



FAIR WORK  
AUSTRALIA

# **General Manager's report into enterprise agreement-making in Australia under the *Fair Work Act 2009 (Cth)***

## **2009–2012**

Bernadette O'Neill, General Manager

November 2012

ISBN 978-0-646-59253-4

© Commonwealth of Australia 2012

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without prior written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600 or posted at <http://www.ag.gov.au/cca>.

## Table of contents

<b>Introduction</b> .....	<b>1</b>
<b>1 Report outline</b> .....	<b>2</b>
1.1 Overview of resources used in the report .....	2
1.1.1 Australian Bureau of Statistics data .....	2
1.1.2 Fair Work Australia administrative data.....	3
1.1.3 Workplace Agreements Database.....	3
<b>2 Overview of Part 2–4 of the <i>Fair Work Act 2009</i> (Cth) since 1 July 2009 .....</b>	<b>5</b>
2.1 Background to agreement-making under the <i>Fair Work Act 2009</i> (Cth) .....	5
2.2 The <i>Fair Work Act 2009</i> (Cth) national system.....	7
2.3 Part 2–4 of the <i>Fair Work Act 2009</i> (Cth) and agreement-making .....	8
2.3.1 Enterprise agreements .....	8
2.3.2 Content of enterprise agreements.....	9
2.3.3 Approval of enterprise agreements .....	9
2.3.4 Representation and bargaining .....	11
2.3.5 Other relevant provisions of the <i>Fair Work Act 2009</i> (Cth) .....	12
<b>3 Pay-setting in the reporting period</b> .....	<b>13</b>
3.1 Coverage by method of setting pay .....	13
<b>4 Fair Work Australia’s role in the agreement-making process .....</b>	<b>19</b>
4.1 Lodgement and approval of agreements .....	19
4.2 Industrial action .....	22
4.3 Agreements not approved.....	22
4.4 Variation and termination of enterprise agreements.....	24
<b>5 Enterprise agreements: developments in wages and conditions .....</b>	<b>26</b>
5.1 Approved agreements.....	26
5.1.1 Overall coverage .....	26
5.1.2 Agreement making by agreement type .....	27
5.1.3 Agreement making by industry .....	31
5.2 Wage developments in agreements .....	35
5.2.1 Overall wage developments .....	35
5.2.2 Wage trends in agreements by industry.....	36
5.3 Conditions developments in agreements.....	38
5.3.1 Core provisions.....	39
5.3.2 Type of employment provisions for agreements approved .....	42
5.4 Effect on designated groups .....	43
5.4.1 Coverage of designated groups .....	44

5.4.2	Wage developments for approved agreements in designated groups.....	46
5.4.3	Conditions developments for designated groups .....	51
5.4.4	Type of employment provisions.....	53
<b>References.....</b>		<b>56</b>
<b>Appendix A—Technical notes .....</b>		<b>58</b>
<b>Appendix B—Conditions by industry .....</b>		<b>64</b>
<b>Appendix C—Core provisions by agreement type.....</b>		<b>72</b>
<b>Appendix D—Designated groups by industry.....</b>		<b>74</b>

## List of Tables

Table 2.1: Summary of the bargaining and agreement-making powers of the national industrial institution from 1904 to 2009 .....	6
Table 3.1: Proportion of employees by pay-setting arrangement and industry, 2010 .....	15
Table 3.2: Proportion of employees for each occupation disaggregated into pay-setting arrangement, 2010.....	16
Table 3.3: Proportion of employees by pay-setting arrangement, full-time and part-time, 2010.....	18
Table 4.1: Bargaining applications—lodgements, 2009–10 to 2011–12 .....	19
Table 4.2: Enterprise agreements—lodgement and approval, 1 July 2009 to 30 June 2010 .....	20
Table 4.3: Enterprise agreements—lodgement and approval, 1 July 2010 to 30 June 2011 .....	20
Table 4.4: Enterprise agreements—lodgement and approval, 1 July 2011 to 30 June 2012 .....	21
Table 4.5: Enterprise agreements—median processing times, 2009–10 to 2011–12 .....	21
Table 4.6: Industrial action—lodgements, 2009–10 to 2011–12.....	22
Table 4.7: Number of agreement approval applications lodged and not approved, 2009–10 to 2011–12.....	23
Table 4.8: Reasons for agreement approval applications not being approved, 2009–10 to 2011–12.....	24
Table 4.9: Variation and termination of enterprise agreements, 2009–10 to 2011–12.....	25
Table 5.1: Agreements approved and employees covered, by agreement type, 2009–10 to 2011–12.....	28
Table 5.2: Number of agreements approved per year, by industry, 2009–10 to 2011–12.....	32
Table 5.3: Number of employees covered by agreements approved, by industry, 2009–10 to 2011–12.....	33
Table 5.4: Agreements approved by industry and type, 2009–10 to 2011–12 .....	34
Table 5.5: Average agreement size by industry, 2009–10 to 2011–12 .....	35
Table 5.6: AAWIs (%) in approved agreements by industry, 2002–03 to 2011–12.....	37
Table 5.7: Core provisions in agreements, 2009–10 to 2011–12 .....	39
Table 5.8: Core provisions in agreements by agreement type, 2009–10 to 2011–12 .....	41
Table 5.9: Type of employment provisions in agreements, 2009–10 to 2011–12 .....	42
Table 5.10: Employment levels for designated groups, June 2009 and June 2012 .....	43
Table 5.11: Coverage of designated group employees in agreements by industry, 2009–10 to 2011–12.....	45
Table 5.12: AAWI (%) in agreements by gender and by proportion of women, 2002–03 to 2011–12.....	47
Table 5.13: AAWI (%) in agreements by type of employment, and proportion of part-time employees, 2002–03 to 2011–12 .....	48

Table 5.14: AAWI (%) in agreements by non-English speaking background status and by proportion of non-English speaking background employees, 2002–03 to 2011–12.....	49
Table 5.15: AAWI (%) in agreements for young and mature age workers and by proportion of employees by age, 2002–03 to 2011–12 .....	50
Table 5.16: Coverage of designated group employees by core provisions in agreements, 2009–10 to 2011–12.....	52
Table 5.17: Coverage of designated group employees by type of employment provisions in agreements, 2009–10 to 2011–12 .....	54
Table A.1: Data availability for designated groups .....	63
Table B.1: Main provisions in agreements by industry, 2009–10 to 2011–12.....	64
Table B.2: Hours of work provisions in agreements by industry, 2009–10 to 2011–12 .....	66
Table B.3: Type of employment provisions in agreements by industry, 2009–10 to 2011–12 .....	69
Table C.1: Main provisions in agreements by type and sector, 2009–10 to 2011–12.....	72
Table D.1: Population for designated groups in agreements by industry, 2009–10 to 2011–12 .....	74

## List of Figures

Figure 3.1: Workplace pay-setting arrangements, 2010 .....	13
Figure 3.2: Workplace pay-setting arrangements by sex, 2010 .....	17
Figure 5.1: Number of agreements approved and number of employees covered, 2009–10 to 2011–12 .....	27
Figure 5.2: Agreements approved by agreement type, 2009–10 to 2011–12 .....	30
Figure 5.3: Employees covered by agreement type, 2009–10 to 2011–12 .....	31
Figure 5.4: AAWIs (%) for agreements approved in each quarter, 2002–2012 .....	36
Figure 5.5: Common AAWI (%) outcomes in all industries, 2009–10 to 2011–12 .....	38
Figure 5.6: Indexes of employment levels by designated groups, 2009–10 to 2011–12 .....	44
Figure 5.7: AAWI in agreements certified or approved in the quarter by gender 2002–03 to 2011–12 .....	47
Figure 5.8: AAWI (%) in agreements certified or approved in the quarter for part-time and full-time employees, 2002–03 to 2011–12 .....	48
Figure 5.9: AAWI (%) in agreements certified or approved in each quarter for non-English speaking background and English speaking background employees, 2002–03 to 2011–12 .....	49
Figure 5.10: AAWI (%) for agreements certified or approved in the quarter by age, 2002–03 to 2011–12 .....	51

## Abbreviations

AAWI	Average Annualised Wage Increase
ABS	Australian Bureau of Statistics
AIRC	Australian Industrial Relations Commission
ANZSIC	Australian and New Zealand Standard Industrial Classification
BOOT	Better off overall test
CAA Act 1904	<i>Conciliation and Arbitration Act 1904</i> (Cth)
CMS plus	Fair Work Australia Case Management System Plus
CURF	Confidentialised Unit Record File
DEEWR	Department of Education, Employment and Workplace Relations
EA	Enterprise Agreement
EEH	Employee Earnings and Hours
Fair Work Act	<i>Fair Work Act 2009</i> (Cth)
FWA	Fair Work Australia
RDO	Rostered Day Off
TOIL	Time off in-lieu
WAD	Workplace Agreements Database



## Introduction

Fair Work Australia is the national workplace relations tribunal established by the *Fair Work Act 2009* (Cth) (Fair Work Act). It is an independent body with power to carry out a range of functions including maintaining a safety net of modern award wages and conditions, facilitating enterprise bargaining, supervising the taking of industrial action, approving enterprise agreements, settling industrial disputes, granting remedies for unfair dismissal, regulating industrial organisations and determining appeals.

Fair Work Australia is comprised of members who are appointed by statute, headed by a President. Fair Work Australia staff provide administrative support to the tribunal and its members. The President is assisted by a General Manager, also a statutory appointee, who oversees the administration of Fair Work Australia staff. Together, the General Manager and Fair Work Australia staff constitute a statutory agency with the General Manager as the head of the agency. Further information about Fair Work Australia's constitution and functions can be found on the Fair Work Australia website: [www.fwa.gov.au](http://www.fwa.gov.au).

Section 653(1)(a) of the Fair Work Act requires the General Manager to review the developments, in Australia, in making enterprise agreements. The review must be conducted in relation to the three year period from which s.653 commences (26 May 2009 to 25 May 2012).<sup>1</sup>

Section 12 of the Fair Work Act provides that an enterprise agreement means a single-enterprise agreement (see s.172(2)) or a multi-enterprise agreement (see s.172(3)). Section 172 of the Fair Work Act commenced on 1 July 2009.

The General Manager is required to consider the effect that developments in making enterprise agreements has had on the employment (including wages and conditions of employment) of the following persons:

- women;
- part-time employees;
- persons from a non-English speaking background;
- mature age persons;
- young persons; and
- any other persons prescribed by the regulations.<sup>2</sup>

The General Manager must give the Minister a written report of the review and research as soon as practicable and within six months after the end of the reporting period (25 November 2012).<sup>3</sup>

---

<sup>1</sup> Fair Work Act, s.653(1), s.653(1A)(a).

<sup>2</sup> Fair Work Act, s.653(2).

<sup>3</sup> Fair Work Act, s.653(3).

# 1 Report outline

This report reviews developments in enterprise agreement-making in Australia over the first three years of the operation of the Fair Work Act.

The report is divided into four key Chapters:

- an overview of Part 2–4 of the Fair Work Act;
- pay-setting, employment and enterprise agreement coverage in the reporting period;
- Fair Work Australia’s role in the agreement-making process; and
- developments in the content of enterprise agreements.

A detailed discussion of the data sources used in the report is attached at Appendix A. Additional detailed tables exploring conditions in enterprise agreements by industry, core provisions by enterprise agreement type and designated groups by industry are attached at Appendices B, C and D respectively.

## 1.1 Overview of resources used in the report

A range of data and resources have informed the report. These include:

- survey data from Australian Bureau of Statistics (ABS) collections;
- administrative data collected by Fair Work Australia, including through the Fair Work Australia Case Management System Plus (CMS plus); and
- data from the Workplace Agreements Database (WAD), compiled and maintained by the Department of Education, Employment and Workplace Relations (DEEWR).

### 1.1.1 Australian Bureau of Statistics data

ABS data sources that are used in this report include the Employee Earnings and Hours (EEH) and Labour Force surveys.

#### 1.1.1.1 Employee Earnings and Hours survey

The EEH survey is an employer-based survey conducted biennially. It is designed to measure the weekly and hourly earnings, including the distribution of earnings, of employees. In addition, it provides detailed information about the characteristics of employers and their employees, allowing for an analysis by gender, industry, occupation, state, firm size, type of employee and method of setting pay. The next publication of the EEH survey, collected in May 2012, is expected to become available in early 2013.

EEH data collected in May 2010 are analysed for the report. The data provide a snapshot for the last pay period ending on or before 21 May 2010.

#### 1.1.1.2 Labour Force survey

The monthly Labour Force survey is the primary source for official ABS estimates of employment and other labour market activity in the Australian civilian population aged 15 years and over. It collects comprehensive labour market information cross-referenced by detailed demographic data on a monthly basis. The data provide information on the employment of designated groups.

### 1.1.2 Fair Work Australia administrative data

Fair Work Australia used a number of administrative data sources in this report. This included manual checking and the use of CMS plus.

CMS plus is an internal program at Fair Work Australia used by staff to record and maintain the tribunal's business processes and records. Data are inputted into CMS plus by staff from the point of lodgement of a matter and throughout its life-cycle. Fair Work Australia uses CMS plus to meet its statutory and business reporting requirements. CMS plus contains agreement data relevant to approving agreements, such as:

- name of the new agreement;
- agreement type;
- party name;
- industry;
- prior agreements;
- lodgement date and location of lodgement;
- agreement processing time;
- lodgement documents as well as other related documents (e.g. approval documents, application for approval, employer/employee declarations of support);
- nature of the matter related to agreement-making;
- member that hears the matter;
- location of the matter hearing;
- the decision; and
- any correspondence between Fair Work Australia and the parties.

### 1.1.3 Workplace Agreements Database

The WAD is a census database that contains information about federal enterprise agreements that have been certified or approved by the relevant statutory authority since the introduction of enterprise bargaining in October 1991. On average about 8000 agreements are added to the WAD each year with around 200 separate data fields coded.<sup>4</sup>

The WAD contains data on agreements such as industry (Australian New Zealand Standard Industrial Classification (ANZSIC) 2006 classification), sector, duration of agreement and number of employees covered. Other key characteristics such as the title of the agreement, the section of the Act under which the agreement was approved and the parties involved in the bargaining process are also entered. Where available, the database includes wage information (including quantum and timing of increases).

Agreements certified or approved since 1 January 1997 also have their conditions of employment coded, such as core provisions and individual flexibility terms. While the database contains extensive

---

<sup>4</sup> DEEWR (2012), *Australian Enterprise Agreements Data website*, viewed 9 September 2012, <http://www.deewr.gov.au/workplacerelements/pages/australianenterpriseagreementsdata.aspx>.

information on the content and characteristics of enterprise agreements, it does not include information about actual workplace changes that result from the implementation of an agreement.

The report analyses WAD data for the reporting period, ending in the June quarter 2012.

## 2 Overview of Part 2–4 of the *Fair Work Act 2009* (Cth) since 1 July 2009

This chapter presents an overview of Part 2–4 of the Fair Work Act. The main part of the Fair Work Act dealing with enterprise agreements, and related parts that deal with workplace determinations and industrial action, came into operation on 1 July 2009. The core provisions of the Fair Work Act for enterprise bargaining and agreement-making are contained in Part 2–4.

### 2.1 Background to agreement-making under the *Fair Work Act 2009* (Cth)

Collective agreements have been a part of the Australian industrial relations system for more than 100 years. In a 2011 article in the *Journal of Industrial Relations*<sup>5</sup> by Senior Deputy President Jennifer Acton of Fair Work Australia, Her Honour outlined that a form of agreement-making was available under national workplace laws from 1904:

The Conciliation and Arbitration Act 1904 (CAA Act 1904) provided for the Court of Conciliation and Arbitration to do all things right and proper for reconciling the parties to an industrial dispute and for inducing settlement of the industrial dispute by agreement. The Act also provided for the President of the Court to certify written agreements reached between parties in settlement of their industrial dispute. Subsequent national industrial legislation contained similar provisions, while giving the national industrial institution a discretion not to certify the agreement if it was not in the public interest.

