

Picket Line



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Industrial Officer

enterprise bargaining is being pushed as part of a public policy agenda of workplace reform

SOME ALIA MEMBERS have expressed concern over the prospect of being involved in enterprise bargaining. I agree—it is a daunting task, more so for individual employees, but also for employers, employer organisations and unions. It's clear I can't do justice to such a large and controversial topic in a Picket Line. But I can provide some general information and some more practical suggestions about the important things to consider should you come face-to-face with enterprise bargaining.

Enterprise bargaining—what is it exactly?

The concept is this: an employer and the employees in an enterprise bargain directly over the conditions of work and wages that will apply in that particular enterprise. These negotiations can also involve workplace industrial representatives such as unions.

An enterprise can be variously defined as a whole organisation, one plant of an organisation, or one worksite or workplace. Enterprise bargaining can occur as part of an award, for example, a main award covering many enterprises may contain a clause which allows certain matters to be determined by the parties at the enterprise level. Enterprise bargaining can also lead to an Enterprise or Industrial Agreement being made between the parties and registered with the relevant Industrial Commission. Such an agreement may then effectively remove the enterprise from the award system for the period of the agreement's operation or replace certain parts of the relevant award. Put simply, enterprise bargaining can occur as part of an award, as an adjunct to an award, or instead of an award.

Potential benefits and dangers

The potential benefits for the enterprise stem from the level at which negotiations are conducted. Instead of the wages, working patterns and conditions being determined by the Industrial Commissions and the top levels of employer organisations and unions, the employer and the employees in the enterprise have an opportunity to come to an agreement which suits them alone. Because the employer and employees have been directly involved in the bargaining, it is argued that there will be a higher level of commitment to, and understanding of, its outcomes, and the business objectives of the enterprise, from all sides. Proponents of enterprise bargaining believe that it can enhance industry's ability to compete in markets, especially international ones, because it encourages the flexibility that is needed to respond quickly to changes in global markets. In addition they argue that a likely outcome of enterprise bargaining is enhanced management/employee relations, improved work satisfaction, and a higher quality of product and service.

However, as you might expect, there are also potential dangers. In the drive for greater 'efficiency', equity considerations must also be considered in the context of bargaining power. The relationship between employer and employee is inherently unequal and it is this inequality of power which gave rise to the trade union movement: employees had a greater chance of improving their wages and working conditions if they banded together. But certain groups of workers have always been more powerful than others—the skilled, blue-collar trades who have always received overaward payments will no doubt do well out of a greater freedom to bargain directly with each employer. Indeed, a danger for organisations from enterprise bargaining, is a wages breakout and demands for flow-ons from other enterprises within the organisation. The less powerful groups—the lesser paid and skilled, migrants, women—have more to worry about. For them the arbitration system has provided some level of protection from exploitation. Exploitation is by no means an automatic consequence of enterprise bargaining but it is a real threat for those who are already disadvantaged and lack power.

Where does it fit in?

Enterprise bargaining is not new to the Australian industrial relations system. Apart from the more recent encouragement of productivity bargaining from 1987 onwards, there has long been provision for registered and unregistered industrial and enterprise agreements to exist. However, it has not been the central or main means of regulating employment. There have been major changes in attitude by most of the major industrial relations parties towards enterprise bargaining from the late 1980s. Whereas it once was ideological anathema to labour party doctrine and a large section of the trade union movement, it is now being widely discussed as an economic imperative.

To a large extent, enterprise bargaining is being pushed as part of a public policy agenda of workplace reform. Yet employers and employees and their industrial representatives have not been in much of a hurry to embark on enterprise bargaining and make enterprise agreements. While an enterprise agreement still gets a headline in a major newspaper, you can be assured there's not many of them. Despite this reality, the Federal and some State

▶ Governments seem determined to make enterprise bargaining a major means of industrial regulation. Indeed the Federal Government has indicated that it is going to make an example of its public service departments, perhaps the most unlikely and unsuitable candidates for enterprise bargaining, to serve as a model for the private sector. So, even though there seems to be general reluctance on the part of employers and employees to engage in direct negotiations, enterprise bargaining is not going to go away, at least partly because of government interest and involvement in the issue.

Let's get practical

If you are faced with the prospect of enterprise bargaining at your organisation or enterprise, the preceding discussion is useful because it helps to put the whole thing in perspective. But if you're actually going to do it—bargain directly at your enterprise—you need more. You need to have access to specific information relating to the legislative requirements, your employer's intentions and objectives in enterprise bargaining and making an agreement, the process and stages that will be involved as well as the level of resources (human, financial, equipment, time) that will be needed to negotiate an enterprise bargain or agreement and monitor its operation. The following is a list of suggestions you should consider before launching into enterprise bargaining.

Find out what your employer's intentions and objectives are. Vague notions of improving productivity and efficiency are not enough at this level. They should have specific objectives and a blueprint for achieving them. You are entitled to ask the hard questions and expect satisfactory answers, such as, how does the employer propose to measure productivity in a library or information services centre?

Find out what industrial relations jurisdiction covers your enterprise. Up till now I've been discussing enterprise bargaining in very general terms. There will be differences depending on whether you are covered by a State or the Federal system. Once you know the jurisdiction, you can then get information on the legislation that will regulate the enterprise bargaining. For example, if you know you are covered by the Federal system, you can then go to the relevant sections of the Industrial Relations Act 1988 (s112 for consent awards and s115-116 for certified agreements). If you work in Queensland and discover the agreement will be registered in that State, then you can go to its Industrial Relations Act 1990 (s10—Industrial Agreements). Points of difference between jurisdictions do exist and include the involvement of unions, the role of the Commission and the public interest test. In addition, you or your representatives will need to know the relationship between the enterprise/industrial bargaining and the award—is it part of a main award, is it a separate agreement that overrides the award, or does it only partially replace the award's provisions.

