaves the issue exposed to the erratic outcomes of the workplace bargaining processes. At neither a state nor federal level are changes in agreements screened in terms of health and safety implications. Just as proponents of enterprise bargaining have made assumptions about the ability and resources of the bargaining parties to reach equitable solutions, so too is it assumed that bargaining over health and safety is unproblematic and co-operative.

It is important to note, as does Bennett (1994:191), that while the generic term "enterprise bargaining" is used to describe this general shift towards workplace level negotiation, institutional frameworks designed to facilitate this process obscure important differences. Bennett (1994:192) further argues that the different state and federal systems can be seen along a continuum. At one end there is the more individual contract systems of Victoria and Tasmania, affording little procedural protection for weak labour market positions, and at the other the more "collective" systems where the labour tradition of arbitration has been retained to "temper market outcomes". She further characterises the systems in terms of regulation of the bargaining processes.

Bennett (1994:193) describes the main forms of bargaining processes currently recognised in Australia. She correctly argues that the results (whether in terms of equity, for women or, arguably for OHS) will depend in part on the way the bargaining process is regulated by law. Bennett describes three major types of processes: individual employees/bargaining agents (Victoria); enterprise based committee (NSW) and registered unions/single bargaining units (Federal). The Federal system and the NSW systems will be briefly described and their implications for OHS considered.

6 See Brooks (1988) for a critical analysis of Robens style legislation in Australia.

Federal

The shift towards enterprise bargaining has seen different regulatory responses at state and federal levels and considerable jurisdictional differences⁷. At a federal level, the Industrial Relations Reform Act, (1993) which came into force on 30 March 1994 was aimed at entrenching and spreading enterprise bargaining as the predominant form of negotiations over wages and conditions (Lee, 1994:190). Naughton (1994:147) argues that the real significance of the federal bargaining arrangements is the “. . . underlying philosophy that has been grafted onto the new Act” which is that the whole object and purpose of the Act has now been shifted in the direction of enterprise bargaining. Naughton also argues that there have also been some attempt to maintain the award system's role as a “safety net” for wages and conditions (p150).

There are two types of agreements which are available to bargaining parties under this Act - Certified agreements which a union or unions must be a party to, and EFAs (Enterprise Flexibility Agreements) which may be negotiated between employers and employees without union involvement (Naughton, 1994:156). However, unions who are party to an award associated with the enterprise have the right make submission to the IRC about the agreement. According to Stewart (1994:141), the provisions regulating both EFAs and Certified agreements are extremely complex and contain many potential areas of uncertainty such as what defines “consultation”, “bargaining in good faith” and so on. Naughton (1994:169) argues that the newly formed Bargaining Division of the IRC has considerable discretionary power to assess the agreements and to facilitate government policy in terms of encouraging enterprise agreements of both types, and concludes:

“. . . this may require that the Bargaining Division discourages technical and jurisdictional objections to enterprise flexibility agreements where these have been approved by the majority of workers in an enterprise. . . it may also involve the Bargaining Division being prepared to interpret the ‘no disadvantage’ requirement in a liberal way. . . ”

Significantly for OHS (as will be seen), Stewart (1994:158) points out that the new legislation offers no real protection for marginal workers such as casual and independent contractors who continue to be excluded from a whole range of non-wage benefits including parental leave.

Bennett (1994:200) raises some interesting points with regard to the extent to which changed bargaining arrangements are likely to impact on OHS. In particular she argues that the way the various legislations treat and seek to protect minimum wages and

7 For detailed commentaries on legislative changes see Naughton (1994), Stewart, (1994), Mitchell and Naughton, (1993); Shaw and Walton, (1994).

conditions are of crucial importance. Bennett states that traditionally the award system has provided a comprehensive code of minimum protection for workers and it is those protections which have been . . . "abandoned in legislation in NSW and Victoria, and which are currently at issue in the federal sphere" (p201). Using shift work as an example, she argues that this is now an area left unregulated under enterprise bargaining, where these outcomes are now treated as "private matters".

There are a number of points to be made about Bennett's observations. First is that her concerns about the unregulated nature of issues such as shift work in agreements have been borne out by recent analysis of enterprise agreements. ACIRRT (1994b) found that the new combination of a range of flexible working time arrangements has the effect of introducing shiftwork arrangements without accompanying attention being given to the normal regulation of shift arrangements in awards. Enterprise bargaining legislation does not specify regulations governing changes of working conditions. This means that any protection for workers must be found either within state OHS legislation or within federal codes of practice governing specific health and safety issues, such as the general duty of care on employers not to implement unsafe systems of work. Finally, it means that the role of trade unions becomes even more important under the new decentralised bargaining arrangements and the self-regulated OHS framework. Given the declining union density in Australia, and the pressure on trade union resources created by enterprise bargaining, health and safety issues may take back seat to issues such as wages and basic conditions.

The involvement of trade unions in the bargaining process is not a guarantee that the health and safety concerns of workers will be represented. However, it is even more likely that individual or unrepresented employees without training and skills in OHS, or in a weak bargaining position would find it even more difficult to identify and negotiate over work changes with OHS implications. Until the introduction of EFAs at a federal level, at least the formal involvement of trade unions could ensure a modicum of representation over these issues. EFAs have allowed for agreements being negotiated without any trade union involvement at a federal level as well as at a state level, thereby reducing the level of representation over OHS issues.

New South Wales

Legislative changes designed to facilitate enterprise bargaining were implemented in New South Wales under the Industrial Relations Act 1991. Unlike the federal legislation, agreements registered under this Act may override all or any of the conditions set out in New South Wales awards, although some minimum conditions have been maintained, such as holidays, sick leave and so on (Mitchell and Naughton, 1993:286). While they are subject to scrutiny by the Commissioner for Enterprise Agreements, whether OHS implications of changes to work practices are considered is discretionary. Moreover,

agreements under the NSW legislation do not need nor encourage trade union involvement and are not subject to any restriction that they do not disadvantage employees (Shaw and Walton, 1994:5). Moreover, the agreements are excluded from any general public interest test. And while the enterprise agreement must be approved by a majority of 65% of employees, the legislation does not guarantee that the employees involved in the negotiations are fully cognisant of the implications of the changes. Indeed, Shaw and Walton (1994:6) argue that:

"While all agreements must comply with minimum conditions, if a proposed agreement in some way undermined overall conditions of employment (perhaps with the agreement of industrially weak or poorly advised employees) the Commission cannot prevent the agreement being registered".

According to Shaw and Walton (1994), the NSW legislation, in an attempt to deliver a more market-oriented outcome to employment relationships, lessens the role of three factors seen as obstructing the facilitation of more flexible and "purity" of the labour market: trade unions, award minimum standards and the role of the independent industrial tribunals (p10). They stress that the potential difficulties of the NSW legislation call for carefully constructed safeguards to cope with a less centralised system (p6).

There are also constraints placed on trade union activity by restricting access to workplaces without seven days notice⁸, and restricting a union's right to talk to union members to lunch time and other non-working time. As will be discussed in a later section, any restriction placed on trade union activity makes it difficult for trade unions to undertake an enforcement role with regard to OHS, and makes recruitment and organising more difficult (Quinlan, 1994).

Looking at the interface between bargaining regulation and OHS regulation it can be seen that the shift towards internal determination of working conditions and OHS standards places pressures on external enforcement. For example, while theoretically employers in NSW can be prosecuted for introducing systems of work which lead to hazardous or unsafe work practices, in reality this would be extremely difficult to either detect or enforce.⁹ The detection and regulation of other than the most obviously hazardous of situations at workplaces would place unrealistic resource pressures on regulatory authorities. Thus, while the ultimate responsibility for the maintenance of a safe work environment and safe systems of work lie firmly with the employer, the ability of regulatory authorities to promote and enforce this is questionable. Serious concerns thus arise about the impact of removing restrictions on work practices (such as those governing shift work, demarcation barriers etc) without a commensurate increase in

8 Industrial Relations Act 1991 (NSW) Section 733.

9 Discussion with NSW Workcover Authority officials.

resources of the unions or the OHS authorities to ensure that unsafe practices have not been created.

Inclusion of Detailed OHS clauses in Agreements: Enforcement Issues

As will be outlined later, some enterprise agreements have included specific OHS clauses in agreements. Many OHS commentators see the inclusion of detailed OHS indicators as having the potential to improve and address OHS issues. For example, Betts (1994:16) argues that the inclusion of OHS clauses may result in real improvements to productivity, staff morale and the company safety record. There are two general comments to make about the inclusion of OHS clauses in agreements.

First, the inclusion of written policies regarding OHS should not be seen as a necessary indicator of effective OHS practices. Nor should it be assumed that the absence of detailed clauses suggests a neglect of OHS. For those agreements which supplement awards, OHS details may well be contained within the award or in regulations and codes of practice governing the specific industry, or in procedures put in place by the organisation. On a more cautious note still, the inclusion of OHS in an agreement may be used to "nurse" the agreement through as a way of demonstrating management commitment.

Second, both Worksafe Australia (1994) and the ACTU (1994) have raised the issue of OHS clauses within federal Awards overriding state regulations and legislation and potentially "downgrading" OHS standards at a state level. Both recommend that legal advice is obtained before drafting specific or substantive clauses within Federal agreements. The ACTU has also recommended the inclusion of a "savings clause" designed to retain state OHS regulations and standards. However, according to Ronfeldt (1994) the inclusion of substantive OHS clauses in federal awards, and the extent to which state OHS conditions and regulations are preserved is yet to be tested.

What has been outlined above are examples of the ways that specific provisions within enterprise bargaining legislation may impact or remain silent on OHS issues. While the decentralised nature of the bargaining framework places more emphasis on enterprise level negotiations, this has to be seen in conjunction with OHS legislation which places a broad duty of care on employers to create and maintain a safe and healthy workplace. Thus the self-regulatory trend in OHS is intensified by the decentralised shift in industrial relations. In terms of analysis this means that a review of the regulations governing bargaining and OHS will provide only partial understanding of how these shifts will impact on OHS. The outcomes for individual workplaces will be shaped by a complex combination of regulatory, economic and workplace factors. Certainly as critical as the regulatory factors are the economic and social environment within which bargaining is taking place and it is to this that the paper now turns.

ECONOMIC AND SOCIAL ENVIRONMENT OF ENTERPRISE BARGAINING

Organisations have responded to this new competitive, deregulated environment in a number of ways: by restructuring their organisations (Mathews, 1990), by corporate "downsizing" (Cascio, 1993), by redefining and re-orienting corporate strategies, by redesigning and "re-engineering" work (Hyman, 1991) and by searching for ways to increase labour flexibility and cut costs (Campbell, 1993; Buchanan and Callus, 1994).

As already noted, enterprise bargaining is viewed as an integral part of this new concern with bottom line issues of efficiency, productivity and market responsiveness (Mathews, 1994; Sloan, 1993). Sloan (1993) argues that a more decentralised and flexible approach is required that will place greater emphasis on productivity and enable the implementation of structural change at a workplace level. Specifically she views increased functional and numerical flexibility, the removal of demarcations, multiskilling, training and changes to work organisation as the kinds of changes possible under enterprise bargaining (p33).