Part VI of the CAA Act 1904 also provided for an organization to make a written industrial agreement with any other organization or person for the prevention and settlement of industrial disputes by conciliation and arbitration, for such an agreement to be filed with the office of the Industrial Registrar, and for the Court of Conciliation and Arbitration to vary such an agreement to bring it into conformity with any common rule declared by that court. National industrial legislation contained similar provisions up until 1988.<sup>6</sup>

Important changes to the legislative framework for agreement-making and bargaining occurred with the introduction of the *Industrial Relations Act 1988* (Cth) and the *Industrial Relations Reform Act 1993* (Cth). Senior Deputy President Acton's paper states that the 1993 legislation:

... significantly increased the national industrial institution's role in respect of bargaining and agreements. It amended the Industrial Relations Act 1988 (IR Act 1988) to allow organizations and their members to take protected industrial action to support or advance claims in respect of a certified agreement. Bans clauses and AIRC [Australian Industrial Relations Commission] orders to stop or prevent industrial action by those engaged in Commonwealth or Territory public-sector employment were proclaimed not to apply to protected industrial action. The AIRC was also empowered to make orders for good-faith bargaining or to promote the efficient conduct of negotiations, and otherwise to facilitate agreement making. In certain circumstances, it could effectively suspend or terminate a party's ability to take protected industrial action and, on termination, make a paid rates award. In addition, the amendments provided for enterprise flexibility agreements between constitutional corporations and their employees, as well as certified agreements with unions.<sup>7</sup>

Though some of the basic features of this framework have been retained, the *Workplace Relations Act 1996* (Cth), *Workplace Relations Amendment (Work Choices) Act 2005* (Cth) and the Fair Work

---

<sup>5</sup> Senior Deputy President Jennifer Acton (2011), Fair Work Australia, 'Fair Work Australia: An Accessible Independent Umpire for Employment Matters', 53 *Journal of Industrial Relations* 578.

<sup>6</sup> Senior Deputy President Jennifer Acton (2011), Fair Work Australia, 'Fair Work Australia: An Accessible Independent Umpire for Employment Matters', 53 *Journal of Industrial Relations* 578, p. 580.

<sup>7</sup> Senior Deputy President Jennifer Acton (2011), Fair Work Australia, 'Fair Work Australia: An Accessible Independent Umpire for Employment Matters', 53 *Journal of Industrial Relations* 578, p. 581.

Act each made significant changes to the regulation of agreement-making and bargaining. The role of the national workplace relations tribunal in agreement-making also evolved over this period, as the table below, extracted from Her Honour's paper, illustrates:

**Table 2.1: Summary of the bargaining and agreement-making powers of the national industrial institution from 1904 to 2009**

	1904	1930	1951	1970	1972	1988	1994	1996	2006	2009
Conciliation of a dispute	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Agreement approval	✓	✓	✓	✓	✓	✓	✓	✓	x	✓
Bans clause or order stopping/preventing industrial action		✓	✓	✓	✓	✓	✓	✓	✓	✓
Secret ballot on a dispute			✓	✓	✓	✓	✓	✓	x	x
Secret ballot on a work ban					✓	✓	✓	✓	x	x
Bargaining-related order							✓	x	x	✓
Suspension or termination of protected industrial action							✓	✓	✓	✓
Paid rates determination							✓	✓	✓	✓
Protected industrial action ballot order									✓	✓
Order as to payment for industrial action										✓

Source: Senior Deputy President Jennifer Acton (2011), Fair Work Australia, 'Fair Work Australia: An Accessible Independent Umpire for Employment Matters' 53 *Journal of Industrial Relations* 578, p. 583.

The description of collective agreements under national workplace relations laws has also changed over time. Examples of collective agreements under previous federal legislation include 'enterprise flexibility agreements',<sup>8</sup> 'certified agreements'<sup>9</sup> or 'workplace agreements'.<sup>10</sup> Enterprise agreements, made under the Fair Work Act since 1 July 2009 are the subject of this report.<sup>11</sup>

<sup>8</sup> *Industrial Relations Act 1988* (Cth) after the *Industrial Relations Reform Act 1993* (Cth).

<sup>9</sup> *Industrial Relations Act 1988* (Cth) after the *Industrial Relations Reform Act 1993* (Cth); and *Workplace Relations Act 1996* (Cth).

## 2.2 The *Fair Work Act 2009* (Cth) national system

The main part of the Fair Work Act dealing with enterprise agreements, and related parts that deal with workplace determinations and industrial action, came into operation on 1 July 2009.<sup>12</sup> These provisions apply to national system employers and employees. The Fair Work Act defines a national system employee as:

... an individual so far as he or she is employed, or usually employed, as described in the definition of *national system employer* in section 14, by a national system employer, except on a vocational placement.<sup>13</sup>

A national system employer is defined as:

- (a) a constitutional corporation, so far as it employs, or usually employs, an individual; or
- (b) the Commonwealth, so far as it employs, or usually employs, an individual; or
- (c) a Commonwealth authority, so far as it employs, or usually employs, an individual; or
- (d) a person so far as the person, in connection with constitutional trade or commerce, employs, or usually employs, an individual as:
  - (i) a flight crew officer; or
  - (ii) a maritime employee; or
  - (iii) a waterside worker; or
- (e) a body corporate incorporated in a Territory, so far as the body employs, or usually employs, an individual; or
- (f) a person who carries on an activity (whether of a commercial, governmental or other nature) in a Territory in Australia, so far as the person employs, or usually employs, an individual in connection with the activity carried on in the Territory.<sup>14</sup>

Pursuant to referrals of power by Victoria, New South Wales, Queensland, South Australia and Tasmania,<sup>15</sup> the meaning of 'national system employer' includes persons who employ individuals in those states, other than certain public sector and local government employees in those states.<sup>16</sup> In May 2010, ABS data showed that 7.8 million employees were in the national workplace relations

---

<sup>10</sup> *Workplace Relations Act 1996* (Cth) after the *Workplace Relations Amendment (Work Choices) Act 2005* (Cth).

<sup>11</sup> Fair Work Act, s.653(1)(a).

<sup>12</sup> Part 2–4 (enterprise agreements), Part 2–5 (workplace determinations) and Part 3–3 (industrial action) each commenced on 1 July 2009. For the period 1 July to 31 December 2009, the operation of certain sections of Part 2–4 were modified by Schedule 7, Part 2 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).

<sup>13</sup> Fair Work Act, s.13.

<sup>14</sup> Fair Work Act, s.14.

<sup>15</sup> See: *Fair Work (Commonwealth Powers) Act 2009* (Vic); *Industrial Relations (Commonwealth Powers) Act 2009* (NSW); *Fair Work (Commonwealth Powers) and Other Provisions Act 2009* (Qld); *Fair Work (Commonwealth Powers) Act 2009* (SA); *Statutes Amendment (National Industrial Relations System) Act 2009* (SA); and *Industrial Relations (Commonwealth Powers) Act 2009* (Tas).

<sup>16</sup> Fair Work Act, Part 1–3.

jurisdiction.<sup>17</sup> In August 2008 (before the commencement of the Fair Work Act), ABS data showed that 6.9 million employees were in the federal workplace relations jurisdiction.<sup>18</sup>

## 2.3 Part 2–4 of the *Fair Work Act 2009* (Cth) and agreement-making

The core provisions of the Fair Work Act for enterprise bargaining and agreement-making are contained in Part 2–4.<sup>19</sup> The objects of Part 2–4 are:

- (a) to provide a simple, flexible and fair framework that enables collective bargaining in good faith, particularly at the enterprise level, for enterprise agreements that deliver productivity benefits; and
- (b) to enable FWA to facilitate good faith bargaining and the making of enterprise agreements, including through:
  - (i) making bargaining orders; and
  - (ii) dealing with disputes where the bargaining representatives request assistance; and
  - (iii) ensuring that applications to FWA for approval of enterprise agreements are dealt with without delay.<sup>20</sup>

Part 2–4 of the Fair Work Act applies to national system employers and employees.

### 2.3.1 Enterprise agreements

Section 12 of the Fair Work Act defines an ‘enterprise agreement’ to include:

- single-enterprise agreements, which may be between an employer (or two or more single interest employers)<sup>21</sup> and its employees to be covered by the agreement or one or more employee organisations; and
- multi-enterprise agreements, which may be between two or more employers (not single interest employers) and their employees to be covered by the agreement or one or more employee organisations.<sup>22</sup>

A greenfields agreement is a single-enterprise or multi-enterprise agreement that relates to a genuine new enterprise and for which persons who will normally work for the enterprise under the agreement are yet to be employed.<sup>23</sup> Greenfields agreements are the only kind of enterprise agreement an employer may make with an employee organisation.<sup>24</sup>

---

<sup>17</sup> ABS, *ABS feature article: Trends in employee methods of setting pay and jurisdictional coverage*, Australian Labour Market Statistics, July 2011, Catalogue No. 6105.0.

<sup>18</sup> ABS, *ABS Feature article: Employees in the federal or state workplace relations jurisdictions for pay-setting*, Australian Labour Market Statistics, July 2009, Catalogue No. 6105.0.

<sup>19</sup> Other parts of the Fair Work Act that may be relevant to making enterprise agreements are outlined at 2.3.5 below.

<sup>20</sup> Fair Work Act, s.171.

<sup>21</sup> Fair Work Act, s.172(5) and Part 2–4, Division 10 deal with single interest employers and single interest employer authorisations.

<sup>22</sup> Fair Work Act, s.172(2), (3).

<sup>23</sup> Fair Work Act, s.172(4) provides that: ‘A single-enterprise agreement made as referred to in paragraph (2)(b), or a multi-enterprise agreement made as referred to in paragraph (3)(b), is a *greenfields agreement*’.

<sup>24</sup> However, an employee organisation may apply to be covered by an agreement for which it was a bargaining representative: Fair Work Act, s.183.



### 2.3.2 Content of enterprise agreements

An enterprise agreement made under Part 2–4 of the Fair Work Act may be about one or more of the following permitted matters:

- (a) matters pertaining to the relationship between an employer that will be covered by the agreement and that employer's employees who will be covered by the agreement;
- (b) matters pertaining to the relationship between the employer or employers, and the employee organisation or employee organisations, that will be covered by the agreement;
- (c) deductions from wages for any purpose authorised by an employee who will be covered by the agreement;
- (d) how the agreement will operate.<sup>25</sup>

In addition, all enterprise agreements must contain terms dealing with flexibility and consultation. If an enterprise agreement does not include these terms, a model flexibility term or model consultation term (or both) is taken to be part of the agreement.<sup>26</sup>

Section 194 of the Fair Work Act prescribes certain unlawful terms that may not be included in enterprise agreements.

A term of an enterprise agreement has no effect to the extent that it is not about a permitted matter or is an unlawful term. The inclusion of a term that is not about a permitted matter does not prevent an enterprise agreement being approved.<sup>27</sup>

### 2.3.3 Approval of enterprise agreements

An enterprise agreement is made once it has been approved by the relevant employees (or, for a greenfields agreement, employee organisations). Fair Work Australia must then approve the enterprise agreement for it to commence operation.<sup>28</sup>

The Fair Work Act's provisions for approval of enterprise agreements by employees or employee organisations vary according to the kind of agreement:

- a single-enterprise agreement is made when the majority of the employees who will be covered cast a valid vote to approve the agreement;<sup>29</sup>
- a multi-enterprise agreement is made when all of the employees who will be covered have had the opportunity to vote, and a majority of employees of at least one of the employers involved have cast a valid vote to approve the agreement;<sup>30</sup> and
- a greenfields agreement is made when it is signed by each employer and each employee organisation that the agreement is expressed to cover.<sup>31</sup>

---

<sup>25</sup> Fair Work Act, s.172(1).

<sup>26</sup> Fair Work Act, Part 2–4, Division 5, ss 202–205.

<sup>27</sup> Fair Work Act, s.253.

<sup>28</sup> Fair Work Australia may also vary or terminate an enterprise agreement, Fair Work Act, Part 2–4, Division 7.

<sup>29</sup> Fair Work Act, s.182(1).

<sup>30</sup> Fair Work Act s.182(2). However, s.184 provides that, before the multi-enterprise agreement is lodged for approval by Fair Work Australia, the agreement must be varied so that it only covers employees that cast a valid majority vote to approve the agreement and their employer.

Before requesting employees to approve a proposed enterprise agreement, s.180 of the Fair Work Act requires an employer to comply with pre-approval requirements such as taking reasonable steps to provide employees with a copy of the proposed agreement at the appropriate time and notifying them of the time, place and method of voting. Section 181 of the Fair Work Act specifies when an employer may request employees to vote on a proposed agreement.<sup>32</sup>

Section 185 of the Fair Work Act provides that a bargaining representative for an enterprise agreement<sup>33</sup> must apply to Fair Work Australia for approval of the agreement within 14 days after it is made, unless Fair Work Australia extends the period under s.185(3)(b). No extension may be granted for a greenfields agreement, which must be lodged for approval by an employer or employee organisation covered by the agreement within 14 days after it is made. The application must be in the form and accompanied by the material prescribed.

If an application is made under s.185, Fair Work Australia must approve the enterprise agreement if it is satisfied that the requirements in s.186 and s.187 are met.<sup>34</sup>

To approve an enterprise agreement, Fair Work Australia must be satisfied that an enterprise agreement satisfies the better off overall test (BOOT). An enterprise agreement (other than a greenfields agreement) passes the BOOT if Fair Work Australia is satisfied that, at the relevant time:

... each award covered employee, and each prospective award covered employee, for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee.<sup>35</sup>

A similar test applies to greenfields agreements, except that Fair Work Australia need only be satisfied with relation to prospective award covered employees.

A different test applied to enterprise agreements made in the 'bridging period' between 1 July and 31 December 2009. During this period, enterprise agreements were required to satisfy the no-disadvantage test set out in Part 2, Schedule 7 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).<sup>36</sup>

To approve an enterprise agreement, Fair Work Australia must also be satisfied that:

- the agreement (other than a greenfields agreement) has been genuinely agreed by the employees covered by the agreement (s.186(2)(a));<sup>37</sup>
- if the agreement is a multi-enterprise agreement, that it has been genuinely agreed to by each employer covered and no person coerced or threatened to coerce any employer to make the agreement (s.186(2)(b));

---

<sup>31</sup> Fair Work Act, s.182(3).

<sup>32</sup> When an employer may request employees to vote on an agreement is discussed further at 2.3.4 below.

<sup>33</sup> When a person is a bargaining representative is discussed at 2.3.4 below.

<sup>34</sup> Fair Work Act, s.192 provides additional grounds upon which Fair Work Australia may refuse to approve an enterprise agreement.

<sup>35</sup> Fair Work Act, s.193(1). 'Award covered employee' and 'prospective award covered employee' are defined in s.193(4) and (5) respectively.

<sup>36</sup> *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth), Part 2 and Part 3, Schedule 7.

<sup>37</sup> Fair Work Act, s.188 prescribes when an enterprise agreement is genuinely agreed by the employees covered by the agreement.

- the terms of the agreement do not contravene requirements relating to the National Employment Standards in s.55 (s.186(2)(c));
- the group of employees covered by the agreement was fairly chosen (s.186(3));
- the agreement does not include any unlawful terms (s.186(4));
- the agreement includes a nominal expiry date not more than 4 years after the day on which Fair Work Australia approves the agreement (s.186(5));
- the agreement includes a term about settling disputes (s.186(6)); and
- if the agreement is a greenfields agreement, that the relevant employee organisations that will be covered by the agreement are entitled to represent the industrial interests of a majority of employees who will be covered, in relation to the work to be performed under the agreement, and it is in the public interest to approve the agreement (s.187(5)).