Contact the relevant Department of Industrial Relations/Employment/Labour. Very often the Department will have produced a guide to enterprise bargaining in that jurisdiction and have other information they will be willing to send to you. They may also be running training sessions in the area or have other training tools available, such as videos.

If there is going to be an employee bargaining committee, get on it. Employees may elect a committee to represent it in negotiations with the employer. If you can't or don't want to be on it, start lobbying it so that the interests of library and information staff are heard. Don't let this opportunity to directly influence the outcome of negotiations pass by.

Contact your union. Some people may disagree with me on this one. If the majority of employees in your enterprise are not members of the union, you feel the union will not adequately represent you, and you are strongly against their involvement, then it would seem appropriate to let the employee committee alone negotiate. In some states, for example, New South Wales, unions do not necessarily have to be involved. However, it is a safeguard and they have the industrial resources. Having discussed the dangers of enterprise bargaining it is clear that some groups of workers are more open to exploitation than others. If there are any signs that your employer views enterprise bargaining as a negative cost-cutting exercise and an opportunity to cut wages, I wouldn't hesitate to call in the union and/or withdraw from negotiations.

Be creative. If an item has major employee support it should be on the bargaining agenda. One of the criticisms levelled at employers after the first round of SEP (the Restructuring and Efficiency Principle) negotiations was that they were not adventurous enough. While not wanting to encourage frivolous claims, I would suggest that the early stages of negotiation and formulation of your agenda are not the time to be strictly limiting what is and is not possible.

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► Be prepared to spend a lot of time and energy. Enterprise bargaining is going to come as a shock to a lot of people. Relatively few enterprise agreements have been made partly because it requires a change of behaviour in both employers and employees to start negotiating directly, and a commitment of resources. For example, both sides will need information and training in negotiation. In particular, the employee representatives will need time within the work day to conduct their business (so as not to discourage those workers with outside commitments, such as families, from participating). Employee representatives will also need access to office equipment. Time and facilities need to be provided to allow the committee to communicate the progress of negotiations to the rest of the employees.

If an enterprise/industrial agreement is made, limit its period of operation. An enterprise/industrial agreement will be something of an experiment, so it would be wise to limit its period of operation (perhaps 12 months), and build in a monitoring and review process. When the agreement reaches its nominated termination date, you can opt to return to the award, or negotiate a new agreement. Depending on jurisdiction if neither party acts to terminate, it may continue in force after its expiry date (States) or cease automatically (federal s115 certified agreements).

I hope all this information will be of some use and help to clarify some of the more important issues surrounding enterprise bargaining. If you want to read further I would recommend one recent and relatively brief book: *Enterprise Bargaining: A Practical Approach* by Paul Ludeke and Brad Swebeck published by The Federation Press. □

Ronald Mervyn McGreal, BA FLAA, 1906-1992

A personal reminiscence by Laurie Brown

RON McGreal's death on 17 April was announced in the Sydney Morning Herald. His contribution to librarianship in Australia and particularly in New South Wales will, I hope, be written in detail by someone with access to the records of his work. This short personal reminiscence does not cover his full career.

Ron's contribution to the development of public library services in New South Wales tended to be overshadowed by that of John Metcalfe and therefore has been considerably undervalued. He neither sought, nor was awarded any accolades.

It was after his war with the Army Education Service, in charge of the library secretariat, that he joined John Metcalfe at the Public Library of NSW. Together, they set out to build a state-wide public library service from scratch with nothing but the stimulus of the Munn Pitt Report and the Libraries Act (NSW) 1939 as the tool. Virtually no public library services existed apart from the City of Sydney and Broken Hill.

The Library Board of NSW had been created under the 1939 Act. Ron was appointed secretary in 1945 and held the position until 1962. John Metcalfe's accounts of them both stumping around the state to explain to local councils the benefits of public library services to their populace and to persuade them to adopt the Act and receive a subsidy are legendary.

But it was Ron who added flesh to the bones. It was he who explained to councils how to begin, he who arranged to ensure that reasonable people were appointed to run the new services, he who helped them find suitable premises, he who developed the system of book acquisition which continued to be used for many years by remote and small councils, and it was he who then ensured that the libraries were run properly.

Ron dealt with the red-neck cocky, the conservative squatter and the Marxist councillors and aldermen with equal aplomb. He fought battles about censorship, about the 'little woman' in the library being responsible for book selection, and many other administrative matters. In his own quiet and persuasive manner he usually won these battles.

He travelled the state widely and often, usually by train (that was the way public servants had to travel), but occasionally in his own large Oldsmobile (late 30's model). He was known and respected by virtually every town and shire clerk in the state.

He sought trained or semi-trained staff for the new libraries—this was a time of too many libraries chasing too few librarians. He welcomed the foreigners like me and settled them into appropriate niches. He befriended them and made them feel at home and part of the system.

I retain fond memories of this kindly humanist, the pots we had at the old Metropole and the stimulating discussions about libraries, politics and the world in general. □



Ron McGreal in 1969, Deputy Principal Librarian, Public Library of NSW, (Photo by Images Now, from an original in the Mitchell Library)

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