Commentators are divided about the extent to which these new competitive pressures will act to improve or compromise OHS at a workplace level. Some writers, such as Mathews (1993) and Oxenburgh (1991) argue that organisations which wish to be competitive should view improved health and safety not as a cost, but as a positive impact on productivity (Mathews, 1993:46) and as an essential component of the improved profitability of the firm. Other writers such as Ore (1992) have tried to demonstrate the same relationship by linking a decrease in lost time injuries with higher productivity. Quinlan (1993:157) argues that centralist tendencies within Australian industrial relations have inhibited both the scope for workplace bargaining and for addressing specific OHS issues, and that participatory OHS is vulnerable to changes in the industrial relations climate. He further suggests (1994) that commitment and planning will be required to ensure that recent workplace reforms enhance rather than undermine OHS performance.

Mathews (1990:13 -15) argues that the "new workplace culture" in Australian industrial relations has the capacity to act as a facilitator of transformation. He sees a "striking correlation" between attention paid to OHS and the seriousness with which industrial restructuring is taking place. He argues that if OHS is linked with questions of productivity and efficiency in a trusted participative framework, the traditional trade-off between productivity and OHS can be controlled. He proposes a "positive" approach to OHS considerations which can play a dynamic role in fostering a new approach to job design which in turn leads to more productive and efficient work.

Similarly, Oxenburgh (1991:3) argues that good health and safety is good for business and is concerned to demonstrate increases in profitability and productivity through

improvements in health and safety. His argument is that work related injuries and illness cause a loss of production and profit, and that management should be concerned to calculate the true cost of injury and illness and take steps to address them (p19). Both Mathews and Oxenburgh implicitly accept that there exists the potential to improve OHS by a more enlightened and consultative environment, and that management has both the incentive and will to implement change which will benefit employers and employees alike.

While there may be compelling and persuasive theoretical reasons to support the relationship between quality OHS and improved profitability and productivity, there is only isolated empirical evidence for this, notwithstanding a range of "best practice" examples¹⁰. Theoretically, there may be just as many compelling reasons to forego health and safety if profitability levels are at risk.

Indeed, there is growing debate about the extent to which organisational and labour market restructuring, and a concern with competitive pressures is consistent with positive OHS management and outcomes. Moreover, the extent to which there can be genuine commonality of interest between management and workers over OHS is viewed by many commentators as questionable (Willis, 1989; Carson, 1989; James, 1987). Thus while many responsible companies may seek efficiencies and promote channels of communications and consultation in ways which include and improve OHS, others are just as likely to be compromised by the pressures to cut costs and sacrifice OHS systems and practices.

This paper asserts that writers such as Matthews and Oxenburgh can make no a priori claims that good OHS necessarily means higher profits and productivity. In fact, the pursuit of higher profits and improved productivity can just as likely lead to compromised health and safety.

These more regressive OHS trends, traced by British writers, paint a picture where OHS is viewed as increasingly exogenous to the bottom line activities of the firm (James, 1992). James' research has speculated that a concern with efficiency imperatives can lead to work intensification, cost cutting and a lessened focus on health and safety. He suggests that contrary to the unitarist assumption of a convergence of management and worker interest over health and safety, there exists the potential for a conflict to occur between the demands of production and the health and safety of workers, especially within the context of a slack labour market and a recessionary environment.

James suggests that a more competitive environment, the restructuring of organisations, the devolution of decision-making, the creation of business units, the increased "market responsiveness" of corporations, and the increased pressures to meet tight budgets all

10 For example, the range of "Best Practice" case studies undertaken by Worksafe Australia in recent years.

have the potential to compromise health and safety (1992:85). He further argues that these trends create a climate where managers develop a "short-run opportunistic" response towards employee relations and cites evidence of companies in the UK abolishing or reducing the size of health and safety units because competitive pressures have created "organisational disincentives" towards safety (1992:86).

Dawson et al. (1988) in an extensive evaluation of the British health and safety environment, concluded that the onset of the recession and increased competition in Britain had seriously compromised health and safety. They argued that there had been pressure to cut back specialist health and safety roles, pressures to contain labour costs and to increase productivity, all of which impacted on health and safety outcomes. In addition they argued that the recessionary climate and a slack labour market forced individual workers to accept unsafe work conditions due to fear of dismissal or retrenchment, and to take risks in order to increase wages (p258). They argued that managers did not necessarily make conscious decisions about reducing health and safety standards, but that the "infrastructure which supports effective safety management seems to disintegrate" (p258). Thus managers are pressed by other priorities, reorganisations blur safety responsibilities, OHS activity declines and the activities necessary for maintenance of health and safety are eroded.

Purcell and Ahlstrand (1989) focus on structural changes to companies which impact on the way an enterprise manages "the boundaries of its employee relations systems (p405) of which OHS management is a part. They argue that the decentralisation of firms and the establishment of profit centres which operate within an uncertain economic climate leads to reduced attention on personnel and industrial relations issues at the corporate level (p402). They found that the strategies of aggressive acquisitions, decentralisation, removal of divisional tiers and business unit autonomy was at odds with the "professional" standards of management integration and co-operation. In addition, the move towards financial control within companies leads to a concern with budget compliance which set the parameters within which labour costs must be managed (p403). They explain that if the personnel function is weakened, there is the potential to neglect industrial relations and personnel issues (p405). This may lead to a situation where issues like health and safety become isolated from the strategic core of the enterprise and relegated to line managers who may not have adequate expertise and training in the area.

Moreover, the organisational environment within which enterprise bargaining is taking place is one where restructuring and/or "downsizing" is occurring at the same time. American writers such as Cascio (1993) and Brockner (1988) have outlined the potential health effects on workers who survive organisational restructuring and downsizing including stress, anxiety and ill health associated with increased work pressure and work intensification. Thus while there appears to be a general intensification of work effort and pressure caused by organisational restructuring, these effects are likely to be

compounded by pressures to make further productivity improvements within the context of enterprise bargaining.

In an Australian context, Maiden (1993:2) points to the potential problems associated with increased decentralisation of large corporations and the compartmentalisation of enterprises into smaller business units. According to Maiden, some unions have already complained about being given greater responsibility and liability for safety without commensurate time, training or resources. She states that some trade representatives believe that the focus at middle management level is on productivity rather than safety.

Writers such as Quinlan (1993:161) argue that the trend towards enterprise bargaining has the potential to put pressures on unions to trade-off conditions and undermine the recent trend towards collective negotiation over OHS. Moreover, he points out that the OHS implications of changes to work process, restructuring of labour markets and changes to office technology have received little attention by OHS commentators (1993:143). Quinlan (1994) also argues that any changes to industrial relations laws which weaken unions (such as the NSW legislation) may undermine the mechanisms for worker involvement in OHS.

James (1993:36) argues that in depressed labour markets where there is little alternative employment, a pragmatic acceptance of danger and hazards may occur. Based on empirical studies, she outlines how if workers perceive a threat to their jobs or lifestyle posed by formally reporting an injury or illness it affects their actions in terms of reporting behaviour (p37). Along a more general line, James (1987) argues that if investment in safety is subservient to productivity, OHS outcomes will be seriously compromised.

Williams (1993) points out that one of the consequences of industry restructuring, privatisation, recession and high unemployment is work intensification. Among a surveyed group of workers in South Australia, she found that work intensification is associated in general with higher levels of stress, backache, fatigue, hearing loss and pains in joints and fingers and overuse injury (p78).

The notion that organisational change, organisational re-structure and redesign and downsizing has broad health implications is echoed by the Victorian Health Promotion Foundation (1993). They state that change itself can cause unproductive stress which can manifest itself as anxiety, depression, low morale, and conflict. They, like Worksafe (1994) and the ACTU (1994) advocate an integrated planned approach to organisational change and OHS, particularly in the context of enterprise bargaining.

To sum up, there exists debate about the extent to which organisations are likely or able to take advantage of competitive pressures to improve OHS. Evidence from overseas suggests that there exist organisational trends which are likely to undermine rather than improve health and safety. In Australia policy makers have raised similar concerns and

advocate the importance of an integrated approach to enterprise bargaining and OHS. Overall, the climate within which enterprise bargaining is taking place, and the more generalised economic pressures on both organisations, workers and unions is therefore likely to be critical factors.

WORK CHANGES IN ENTERPRISE AGREEMENTS: IMPLICATIONS FOR HEALTH AND SAFETY

This section will explore a number of changes contained within enterprise agreements which have the potential to impact on health and safety. Again, this will not be exhaustive, but indicative of the way some of the changes contained within agreements can be assessed in terms of OHS. These changes will not by themselves determine OHS outcomes. This will be dependent on a range of mediating factors such as regulatory environment, protection of minimum conditions, industry size, union involvement, management attitude, worker skill base, security of employment and so on.

Flexibility

The capacity within for enterprise bargaining to facilitate enhanced numerical and functional flexibility is seen as one of the major benefits of the move towards more deregulated bargaining (BCA 1989; Blandy, 1986). The notion of "flexibility" has been part of ongoing negotiations and deliberations at a federal level over productivity bargaining, the structural efficiency principle and award restructuring (Campbell, 1994; Stewart, 1992). However, as Campbell explains, the notion of flexibility is broad and at times confusing; he also notes the lack of a systematic critique of many of the substantive components of the notion of "flexibility". It is also the case that under the mantle of "flexibility" all that is flexible has often been portrayed as somehow intuitively beneficial.¹¹

The OHS implications of increased labour flexibility have, as Quinlan (1993:145) notes, received very little attention. Karasek (1990:172) notes that while industry initiated change to work practices and conditions - usually with the aim of improving productivity - are now widespread there has been little monitoring of the impact on health and safety. Certainly attempts to make working time arrangements more flexible are popular in enterprise agreements monitored by ACIRRT. This is highlighted in ADAM 4 (ACIRRT, 1994a) which revealed that work time arrangements were mentioned as provisions in 52% of agreements overall, with the figure for 1994 thus far standing at 61% of

11 Writers such as John Mathews (1990) and Sloan (1993) have been among some of the strongest advocates of "flexibility", although often for different reasons.

agreements. It is clearly an important negotiating item for employers and workers and deserves much closer scrutiny.

Forms of Flexibility

The potential benefits and/or disadvantages of flexibility will depend on how these changes are introduced, the bargaining strengths of the parties, the clarity of the clauses in agreements and the understanding workers have of the likely implications and significance of the changes. Preliminary case study work undertaken by ACIRRT has revealed that workers do not necessarily understand how complex and, at times, ambiguous changes to work practices will affect them until after these changes have been introduced. This is also affected by factors such as literacy levels, ethnicity, job security and trade union presence.

Previous research does indicate that the move towards various forms of flexibility has a range of implications which may arguably impact on health and safety. Notwithstanding the empirical gaps and definitional problems noted above, the notion of flexibility adopted here - following Campbell (1994) and Rimmer and Zappala (1988) and Walby (1989)- is as follows:

- a) external and internal numerical flexibility
- b) functional flexibility
- c) externalisation (or distancing) (Walby, 1989:130)

External Numerical Flexibility

Increased external numerical flexibility involves changes to the employment status of existing and new workers. It can include a move away from full-time work towards a mix of part-time workers, increasing the ratio of part-timers to full timers, changing casual status, and increasing the capacity to engage contract staff (DIRETFE, 1993:18). While there is an understanding of the profile and reasons for the growth in part-time and casual work (Romeyn, 1992), what is less clear are the workplace implications.

Creighton (1994) points out that the new forms of work-relationships are rendering traditional models of work redundant and placing strains on the legal concepts and institutional structures which have evolved in response to "typical" work relationships (p51). Creighton points out that "atypical" work relationships such as contract work and casual work, and the introduction of probationary periods, sometimes leaves these workers outside of employment securing provisions such as unfair dismissal legislation at

state and federal levels, and other non-wage benefits. This should be kept in mind when considering the impact of these types of changes included within enterprise agreements.