If Fair Work Australia is concerned that an agreement does not meet the requirements in s.186 and s.187, it may approve the agreement with undertakings from the relevant employer or employers that meet the concern.<sup>38</sup> A decision by Fair Work Australia to approve an enterprise agreement must note the matters prescribed in s.201.

### **2.3.4 Representation and bargaining**

Section 173 provides that each employee who will be covered by an enterprise agreement (other than a greenfields agreement) and who is employed at the relevant time must be given a notice of employee representational rights. The employer must take all reasonable steps to give the notice as soon as practicable, and no later than 14 days, after they agree to bargain or initiate bargaining, or an instrument specified in s.173(2) comes into operation. Further, an employer must not request employees to vote on an enterprise agreement until at least 21 days after the day on which the last notice is given.<sup>39</sup>

The content of the notice, prescribed by s.174, primarily relates to informing employees of their rights to appoint or be represented by a bargaining representative in bargaining for the enterprise agreement.

The bargaining representatives for an enterprise agreement can be:

- any employer who will be covered by the agreement;
- an employee organisation, provided either s.176(1)(b) or s.176(2) and s.176(3) are satisfied; and
- a person appointed, in writing, by an employee (including him or herself) or employer who is entitled to be covered by the agreement.<sup>40</sup>

There are no bargaining representatives for a greenfields agreement.<sup>41</sup>

---

<sup>38</sup> Fair Work Act, s.190.

<sup>39</sup> Fair Work Act, s.181(2).

<sup>40</sup> Fair Work Act, s.176. Section 178 deals with requirements relating to the instrument of appointment and s.178A provides for the revocation of an appointment.

<sup>41</sup> The Fair Work Act does not provide for the appointment of bargaining representatives for greenfields agreements. See also Creighton B and Stewart A (2010), *Labour Law* (5th Edition), The Federation Press, NSW, pp. 304–305.

The Fair Work Act confers both rights and obligations on bargaining representatives in relation to bargaining conduct. In particular, they must meet the good faith bargaining requirements set out in s.228.

In accordance with the objects of Part 2–4, which include facilitating good faith bargaining and agreement-making, Fair Work Australia in some circumstances may make:

- bargaining orders, which may impose requirements on, or require actions by, a bargaining representative for a single-enterprise agreement<sup>42</sup> to ensure the good faith bargaining requirements are met (s.231);<sup>43</sup>
- serious breach declarations, which in certain circumstances may mean Fair Work Australia is able to make a bargaining related workplace determination (ss 234–235);
- a determination (called a majority support determination) that a majority of the employees who will be covered by a proposed single-enterprise agreement want to bargain with the employer or employers who will be covered (ss 236–237);
- scope orders specifying, for a proposed single-enterprise agreement, the employer or employers and employees that will be covered by the agreement (s.238); and
- low-paid bargaining authorisations which, for a multi-enterprise agreement, enables Fair Work Australia to play a more pro-active role in facilitating bargaining and, in certain circumstances, permit a low-paid workplace determination to be made (ss 241–246).

On application by a bargaining representative under s.240, Fair Work Australia may deal with a bargaining dispute as it considers appropriate, including by engaging in mediation and conciliation.<sup>44</sup> For a single-enterprise agreement or a multi-enterprise agreement to which a low-paid authorisation applies, Fair Work Australia may deal with the dispute on application from one bargaining representative; for other forms of enterprise agreement, the agreement of all bargaining representatives is required.<sup>45</sup>

### **2.3.5 Other relevant provisions of the *Fair Work Act 2009* (Cth)**

Other provisions of the Fair Work Act may be relevant to enterprise agreement-making. Part 2–5, deals with workplace determinations, which may in some instances be a consequence of orders made during bargaining and then operate to provide terms and conditions of employment to the parties to which they apply. Part 3–3 deals with industrial action, which may take place during bargaining for an enterprise agreement. The interaction between enterprise agreements and other Fair Work Act instruments such as modern awards and the National Employment Standards is primarily dealt with in Part 2–1.

---

<sup>42</sup> Or multi-enterprise agreement to which a low-paid authorisation applies (Fair Work Act, s.229(2)).

<sup>43</sup> Fair Work Act, s.231(1). Section 231(2) gives examples of the kinds of bargaining orders Fair Work Australia may make.

<sup>44</sup> Fair Work Act, s.595(2). However, Fair Work Australia may arbitrate the dispute only with the agreement of the parties (s.240(4)).

<sup>45</sup> Fair Work Act, s.240(2)-(3).

### 3 Pay-setting in the reporting period

This Chapter disaggregates employees into groups on the basis of whether pay is set by an agreement, an award, or an individual arrangement. Data on employee coverage by method of setting pay are available from the biennial ABS EEH survey.

Note that ABS EEH data on employee coverage reflects all employees covered by collective agreements. This is distinct from WAD data, which reflects agreements that were approved during the reporting period. In addition, data from the EEH are a sample of the population, while the WAD is a census database.

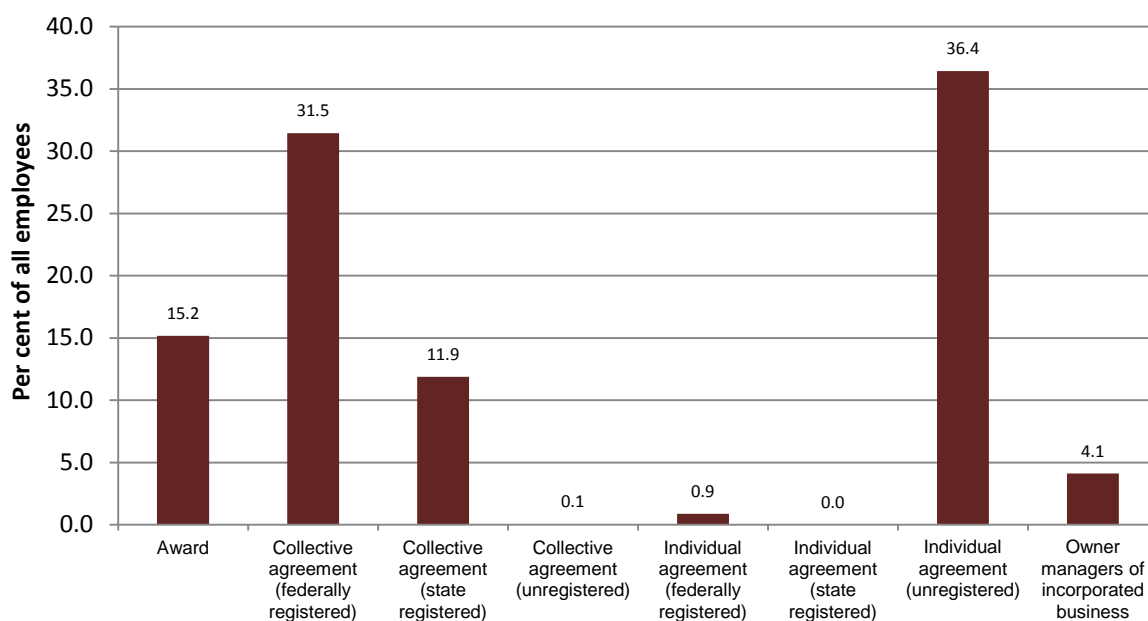
The ABS uses the term 'collective agreement' rather than enterprise agreement, reflecting International Labour Organisation principles regarding what constitutes a collective agreement which are conceptually consistent over time. An enterprise agreement is a form of collective agreement.

The ABS defines a collective agreement as an agreement between an employer (or a group of employers) and a group of employees (or union or employee associations). Employees are considered to be covered by collective agreements if they have the main part of their pay set by a registered or unregistered collective agreement or enterprise award.<sup>46</sup> Definitions of other methods of pay-setting arrangements and technical notes on the data are located in Appendix A.

#### 3.1 Coverage by method of setting pay

Figure 3.1 demonstrates that in May 2010, nearly one third of employees had their pay set by a federally-registered collective agreement, while 11.9 per cent of employees had their pay set by a state-registered collective agreement. The most common method of setting pay was unregistered individual arrangement, at 36.4 per cent.

**Figure 3.1: Workplace pay-setting arrangements, 2010**



Source: ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.

<sup>46</sup> ABS, *Employee Earnings and Hours, Australia*, May 2010, Catalogue No. 6306.0, p. 34.

Table 3.1 presents the coverage of pay-setting arrangements by industry in 2010. Relative to all industries, an analysis of method of setting pay arrangements shows that:

- federally-registered collective agreements were more prevalent in: Public administration and safety; Education and training; and Financial and insurance services. They were less common in: Rental, hiring and real estate services; Other services; Professional, scientific and technical services; and Wholesale trade; and
- state-registered collective agreements were more prevalent in: Public administration and safety; Education and training; Health care and social assistance; and Electricity, gas, water and waste services. These agreements were not commonly used in most industries.

Table 3.2 shows the proportion of employees by pay-setting arrangement and occupation. It shows that, relative to all employees:

- federally-registered collective agreements were more prevalent with: Sales workers; and Machinery operators and drivers. They were less common with: Managers; and Technicians and trades workers; and
- state-registered collective agreements were more prevalent with: Professionals; and Community and personal service workers. They were less common with: Sales workers; Technicians and trades workers; and Machinery operators and drivers.

**Table 3.1: Proportion of employees by pay-setting arrangement and industry, 2010**

	Award	Collective agreement (federally registered)	Collective agreement (state registered)	Collective agreement (unregistered)	Individual agreement (federally registered)	Individual agreement (state registered)	Individual agreement (unregistered)
	%	%	%	%	%	%	%
Mining	1.9	41.4	0.1	0.0	4.3	0.0	51.4
Manufacturing	14.6	25.3	1.0	0.1	0.8	0.0	55.1
Electricity, gas, water and waste services	3.1	40.3	26.6	0.0	0.3	0.2	28.1
Construction	10.0	21.6	1.5	0.0	0.2	0.0	55.2
Wholesale trade	10.9	12.2	0.0	0.0	1.1	0.0	69.1
Retail trade	22.3	40.9	0.0	0.0	0.1	0.0	33.0
Accommodation and food services	45.2	29.4	0.7	0.0	0.7	0.0	22.3
Transport, postal and warehousing	8.0	40.6	11.6	0.0	1.3	0.0	32.5
Information media and telecommunications	5.8	30.3	1.0	0.0	10.6	0.0	48.6
Financial and insurance services	2.1	41.7	0.8	0.1	3.8	0.0	46.7
Rental, hiring and real estate services	22.8	6.0	3.5	0.0	0.4	0.0	59.2
Professional, scientific and technical services	4.2	10.1	1.8	0.0	0.9	0.0	70.5
Administration and support services	31.4	25.1	2.0	0.0	0.9	0.0	38.4
Public administration and safety	1.9	51.1	40.9	0.3	0.4	0.0	5.0
Education and training	5.1	43.7	40.4	0.0	0.2	0.0	10.2
Health care and social assistance	17.1	36.9	27.2	0.0	0.1	0.0	17.2
Arts and recreation services	15.1	36.0	9.7	0.3	0.0	0.0	36.4
Other services	27.2	7.7	1.4	0.6	0.6	0.0	54.6
All employees	15.2	31.5	11.9	0.1	0.9	0.0	36.4

Note: Rows do not sum to 100 per cent, remaining employees are owner managers of incorporated businesses.

Source: ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.

**Table 3.2: Proportion of employees for each occupation disaggregated into pay-setting arrangement, 2010**

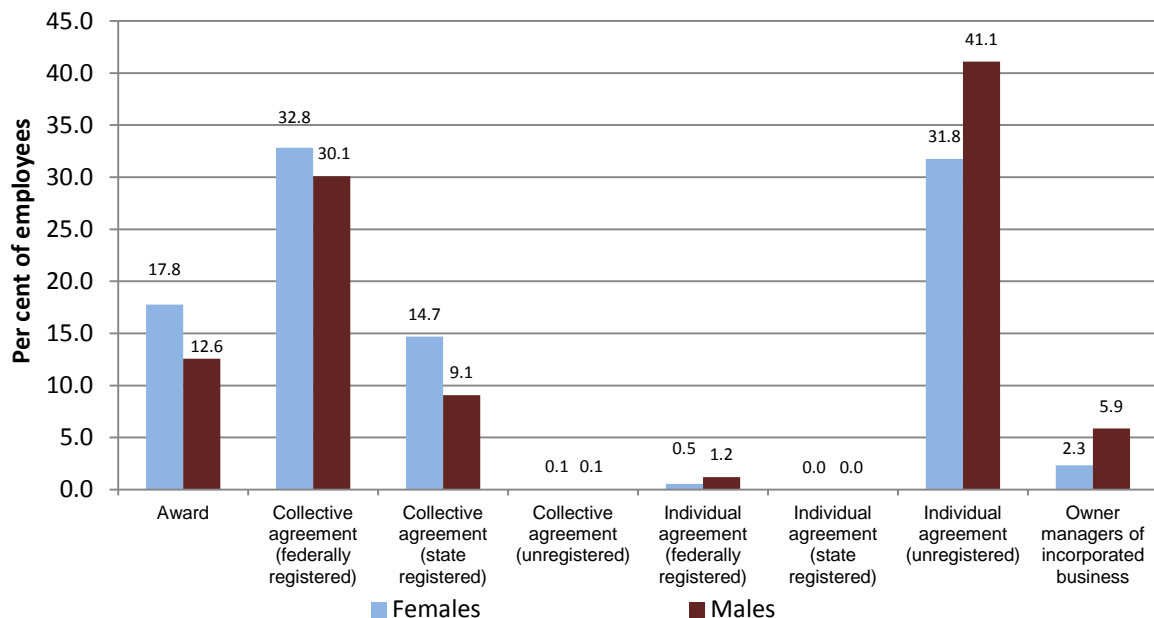
	Award	Collective agreement (federally registered)	Collective agreement (state registered)	Collective agreement (unregistered)	Individual agreement (federally registered)	Individual agreement (state registered)	Individual agreement (unregistered)
	%	%	%	%	%	%	%
Managers	2.2	16.9	8.3	0.3	1.2	–	53.8
Professionals	3.3	32.4	24.9	0.1	1.0	–	34.3
Technicians and trades workers	19.5	25.2	5.4	–	1.3	–	43.0
Community and personal service workers	31.0	33.1	18.7	–	0.3	–	16.4
Clerical and administrative workers	9.3	28.1	11.0	–	0.6	–	47.7
Sales workers	23.5	42.7	0.7	–	0.3	–	31.0
Machinery operators and drivers	11.6	40.3	5.5	0.1	2.3	–	37.6
Labourers	27.9	35.5	7.3	–	0.6	–	27.9
All employees	15.2	31.5	11.9	0.1	0.9	–	36.4

Source: ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.



Figure 3.2 shows workforce pay-setting arrangements for males and females in 2010. The proportion of males whose pay-setting arrangements were under both federally-registered and state-registered collective agreements was lower than for females. This may be due to the higher incidence of males being paid under unregistered individual agreements. Federally-registered collective agreements were the most common pay-setting arrangement for females, while unregistered individual agreements were the most common pay-setting arrangement for males.

**Figure 3.2: Workplace pay-setting arrangements by sex, 2010**



Source: ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.

Table 3.3 shows full-time and part-time employees disaggregated by method of setting pay in 2010. It shows that relative to part-time employees, a lower proportion of full-time employees had their pay set by federally-registered collective agreements and a slightly higher proportion had their pay set by state-registered collective agreements. Unregistered individual agreements were the most common pay-setting method for full-time employees, while federally-registered collective agreements were the most common method of setting pay for part-time employees.

**Table 3.3: Proportion of employees by pay-setting arrangement, full-time and part-time, 2010**

	<b>Full-time</b>	<b>Part-time</b>
	<b>%</b>	<b>%</b>
Award	9.3	25.3
Collective agreement (federally registered)	28.5	36.6
Collective agreement (state registered)	12.7	10.5
Collective agreement (unregistered)	0.1	–
Individual agreement (federally registered)	1.2	0.4
Individual agreement (state registered)	–	–
Individual agreement (unregistered)	43.0	25.2
Owner managers of incorporated business	5.3	2.1

Source: ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.

## 4 Fair Work Australia's role in the agreement-making process

This chapter outlines Fair Work Australia's role in the agreement-making process. Data on lodgement and approval of agreements, industrial action, agreements not approved and variation and termination of enterprise agreements are presented over the reporting period.

### 4.1 Lodgement and approval of agreements

Table 4.1 provides data on a range of applications made under Part 2–4 of the Fair Work Act during the reporting period.

**Table 4.1: Bargaining applications—lodgements, 2009–10 to 2011–12**

	Number of applications		
	2009–10	2010–11	2011–12
s.229—Application for a bargaining order	121	96	99
s.236—Application for a majority support determination	111	93	62
s.238—Application for a scope order	48	31	30
s.240—Application to deal with a bargaining dispute	506	221	307
s.242—Application for low-paid authorisation	2	1	1
s.248—Application for a single interest employer authorisation	22	22	31
Total	810	464	530

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: Fair Work Australia, *Fair Work Australia Annual Report 2009–10*; *Fair Work Australia Annual Report 2010–11*; *Fair Work Australia Annual Report 2011–12*.

The number of enterprise agreement approval applications that were lodged and approved by Fair Work Australia from 1 July 2009 to 30 June 2010 by agreement type is shown in Table 4.2. Over the period, 7420 applications were lodged, 6783 of which were single-enterprise agreements, 69 of which were multi-enterprise agreements and 357 of which were greenfields agreements. In addition, 211 applications for the extension or variation of a pre-reform certified agreement (those that were certified before 27 March 2006 in accordance with the *Workplace Relations Act 1996* (Cth)) were lodged.

During this period, 6383 agreements were finalised, including 5691 single-enterprise agreements, 304 greenfields agreements and 59 multi-enterprise agreements. There were also 329 pre-reform certified agreements extended or varied during this period.

**Table 4.2: Enterprise agreements—lodgement and approval, 1 July 2009 to 30 June 2010<sup>1</sup>**

	Lodged	Approved	Not approved	Application withdrawn	Total finalised <sup>2</sup>
s.185—Single-enterprise	6783	4821	231	550	5691
s.185—Greenfields	357	278	3	22	304
s.185—Multi-enterprise	69	55	2	1	59
Extension or variation of pre-reform certified agreement <sup>3</sup>	211	NA	NA	NA	329
Total	7420	5154	236	573	6383

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a one-year period from 1 July 2009.

(2) Results are not confined to applications lodged in this period. The sub-totals do not equal the total finalised due to minor variances in reporting dates.

(3) Under cl. 2A(1)(a) and (b), Sch. 7 to the *Workplace Relations Act 1996* (Cth), as continued under item 13, Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).

Source: Fair Work Australia, *Fair Work Australia Annual Report 2009–10*; CMS plus.

Table 4.3 shows data on the number of enterprise agreements that were lodged and finalised with Fair Work Australia from 1 July 2010 to 30 June 2011. In total, 7081 applications were lodged, over 300 fewer than the previous year. The number of single-enterprise and multi-enterprise agreements lodged over the year were 6493 and 54 respectively, while the number of greenfields agreements lodged was 534.

The total number of agreements that were finalised was 7782. Of these agreements, 7174 were single-enterprise agreements, 549 were greenfields agreements and 59 were multi-enterprise agreements.

There were no applications for the extension or variation of pre-reform certified agreements as the transitional provision which enabled extension or variation under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth) ceased operation on 1 January 2010.

**Table 4.3: Enterprise agreements—lodgement and approval, 1 July 2010 to 30 June 2011<sup>1</sup>**

	Lodged	Approved	Not approved	Application withdrawn	Total finalised <sup>2</sup>
s.185—Single-enterprise	6493	6709	123	329	7174
s.185—Greenfields	534	521	5	23	549
s.185—Multi-enterprise	54	52	1	6	59
Total	7081	7282	129	358	7782

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a one-year period from 1 July 2010.

(2) Results are not confined to applications lodged in this period. The sub-totals do not equal the total finalised due to minor variances in reporting dates.

Source: Fair Work Australia, *Fair Work Australia Annual Report 2010–11*; CMS plus.

Table 4.4 shows the number of enterprise agreements that were lodged and finalised between 1 July 2011 and 30 June 2012. In total, 8565 applications were lodged, over 1500 more than the previous year. The number of single-enterprise and multi-enterprise agreements lodged over the year were 7812 and 48 respectively, while the number of greenfields agreements lodged was 705.

The total number of agreements finalised was 8526. Of these, 7783 were single-enterprise, 695 were greenfields and 48 were multi-enterprise agreements.

**Table 4.4: Enterprise agreements—lodgement and approval, 1 July 2011 to 30 June 2012<sup>1</sup>**

	Lodged	Approved	Not approved	Application withdrawn	Total finalised <sup>2</sup>
s.185—Single-enterprise	7812	7440	79	264	7783
s.185—Greenfields	705	665	3	27	695
s.185—Multi-enterprise	48	44	1	3	48
Total	8565	8149	83	294	8526

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a one-year period from 1 July 2011.

(2) Results are not confined to applications lodged in this period.

Source: Fair Work Australia, *Fair Work Australia Annual Report 2011–12*.

The median number of days to process an agreement from lodgement to finalisation for 2009–10, 2010–11 and 2011–12 is reported in Table 4.5, by agreement type. For 2009–10, the median number of days to process a single-enterprise agreement was 35, to process a greenfields agreement was 24 and to process a multi-enterprise agreement was 57. It took a median of 35 days to finalise applications for extension or variation of a pre-reform certified agreement.

The median number of days to process each agreement type from 1 July 2010 to 30 June 2011 was 22 days for a single-enterprise agreement, 15 days for a greenfields agreement and 27 days for a multi-enterprise agreement. For 2011–12, the median processing times was 17 days for a single-enterprise agreement, 21 days for a greenfields agreement and 35 days for a multi-enterprise agreement.

**Table 4.5: Enterprise agreements—median processing times, 2009–10 to 2011–12<sup>1</sup>**

Agreement type	Median number of days		
	2009–10	2010–11	2011–12
s.185—Single-enterprise	35	22	17
s.185—Greenfields	24	15	21
s.185—Multi-enterprise	57	27	35
Extension or variation of pre-reform certified agreement <sup>2</sup>	35	—	—

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

(2) Under cl. 2A(1)(a) and (b), Sch. 7 to the *Workplace Relations Act 1996* (Cth), as continued under item 13, Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).

Source: Fair Work Australia, *Fair Work Australia Annual Report 2009–10*; *Fair Work Australia Annual Report 2010–11*; *Fair Work Australia Annual Report 2011–12*.

## 4.2 Industrial action

Table 4.6 shows the types of applications lodged for industrial action. Over the reporting period, s.437 applications for a protected action ballot order were the most common, accounting for 70.6 per cent of industrial action applications.

**Table 4.6: Industrial action—lodgements, 2009–10 to 2011–12**

Type of application	Number of applications			
	2009–10	2010–11	2011–12	Total
s.418—Application for an order that industrial action by employees or employers stop etc	162	175	138	475
s.419—Application for an order that industrial action by non-national system employees or employers stop etc	1	–	2	3
s.423—Application to suspend or terminate protected industrial action—significant economic harm etc	9	8	7	24
s.424—Application to suspend or terminate protected industrial action—endangering life etc	8	17	16	41
s. 425—Application to suspend protected industrial action—cooling off	6	11	4	21
s.426—Application to suspend protected industrial action—significant harm to third party	4	3	–	7
s.437—Application for a protected action ballot order	981	759	1011	2751
s.447—Application for variation of a protected action ballot order	41	9	17	67
s.448—Application for revocation of a protected action ballot order	42	61	57	160
s.459—Application to extend the 30 day period in which industrial action is authorised by protected action ballot	79	97	156	332
s.472—Application for an order relating to certain partial work bans	5	4	9	18

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: Fair Work Australia, *Fair Work Australia Annual Report 2009–10*; *Fair Work Australia Annual Report 2010–11*; *Fair Work Australia Annual Report 2011–12*.

## 4.3 Agreements not approved

Table 4.7 shows the number of agreement approval applications lodged and not approved. Note that agreement approval applications not approved also includes agreements that have either been

withdrawn or adjourned indefinitely. The number of agreements not approved more than doubled between 2009–10 and 2010–11, despite the number of lodgements declining over the same period. The number of agreements not approved declined slightly between 2010–11 and 2011–12, while the number of lodgements increased.

**Table 4.7: Number of agreement approval applications lodged and not approved, 2009–10 to 2011–12**

	<b>Lodgements</b>	<b>Not approved</b>
2009–10	7420	242
2010–11	7081	494
2011–12	8565	410
<b>Total</b>	<b>23 066</b>	<b>1146</b>

Notes: The agreements classified above as 'not approved' include agreements that have either been withdrawn or adjourned indefinitely.

Source: Fair Work Australia administrative data.

Table 4.8 identifies the reasons why agreements were not approved. Over the reporting period, around 60 per cent of agreement approval applications not approved were due to the application being withdrawn, with almost all withdrawn applications occurring in 2010–11 and 2011–12. The next most common reason for an agreement approval application not being approved was that the agreement was not genuinely agreed to by the employees covered, which accounted for around one sixth of agreements refused.

**Table 4.8: Reasons for agreement approval applications not being approved, 2009–10 to 2011–12**

Reason for refusal	Number of instances			
	2009–10	2010–11	2011–12	Total
s.172—Not an agreement	5	3	1	9
s.185(2)—Incomplete declaration	–	2	–	2
s.185(3)—Application not made within 14 days of agreement	18	9	3	30
s.186(2)(a)—Not a genuine agreement	118	46	28	192
s.186(2)(c)—Contravenes the National Employment Standards	2	1	1	4
s.186(2)(d)—Does not pass the No Disadvantage Test (lodged pre 31 December 2009)	69	17	–	86
s.186(2)(d)—Does not pass the better off overall test	8	36	23	67
s.186(4)—Includes unlawful term/s	–	1	2	3
s.186(5)—Does not include a nominal expiry date	3	–	–	3
s.186(6)—Does not include a dispute settlement term	3	1	–	4
Withdrawn	7	365	309	681
Lodged in error	2	–	1	3
Unclear	–	–	1	1
Adjourned Indefinitely	7	13	39	59
s.172(2)—Greenfields requirements not met	–	–	2	2
<b>Total</b>	<b>242</b>	<b>494</b>	<b>410</b>	<b>1146</b>

Notes: The date ranges above are based on the year in which the decision was made. Where multiple reasons for refusal have been provided by a Member, the reason that operates first in accordance with the Fair Work Act has been used to classify the application. For example; if a decision indicates that an agreement has not been approved due to both failing the BOOT and being outside the 14 day period for lodgement, the 14 day limit has been used as the reason for refusal as legislatively it should be considered prior to any consideration of the BOOT.

Source: Fair Work Australia administrative data.

#### 4.4 Variation and termination of enterprise agreements

Table 4.9 shows the types of applications lodged for the variation and termination of enterprise agreements. Over the reporting period, s.210 applications for the approval of a variation of an enterprise agreement were the most common, accounting for 44.3 per cent of these types of applications. This was followed by s.225 applications for the termination of an enterprise agreement after its nominal expiry date, which accounted for 26.9 per cent of these types of applications over the reporting period. The number of applications for variation and termination of enterprise agreements trended upwards over the reporting period for most of these applications.



**Table 4.9: Variation and termination of enterprise agreements, 2009–10 to 2011–12**

Type of application	Number of applications			
	2009–10	2010–11	2011–12	Total
s.210—Application for approval of a variation of an enterprise agreement	33	93	167	293
s.217—Application to vary an agreement to remove an ambiguity or uncertainty	5	50	62	117
s.217A—Application to deal with a dispute about variations	–	1	1	2
s.222—Application for approval of a termination of an enterprise agreement	23	19	30	72
s.225—Application for termination of an enterprise agreement after its nominal expiry date	45	64	69	178
Total	106	227	329	662

Notes: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: Fair Work Australia, *Fair Work Australia Annual Report 2009–10*, *Fair Work Australia Annual Report 2010–11*; *Fair Work Australia Annual Report 2011–12*.

## 5 Enterprise agreements: developments in wages and conditions

This Chapter outlines trends in agreement-making over the reporting period between 1 July 2009 and 30 June 2012, including: changes in overall number of agreements lodged; changes in employee coverage; wage developments for all employees covered; and trends in the range of conditions of employment provisions in enterprise and collective agreements.<sup>47</sup> These data are obtained from the WAD. Also reported in this Chapter are employment levels and growth of designated groups. Data on employment are obtained from the ABS Labour Force survey.

The data covered for the reporting period relates to enterprise agreements made under the Fair Work Act from 1 July 2009, as well as agreement-based transitional instruments that were granted approval from this date under the provisions of the *Workplace Relations Act 1996* (Cth) (as amended by the *Workplace Relations Amendment (Work Choices) Act 2005* (Cth) and the *Workplace Relations Amendment (A Stronger Safety Net) Act 2007* (Cth)) preserved by Schedule 8, Part 2 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth). Note that the term 'agreements' refer to both enterprise and collective agreements in this Chapter.

### 5.1 Approved agreements

#### 5.1.1 Overall coverage

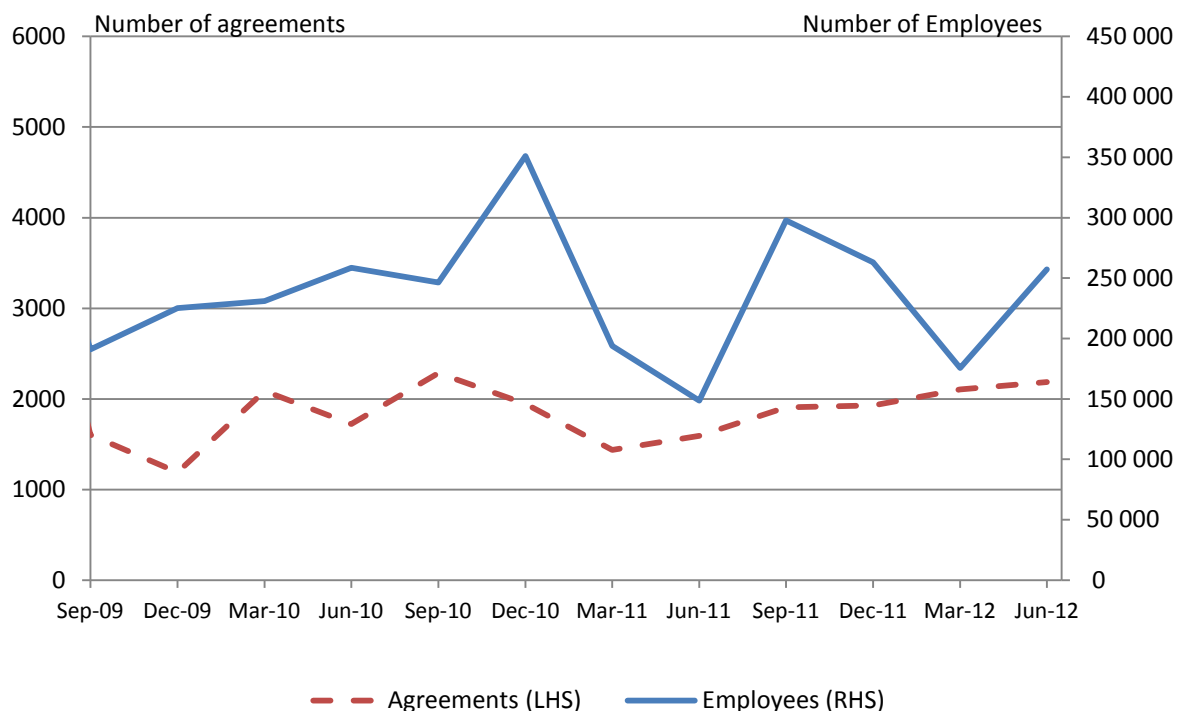
A total of 21 988 agreements were approved over the reporting period. The number of agreements approved declined to a low in December quarter 2009, before rising to a peak in September 2010. The number of agreements approved declined between the September quarter 2010 and the March quarter 2011, while the number of employees covered peaked in the December quarter 2010 and declined to a low in the June quarter 2011.<sup>48</sup> The number of agreements approved has trended upwards since the March quarter 2011 (Figure 5.1).