The capacity to increase the mix of workers of different status is often seen to be advantageous to employers who need to more flexibly adjust the size and mix of their workforce in response to market demands. The capacity to respond flexibly to new and less predictable conditions is viewed as being contingent on the removal of "rigidities" and other impediments to labour deployment (Rubery, 1992/3).

The ability to work flexibly is seen as having a range of benefits for some workers as well, particularly those who are juggling family responsibilities. The enhanced ability to combine domestic responsibilities and paid work is seen to have expanded paid work opportunities for women in particular (Lever-Tracy, 1988:213).

There are undeniable benefits which exist for some workers who wish to work less than full time, and this work can be undertaken in ways which enhance the conditions and flexibility of workers as well as employers. However, there also exists the potential for the introduction of changes to part-time, casual and contract work which have the capacity to undermine the position of these workers.

There are a number of initial observations which need to be kept in mind and which serve as a preface to considerations about the OHS implications of numerical flexibility. First, there appear to be differences between casual and permanent part-time workers, with casuals tending to be low skilled, attracting little training and limited career prospects, while permanent part-timers seem to be better placed in these areas (Romeyn, 1992); second, women account for the majority of both part-time and casual workers, and the growth of new jobs has been primarily of a less than full time nature and filled mainly by women; third, women tend to find themselves in part-time and casual work because it fits with existing domestic responsibilities (Walby, 1989:138); fourth, there are high levels of casualisation in workplaces with relatively low levels of award coverage and low levels of unionisation (Romeyn, 1992).

It is important to keep in mind that trends towards increased internal numerical flexibility within enterprise agreements are likely to reflect trends associated with labour market restructuring and the segmented growth in female employment. It also means that workers who are most likely to be plugged into new numerically flexible jobs may already be in a relatively disadvantaged bargaining position. It may also reflect a trend towards displacement of costs onto marginalised workers, outworkers and subcontractors (Robinson, 1988).

This means that the processes involved with enterprise bargaining are going to have different outcomes for workers who are already over-represented within the secondary labour market and who are significantly disadvantaged because of their segmented

position within the peripheral workforce (Walby, 1989:131). This is compounded by the tendency for these positions to attract inadequate wages and conditions and little job security.

There are a range of more specific OHS effects which may be associated with an increase in external numerical flexibility. These include:

Consultative processes, marginalisation, ethnicity, conditions, representation, training and social support.

Consultative processes

It is recognised that effective OHS outcomes are partly predicated on effective consultative, training and information systems being in place at a workplace level (Brooks, 1988; Quinlan, 1993, Quinlan and Bohle, 1991). This is equally true with respect to enterprise and decentralised bargaining (Hall, 1988; Robertson, 1992). Thus arguably, any factors which inhibit or exclude certain workers from fully participating in and being informed about these processes may compromise and undermine outcomes. Similarly, if the changes are introduced by trade unions or works committees who do not understand fully the work processes and job content of those workers /positions affected the OHS implications may not be picked up.

Robertson (1992) argues that many workers - in particular women- can be left out of consultative processes associated with enterprise bargaining for a range of reasons. These same reasons impact on their capacity to be fully involved with OHS committees. Conflicting responsibilities outside of work may exclude them from out-of-hours meetings; limited time at the workplace may mean they do not have time to attend meetings or become involved in regularly committee work.

Not only may they be excluded from involvement in normal consultative processes, but issues which impact on part-time and casual workers may not be fully represented in the bargaining process dominated by full-timers or people unaware of the content of the work. In addition, decisions which may be made on the basis of the interests of full-time staff may in fact be different for part-time and casual staff (Tully, 1992:2). This may also be the case for OHS issues which may (or may not) emerge within the enterprise bargaining process.

The point that employment status and irregular working hours can undermine the efficacy of health and safety committees finds support in a study by Hall (1988). She found that in the health industry - because of the mobility of the staff, and the predominance of casual, part-time and shift workers - workers found it difficult to organise meetings, sustain interest and get involved (p6). In the steel industry, similar problems were

expressed about the difficulty of organising shift workers to attend meetings. Thus changes which increase the number of casual, part-time and seasonal workers will need to acknowledge and make provision for the restricted ability of these workers to become involved in consultative processes.

Marginalisation

The second issue relates to the extent to which flexibility may become "gendered" or biased in other ways (Jenson, 1989:144). For example, if only certain types of workers become more "flexible", for instance if part-time and casual, seasonal work is predominantly done by women or people from non-English speaking backgrounds, there is the risk that pre-existing inequalities will act to marginalise these workers in consultative processes.

This is significant because it has been recognised that "gendered" and ethnocentric constructions of injury and disease (Williams, 1992:153) lead to hazards being overlooked or injuries and illness being under-reported. For example, Williams (1992:153) notes that the official statistics for women are lower than the actual rates of injury, and that this is compounded by a tendency for women to under-report. In addition, because the emphasis of workers compensation has been on traumatic one-off injuries, workplace hazards and injuries which are less visible and associated with typically "female" occupations such as office and cleaning work may be obscured. Thus enterprise bargaining processes which exclude or marginalise women or non-English speaking workers runs the risk of under representing certain OHS risks.

Lever-Tracy (1988:227) notes that there is no inherent reason why part-time work should be marginalised along the lines of gender and ethnicity, but that part-time work reflects rather than shapes pre-existing inequities and marginalisation of workers. She argues that part-time work can serve different interests and functions and take desirable or undesirable forms (p228). This point should mitigate the tendency to generalise trends towards the view of numerical flexibility as being somehow inherently positive.

Ethnicity

Alcorso and Hage (1994:43) argue that compared to the on-going debate about the impact of enterprise bargaining on women, little attention has been given to issues for people from non-English speaking backgrounds. Citing the few studies which do exist they found that issues such as communication barriers, the reliance on traditional industrial relations structures which marginalised NESB workers, the poor level of understanding among NESB workers of workplace reform processes and the inadequacy of trade union representation. All these factors were found to potentially compromise the

capacity of these workers to be fully involved and represented in the bargaining process and to have their interests represented. In addition, NESB workers tend to be over-represented in manufacturing, and further segregated by sex into particularly vulnerable sectors of manufacturing industries (p59). In particular, it made these workers vulnerable to pressures on these more internally exposed sectors of the economy.

Cattermole's (1994) work supports these findings. She argues that NESB migrants are concentrated in those sectors of their occupation with ". . . the worst physical working conditions, the lowest pay and they persistently do the dirtiest, least skilled, most menial tasks" (p7). Moreover, they are clustered in the most hazardous industries (p7). The combination of these factors places NESB workers, and particularly NESB women in an extremely poor position to have their interest represented under enterprise bargaining. Their ability to understand what might be complex and subtle changes in agreements but which nevertheless have the capacity to impact strongly on working conditions may be compromised by low literacy levels in English and poor verbal communications skills.

Working Conditions

It is implicitly recognised that working conditions and non-wage benefits which are associated with permanency (such as sick leave, holiday pay, long service leave, special leave etc) contribute to the overall health of workers. The trend towards casualisation and contract employment thus has health implications because these conditions do not apply to casual workers. Given the concentration of casual workers in low paid, secondary labour market jobs (Romeyn, 1992), the capacity for these workers to be able to afford unpaid leave is limited. The option of juggling days may also be problematic for workers who have child care responsibilities and commitments.

They may therefore find it difficult to change their days of work, take time off when they are ill or stressed, as more permanent workers can. This may not only directly impact on their health, but may increase stress and anxiety levels. Thus the absence of paid leave for a growing proportion of workers, many of whom are already low paid, is a serious health issue.

Lever-Tracy (1988:221) raises another issue with regard to casual work and job insecurity. She notes that what may be "flexible" for employers may not be flexible for workers. For instance when casual or self-employed workers are on call or have fluctuating but inadequate work, they must keep themselves available and wait by the phone, and they cannot refuse work lest it be offered to someone else. Thus while flexibility may assist the employer to utilise resources in response to market demands, for workers it may mean periods without any work at all, interspersed with short on-call deadlines. This raises real problems for trying to plan for childcare and other arrangements and has serious stress and health implications. Indeed, in recent work on

the relationship between job control and stress, Houben (1991) has noted that workers are more likely to experience stress if they have limited control over their work, or where little allowance is made for their welfare and/or needs (p314).

Thus changes within enterprise agreements which promote more "open-ended" arrangements related to work status (such as casual or short-term contract work) may inadvertently increase stress levels experienced by workers as a result of the perceived increased insecurity of their employment. It is also the case that uncertain employment security places greater bargaining power in the hands of the employer, particularly in a climate of high unemployment when worker mobility is much reduced. This is especially the case for workers who possess few formal qualifications and skills which might enhance their market position and so increase their bargaining power.

Representation

Quinlan (1993) and others (Biggins, 1993) have argued that there exists an important role for trade unions in safeguarding the health and safety of workers, particularly within a self-regulatory framework for OHS. Indeed, Biggins (1993:227) has argued that positive OHS outcomes are underpinned by appropriate levels of consultation and trade union activity. For instance trade unions provide their members with information about hazards, employ professional staff who develop educational material, and train local and regional safety representatives as well as organisation committees (Brown, 1985:69).

While writers such as Taylor (1987) posit a much more complex relationship between levels of unionisation and workplace safety, there is justification for postulating that the absence of trade union representation may have implications for workers in terms of information, organisation, consultation and advocacy. Indeed, many writers (eg Quinlan, 1994) point out that the shift towards self-regulation in OHS was predicated on a strong trade union movement facilitating the process; declining union density therefore has implications for the effectiveness of legislation predicated on trade union involvement.

There is another reason why trade union involvement in the bargaining process is important where the issue of flexibility is concerned. This is because a well informed, experienced union may be in a better position to anticipate the consequences of changes to work status than workers. This should be balanced by the possibility that trade unions may also trade off conditions for wage increases without appreciating the consequences for workers. The main point is that either unions or workers (and preferably both) should be in a position to appreciate the consequences of changes to work status and their implications for OHS.

This is especially significant for casual, part-time and contract workers who tend to be concentrated in workplaces with an already high concentration of casual employment and

low levels of award and union coverage. Moreover, the fact that more "flexible" workers are not as well represented by trade unions clearly reduces their bargaining power and the ability of unions to represent their interests at workplace level. This is especially the case for women workers who make up only 37% of union membership (Tully, 1992:4).

However, Lever-Tracy argues that it has not been the growth of part-time and casual work per se that has undermined conditions, but the failure on the part of unions to preserve wages and conditions for this kind of work (p231).

A similar situation may exist with respect to casual and part-time work, union activity and OHS activity at a workplace level; there might be a relationship between the presence of unions and OHS activity. For while Pragnell (1994) points out that, OHS indicators (such as the existence of committees, health and safety representative etc) do not guarantee positive OHS outcomes, it does indicate some kind of activity and the potential for consultative processes upon which the OHS regulatory framework is based. For example, part-time, casual and other irregular workers may not be able to attend union meetings or may not have common meal and rest breaks which would enable all workers to participate and be informed by trade unions about bargaining or OHS issues. In other words, the proliferation of part-time and casual work in the absence of trade unions and OHS activity is highly likely to compromise OHS outcomes.

Training

It is widely recognised that positive OHS outcomes at a workplace level are dependent on appropriate and up-to-date training and information dissemination. Moreover, a disproportionately high number of serious injuries are suffered by either new employees or those commencing a new or different work activity and, sometimes after, returning to work after leave (CCH, 1991:99).