---

<sup>47</sup> The reporting period under s.653 is between 26 May 2009 and 25 May 2012, as s.2 of the Fair Work Act states that s.653 commences on 26 May 2009. However, no enterprise agreements could be made until 1 July 2009 as Part 2–4 of the Fair Work Act, which relates to the provisions that provide for enterprise agreements to be made, did not commence until 1 July 2009. This chapter covers the three year period between 1 July 2009 and 30 June 2012.

<sup>48</sup> Not all agreements in the WAD contain employee data provided by the employer. For these agreements, a modified mean method is used to estimate the number of employees that the agreement covers (refer to Appendix A for additional details). Further, data about the number of employees covered by each agreement is obtained from the statutory declaration that an employer must lodge with the agreement. These are required to be accurate at the time the agreement is approved but do not necessarily accurately reflect the employee coverage of the agreement at any point in time after lodgement.

**Figure 5.1: Number of agreements approved and number of employees covered, 2009–10 to 2011–12**



Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Figure reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.1.2 Agreement making by agreement type

Table 5.1 shows the breakdown of agreements approved and employee coverage in the reporting period by agreement type. With the exception of the September quarter 2009, single enterprise non-greenfields agreements were the most common type of agreement.

Single enterprise greenfields agreements were the second most common enterprise agreement type over the reporting period. The number of other types of enterprise agreements was low in comparison.

**Table 5.1: Agreements approved and employees covered, by agreement type, 2009–10 to 2011–12**

		Single enterprise non-greenfields	Multi enterprise non-greenfields	Single enterprise greenfields	Multi enterprise greenfields	Union collective	Employee collective	Union greenfields	170LJ	170LK
Sep-09	Agreements	210	1	24	–	398	777	17	175	16
	Employees	22 056	5836	708	–	66 520	39 000	462	55 026	7084
Dec-09	Agreements	1043	2	66	–	2	10	–	68	10
	Employees	186 741	974	2169	–	482	3700	–	31 774	3139
Mar-10	Agreements	1931	29	91	–	3	3	–	23	6
	Employees	205 398	17 694	3432	–	1396	331	–	2507	222
Jun-10	Agreements	1623	3	92	2	–	–	–	2	–
	Employees	238 504	13 597	2427	66	–	–	–	4072	–
Sep-10	Agreements	2113	5	164	1	–	–	–	–	1
	Employees	238 364	1094	6643	116	–	–	–	–	31
Dec-10	Agreements	1795	13	137	–	–	–	–	–	–
	Employees	322 259	18 440	10 355	–	–	–	–	–	–
Mar-11	Agreements	1322	6	109	–	–	–	–	–	–
	Employees	186 975	2871	3990	–	–	–	–	–	–
Jun-11	Agreements	1473	7	112	–	–	–	–	–	–
	Employees	139 492	5099	4077	–	–	–	–	–	–
Sep-11	Agreements	1769	3	135	1	–	–	–	–	–
	Employees	252 023	40 069	5065	726	–	–	–	–	–
Dec-11	Agreements	1755	9	164	–	–	–	–	–	–
	Employees	245 191	9246	8576	–	–	–	–	–	–
Mar-12	Agreements	1933	4	168	–	–	–	–	–	–
	Employees	166 854	1247	7557	–	–	–	–	–	–
Jun-12	Agreements	1968	16	199	3	–	–	–	–	–
	Employees	236 662	11 019	9314	252	–	–	–	–	–

Notes: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

170LJ is a pre-reform union collective agreement and 170LK is a pre-reform employee collective agreement. Note that these agreements were varied and extended under the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth) and the *Workplace Relations Act 1996* (Cth) as amended by the *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* (Cth), which allowed employers and employees or unions to extend and vary certain pre-reform collective agreements. Note that for all other tables and figures, these agreements have been subsumed into their successor agreement types.

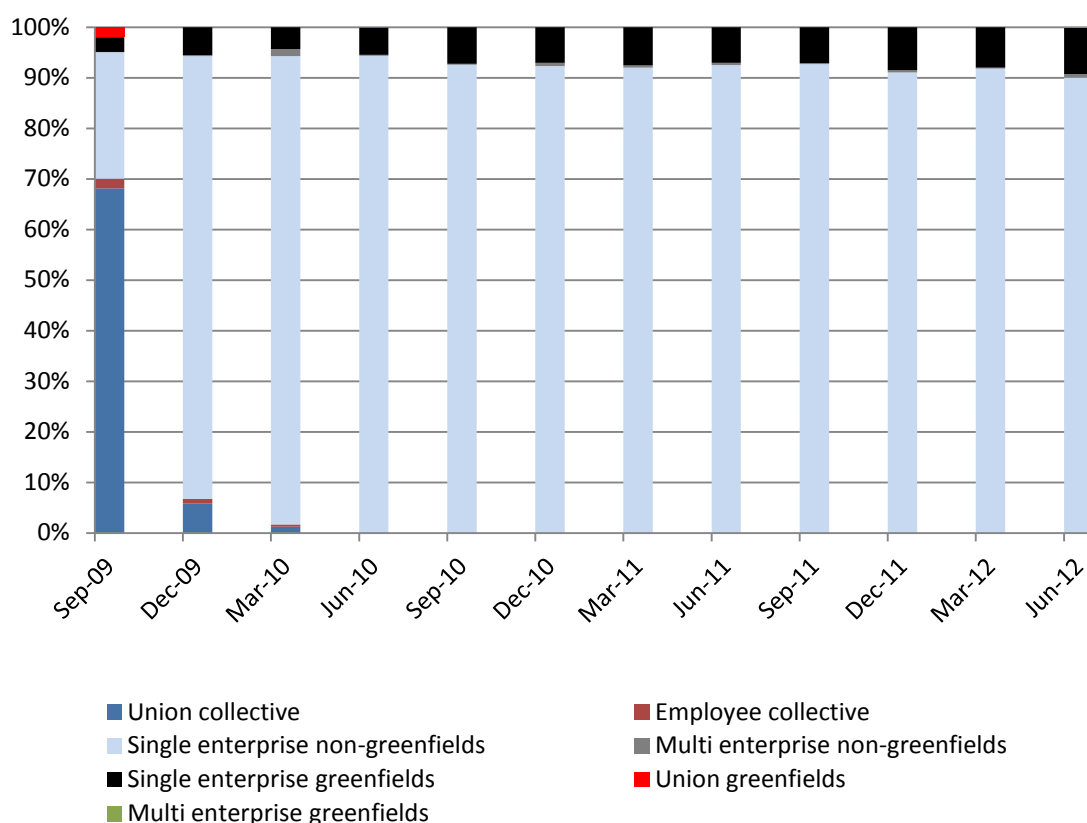
Source: DEEWR, Workplace Agreements Database, June 2012.

Figure 5.2 shows the proportion of agreements that were approved in each quarter over the reporting period by agreement type. Union collective agreements were the most frequently approved agreement in the September quarter 2009. From the December quarter 2009, approval of union collective agreements and other collective agreements decreased due to legislative restrictions on lodgements of these type of agreements, while single-enterprise non-greenfields agreements became the most common type of agreement approved, followed by single enterprise greenfields agreements. Single-enterprise non-greenfields agreements have accounted for around 90 per cent of all types of approved agreements since the December quarter 2009.<sup>49</sup>

---

<sup>49</sup> Note that the decreased approval of union collective agreements reflects changes in the legislative framework and is not an indicator of the number of agreements approved that cover unions. Enterprise agreements (single enterprise and multi-enterprise, greenfields and non-greenfields) made under the Fair Work Act may cover one or more employee organisations.

**Figure 5.2: Agreements approved by agreement type, 2009–10 to 2011–12**



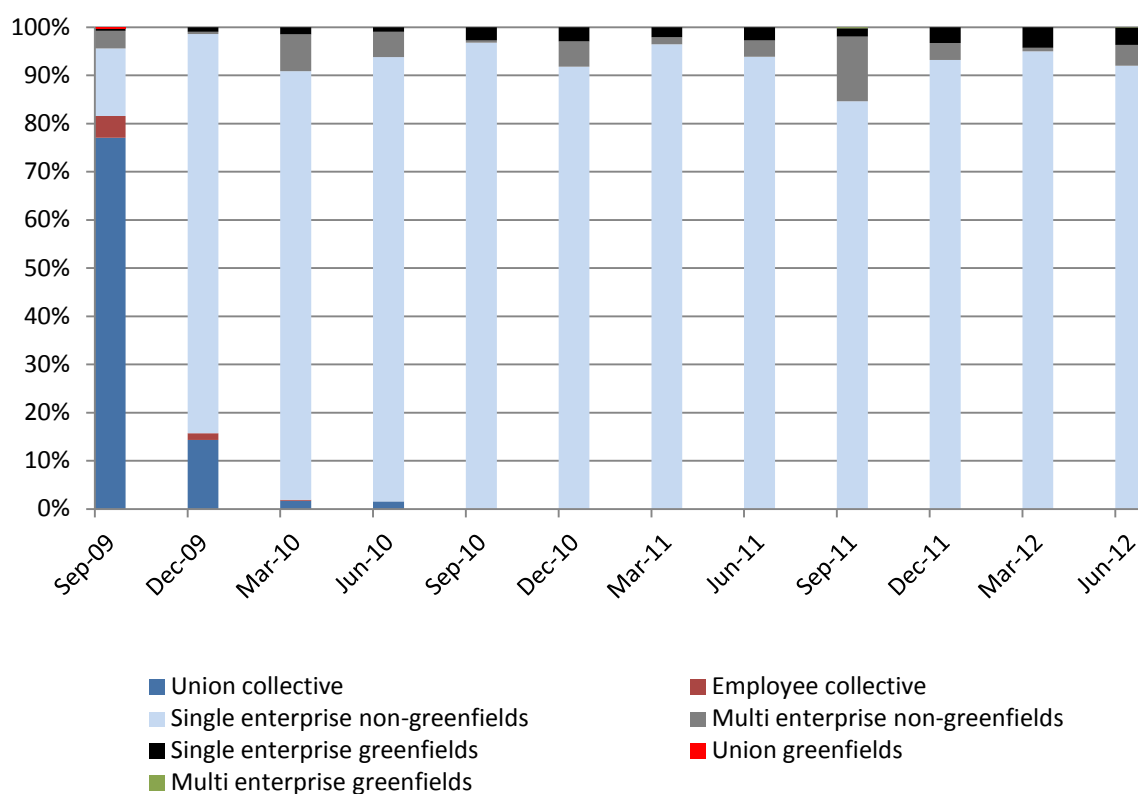
Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

Figure 5.3 shows the proportion of employees covered by each type of agreement approved for each quarter over the reporting period. Union collective agreements covered the largest proportion of employees in the September quarter 2009. Since the December quarter 2009, single-enterprise non-greenfields became the most common type of agreement approved, and covered the majority of employees whose pay was set by an enterprise agreement, through to the end of the reporting period.<sup>50</sup>

<sup>50</sup> Note that the decreased approval of union collective agreements reflects changes in the legislative framework and is not an indicator of the number of agreements approved that cover unions. Enterprise agreements (single enterprise and multi-enterprise, greenfields and non-greenfields) made under the Fair Work Act may cover one or more employee organisations.

**Figure 5.3: Employees covered by agreement type, 2009–10 to 2011–12**



Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Figure reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.1.3 Agreement making by industry

Table 5.2 shows the number of agreements approved over the reporting period by year of certification and industry (ANZSIC 2006 classification). The number of agreements made rose between 2009–10 and 2011–12 for most industries.

The largest numbers of agreements approved over the reporting period by industry were in Construction and Manufacturing, accounting for around half of all agreements approved. In contrast, Information media and communications and Financial and insurance services had a relatively low number of agreements approved over the reporting period.

**Table 5.2: Number of agreements approved per year, by industry, 2009–10 to 2011–12**

	2009–10	2010–11	2011–12
Agriculture, forestry and fishing	243	125	61
Mining	113	215	188
Manufacturing	1049	1395	1340
Electricity, gas, water and waste services	107	147	188
Construction	2094	2032	3103
Wholesale trade	61	220	237
Retail trade	449	212	111
Accommodation and food services	303	266	165
Transport, postal and warehousing	409	522	594
Information media and telecommunications	45	52	72
Financial and insurance services	99	73	54
Rental, hiring and real estate services	132	111	130
Professional, scientific and technical services	85	165	213
Administrative and support services	190	213	285
Public administration and safety	176	280	308
Education and training	173	328	303
Health care and social assistance	624	627	524
Arts and recreation services	145	71	71
Other services	106	204	180

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

Table 5.3 shows the number of employees covered by agreements approved in the reporting period, by year of approval and industry. A substantial number of employees were covered by agreements approved in Public administration and safety; Health care and social assistance and Retail trade, accounting for 44 per cent of all employees covered by agreements approved over the period.

In contrast, a relatively low number of employees were covered by agreements approved in Rental, hiring and real estate services and Agriculture, forestry and fishing. Both of these industries also had relatively low number of agreements approved over the reporting period.



**Table 5.3: Number of employees covered by agreements approved, by industry, 2009–10 to 2011–12**

	2009–10	2010–11	2011–12
Agriculture, forestry and fishing	4911	5483	4348
Mining	6441	17 859	16 837
Manufacturing	70 250	92 175	80 004
Electricity, gas, water and waste services	13 427	19 888	27 758
Construction	40 088	34 373	57 008
Wholesale trade	3333	32 690	13 369
Retail trade	189 588	33 863	124 599
Accommodation and food services	57 582	17 127	12 514
Transport, postal and warehousing	29 778	98 698	63 749
Information media and telecommunications	9523	28 666	7874
Financial and insurance services	47 533	133 694	41 839
Rental, hiring and real estate services	2505	2620	2702
Professional, scientific and technical services	7299	9263	20 279
Administrative and support services	21 530	13 842	16 105
Public administration and safety	115 386	99 771	252 998
Education and training	102 333	188 517	38 404
Health care and social assistance	151 048	84 245	188 941
Arts and recreation services	25 856	16 460	11 113
Other services	7498	10 572	13 360

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

Table 5.4 shows the industry distribution of agreements by agreement type over the reporting period. Of the agreements approved during the reporting period, the single-enterprise agreement was the highest approved instrument across all industries, particularly for Accommodation and food services where 96.7 per cent of agreements were single-enterprise non-greenfields agreements.

The proportions of single-enterprise non-greenfields agreements approved in Financial and insurance services and Retail trade were relatively low in comparison. A significant proportion of employee collective agreements were approved in these industries, with proportions of 30.4 per cent and 18.0 per cent, respectively.

**Table 5.4: Agreements approved by industry and type, 2009–10 to 2011–12**

	Union collective	Union greenfields	Employee collective	Single enterprise non- greenfields	Multi enterprise non- greenfields	Single enterprise greenfields	Multi enterprise greenfields
	%	%	%	%	%	%	%
Agriculture, forestry and fishing	0.9	–	12.6	85.3	0.7	0.5	–
Mining	–	–	4.7	81.0	–	14.3	–
Manufacturing	3.2	–	0.1	94.7	0.1	1.9	–
Electricity, gas, water and waste services	2.6	0.2	–	93.5	–	3.5	0.2
Construction	0.2	–	2.4	83.6	0.1	13.6	–
Wholesale trade	0.8	–	0.6	95.9	0.2	2.5	–
Retail trade	3.2	–	18.0	75.8	2.1	0.9	–
Accommodation and food services	1.1	–	0.2	96.7	0.9	1.2	–
Transport, postal and warehousing	4.7	–	4.1	87.1	0.1	3.7	0.2
Information media and telecommunications	3.6	–	–	93.4	1.2	1.8	–
Financial and insurance services	1.8	–	30.4	65.6	–	2.2	–
Rental, hiring and real estate services	–	–	6.4	87.4	–	6.2	–
Professional, scientific and technical services	1.4	–	0.2	83.0	0.5	14.9	–
Administrative and support services	0.5	–	0.2	84.9	0.3	14.2	–
Public administration and safety	3.2	–	0.3	94.1	0.4	2.1	–
Education and training	4.7	–	2.7	89.7	2.5	0.4	–
Health care and social assistance	2.3	–	1.4	94.3	1.5	0.6	–
Arts and recreation services	6.4	–	0.4	84.8	0.7	7.8	–
Other services	1.7	–	–	93.7	0.2	4.4	–

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

The average number of employees covered by an agreement across all industries over the reporting period was 129. The industry with the highest average number of employees covered by an agreement was Financial and insurance services, with an average of 987 employees per agreement and the industry with the smallest average number of employees covered by an agreement was Construction with 18 employees (Table 5.5).

**Table 5.5: Average agreement size by industry, 2009–10 to 2011–12**

<b>Average agreement size</b>	
	No. of employees
Agriculture, forestry and fishing	34
Mining	79
Manufacturing	64
Electricity, gas, water and waste services	138
Construction	18
Wholesale trade	95
Retail trade	450
Accommodation and food services	118
Transport, postal and warehousing	126
Information media and telecommunications	272
Financial and insurance services	987
Rental, hiring and real estate services	20
Professional, scientific and technical services	79
Administrative and support services	74
Public administration and safety	612
Education and training	409
Health care and social assistance	239
Arts and recreation services	186
Other services	64
All industries	129

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

## **5.2 Wage developments in agreements**

This Section focuses on the wage outcomes for employees covered by enterprise agreements approved between 2009–10 and 2011–12. Wage outcomes are reported using the average annualised wage increase per employee (AAWI) measure, and can only be calculated for agreements where a percentage wage increase could be quantified.<sup>51</sup> Over the reporting period, 17.7 per cent of agreements, covering 16.3 per cent of employees did not contain quantifiable wage increases.

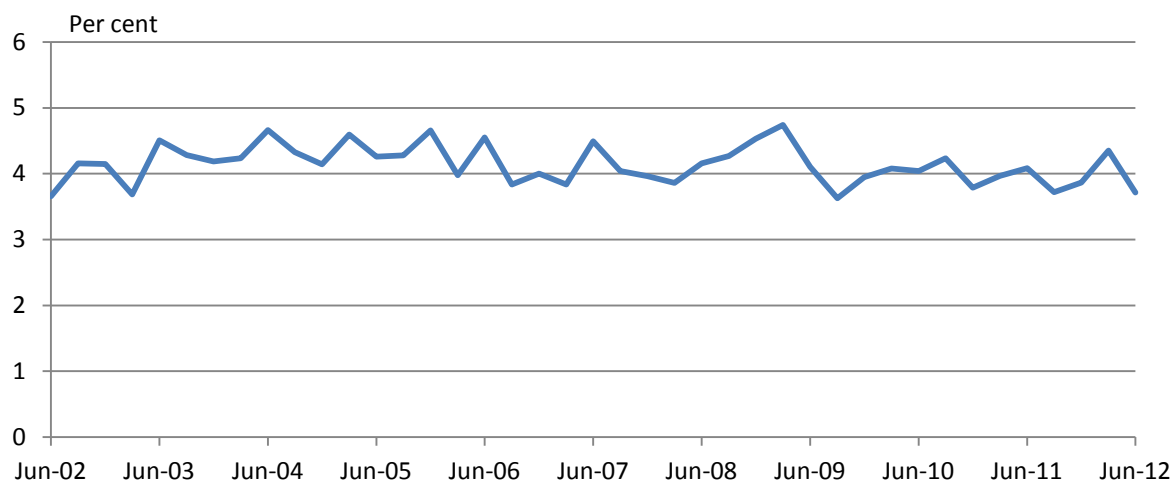
### **5.2.1 Overall wage developments**

For the reporting period, the AAWI for agreements approved in each quarter fluctuated, beginning at a low of 3.6 per cent at the start of the reporting period and peaking at 4.4 per cent in the March quarter 2012. However, in comparison to the past decade, AAWIs for the current reporting period have fluctuated around a lower mean, with AAWIs in the first half of the decade being consistently higher

<sup>51</sup> For more information on AAWIs, refer to Appendix A—Technical notes.

than 4 per cent. AAWIs for agreements approved in a quarter are a volatile measure as they are heavily influenced by wage increases of agreements approved in that quarter that cover a large number of employees (Figure 5.4).

**Figure 5.4: AAWIs (%) for agreements approved in each quarter, 2002–2012**



Source: DEEWR, Workplace Agreements Database, June 2012.

Over the reporting period, the largest contributors to all industries AAWI were Public administration and safety, Education and training and Health care and social assistance.

### 5.2.2 Wage trends in agreements by industry

Over the reporting period, trends in AAWIs for approved agreements by industry reveal that:

- Construction; Education and training; and Mining had higher than average AAWIs; and
- Arts and recreational service; Information media and telecommunications; Retail trade; Accommodation and food services; Agriculture, forestry and fishing; and Public administration and safety had lower than average AAWIs.

These trends were broadly similar to AAWI outcomes by industry over the past decade (Table 5.6).

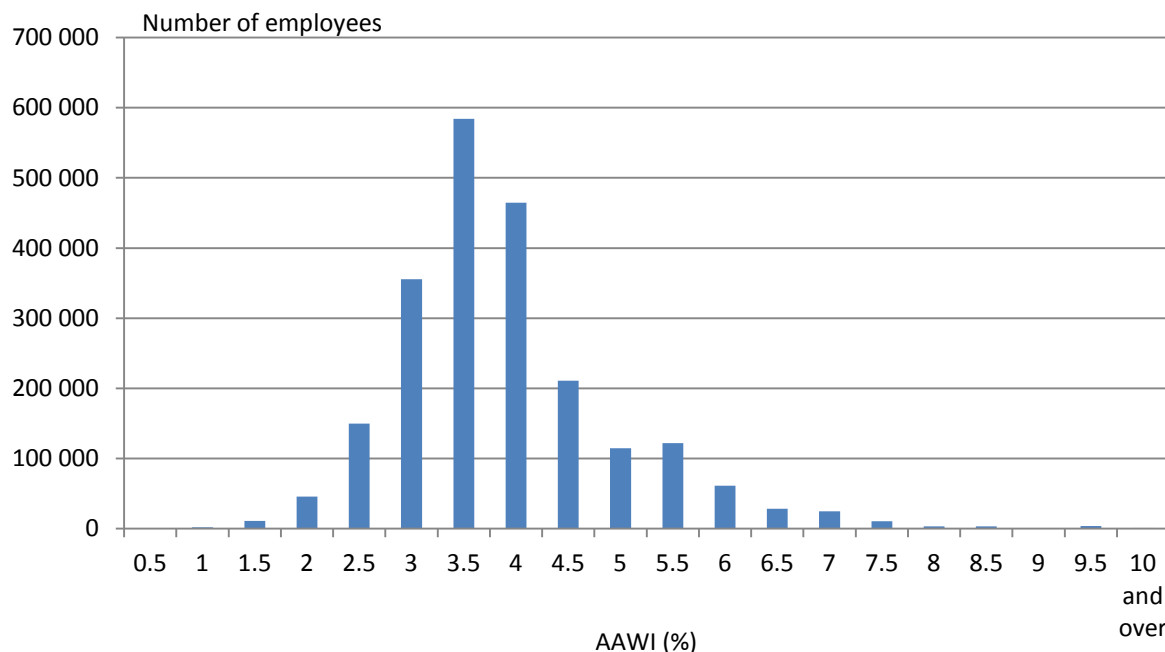
**Table 5.6: AAWIs (%) in approved agreements by industry, 2002–03 to 2011–12**

	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12
	%	%	%	%	%	%	%	%	%	%
Agriculture, forestry and fishing	3.4	2.9	2.9	2.9	2.8	3.8	3.9	3.3	3.6	3.8
Mining	3.7	3.0	4.0	3.8	4.5	4.5	4.3	4.2	4.2	5.0
Manufacturing	4.0	4.3	4.5	4.4	4.2	4.2	4.0	3.6	3.8	4.0
Electricity, gas, water and waste services	4.3	3.9	4.6	4.5	4.1	4.8	4.9	4.6	4.1	4.2
Construction	4.3	4.7	4.7	5.2	4.7	4.8	5.7	5.1	5.0	5.8
Wholesale trade	3.3	4.1	4.3	3.5	3.6	4.2	4.3	3.3	3.7	4.3
Retail trade	3.4	3.4	3.7	4.1	3.3	3.6	3.6	3.2	3.3	3.6
Accommodation and food services	3.2	3.0	4.3	3.2	3.3	3.6	3.9	4.0	3.2	3.5
Transport, postal and warehousing	3.7	4.4	4.0	3.9	4.3	3.9	4.4	4.2	3.8	4.0
Information media and telecommunications	4.2	3.5	3.5	3.0	4.3	3.8	3.5	3.5	3.4	3.3
Financial and insurance services	4.4	4.1	4.1	4.6	4.1	3.7	4.9	3.4	3.4	3.9
Rental, hiring and real estate services	3.2	3.7	3.7	4.8	4.9	3.2	3.6	3.8	4.1	5.2
Professional, scientific and technical services	4.4	4.8	4.2	3.9	4.1	4.0	4.8	3.8	4.1	4.2
Administrative and support services	3.5	4.0	3.3	4.1	3.3	3.9	4.2	3.3	4.2	4.8
Public administration and safety	4.8	5.0	4.2	4.1	4.4	4.2	4.3	3.5	3.4	3.6
Education and training	4.5	5.6	5.1	5.6	4.7	3.9	4.4	5.0	4.6	4.6
Health care and social assistance	4.0	4.3	4.2	4.0	3.8	4.1	4.1	4.0	4.1	3.2
Arts and recreation services	4.2	3.8	4.2	3.6	4.0	4.6	4.0	3.3	3.5	3.3
Other services	3.5	4.0	3.2	4.2	4.1	3.9	3.8	3.6	3.6	5.4
All industries	4.2	4.4	4.3	4.4	4.0	4.0	4.3	3.9	4.0	3.9

Source: DEEWR, Workplace Agreements Database, June 2012.

Figure 5.5 shows the distribution of AAWIs over the reporting period, rounded to the nearest 0.5 per cent. The most common AAWI outcome was 3.5 per cent (583 922 employees), followed by 4.0 per cent (464 563 employees) and 3.0 per cent (355 588 employees).

**Figure 5.5: Common AAWI (%) outcomes in all industries, 2009–10 to 2011–12**



Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Figure reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.3 Conditions developments in agreements

This Section focuses on the developments in the range of conditions of employment in agreements approved between 2009–10 and 2011–12. It is important to note that the presence of a particular provision in an agreement does not provide information about its content or whether employees use the provision. Furthermore, not all conditions apply to all employees. Further, DEEWR notes that:

the absence of particular employment conditions from a collective agreement does not necessarily mean that the condition is not available to employees through other means, such as an award that is called up by the agreement or in human resource policies and practices that operate in the workplace.<sup>52</sup>

<sup>52</sup> DEEWR (2010), *Agreement making in Australia under the Workplace Relations Act: 2007 to 2009*, Commonwealth of Australia, 30 June.

### 5.3.1 Core provisions

During the current reporting period, the most common agreement provisions were: type of employment; annual leave; superannuation; hours of work; personal/carer's leave; parental leave; termination, change and redundancy; long service leave; overtime; and public holidays. More than 80 per cent of agreements contained these provisions, covering over 90 per cent of employees (Table 5.7).

**Table 5.7: Core provisions in agreements, 2009–10 to 2011–12**

	Agreements	Employees
	%	%
Long service leave	89.7	94.0
Annual leave	95.4	97.5
Personal/carer's leave	96.1	96.5
Overtime	90.0	92.5
Salary-related matters	56.7	67.2
Public holidays	91.5	92.4
Termination, change and redundancy	94.8	93.9
Occupational health and safety	84.2	81.4
Equity issues	39.1	67.7
Consultative arrangements	45.4	55.8
Superannuation	96.0	97.3
Parental leave	86.9	94.6
Type of employment	94.3	98.1
Hours of work	96.2	96.5
Shift work	78.4	87.6
Work organisation/performance indicators	60.9	66.2
Training	76.2	76.0

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

(2) 'Types of employment' is any reference to casual employment, part-time employment, fixed-term employment, home-based work/telework, or temporary employment. Consultative arrangements were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

The most common provisions by agreement type were broadly the same as the aggregate result. However, differences were apparent for the less common core provisions. Relative to other agreement types:

- union collective and union greenfields agreements were significantly more likely to contain consultative arrangements provisions;
- multi enterprise greenfields, single enterprise greenfields and single enterprise non-greenfields were significantly less likely to contain equity issues provisions; and

- union collective and union greenfields agreements were more likely to contain salary-related matters provisions (Table 5.8).



**Table 5.8: Core provisions in agreements by agreement type, 2009–10 to 2011–12**

	Employee collective	Employer greenfields	Multi enterprise greenfields	Multi enterprise non-greenfields	Single enterprise greenfields	Single enterprise non-greenfields	Union collective	Union greenfields
	%	%	%	%	%	%	%	%
Long service leave	87.9	88.9	100.0	94.9	88.3	89.8	89.1	94.1
Annual leave	87.9	94.3	100.0	95.9	94.1	95.7	92.5	94.1
Personal/carer's leave	81.8	94.8	100.0	96.9	96.3	96.3	92.3	100.0
Overtime	78.8	90.7	28.6	79.6	95.3	89.8	86.4	100.0
Salary-related matters	57.6	44.1	42.9	68.4	34.0	58.4	70.5	82.4
Public holidays	78.8	92.7	85.7	83.7	92.1	91.7	86.0	100.0
Termination change and redundancy	75.8	90.7	100.0	89.8	96.0	95.0	93.9	100.0
Occupational health and safety	69.7	69.7	100.0	73.5	95.3	83.8	92.0	100.0
Equity issues	60.6	60.8	14.3	59.2	26.8	38.3	61.4	47.1
Consultative arrangements	30.3	19.1	33.3	20.8	41.5	46.3	69.9	64.7
Superannuation	97.0	95.6	100.0	95.9	99.1	95.8	95.7	94.1
Parental leave	75.8	83.2	85.7	95.9	86.5	87.1	86.0	94.1
Type of employment	87.9	93.6	100.0	95.9	97.4	94.2	92.5	100.0
Hours of work	81.8	95.3	100.0	91.8	97.4	96.3	91.5	100.0
Shift work	60.6	78.9	71.4	72.4	92.6	77.2	80.8	94.1
Work organisation/performance indicators	48.5	68.8	14.3	56.1	61.9	61.1	46.3	47.1
Training	48.5	61.0	57.1	74.5	55.9	78.2	85.5	58.8

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

(2) Consultative arrangements were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.3.2 Type of employment provisions for agreements approved

In the reporting period, the most common type of employment provisions were casual and part-time employment and probation provisions (Table 5.9).