It is likely, then, that workers who are less than full-time will have different training needs, and different opportunities to train than full-time workers. This may especially be the case in small businesses where it seems that non-managerial employees may be disadvantaged in terms of skill recognition and access to structured training, and that those who miss out on training are probably part-time and women workers (Callus, 1994:3).

There may be a range of logistical and other obstacles associated with the delivery of training in general for part-time and casual workers which may impact on training for OHS. Any changes contained within enterprise agreements which alter work processes, increase multi-skilling and other forms of flexibility need to take into account that workers must be reoriented and trained to cope with these changes. Thus the extent to which changes within enterprise bargaining will produce a negative or positive impact on OHS

will depend in part on the adequacy of training. This will be the case especially for part-time and casual workers.

Social support

Johnson (1989) argues that control over the work process and social support in the work setting have been identified as two major psychosocial resources which can serve to modify the potentially stressful demands and pressures of modern production systems (p469). There is some evidence that the link between mortality and other health risks and social interactions has some level of scientific support (p470). Social support fulfils the need for companionship, moderation of work demands, adult socialisation, collective coping systems against structural demands and pressures (p470). Thus arguably, anything which works against the ability of workers to establish informal networks of support at work has the potential to impact on stress levels and health.

Extrapolating from this principle, it is clear that changes to employment status which militate against the capacity of workers to build up social support networks and the development of social groups at the workplace can have a clear impact on workers health. For example, workers who are casual may not interact with the same workers regularly enough to build up contacts; many workers (such as bank tellers) part-time and casual do not have lunch and other breaks which would allow them to develop collectivity with others. Similarly, employees working in isolation or on rotating shifts may also be unable to form relationships at workplace level.

Internal Numerical Flexibility

Internal numerical flexibility involves changes to working time arrangements, such as increases in the standard working day, 12 hour shifts, removal of restrictions on scheduling of breaks, rest periods not to interrupt production, changes to overtime arrangements and annual leave, annualisation of hours, averaging of hours over certain periods and reducing the number of workers on particular shifts etc. As previously noted, this is an increasingly significant feature of enterprise agreements, being included in 52% of agreements overall (ACIRRT, 1994a). Significantly, ACIRRT has found that major trade trade-offs for wage increases have been associated with flexible working time arrangements, such as the abolition of overtime or redefining "ordinary hours" (ACIRRT 1994a:3)

Changes to working time arrangements in the form of extended shifts, rotating shifts and so on have attracted considerably more attention from health and safety practitioners (Mathen, 1994; Williamson, 1994). However, while attention has been given to traditional shift arrangements, very little attention has focussed on these new, more flexible

arrangements. The problem is that while these new arrangements may not be called "shift work", the resulting extended hours of work may in fact be similar to or the same as shift work, but without the attendant controls and rostering governing shiftwork (ACIRRT, 1994b). It is also the case that the trend to negotiate over hours of work and working time arrangements increases managerial control (Bennett, 1994:198). This will particularly be the case where workers are in vulnerable, low skilled positions, or where they are unrepresented by trade unions. A range of issues associated with flexibility of working time arrangements will be examined here, and is not meant to be exhaustive. They include health effects, stress, standards, and isolation.

Health effects

There is considerable debate about the effects of extended shifts on the health of workers. Mathen (1994) points out that the main effects fall under the following categories: effects on sleep, fatigue, occupational stress, gastrointestinal disorders, cardiovascular disorders, effects in pregnancy, exacerbation of existing disorders and exposure to physical and chemical agents. Williamson (1994) argues that extended shifts (or flexible working arrangements which result in longer shifts) must be governed by the following principles:

- a) Longer shifts do not necessarily result in poorer work performance, but if they are introduced they **MUST** be evaluated;
- b) Longer shifts must be balanced by adequate rest periods;
- c) Hazardous or critical activities may need to be scheduled early in the longer shifts, especially during night work;
- d) Longer shifts must **NOT** be extended by overtime.

Preliminary analysis of enterprise bargaining trends cited earlier (ACIRRT, 1994a) suggests that the introduction of more flexible working time arrangements without guidelines such as those expressed above, pose considerable risks to workers health. This is because most of the more flexible arrangement possibilities - which number over forty - are extremely open-ended, allowing changes such as the extension of working hours well beyond eight, the abolition of crib breaks, the foregoing of meal breaks, the annualisation of hours, increased span of hours, open negotiation of hours between employer and worker. The danger is that the care and attention which is required when introducing shift work arrangements is likely to be foregone under enterprise bargaining. Outlined below is a sample clause from a furniture-making factory. The agreement is registered in NSW without a works committee or union being involved. Note the combination of open-ended termination provisions, with open-ended, flexible working time arrangements. There was no inclusion of shift rostering systems or guidelines governing extended shifts in this agreement:

Termination

"Termination of employment by the employer shall be at the sole discretion of the company and may happen without prior warning or counselling. Termination may arise from but may not be limited to:

- unsatisfactory attitude
- unacceptable quality of work
- lack of work
- unsatisfactory work proficiency

Hours

Ordinary hours of work shall be a maximum of 40 per week, averaged over a 52 week period

The ordinary span shall be 6.00am to 6.00pm

Where an employee works more than 40 hours in any one week, those hours worked over and above 40 shall be offset against time not worked in the previous 8 weeks or the following 8 weeks,

Stress

Smith (1993:116) argues that the key issue associated with shift work is stress, and that workers' ability to cope with stress is dependent on biological and psychosocial resources. Using study data, he notes that night workers are affected by malaise, aches and pains and infections, that is, biological stress (1993:117). He does note, however, that the psychosocial effects of shift work including the impact on relationships and families may be negative, they are at times accompanied by advantages such as increased leisure time (p119).

Consideration also needs to be given to the increased potential for stress on workers who may be expected to work at different hours without adequate notice. This may not take into account family responsibilities and other limitations such as child care hours which may be difficult to reschedule at short notice. The anxiety which can be created by trying to meet tight deadlines or by trying to re-organise child care arrangements at the last minute should not be underestimated. Flexibility for the employer may not mean flexibility for the employee in the same way unless consideration of the employee's capacity to be flexible is taken into account.

The annualisation and averaging of hours is a relatively common occurrence within enterprise agreements, particularly within the hospitality and restaurant industry. The long term effects of what may be irregular, or compressed working hours over periods of time require examination. The issue of fatigue in industries such as these where workers may be handling hot, heavy objects also needs attention.

The point to be made about an issue such as shift work is that very careful consideration needs to be given to the potential health and safety effects of increased shift duration and the irregularity and unpredictability associated with their introduction.

Standards

There is a range of potential health and safety implications of changes to work time arrangements. For example, it has been noted by both Worksafe (1994) and the ACTU (1994) that exposure levels for hazardous substances like chemicals, or to situations like noise, computers and so on are generally based on eight hour shifts rather than extended shifts.

At a more general level, the impact of fatigue on work performance and machinery operation and the increased susceptibility to accident proneness is similarly well documented (Folkard and Monk, 1985 cited in Smith, 1993).

Consideration also needs to be given to the tendency to increase the span of hours without also implementing job redesign. Thus any increase in hours needs to take into account the changed needs of workers to withstand longer shifts. The Textile, Clothing and Footwear Union described particular problems in situations whereby workers undertaking assembly work were being asked to stand for ten hour shifts without there being any standard or understanding of the ramifications of changes such as these. The increased shift length had been introduced with an enterprise agreement. The union also described particular problems with fatigue associated with longer shift spans.

Isolation

Increased internal numerical flexibility can also be accompanied by changes to internal staffing levels in particular situations. This may involve reducing the number of workers overseeing a particular task or working in a particular situation. This can have serious safety implications where workers would normally be working together in potentially hazardous situations (such as maintenance of lines, overseeing machinery etc). Recent discussions with the ACTU highlighted the problems working in "isolation" due to changes in staffing levels negotiated under enterprise agreements. For instance the Sydney

Water Board was recently fined for breaching safety standards for allowing employees to work alone on reservoirs as a cost-cutting measure.

Another example is in one local government where the introduction of one person left-hand garbage trucks has introduced problems of working in isolation while handling large, sophisticated machinery. In a recent case, a young pedestrian was killed by a worker whose visibility was obscured while negotiating a turn in a cul-de-sac.

Functional Flexibility

Functional flexibility is where workers job assignments are modified according to the needs of the enterprise; where the employer's capacity to move labour to different tasks is increased (Rimmer and Zappala, 1988:568). It includes greater control over deployment of labour within the enterprise, elimination of demarcation barriers, "restrictive work practices" and increased multiskilling.

The potential benefits of increased functional flexibility introduced within the context of genuine job redesign and consultative processes have been advocated (eg Mathews, 1989) and outlined by Teicher (1993). The benefits can include the elimination of repetitive and monotonous tasks being tied exclusively to particular jobs, and the potential expansion of work skills.

However, Campbell (1994) points out that an expansion of functions can be achieved in different ways, with different causes and outcomes for the employees concerned. He argues further that these differences have been poorly appreciated by writers in the area (p18).

In the same vein, Tomaney (1990) challenges the common notion that increased flexibility always has progressive implications for workers (p43) or that an elimination of demarcations necessarily implies "multiskilling" (p47). Indeed, it can mean a focus on horizontal skills development (multiskilling) rather than also vertical skills development (reskilling and upskilling).

For example, the widening of functions can be carried out in a way which leads to job enrichment and reskilling through job redesign, retraining and improved career paths (Campbell, 1994). Significantly for health and safety, multiskilling can be seen as potentially minimising repetitive jobs which can lead to RSI and reducing mundane work which can produce boredom and general fatigue (NIPG, 1990; Hopkins, 1989).

On the other hand, multiskilling can mean workers are required to take on a range of tasks, but they may be a range of tasks as deskilled and repetitive as before. It may

mean taking on board tasks across the same skill level without any vertical skills or specialist development (Bramble, 1988:201).

Little attention has been given to the relationship between the removal of demarcation barriers and the increased incidence of accidents, and stress and anxiety, particularly in the context of inadequate training and skills and pressures for cost reduction. This is especially the case where enterprise bargaining involves flexibility between crafts, where the ability to be multiskilled requires more than just extra on the job training (Tomaney, 1990:46). This can be especially so where functional flexibility entails combining machine operation with maintenance and quality control responsibility (Tomaney, 1990:39). For instance, the Electrical, Plumbing and Allied Trades Union (EPU) has recently collected statistics indicating an increase in accidents and fatalities caused by unqualified personnel doing maintenance on unfamiliar equipment. They attribute this to multiskilling pressures without adequate training pushed along within enterprise agreements (*Occupational Health Newsletter*, 1994:No 320).

James (1993:49) provides empirical evidence to support the claim that occupationally mobile workers who, for reasons of changed technology or disappearance of certain jobs, have to learn new skills on the job run a higher risk of illness. She suggests that this may be because they have had inadequate training and are exposed to a variety of hazards for which they had little preparation.

In the same vein, Houben (1991:314) argues that the possibility of developing chronic stress is greater if the task demands are more complex, changing and difficult. He says that rapidly changing task contents and repeated (and often involuntary) task alternation which is generally the result of increased flexibility have barely been investigated (p314).

The notion that pressures to be functionally flexible have negative OHS implications is further explored by Bradley (1989:505) who cites a study by Saari and Lahtlea which compared accident rates in companies matched by size, location, type of product. It was found that in the companies with higher accident frequency the jobs and tasks of individual workers were more varied, less frequently repeated, less preplanned, more mobile and required assimilation of more complex information than those companies with low accident frequency.

Tomaney (1990) also offers a more critical account of multi-skilling. In discussing the Just-in-Time system he argues that while the potential is there for enhanced skill development there is also the danger of work intensification, where the process of eliminating waste which often accompanies multiskilling can place enormous pressures on workers to comply with the rationalisation process (p36). He also adds that an increase in functional flexibility can also mean the ability to move from one unskilled task to the next at a moment's notice and to meet production shortfalls via unlimited levels of overtime (p37).

Campbell (1994:19) argues that an increase in functional flexibility may mean merely a breakdown in demarcation barriers and a reassertion of management's right to direct employees to perform work. Moreover, as outlined above, functional flexibility can be applied to certain workers and "skills" in certain ways; for instance male full-time jobs are enriched while female part-time or seasonal work is degraded (Jenson, 1989:145) This will of course cast doubts on the notion that flexibility will open new possibilities for all workers.

James (1987:49) argues that restrictive work practices have in fact evolved to protect workers. She states that any emphasis on the elimination of restrictive practices - because of their impact on productivity - is directly an attack on worker attempts to protect their occupational health. As mentioned earlier, where enterprise agreements replace awards, what may also be replaced are practices which evolved to protect workers. In the haste to "simplify" conditions governing work may be a tendency to throw out safe, albeit restrictive, practices. Given that OHS regulations are generally silent about work practices as such, or suggest voluntary codes of practice, this should be cause for concern. Such an example is inclement weather restrictions within the building industry. These restrictive practices are seen as slowing down the work process for employers, but are clearly safety issues for workers in terms of the increased risks of slippage, falls and electrical hazards.

Thus it is important to distinguish between increased functional flexibility which genuinely enriches and enhances work, and increased flexibility which degrades work, intensifies it and enhances managerial authority. Even where it appears to add to job enrichment, empirical studies suggest that frequent task change and uncertainty can lead to increased stress and a higher incidence of injury without adequate redesign and retraining.

Sub-Contracting (Externalisation)

This refers to putting out part of a firm's work is put out to enterprises or individuals who are not bound by that firm's contract of employment. Polk et al. (1993:253) argues that while the core company has the primary responsibility and resources to implement safety systems, an understanding of accident incidents and processes must extend outside the core companies to examine the actions and behaviour of subcontractors.

Johnstone and Quinlan (1993:2) suggest that the legal construction of the employment relationship provides avenues of advantage for some employers using non-employee categories of labour, such as sub-contractors and that this differentiation has OHS implications. They suggest that sub-contractors and outworkers are often not in a position to report injuries or to eliminate hazards at a workplace level (p5). They say that these problems can be compounded by the inability of these workers to obtain

information about insidious hazards and the stigmatisation of certain kinds of injuries such as RSI (p5).

In a British study Nichols (1986) argues that the restructuring of employment relations towards increased use of subcontractors and casuals is a way employers derive cost benefits by being able to slim down their own operations or tighten the price for brought in goods or services (p198). He considers the shift away from direct employment renders these workers more vulnerable to poor health and safety (p199). He argues that it makes inspecting sites and work situations more difficult, leads to reduction in staffing levels, and a lack of provision of information to outside contractor "casual and disorganised" workers in these non-standard employees to be vulnerable. Official reports suggested that workers in these industries were frightened of losing their jobs, receive inadequate levels of training and supervision, and lack union organisation (p200).

Robinson (1988:241) suggests that firms have a tendency to minimise the extent of compensating wage and nonwage differentials they must pay workers in hazardous situations by assigning these jobs to undesirable job ladders or sub contracting them to secondary labour market firms.

The National Research Officer with the CFMEU has noted in recent discussions that the contract and sub-contracting nature of the building and construction industry makes the enforcement and regulation of OHS extremely difficult. Interestingly, the officer argued that given the structure of the industry, enterprise bargaining offered some potential to provide greater overall regulation of OHS within a highly fragmented industry. He also cited problems such as lack of information of safety processes among smaller contractors, cost pressures on sub-contractors offered no encouragement to make a commitment to safety systems, and the short term nature of most site contracts. Declining union density was also noted as a compounding problem.

The pressure to award tenders to contractors on the basis of cost (rather than quality, safety etc) may also compromise safety standards. This may also create problems for existing core workers who may have to work on equipment or installations carried out by contractors who have lower safety standards. The need for companies to ensure that sub-contractors' work is up to the same standard as their own is clearly part of any move towards the increase in sub-contracting arrangements, especially in "hazardous" industries like construction, mining, electrical trades and metals manufacture.

Performance Indicators in Agreements

Some of the concern about the impact of enterprise bargaining on OHS has focussed on the inclusion of performance indicators for OHS within agreements. These are often known as "safety incentives". Smith (1993a) argues that while initially money incentives

for safety may seem like a good idea, commentators fear that it could mean a return to the days of "danger money, under-reporting and poor working conditions" (p29). He also notes that there is increased pressure on employers to reduce workplace injury statistics, because a reduction in accident claims will translate to lower workers compensation claims.

While a number of agreements indicate safety as a performance indicator, relatively few include money or other incentives for achieving a certain level of safety. ADAM 4 (ACIRRT, 1994a;6) gives an example of a manufacturing agreement where wage increases were linked to safety using the NSCA 5 star safety system to monitor and improve occupational health and safety¹². Other systems may include lost time injury (LTI) statistics linked to bonuses or other incentives; still others may include more philosophical rather than financial rewards (p29).

There are a range of concerns which can be raised about linking financial incentives to safety improvements or LTIs. Citing a range of OHS professionals, Smith raised a number of issues including: how by basing incentives on outcomes, there is the potential to hide basic safety issues such as hazards and procedures; that LTI statistics may be a reflection of luck or corruption; that incentives schemes encourage under-reporting, and that by offering money for improves safety performance, employers are 'devaluing' the health of workers.

There seems to be general agreement among OHS practitioners that linking financial incentives to safety is not an appropriate measure of the OHS performance and may indeed be detrimental to the health and safety of workers by encouraging under-reporting.

MEDIATING FACTORS

The following is an overview of the types of mediating factors which are likely to moderate the effects of different bargaining arrangements on OHS. Again, this list is not meant to be exhaustive but is designed to illustrate the types of issues which need to be incorporated into an adequate analysis of the issue.

The impact of trade unions and the level of industrial relations activity.

There is both theoretical and empirical support for the claim that trade unions and structured systems of industrial relations impact on OHS at a workplace level.

12 See Shaw and Blewett (1994) for a full literature review of benchmarking and other performance indicators.

Quinlan (1994) argues that the impact of enterprise bargaining on OHS will depend very much on legal and institutional arrangements, the organisational and institutional strength of trade unions and the attitude of employers. The capacity to negotiate awards without union involvement, or where enterprise agreements are negotiated in workplaces at which there has been no history of union organisation will give workers less bargaining power to ensure that OHS issues are understood and represented.

Quinlan (1994) further notes that even in industries where workers are well organised and strategically well located, the introduction of performance pay systems and other performance linked structures may put workers at risk. He rightly asserts that the risk to workers' health is likely to be minimised where enterprise agreements are complementary to awards (rather than replace awards as they have the capacity to do in NSW, Victoria and Tasmania). However, this also depends on the extent to which awards provide any level of enforceability for OHS standards and conditions.

There are also clearly opportunities to integrate OHS issues within enterprise agreements which take account of work redesign issues, use of technology, rehabilitation and training issues (Quinlan, 1994). However, for other poorly organised workers, especially those in exposed industries and labour intensive industries, enterprise bargaining is likely to pose a threat (Quinlan, 1994).

While it is clear that occupational health and safety legislation can establish basic protection for workers it is not sufficient alone to guarantee or improve health and safety (Walters, 1991:717).

In Australia, a basic duty of care legislative approach is based on the translation of obligations via managerial responsibility and through the operation of health and safety committees (eg NSW) and health and safety representatives (eg Vic). There is, of course wide variation between the states in terms of scope and power of these committees and representatives (see Quinlan and Bohle, 1991 for a full discussion). Indeed, positive OHS outcomes at the workplace are seen as being underpinned by appropriate levels of consultation and trade union involvement (Biggins, 1993:227; Quinlan, 1993:153) and trade union activity (Brooks, 1988).

Where work has been undertaken on the effectiveness of OHS committees on OHS outcomes, overseas (Walters, 1991) and Australian studies (Pragnell, 1994) have cast doubts on the extent and effectiveness of OHS committees. Obviously, if the effectiveness of committees is in doubt, there exists an even greater need to explore just how OHS issues are being addressed at a workplace level, especially in jurisdictions where committees are the primary consultative structure.

This becomes an even greater imperative in situations where trade unions are not active, and where work practices are undergoing apparently significant change, such as under enterprise bargaining.

What the literature does indicate, is that while OHS Committee activity is no necessary indicator of OHS quality, (Pragnell, 1994; Biggins et al, 1991) it is associated with an "active" level of overall bargaining at a workplace level (Pragnell, 1994). Pragnell found in his analysis of the AWIRS data that there existed a strong relationship between workplace industrial relations activity, especially industrial relations structures, and the existence of workplace committees (p31). Moreover, he found that the existence of committees coincided with OHS activities (p32). Workplaces with committees were more likely to have written policies on OHS, to keep injury records and to have a person who was responsible for OHS.

Biggins et al. (1991) noted both the potential benefits and dangers of worker participation in OHS issues. In particular they stressed the need for a "reintegration" of OHS and industrial relations issues since the danger existed for OHS issues to be depoliticised amidst the rhetoric of consultation and participation (p157). This builds on a point made earlier, that while the potential exists for OHS to be used a positive, integrative way in enterprise bargaining, the risk existed that OHS could be used to "trade off" other conditions, without any concrete improvements being made to OHS systems. This is especially the case in the absence of trained OHS practitioners, or in the absence of trade unions.

Williams (1993) argues that there are two processes involved in the enforcement of industrial rights associated with OHS - a legal framework for OHS, and strong union organisation (p77). This is especially the case in jurisdictions (other than Victoria and South Australia) where the union does not have the right to shut down unsafe work or to have a say in the election of health and safety representatives (p77). Similarly, Biggins and Phillips (1991) found in a study on Queensland committees and Health and Safety representatives that shop stewards were significantly more active on health and safety matters than other health and safety representatives (p284). This is further supported by an analysis of AWIRS data (Pragnell, 1994), where it was found that in NSW workplaces with committees were more likely to be unionised (p29). Workplaces with committees were also more likely to have experienced industrial action in the form of a strike or go-slow. The data also indicated that workplaces with committees were also more likely to have some kind of workplace bargaining structure and employer-union agreements (p29). In addition, the incidence of committees seemed to be associated with the level of union density, with only 14% of non-union workplaces having committees compared with 59% of those workplaces with 51%-100% union density (p30).

However, Dwyer (1991:76) suggests that the increased bureaucratisation of unions, and the changed nature of union activity, demand that officials be equipped with skills

appropriate to treat complex legal, technical, economic issues. He argues that the time required to do so takes the union's focus away from workplace realities. It may be argued that the same may occur with the enterprise bargaining process; that negotiations over bread and butter issues like wages and employment security may render the issue of OHS as less important in the bargaining process. This lessened emphasis on health and safety may also be because gains from improved health and safety are not as immediately visible to the rank and file and wages improvements (Dwyer, 1991:76).