**Table 5.9: Type of employment provisions in agreements, 2009–10 to 2011–12**

	<b>Agreements</b>	<b>Employees</b>
	%	%
Casual employment	92.1	93.4
Part-time employment	59.9	90.1
Probation	55.6	66.4
Fixed-term, short-term, temporary employment	3.5	8.7
Restricted use of fixed-term, short-term or temporary employment	0.4	2.3

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

(2) Probation provisions were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

## 5.4 Effect on designated groups

Section 653(2) of the Fair Work Act requires that the General Manager give consideration to the effect of agreement-making on the employment (including wages and conditions of employment) of the following persons:

- women;
- part-time employees;
- persons from a non-English speaking background;
- mature age persons; and
- young persons.

The Fair Work Act does not define young persons and mature age persons. As ABS data on age groups are presented as categories, data for young persons are presented within the ranges of 15 to 19 years and 45 years and over for mature age persons. ABS data is used to show the number of employees for each designated group at June 2009 and June 2012 (Table 5.10).

**Table 5.10: Employment levels for designated groups, June 2009 and June 2012**

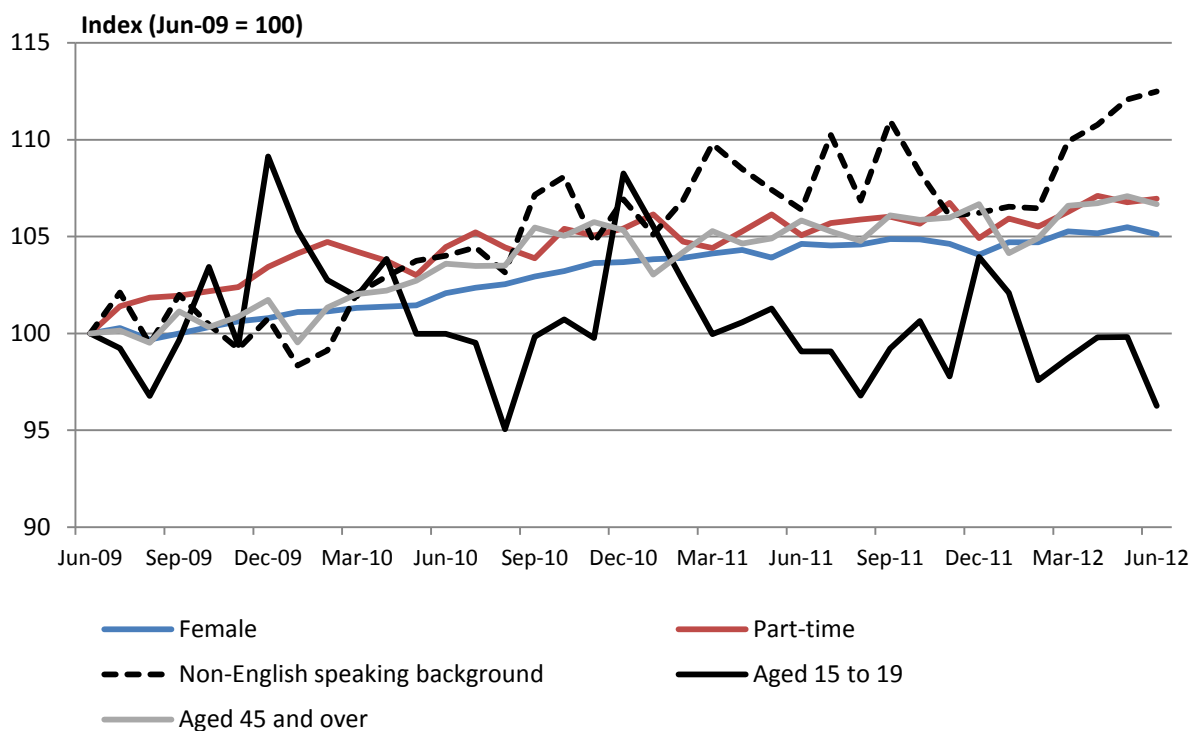
	<b>Female</b>	<b>Part-time</b>	<b>Non-English speaking background</b>	<b>Aged 15 to 19</b>	<b>Aged 45 and over</b>
	'000	'000	'000	'000	'000
Jun-09	4987.6	3209.0	1754.3	695.0	4174.4
Jun-12	5242.4	3431.9	1973.5	669.0	4453.1

Note: Data are seasonally adjusted for female and part-time employees.

Source: ABS, *Labour Force, Australia*, June 2012, Catalogue No. 6202.0; ABS, *Labour Force, Australia, Detailed - Electronic Delivery*, August 2012, Catalogue No. 6291.0.55.001.

Figure 5.6 shows indexes of employment levels by designated groups.

**Figure 5.6: Indexes of employment levels by designated groups, 2009–10 to 2011–12**



Note: Data are seasonally adjusted for female and part-time employees.

Source: ABS, *Labour Force, Australia*, June 2012, Catalogue No. 6202.0; ABS, *Labour Force, Australia, Detailed - Electronic Delivery*, August 2012, Catalogue No. 6291.0.55.001.

For the remainder of this Section, analysis of agreement coverage for employees in the designated groups listed under s.653 of the Fair Work Act was undertaken using agreements from the WAD for which employee numbers for at least one designated group was known, representing over 90 per cent of all agreements approved. The WAD analysis presents data for persons aged under 21 (young persons) and for persons aged over 45 (mature age persons).

#### 5.4.1 Coverage of designated groups

Table 5.11 shows the distribution of designated group employees by industry for employees covered by an agreement over the reporting period.

**Table 5.11: Coverage of designated group employees in agreements by industry, 2009–10 to 2011–12**

	Female	Part time	NESB	Under 21 years	Over 45
	%	%	%	%	%
Agriculture, forestry and fishing	30.5	7.0	14.6	5.7	34.7
Mining	5.3	0.3	2.3	2.2	37.4
Manufacturing	18.0	2.5	21.0	3.8	42.9
Electricity, gas, water and waste services	21.9	5.2	7.2	2.3	41.9
Construction	4.0	2.1	7.9	6.3	26.3
Wholesale trade	37.9	22.4	14.0	13.4	35.3
Retail trade	61.5	29.0	8.1	32.6	19.6
Accommodation and food services	50.3	29.2	13.3	52.9	9.5
Transport, postal and warehousing	23.6	12.5	14.4	1.6	47.2
Information media and telecommunications	37.3	9.5	7.2	2.4	32.9
Financial and insurance services	62.5	21.9	9.9	2.2	26.4
Rental, hiring and real estate services	25.7	4.7	6.1	12.1	28.4
Professional, scientific and technical services	38.8	9.6	11.5	7.0	30.7
Administrative and support services	40.5	24.7	21.1	8.2	34.5
Public administration and safety	54.6	16.2	12.2	1.6	44.0
Education and training	62.1	21.2	5.6	3.0	42.4
Health care and social assistance	81.9	53.1	16.1	3.5	45.0
Arts and recreation services	54.5	17.0	13.4	12.2	27.1
Other services	50.8	24.3	10.9	5.1	38.2
<b>All industries</b>	<b>50.3</b>	<b>21.7</b>	<b>12.1</b>	<b>9.0</b>	<b>36.3</b>

Note: NESB refers to non-English speaking background. Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

An analysis of the coverage by designated groups presented in Table 5.11 is discussed below.

#### **5.4.1.1 Women**

Female employees covered by agreements were over-represented in Health care and social assistance; Financial and insurance services; Retail trade; and Education and training and under-represented in Construction; Mining; and Manufacturing, relative to all industries.

#### **5.4.1.2 Part-time employees**

Part-time employees covered by agreements were over-represented in Health care and social assistance; Accommodation and food services; and Retail trade and under-represented in Mining; Construction; and Manufacturing, relative to all industries.

#### **5.4.1.3 Persons from a non-English speaking background**

Non-English speaking background employees covered by agreements were over-represented in Administrative and support services and Manufacturing and under-represented in Mining and Education and training, relative to all industries.

#### **5.4.1.4 Young persons**

Young employees (under 21 years) covered by agreements were over-represented in Accommodation and food services and Retail trade and under-represented in Public administration and safety; Transport, postal and warehousing; Mining; Financial and insurance services; Electricity, gas, water and waste services; and Information media and telecommunications, relative to all industries.

#### **5.4.1.5 Mature age persons**

Mature age employees (over 45) covered by agreements were over-represented in Transport, postal and warehousing; Health care and social assistance; Public administration and safety; Manufacturing; Education and training; and Electricity, gas, water and waste services and under-represented in Accommodation and food services and Retail trade, relative to all industries.

### **5.4.2 Wage developments for approved agreements in designated groups**

This Section focuses on the wage outcomes by designated group employees covered by enterprise agreements approved between 2009–10 and 2011–12. Wage outcomes are reported using the AAWI measure, and can only be calculated for agreements where a percentage wage increase could be quantified.<sup>53</sup>

The following analysis presents wage developments for approved agreements by designated groups.

#### **5.4.2.1 Women**

AAWIs for women in agreements approved over the reporting period have mostly been similar to men, except in 2011–12 where men had an AAWI of 3.4 per cent, which was significantly lower than the wage increases experienced over the decade. Over the decade, female AAWIs have generally been lower than the AAWIs for men (Table 5.12).<sup>54</sup>

Over the reporting period, AAWIs in workplaces with higher proportions of female workers (over 60 per cent) either had similar or lower AAWIs than workplaces with lower proportions of female workers. Over the decade, these workplaces generally experienced relatively lower AAWIs (Table 5.12).

---

<sup>53</sup> For more information on AAWIs, refer to Appendix A—Technical notes.

<sup>54</sup> For more information on how AAWIs are calculated, refer to Appendix A—Technical notes.

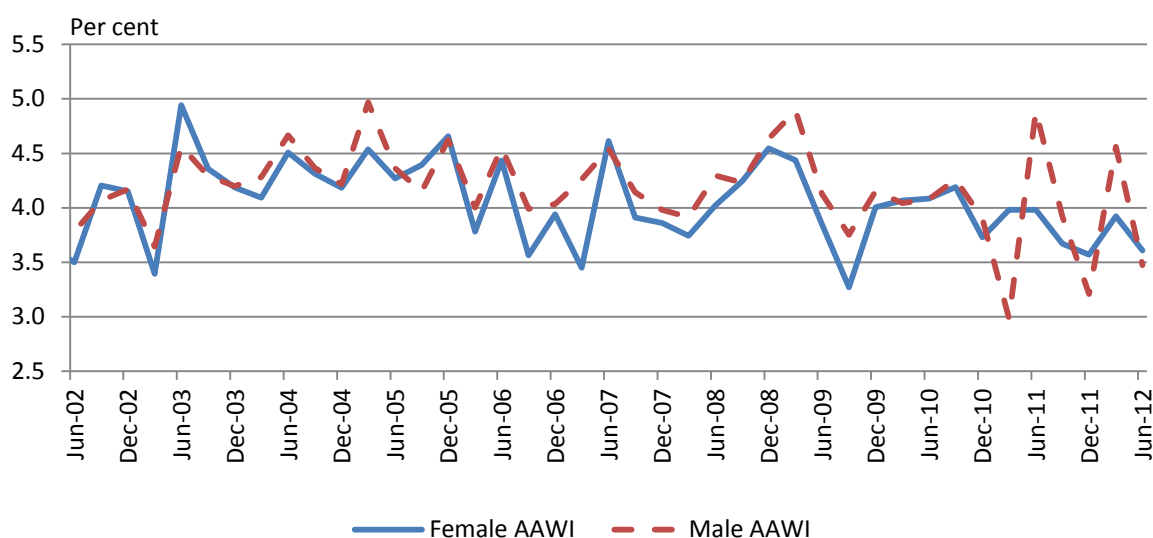
**Table 5.12: AAWI (%) in agreements by gender and by proportion of women, 2002–03 to 2011–12**

Overall	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12
	%	%	%	%	%	%	%	%	%	%
Male AAWI	4.1	4.4	4.4	4.3	4.1	4.0	4.4	4.0	4.0	3.4
Female AAWI	4.2	4.3	4.3	4.3	3.8	3.8	4.2	3.9	3.9	3.7
<b>Share of women employees in agreements</b>										
<40 per cent women	4.2	4.2	4.6	4.2	4.4	4.1	4.4	4.0	3.8	3.8
40-60 per cent women	4.0	4.7	4.3	4.3	4.1	3.9	3.8	4.4	3.8	3.6
>60 per cent women	4.2	4.0	4.2	4.3	3.6	3.8	4.3	3.7	4.0	3.7

Source: DEEWR, Workplace Agreements Database, June 2012.

Over the decade, AAWIs for men in agreements approved by quarter have been generally higher than for women. Quarterly male AAWIs have also exhibited more volatility over the reporting period than over the decade (Figure 5.7).

**Figure 5.7: AAWI in agreements certified or approved in the quarter by gender 2002–03 to 2011–12**



Source: DEEWR, Workplace Agreements Database, June 2012.

#### 5.4.2.2 Part-time employees

Part-time employees had lower AAWIs than full-time employees over the reporting period, which is consistent with trends exhibited over the decade (Table 5.13).

AAWIs for workplaces with low proportions of part-time employees (less than 20 per cent) exhibited either similar or higher AAWIs over the reporting period than workplaces with higher proportions of part-time employees. Over the decade, workplaces with lower proportions of part-time employees generally exhibited higher AAWIs (Table 5.13).

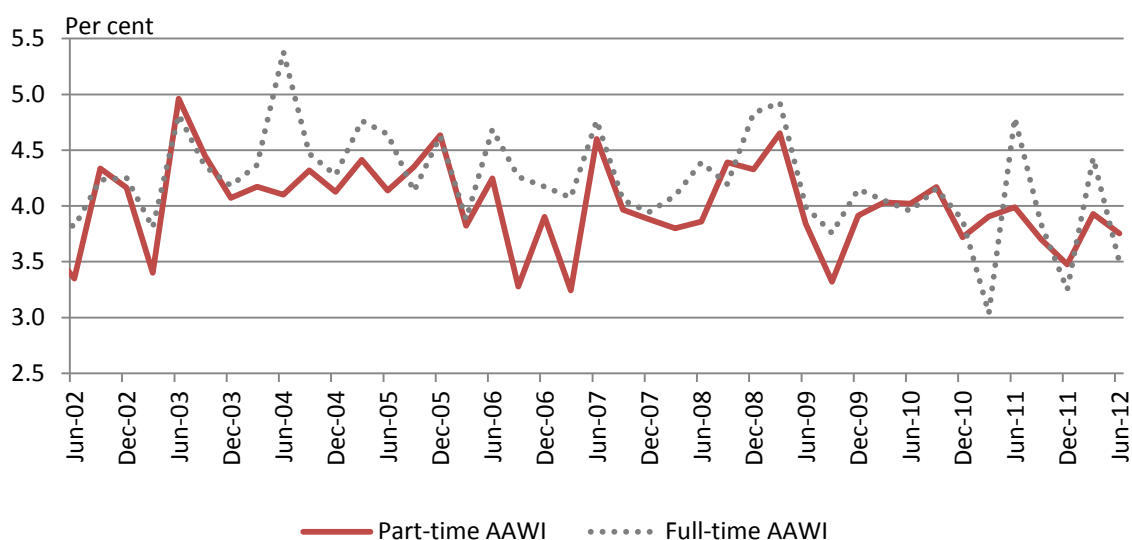
**Table 5.13: AAWI (%) in agreements by type of employment, and proportion of part-time employees, 2002–03 to 2011–12**

Overall	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12
	%	%	%	%	%	%	%	%	%	%
Full time	4.3	4.6	4.5	4.3	4.3	4.1	4.4	4.0	4.0	3.5
Part time	3.8	3.2	3.5	3.6	3.1	2.9	2.9	2.5	2.7	3.3
<b>Share of part-time employees in agreements</b>										
<20 per cent	4.5	5.0	4.5	4.4	4.4	3.9	4.3	4.3	4.0	3.6
≥20 per cent	4.1	4.0	4.1	4.3	3.6	3.9	4.2	3.8	3.9	3.7

Source: DEEWR, Workplace Agreements Database, June 2012.