A further word of caution is required with respect to trade union involvement in negotiating working conditions. The fact that trade unions are increasingly stretched across many and ever more varied workplaces means that their likely expertise in and sensitivity to the identification of specific workplace hazards and work operations may be limited. While joint consultative arrangements provide for a theoretically sound consultative process, union officials may not necessarily be as in touch with the implications of specific changed work practices as the members he/she is representing. The quality of input from the full-time official may be very much dependent on the quality of OHS knowledge of the workplace delegate¹³. Thus if the workplace itself does not have a tradition of OHS involvement and activity, the trade union may not be able to fully represent the needs and interests of the members in the bargaining process. Thus it may be the case that while workers have formal representation on consultative committees, this of itself does not guarantee informed and quality representation.

Health and Safety Committees and Health and Safety Representatives

Debate is similarly divided about the extent to which workplace OHS committees and health and safety representatives act to effectively improve OHS outcomes. Dwyer (1991:75) notes that given the wide variety of forms of workplace consultative structures which can be implemented to facilitate health and safety initiatives, and the variable levels of effectiveness of these structures, it is difficult to generalise about their effects. He also adds that while these forms of "interventions" in the workplace have found wide support, there is little research to indicate they achieve their goal. In general he argues that while they may contribute to the reduction of accidents by calling attention to sources of danger, they may also act as a "smokescreen" by inducing a general perception that all relevant dangers are being taken care of.

Dwyer (1991:76) further notes that workplace committees presuppose common agreement between management and employees over the ground for discussion on OHS. Dwyer argues that because of the technical and medical parameters within which health and safety is conceived and discussed, the terms of reference lose their social and industrial context. Leopold and Beaumont (1982) argue that, within a British context,

13 Thanks to Linda Cowan (ACIRRT) for her input to this section.

employee and management representatives on committees may have more in common with each other than with the rest of management or the rest of the employees (p265). They also argue that because of the specialist and technical knowledge associated with health and safety, that employee representatives tend to rubber stamp decisions made at the committee level (p274).

Brooks (1988) argued that workplace committees in New South Wales - because of a range of flaws including the lack of obligation on the part of the employer to take notice of any recommendations of committees and the absence of health and safety representatives - are essentially valueless as a mechanism for enhancing the regulation of OHS in NSW (p230). This raises serious concerns about the ability of these OHS committees - which sometimes form the basis of Joint Consultative Committees for the purposes of enterprise bargaining - act as effective screeners of retrograde changes to work practices.

This may be further compounded under enterprise bargaining arrangements which allow for non-union works committees, such as those found under the NSW Act. The types of problems which can arise include the danger of management appointed representatives on committee who may or not be representative of workers. These representatives may also receive favoured treatment by management which influences the decisions they make. Again, having formal mechanisms of representation and consultation does not ensure quality outcomes for employees.

However Biggins et al, (1991) argue that worker participation is essential to the effective implementation of legislative reforms in the area of health and safety (p138). They cite a range of benefits to be gained from a participatory approach such as improved industrial relations, better design of new technology and increased economic viability (p140). They do acknowledge, however, that very little research has been undertaken on the functioning of committees and representatives (p140). They conclude that notwithstanding some of the valid criticisms of the role of committees and representatives, that they provide the potential for the reintegration of occupational health and safety into the sphere of industrial relations.

Pragnell (1994) argues out that workplace OHS committees in NSW are critical for proactive OHS practices and policies, given that the legislation makes no requirement for OHS representatives (p5). Given that committees are an essential mechanism for ensuring that OHS issues are addressed - at least in states like NSW - their existence is equally important to ensure that changes proposed under enterprise bargaining equally consider OHS issues. Their absence or inadequate functioning could therefore compromise the potential enterprise bargaining has to address OHS issues. This is, of course, unless these issues are addressed in the process of enterprise bargaining itself, or through some other consultative committee.

While there are significant jurisdictional differences between the functions and powers of health and safety committees, and representatives there is nevertheless an accepted role - however - limited - for workplace committees and representatives in the consultative and advisory process associated with the operation and implementation of OHS systems at a workplace level (Creighton, 1986:119). The principle of consultation in OHS issues and processes is premised on the notion that employees have a right and employers have a responsibility to participate in an area of work which so directly impacts on health and welfare.

However, as Creighton (1986) also points out, the actual operation and effectiveness of consultative process is open to question particularly in states like NSW where the guidelines are cumbersome and obscure (p119). It also assumes that there exists the potential for employees and management to concur over health and safety issues. Quinlan (1993) correctly points out that health and safety issues often encroach on areas of managerial prerogative and that this limits the room to move over issues like work redesign and so on.

Notwithstanding the existing legislative constraints on consultative processes, it is nevertheless important to understand the relationship between consultation processes in general and OHS committees/representatives, and the enterprise bargaining process. Specifically, this means understanding how consultative processes and OHS committees/representatives influence the extent to which OHS issues are considered in the enterprise bargaining process and whether the existence and function of committees/representatives have improved OHS outcomes in enterprise agreements.

While this issue is arguably an important one, there is surprisingly little empirical evidence about the actual operation and effectiveness of OHS committees and representatives in Australia since their inception. This makes drawing links between committees and enterprise bargaining speculative.

One of the few studies to analyse the extent and incidence of OHS committees in NSW is the analysis of the Australian Workplace Industrial Relations Survey (AWIRS) by Pragnell (1994). It is here utilised to tease out some of the potential trends and implications of the role and functions of workplace committees in New South Wales. Some of the trends exposed by this study have important implications of a consideration of the impact of enterprise bargaining on OHS. These are outlined below.

The AWIRS data was analysed to understand where OHS committees are located, their structure and functioning. The following provides a snapshot of these findings:

- On average 45% of workplaces throughout Australia have OHS committees

- In NSW by industry, blue collar workplaces (eg utilities), and public sector workplaces are more likely to have committees than private sector
- Of workplaces nationwide 87% had only one committee, 9% had two or more. It raises questions about the adequacy of one committee workplaces which are large and diverse
- Most committees have more employee representatives or equal representation of managers. Despite there being no legislative requirement for doing so (except in Victoria), a proportion of committees had union representation
- It appears from the AWIRS data that meeting frequency was an issue. While a majority of committees nationally met quarterly, a sizeable proportion met either infrequently or not all
- The industries where committees tend to have a poor meeting record included financial services, community services and trade (also big employers of women and more insidious hazards)
- Pragnell notes that given that nearly one third of compensated workplace injuries take place in manufacturing (Quinlan and Bohle, 1991:30) that OHS committees are located in just over half of these workplaces should be of concern (p18)
- Pragnell suggests there exists relationship between properly constituted OHS committees and other OHS policies and practices in the workplace
- He also found that increasing levels of union and industrial relations activities are closely tied to OHS activities including the existence of committees (p27)
- He also found that there was a very strong relationship between the existence of a committee and the type of industrial relations which occurs. The more structured and active a workplace's industrial relations were, there more likely there was to be a committee (p31) For example only 9% of "informal" workplaces had committees compared with 89% of the "active" bargainers
- He argued that the existence of OHS committees coincided with other OHS activities. Workplaces with committees were more likely to have written policies, keep injury records, and have a person in the workplace responsible for OHS. However, as Pragnell notes, whether OHS committees generate higher levels of OHS activity or whether OHS committees and activity are generated by some other set of factors is yet to be determined (p32)

In a Swedish study, Frick (1990) found that despite an increase in the number of OHS delegates and committees, injuries actually ceased to decline throughout the 1980s. Frick argues that OHS is still an isolated and poorly managed activity, with managers having poor knowledge and understanding of hazards compared to their union counterparts (p379). He further states that having employees identify hazards at the workplace is meaningless unless the legislation gives authority to workers and delegates to enforce change. His findings cast further doubt on the logic of self-regulation in the area of OHS.

It may be that the increased focus on the workplace level encouraged through enterprise bargaining may provide the opportunity to focus on issues such as health and safety, but this is unlikely unless workers have the authority and bargaining strength to insist that these issues are addressed.

Industry Size

There is some empirical debate about the extent to which industry size impacts on the incidence and operation of OHS. The analysis of the AWIRS data cited earlier indicates that OHS comprehensiveness is associated with workplace "size", but the exact nature of this relationship is unclear. It may be an issue of resources, level of unionisation, work practices, nature of the work.

For example, Eakin (1992) argues that little is known about the social organisation of work in small workplaces and how it is associated with health and safety outcomes. She raises an important point that many small workplaces act as a point of entry for many young and inexperienced workers who are both at high risk of injury and also hard to reach (p689). In an empirical study of small "high risk" workplaces Eakin found very limited involvement in activities related explicitly to health and safety (p691). Employers tended to regard the work environment as "given" and employee behaviour as the locus of intervention. She further found that either managers "came down hard" on the workers or had the attitude of "leaving it up to the workers". Moreover, she found that employers perceived health and safety as having a low significance, were unaware of their legal responsibilities and underestimated risk.

Far too little empirical work has been undertaken on health and safety in small business, despite being the largest employer of workers. Yet in states like NSW enterprise bargaining is not restricted in any way to large workplaces. Yet, in may be these larger workplaces which may in fact be better placed to incorporate issues such as OHS in the bargaining process.

This situation is compounded by the fact that small workplaces are harder to police by either trade unions or the authorities. A recent discussion with the NSW Workcover

Authority indicated that inspectorate resources were stretched, and that officers did not have knowledge of the existence of many small workplaces, let alone be able to adequately monitor their activities. Being primarily complaint-based, the NSW inspectorate at least relies heavily on anonymous complaints and project work based on workers compensation records.

Often small workplaces can be sub-contractors to larger firms or local councils, such as in recycling and be subject to competitive tendering arrangements which place further pressures in resources within small firms. The combination of these factors with paternalistic management relationships which often exist in small companies and the situation for health and safety.

PRELIMINARY AWIRS AND ADAM DATA ANALYSIS

This section presents an overview of the preliminary analysis of ADAM and AWIRS data sets. The section is structured as follows: first, the criteria used for grouping and analysing the data; second, an overview of significant findings from the ADAM data; and third significant findings from the AWIRS data.

Criteria for grouping data

As argued earlier, the selection and analysis of both qualitative and quantitative data is mediated heavily by theory. Concepts which are utilised to make these decisions are often not made explicit, and generalisations are drawn which are often internally consistent, but heavily concept and theory dependent. In many respects this is unavoidable in the social sciences, notwithstanding the arguments of the positivist's. Reality does NOT speak for itself but is rather shaped and presented according to the observer's theoretical position. This does not mean that reality is unknowable except through the subjective lens of the observer, but it does mean that empirical reality and theory interface in specific and theoretically dependent ways.

Given the size of both of the data sets used, it was clear that some decisions would have to be made about grouping various indicators. On the basis of the literature review, it was decided that one way of using ADAM and AWIRS would be to ascertain whether there was a relationship between those workplaces or agreements which displayed OHS activity, and the presence of other sorts of organisational factors. Thus issues which emerged as important in literature, such as size, level of union activity, organisational change and so on, could be set against the level of OHS activity. On a stand alone basis, it seemed that it would be useful to know the overall inclusion and level of OHS activity at workplaces and in agreements.

As mentioned earlier, one way of doing this was to use some of the indicators of OHS "health" to group workplaces and agreements into "comprehensive" (suggesting some level of activity), "limited" where some mention had been made of OHS, and "none" where there was no mention of OHS activity. For the indicators we drew on a number of frameworks including on Bradley's (1989), criteria suggested by Quinlan and Bohle (1991) and Worksafe Australia's Best Practice Criteria. This was designed to be a starting point for analysis. We have also avoided ranking indicators since they may be industry or situation specific.

In order for workplace or agreements to be labelled "comprehensive" "limited" or "none" they must have some or none of the following range of indicators. These are as follows:

- a) some kind of written policy/ set of objectives
- b) some evidence of measurement/monitoring
- c) some kind of consultative/representative/participatory mechanism
- d) someone responsible for OHS at the workplace
- e) training mechanism/opportunities
- f) industry specific criteria

PRELIMINARY ADAM DATA ANALYSIS

ADAM Data has been organised in four main ways for the purposes of preliminary analysis.

First, frequency tables have been generated on specific OHS indicators to examine the extent to which OHS issues have been included in agreements.

Second, agreements have been grouped according to the criteria outlined above and examined in terms of jurisdiction and industry.

Third, the grouped agreements were analysed in terms of a range of other organisational characteristics and objectives including work organisation changes, management aims, and flexibility provision. These have been broken down in terms of jurisdiction and industry.

1) ADAM and OHS indicators

Overall, OHS is not a significant component of enterprise agreements which numbered 605 in total. The most significant indicators are very general only, and the percentage of agreements with substantive clauses is very small. The main points were as follows:

16% of total agreements included a clause relating to safety and protective clothing being issued

13 % of total agreements included an undertaking for employers' directions to be consistent with the responsibility to provide a healthy and safe workplace

10% (n=64) have a separate OHS clause

Other specific clauses in order of incidence:

- 9% (n=54) safety a PI
- 7. 3% (n=45) training given in OHS
- 5% (n=31) OHS committee/sub committee
- 4. 9% (n=30) OHS taken into consideration in design
- 4. 9% (n=30) PI include OHS
- 4. 7% (n=29) continuous improvement in OHS
- 4. 1% (n=25) creation and maintenance of OHS environment
- 2. 4% (n=25) participation in decision making in OHS
- 2. 4% (n=15) regular hazard audit inspection
- 2. 4% (n=15) training to be integral part of skills dev
- 2. 3% (n=14) specific performance indicators listed
- 2. 1% (n=13) list safety activities for employee partic
- 2% (n=12) ACTU code of conduct
- 1. 6% (n=10) OHS equipment listed
- 1. 3% (n=8) best practice in OHS
- 1. 3% (n=8) OHS implementation programme
- 1. 1% (n=7) OHS rehab program in place
- 1% (n=6) target of zero for LTI
- 0. 8% (n=5) Aim for reduction in workers' comp
- 0. 7% (n=4) Asbestos eradication clause
- 0. 7% (n=4) OHS data available as required
- 0. 5% (n=3) accident prevention provision
- 0. 5 (n=3) certain classifications trained in OHS

It is important to note that the content of enterprise agreements does not necessarily indicate the level of OHS activity or OHS outcomes at the workplace level. It merely gives us an indication of the content of the agreements. Therefore, there may be a range of reasons why OHS does not figure prominently in specific agreements:

First, it is possible that OHS is not covered in detail within agreements because industries or workplaces have separate informal or internal agreements covering OHS, or because they are contained in some substantive way within awards (Brooks, 1988:ch 23)

Second, that OHS is not seen as an "industrial relations issue" (Quinlan, 1993) appropriate for inclusion within an enterprise agreement. This may be a hangover of the notion that OHS is not a formal bargaining issue in the same way that wages are. This does not mean that other changes within agreements do not have OHS implications, but that OHS is an issue seen by management as one which either potentially encroaches on areas of management control (Quinlan, 1993) or about which there exists a commonality of interest.

Third, that the parties to the agreements have not seen the OHS implications of enterprise bargaining change. That is, that while enterprise agreements display a tendency to include a range of work change and work redesign issues, that the potential health and safety effects of these changes have not been recognised.

The reason why some (although only a few) agreements specifically refer to OHS is one which should shed light on the parties' perception of the relationship between agreements and OHS.

ii) Agreement types in terms of OHS

The agreements fell into three OHS categories:

Comprehensive 9% (n=57); Limited 36% (n=215) No clear indicators 56% (n=341)

An analysis of the data reveals a number of significant trends:

a) Jurisdiction:

14% of Federal agreements were classified as comprehensive, and 14% of Queensland agreements were classified as comprehensive, while only 3% of NSW agreements fell into this group. This jurisdiction difference is likely to be a result of trade union involvement in the federal and Queensland agreements.

b) Industry

A breakdown of the agreement types in terms of industry reveals significant though not unexpected patterns. A number of agreements revealed a higher than average number of comprehensive agreements. The following examples demonstrate the way that particular industries had a concentration of certain types of agreements:

TABLE 1: INDUSTRY TRENDS

Industry	Comprehensive	Limited	None
Mining/Construction	23%	43%	34%
Metal manufacturing	17%	52%	31%
Wholesale/Retail	12%	37%	51%
Public Utilities	11%	22%	67%
Transport	9%	33%	57%
Public Administration	9%	39%	52%
Recreation	7%	27%	65%
Agriculture	7%	50%	43%
Food/Beverage	6%	46%	48%
Finance	6%	23%	71%
Community Service	2%	28%	69%
All Industry	9%	36%	56%

Source: ACIRRT Unpublished ADAM Data

These trends may reflect a range of factors. First, the "comprehensive agreements" may be reflected in industries with a reputation for significant hazards and therefore a greater interest in and activity around OHS. Second, those industries where the "not comprehensive agreements" are concentrated may reflect the lower levels of union activity and awareness of OHS issues.

However, as mentioned earlier, the presence of indicators in agreements only reflects trends about the issues up for negotiation as reflected in registered agreements. For example, the relatively higher number of non-comprehensive agreements in public utilities may reflect the inclusion of OHS policies in awards, or at an organisational level.

However, areas such as finance and community services reflected a trend of low involvement in OHS indicators already detected in the AWIRS analysis by Pragnell (1994).

iii) Organisational characteristics

The grouped agreements were analysed in order to ascertain whether there were other related organisational characteristics of significance.

Training

We found that the inclusion of comprehensive OHS indicators tended to be associated with other sorts of work change indicators and innovations. For example, of the comprehensive agreements, 60% had also stipulated that some kind of training program be developed, compared with 15% of the non-comprehensive agreements. Similarly, 40% of comprehensive agreements had stated the training guidelines compared with 6% of the non-comprehensive agreements. 30% of comprehensive agreements had indicated that employees would undertake training compared to 10% of non-comprehensive ones.

Along a similar line, 36% of comprehensive agreements had included the intention to undertake a skills audit, compared with 5% of non-comprehensive agreements.

Flexibility provisions

The inclusion of a range of flexibility clauses in agreements was relatively significant. Again, comprehensive agreements were more likely to contain clauses of this nature. Of those comprehensive agreements, 23% had included changes to employment status (such as a change to part-time, casual status) compared with 13% of non-comprehensive agreements. While 40% of total agreements included flexible staff arrangement provisions, this figure was 69% for comprehensive agreements and 31% for non-comprehensive agreements (total 40%)

In terms of functional flexibility provisions the pattern is the same. While 39% of all agreements contained the provision that employees were to do a range of tasks flexibly, this figure was 72% for comprehensive agreements and 21% for non-comprehensive agreements. Again, while 10% of agreements overall specified that employees were to carry duties out as required, this figure was 22% for comprehensive OHS agreements and only 5% for non-comprehensive agreements.

This pattern was the same for other innovative clauses in agreements. For example, 33% of those agreements which were comprehensive were more likely to have included provisions about semi-autonomous work groups, compared to 6% of non-comprehensive agreements

The following table provides an example of the way in which OHS comprehensive agreements were more likely than both the average for all agreements and the non-comprehensive agreements to include some kind of flexible or innovative clause in the agreement.

TABLE 2: FLEXIBLE/INNOVATIVE CLAUSES

	Comprehensive	Not comprehensive	All Agreements
Type of Clause Included			
Flexible Staff Arrangement	68%	31%	40%
Flexible tasks	72%	21%	38%
Demarcations removed	37%	10%	18%
Production/maintenance function integrated	29%	5%	9%
Semi-Autonomous Work groups	33%	6%	14%
Training Providing	60%	15%	27%
Development of complementary standards	28%	4%	11%
Employees to multi-skilled	42%	13%	20%
TQM, cross skilling	30%	6%	10%

Source: ACIRRT Unpublished ADAM Data

There seems to be a tendency for those agreements which are OHS 'comprehensive' to also contain clauses associated with workplace change, training, multi-skilling.

Consultation

Comprehensive agreements were also more likely overall to have JCCs. For example, 65% of comprehensive agreements had JCCs, compared to 17% of non-comprehensive agreements, and compared to 29% of agreements overall. This may suggest that the involvement of formal consultative mechanisms is more likely to facilitate inclusion of OHS considerations.

Similarly, comprehensive agreements were likely to have included the aim of improved communication and information dissemination (70%), compared to non-comprehensive agreements (26%), with the average of 39% overall.

Technology

OHS comprehensive agreements were twice as likely to have included the introduction of new technology and changes in work group organisation (61%), compared to total agreements (32%) and non-comprehensive agreements (19%).

Significance

While only a preliminary analysis has been undertaken, it appears at this point that the inclusion of comprehensive OHS indicators in agreements may be associated in some way with the inclusion of other sorts of more innovative provisions detailing training, work changes, flexibility provisions and consultation.

This by itself does not indicate that these agreements are somehow more likely to produce more positive OHS outcomes, but that OHS seems to be associated with an interest in other sorts of workplace change issues. It may be that some kind of workplace change may facilitate an interest in OHS. However, we do not know the causal relationships involved, and this relationship is likely to be multi-causal. In other words, we do not know if the initial interest in OHS has been translated into a heightened interest in flexibility changes, or whether the interest in workplace change has impacted on the consideration of OHS. It could also be that consultative mechanisms such as JCCs facilitated both the interest in workplace change and OHS.

However, the agreements themselves will not tell us whether the OHS indicators contained within the agreement will in any way address the OHS impact of the associated work changes. For instance the fact that 72% of comprehensive agreements include the provision that employees are to do a range of tasks flexibly tells us nothing about the adequacy of the enterprise to cope with an increase in task flexibility. These kinds of questions will need to be explored within the case studies.

AWIRS & OH&S

The Australian Workplace Industrial Relations Survey (AWIRS) was undertaken by the Federal Department of Industrial Relations between November 1989 and May 1990, with the results being released in February 1991. The survey involved interviews with workplace managers and where present union delegates at 2004 workplaces with 20 or more employees. The survey involved workplaces throughout Australia and covered all industries except Agriculture and Defence. While the survey collected data on a range of industrial relations issues including occupational health and safety, information about the workplaces economic performance, product market and organisational structure were also collected.

The OH&S information from AWIRS indicates that 71% of workplaces (covering 81% of employees) had a OH&S policy in place. Although workplaces in Finance & Business Services (60%) and Recreation & Personal Services (60%) were the least likely to have such policies. At 43% of workplaces there was also staff employed that were specifically responsible for developing and administering OH&S programs. The likelihood of having such a person present varied with the size of the workplace, with only 30% of small workplaces with 20 to less than 50 employees having a person with OH&S responsibilities, compared to 87% of workplaces employing 500 or more. Most small workplaces that were part of a larger organisation did have a specialist OH&S person at a higher level in the organisation.

For this analysis we have divided workplaces into three groups depending on their approach to OH&S. The groupings are based on the managers responses to questions about the workplaces policy and practices on OH&S. The first group are those workplaces that we call "comprehensive" OH&S workplaces (25% of all workplaces). The next group are workplaces that have a "limited" OH&S approach (38% of all workplaces). Finally are the workplaces that have no clear policies on OH&S or pro-active OH&S practices (37%). The method of constructing these three groups is attached.

An analysis of the data reveals a number of significant differences between the industrial relations characteristics of these three groups of workplaces:

(i) Organisational and industry characteristics

While only 20% of private sector workplaces were classified as comprehensive, 38% of public sector organisations fell into this group. Differences were also apparent according to industry. The industries most likely to have workplaces with a comprehensive OH&S approach were Communications (69%), Electricity, Gas & Water (58%) and Mining (42%). In contrast some industries were more likely to have no clear OH&S policies and

practices; in particular Recreation & Personal Services (62%) and Finance and Business Services (43%).

Organisations that had a comprehensive approach to OH&S were also more likely (93%) to have had some organisational change in the two years prior to the survey (82%) of no OH&S policy workplaces.

The comprehensive OH&S group had the highest proportion (26%) of workplaces that operated around the clock (24 hours a day 7 days a week). The majority of this group also operated some rotating shifts (57%). In contrast only 15% of workplaces with no OH&S policy operated these hours and only 30% had any rotating shifts.

(ii) Employment Characteristics

The differences in industry distribution for the different OH&S categories was also revealed in the distribution of different categories by employment size, with larger workplaces being much more likely to have a comprehensive approach to OH&S, as illustrated in table 1.

**TABLE 3: APPROACH TO OH&S BY WORKPLACE EMPLOYMENT SIZE
(PER CENT OF WORKPLACES)**

	Comprehensive	Limited	None
20-49	7%	43%	50%
50-99	17%	40%	44%
100-199	31%	43%	26%
200-499	55%	28%	18%
500 plus	76%	18%	5%

Source: AWIRS, based on responses from 2004 workplaces with 20 or more employees.

There was no significant differences in the use of part-time workers, agency workers or contract workers amongst the three OH&S workplace types. Only a slightly higher proportion of "comprehensive" OH&S workplaces (39%) than workplaces that had no OH&S policies (34%) indicated that the major occupational group were labourers or plant operators. Interestingly the "limited" OH&S workplaces were the more likely to have professionals or para professionals as their dominant occupational group. (28% compared to 19% of the no OH&S workplaces). The pattern of female employment was also different between the types of OH&S workplaces with a slightly higher proportion of non active OH&S workplaces having predominantly female workforce (27%) than comprehensive OH&S workplaces (23%).

The "comprehensive" OH&S workplaces were most likely to be labour intensive with over one third (37%) of comprehensive workplaces having 60% of or more of their total costs being accounted for by labour costs. In contrast 28% of workplaces that had "no" active OH&S policies had similar labour costs.

(iii) Union organisation

Some of the most striking differences between the three OH&S groups of workplaces relate to the level of unionisation and the extent of union organisation. While 28 per cent of workplaces with no active OH&S policies were non unionised only 1 per cent of the comprehensive group had no union members. Similarly the majority (52 per cent) of comprehensive workplaces indicated that over three quarters of their employees were unionised compared to only 25 per cent of the non active OH&S workplaces that indicated a similar level of union membership. Union presence was also quite variable with 51 per cent workplaces that had no active OH&S policies having a union delegate present compared to 92 per cent of comprehensive OH&S workplaces that had delegate on site. The AWIRS data also allows us to group workplaces according to the level of union activity at the workplace. The determinants of union activity included the frequency of union meetings, the level of delegate activity and the interaction between delegates and management at the workplace. On this basis while 58 per cent of workplaces with a "comprehensive" approach to OH&S could be said to have active unions at the workplace only 13 per cent of workplaces that had "no" active OH&S practices also had active union involvement at the workplace.

Not surprisingly the likelihood that there had been some workplace bargaining between unions and management was much greater in workplaces with a comprehensive approach to OH&S (63 per cent) than at workplace with no active OH&S policy (14 per cent). As a result while only 8 per cent of "comprehensive" OH&S workplaces managers indicated that OH&S was never the subject of negotiations, 32 per cent of managers at "non active" OH&S workplaces stated that OH&S was never negotiated.

In 61 per cent of comprehensive OH&S workplaces there was a written management - union agreement covering OH&S, compared to just 10 per cent of non active OH&S workplaces with such an agreement.

(iv) Management Techniques

Because workplaces with a comprehensive approach to OH&S are also much larger than the other types of OH&S workplaces there are a range of differences in terms of management style and practices that can be identified. Some of these are summarised in Table 2.

**TABLE 4: DIFFERENCES IN MANAGEMENT PRACTICES BY OH&S TYPE
(PER CENT OF WORKPLACES)**

Practice	Comprehensive	Limited	None
Work appraisal used	66%	65%	57%
Disciplinary procedures	94%	82%	61%
Formal training provided to some employees	80%	65%	48%
Labour productivity monitored	77%	70%	62%
Performance based pay for some	30%	30%	35%
Specialist IR/HR manager at WP	68%	39%	26%
Grievance procedure	82%	58%	29%

Source: ACIRRT Unpublished ADAM Data

With respect to the types and form of communications used in the three OH&S types of workplaces differences were also apparent.

**TABLE 5: DIFFERENCES IN COMMUNICATIONS METHODS BY OH&S TYPE
(PER CENT OF WORKPLACES)**

Practice	Comprehensive	Limited	None
Newsletter	75%	57%	42%
Meetings (manager-employee)	74%	75%	62%
Daily walk around by senior manager	75%	80%	83%
Joint Consultative committee	32%	18%	9%
Quality circles	18%	13%	9%
Suggestion scheme	40%	33%	23%

Source: ACIRRT Unpublished ADAM Data

Finally, management at comprehensive OH&S workplaces were also far more likely (56%) to have used consultants to give advice on OH&S in the year prior to the survey than managers at workplaces with no active OH&S policies (34%). Interestingly

"comprehensive" OH&S workplaces were also more likely (46%) than non active OH&S workplaces (37%) to seek advice from their employers' association on OH&S.

(v) Outcomes

There were only a limited amount of outcome variables in AWIRS and while only 25% of comprehensive OH&S workplaces indicated that they had no employees off on workers compensation in the week before the survey compared to 75% of non active OH&S workplaces with no employees off work, this may largely be size related effect. In terms of absenteeism the two groups were similar in terms of the proportion of workplaces reporting high levels of absenteeism. In contrast 48% of comprehensive OH&S workplaces reported medium levels of absenteeism and 30% of non active OH&S workplaces reporting this level of absenteeism. A higher proportion of non active workplaces reported low levels of absenteeism (40%) than comprehensive workplaces that reported low levels (20%). The findings may simply reflect that "comprehensive" OH&S workplaces are more likely to need OH&S policies and practices in place.

(vi) Significance of the Findings

The analysis of AWIRS has revealed that in terms of our OH&S grouping of workplaces there are notable differences in the characteristics of comprehensive OH&S workplaces and those that had "no" active OH&S policies. In part the differences reflect the industry and employment size characteristics of these different groupings. Comprehensive OH&S workplaces are more likely to be large employers, to be found in the public sector and in highly unionised industries such as Electricity, Gas & Water and Communications. These industries and workplaces are also likely to see more negotiations between unions and managers, more formal communications systems and more structured management approaches to employee relations.

The OH&S approach of workplaces cannot be seen in isolation to these other characteristics and indeed it may be difficult to link different OH&S outcomes to simply to the appearance of different OH&S approaches. With different OH&S approaches come a range of other industrial relations characteristics which combine to produce different cultures or industrial relations systems. The AWIRS project developed a typology of workplace industrial relations and it is in applying this workplace typology we see the links between approaches to OH&S and the presence of other industrial relations features. In terms of the typology of industrial relations the majority of workplaces that had a comprehensive approach to OH&S also a "traditional" industrial relations environment in place, with active unions on the job, bargaining between management and union delegates and formal and structured management systems and practices. In contrast the vast majority of workplaces that had no active OH&S policies and practices (85%) were

either non unionised or the union was largely inactive on the job, management was far less formalised and structured and there was no history of management-union bargaining at the workplace.

The AWIRS findings suggest that it is critical that any examination of OH&S policies and practices also examines the industrial and organisational context in which these policies and practices develop and operate. The impact of OH&S approaches will always be mediated by the environment in which these emerge and contribute towards.

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APPENDIX

ADAM indicators:

a) An agreement was considered to be "comprehensive" if it had an indicator from 4 out of the 5 groups:

Policies and broad objectives (one of the following)

- s2 q46 aim for an improvement in safety
- s3 q32 accident prevention
- s3 q33 OHS implementation programme
- s3 q38 Continuous improvement in safety
- s3 q40 OHS included in design/operation
- s3 q46 aim for an improvement in safety
- s3 q47 maintenance of an OHS environment
- s3 q49 best practice in OHS
- s3 q51 employers directions consistent with safe/healthy environ

Specified measurement and monitoring

- s3 q34 aim for a reduction in workers comp
- s3 q35 PI include OHS
- s3 q36 target of zero for LTI
- s3 q37 specific performance indicators listed
- s3 q41 OHS data available as required
- s3 q42 regular hazard audit inspection
- s6 q6 PI include safety
- s6 q30 PI include LTI
- s6 q31 PI include no of injuries

Consultative and/or participatory processes/activities

- s3 q46 OHS committee/sub-committee present
- s3 q48 participation in decision-making in OHS
- s3 q50 list of safety activities for employee participation

Training

- s3 q52 training given in OHS
- s3 q53 OHS training integral
- s3 q55 certain classifications trained for OHS committees

Miscellaneous

s2 q2 reduction in LTI (unspecified)
 s2 q3 reduction of minor accidents (unspecified)
 s3 q39 ACTU code of conduct
 s3 q43 safety and protective clothing issued
 s3 q44 OHS equipment listed
 s3 asbestos eradication clause
 s3 q54 OHS rehab program in place

b) An agreement was considered to be "limited" if it had one indicator in the Written Policies/Objectives group and at least one in one of the other groups (ie 2 out of 5 indicators)

c) An agreement was labelled "none" if it satisfied none of the above criteria

AWIRS DATA

The AWIRS data was used in a similar way to select criteria for labelling the groups, even though the OHS indicators in the data set were not identical to those in the ADAM set.

a) For a committee to be labelled "Comprehensive" it had to have the following:

EG1 written policy
 and
 EG2 someone responsible
 and
 EG3 who spent the majority of their time on OHS

or

EG5 someone employed at a higher level
 and
 EG6 who spent the majority of their time on OHS
 and
 EG7 specialist OHS committee
 and
 EG12 the committee met at least once every three months

or

EG13 employee representative

and

EG15 record keeping system

A Workplace was labelled "limited" if it had the following:

EG1 written policy

and

EG2 or EG5 someone responsible

or

EG7 a committee which meets EG12t at least irregularly

or

EG13 employee representative

and EG15 record system

c) A workplace was labelled "none" if it met none of the above criteria

ACIRRT

The Australian Centre for Industrial Relations Research and Teaching (ACIRRT) at the University of Sydney was established as a Key Centre of Teaching and Research in 1989 through a grant from the Commonwealth Department of Employment, Education and Training. The Centre is closely linked with the University's Department of Industrial Relations, which has a long and distinguished history of teaching and research in this area.

ACIRRT's main brief is to improve the quality of industrial relations teaching and research in Australia. This goal will be pursued through a range of activities including a national review of industrial relations teaching, conferences and seminars, research projects conducted by members of ACIRRT and scholars from other institutions, secondments of staff, and publications.

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