Quarterly AAWIs further indicate that part-time AAWIs have been generally lower than full-time AAWIs both over the reporting period and over the decade. AAWIs for full-time employees have exhibited more volatility over the reporting period compared with over the decade, as evidenced by the AAWI increasing from 3.0 per cent to 4.8 per cent between the March quarter 2011 and June quarter 2011 and subsequently decreasing to 3.2 per cent in the December quarter 2011 (Figure 5.8).

**Figure 5.8: AAWI (%) in agreements certified or approved in the quarter for part-time and full-time employees, 2002–03 to 2011–12**



Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.4.2.3 Persons from a non-English speaking background

AAWIs for non-English speaking background employees were broadly similar compared with employees with an English speaking background over the decade, except in 2011–12 where English speaking background employees exhibited a lower than average AAWI of 3.4 per cent (Table 5.14).

Over the reporting period, AAWIs for workplaces with low proportions of non-English speaking background employees (less than 20 per cent) exhibited mostly similar AAWIs than workplaces with higher proportions of these employees. Over the decade, AAWIs for workplaces with lower



proportions of non-English speaking background employees were generally higher in the first half of the decade, and mostly similar for the second half (Table 5.14).

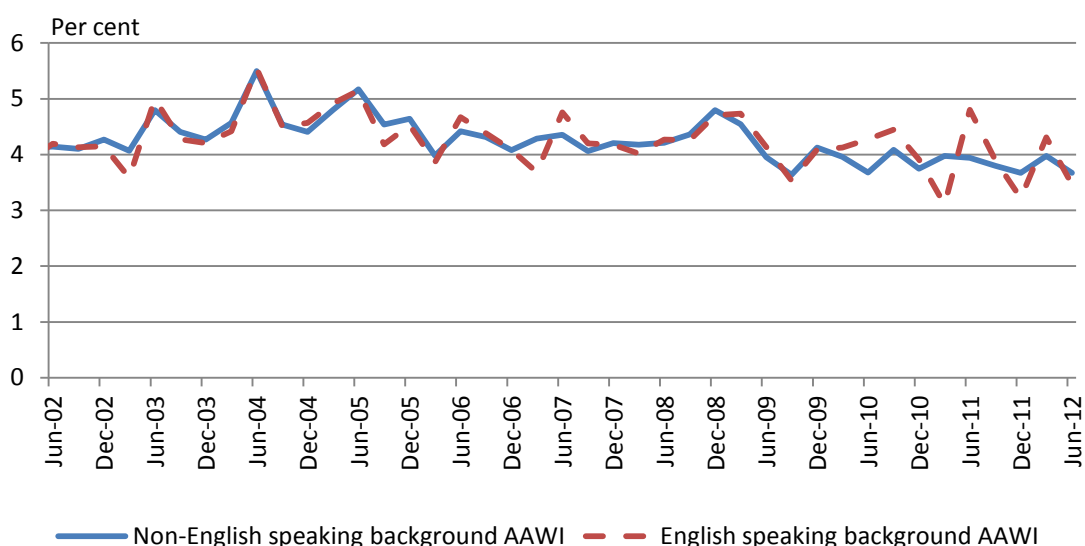
**Table 5.14: AAWI (%) in agreements by non-English speaking background status and by proportion of non-English speaking background employees, 2002–03 to 2011–12**

Overall	2002–03	2003–04	2004–05	2005–06	2006–07	2007–08	2008–09	2009–10	2010–11	2011–12
	%	%	%	%	%	%	%	%	%	%
Non-English speaking background	4.4	4.6	4.6	4.4	4.3	4.2	4.4	3.9	3.9	3.7
English speaking background	4.3	4.6	4.7	4.3	4.2	4.2	4.4	4.1	4.0	3.4
<b>Share of non-English speaking background employees in agreements</b>										
<20 per cent	4.6	4.8	5.0	4.2	4.6	4.1	4.3	3.9	4.1	3.7
≥20 per cent	4.1	4.5	4.3	4.6	4.0	4.2	4.5	3.9	3.7	3.8

Source: DEEWR, Workplace Agreements Database, June 2012.

Quarterly AAWIs over the decade show that AAWIs for non-English speaking background employees and English speaking background employees were mostly similar. However, AAWIs for English-speaking background employees have exhibited more volatility over the reporting period (Figure 5.9).

**Figure 5.9: AAWI (%) in agreements certified or approved in each quarter for non-English speaking background and English speaking background employees, 2002–03 to 2011–12**



Source: DEEWR, Workplace Agreements Database, June 2012.

#### 5.4.2.4 Young and mature age persons

Young employees (under 21) mostly exhibited lower AAWIs than both employees aged between 21 and 44 and mature age employees over the reporting period, which is consistent with trends exhibited over the decade. AAWIs for mature age employees (45 and over) and employees aged between 21

and 44 were broadly similar over the decade, except in 2011–12, where employees aged between 21 and 44 experienced a lower than average AAWI of 3.4 per cent (Table 5.16).

AAWIs for workplaces with low proportions of young employees (less than 20 per cent) exhibited higher AAWIs over the reporting period than workplaces with 20 per cent of young employees or more, consistent with trends exhibited over the decade. In contrast, AAWIs for workplaces with low proportions of mature age employees (less than 20 per cent) exhibited mostly lower AAWIs than workplaces with higher proportions of mature age employees (Table 5.15).

**Table 5.15: AAWI (%) in agreements for young and mature age workers and by proportion of employees by age, 2002–03 to 2011–12**

<b>Overall</b>	<b>2002–03</b>	<b>2003–04</b>	<b>2004–05</b>	<b>2005–06</b>	<b>2006–07</b>	<b>2007–08</b>	<b>2008–09</b>	<b>2009–10</b>	<b>2010–11</b>	<b>2011–12</b>
	%	%	%	%	%	%	%	%	%	%
Young (under 21)	3.4	3.6	3.8	3.9	3.3	3.7	3.8	3.8	3.9	3.8
≥21 and ≤44	–	–	–	4.4	4.1	4.0	4.4	4.0	4.0	3.4
Mature (45 and over)	–	–	–	4.4	4.2	4.1	4.4	4.1	4.0	3.8
<b>Share of young employees in agreements</b>										
<20 per cent	4.0	4.3	4.5	4.4	3.9	4.2	4.5	4.0	4.1	4.1
≥20 per cent	3.2	3.5	3.7	3.7	3.2	3.6	3.5	3.7	3.7	3.7
<b>Share of mature employees in agreements</b>										
<20 per cent	–	–	–	–	3.3	3.7	4.3	3.6	3.9	3.8
≥20 per cent	–	–	–	–	4.4	4.2	4.4	4.1	4.0	3.8

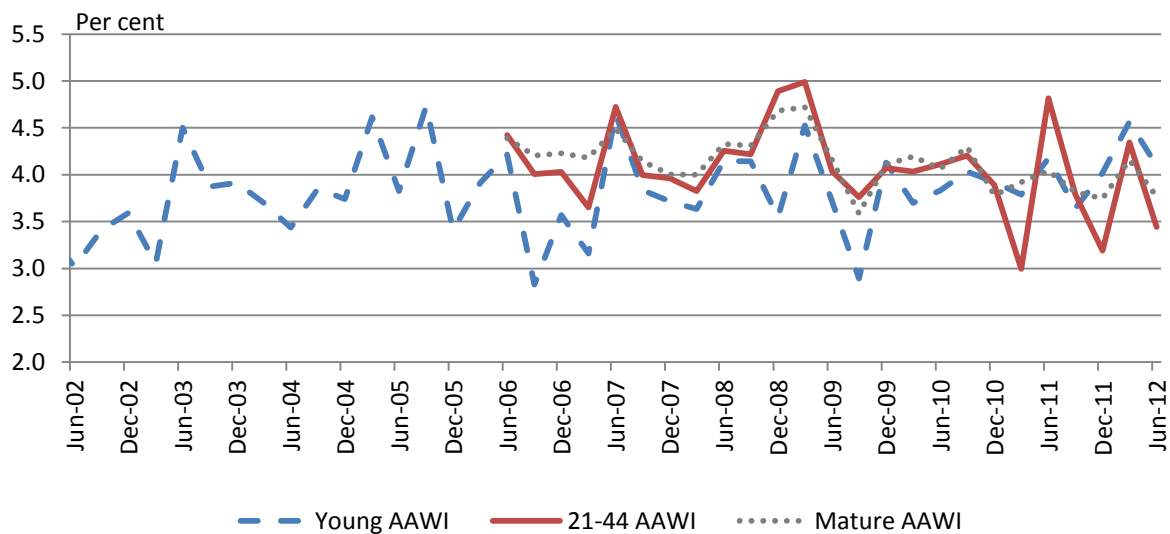
Note: Data on mature age employees only available from 2006.

Source: DEEWR, Workplace Agreements Database, June 2012.

For young employees, the quarterly AAWI was generally lower than the other groups over the reporting period, which is similar to the trend exhibited over the decade. This trend may be partly explained by a majority of young employees working in industries that have lower than average AAWIs, such as Retail trade and Accommodation and food services.

AAWIs for employees aged between 21 and 44 and mature age employees were broadly similar through the period, except from March quarter 2011 onwards, where AAWIs for employees aged between 21 and 44 fluctuated (Figure 5.10).

**Figure 5.10: AAWI (%) for agreements certified or approved in the quarter by age, 2002–03 to 2011–12**



Source: DEEWR, Workplace Agreements Database, June 2012.

### 5.4.3 Conditions developments for designated groups

This Section focuses on the developments in the range of conditions of employment by designated groups in agreements approved between 2009–10 and 2011–12.<sup>55</sup>

Table 5.16 shows the coverage of designated group employees by core provisions in approved agreements over the reporting period.

<sup>55</sup> Please refer to section 5.3 for a discussion of provisions.

**Table 5.16: Coverage of designated group employees by core provisions in agreements, 2009–10 to 2011–12**

	% of female	% of part-time	% of non-English speaking background	% of under 21s	% of 45 and over	% of all
Long service leave	95.8	96.0	89.5	96.2	92.5	94.2
Annual leave	97.6	97.3	96.1	98.7	97.2	97.6
Personal/carer's leave	96.7	97.4	96.7	97.5	96.7	96.5
Overtime	92.9	93.1	92.1	97.7	91.0	92.5
Salary-related matters	67.0	64.9	63.4	60.8	66.7	67.4
Public Holidays	92.7	93.5	94.2	96.5	92.1	92.4
Termination change and redundancy	96.5	97.8	95.9	98.0	94.7	93.9
Occupational health and safety	78.3	78.1	84.3	86.0	81.1	82.1
Equity issues	74.8	77.1	68.8	70.2	91.8	76.4
Consultative arrangements	53.4	50.8	62.4	49.0	61.6	55.0
Superannuation	98.2	98.5	97.3	97.0	97.2	97.2
Parental leave	97.4	98.7	93.2	97.0	93.5	94.8
Type of employment	99.6	99.6	97.5	99.2	97.7	98.2
Hours of work	97.0	97.9	95.2	98.9	95.8	96.6
Shift work	87.5	90.5	86.6	92.7	86.2	87.5
Work organisation/performance indicators	67.0	63.6	68.4	46.8	71.1	67.4
Training	76.4	75.0	81.1	61.9	80.9	76.9

Note: Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. The sample used for the analysis of conditions for designated groups only includes agreements where the numbers of employees of each designated groups were known. Consultative arrangements were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

An analysis of core provisions coverage by designated group employees shown in Table 5.16 is provided below.

#### **5.4.3.1 Women**

Women were more likely to be covered by agreements with parental leave provisions, but were less likely to be covered by agreements with occupational health and safety provisions, relative to all employees.

#### **5.4.3.2 Part-time employees**

Part-time employees were more likely to be covered by agreements with parental leave; termination change and redundancy; and shift work provisions, but were less likely to be covered by agreements with consultative arrangements; occupational health and safety; work organisation/performance indicators; salary-related matters; and training provisions, relative to all employees.

#### **5.4.3.3 Persons from a non-English speaking background**

Non-English speaking background employees were more likely to be covered by agreements with training; consultative arrangements; and occupational health and safety provisions, but were less likely to be covered by agreements with long service leave, salary-related matters provisions and equity issues, relative to all employees.

#### **5.4.3.4 Young persons**

Employees under the age of 21 were more likely to be covered by agreements with consultative arrangements; shift work; overtime; public holiday; termination change and redundancy; occupational health and safety; hours of work; parental leave; and long service leave provisions. However, they were significantly less likely to be covered by agreements with work organisation/performance indicators; training; and salary-related matters provisions, relative to all employees.

#### **5.4.3.5 Mature age persons**

Employees aged 45 and over were more likely to be covered by agreements with consultative arrangements, training and work organisation/performance indicators provisions, relative to all employees.

### **5.4.4 Type of employment provisions**

Table 5.17 shows the coverage of designated group employees by type of employment provisions in approved agreements over the reporting period.

**Table 5.17: Coverage of designated group employees by type of employment provisions in agreements, 2009–10 to 2011–12**

	% of female	% of part-time	% of non-English speaking background	% of under 21s	% of 45 and over	% of all
Casual employment	95.2	96.9	90.6	97.5	91.9	93.3
Part-time employment	97.5	98.5	88.5	95.8	90.9	91.2
Probation	36.1	34.1	33.9	53.4	33.9	35.7
Fixed-term, short-term, temporary employment	7.3	6.2	6.1	8.8	6.8	7.8
Restricted use of fixed-term, short-term or temporary employment	1.3	0.9	1.6	1.2	1.5	2.3

Notes: (1) Under s.653(1A) of the Fair Work Act the reference period required for this review is for the three years following from the commencement of s.653 (26 May 2009). However, applications for approval of enterprise agreements under the Fair Work Act could not be made prior to 1 July 2009. Accordingly, the data in the Table reflects a three-year period from 1 July 2009.

(2) The sample used for the analysis of conditions for designated groups only includes agreements where the numbers of employees of each designated groups were known.

Source: DEEWR, Workplace Agreements Database, June 2012.

An analysis of the coverage of designated group employees by type of employment provisions shown in Table 5.17 is provided below.

#### **5.4.4.1 Women**

Women were more likely to be covered by agreements with part-time and casual employment clauses, relative to all employees.

#### **5.4.4.2 Part-time employees**

Part-time employees were more likely to be covered by agreements with part-time and casual employment clauses and less likely to be covered by agreements with probation; fixed-term, short-term, temporary employment; and restricted use of fixed-term, short-term or temporary employment provisions, relative to all employees.

#### **5.4.4.3 Persons from a non-English speaking background**

Non-English speaking background employees were less likely to be covered by agreements with casual employment; part-time employment; probation; and fixed-term, short-term, temporary employment provisions, relative to all employees.

#### **5.4.4.4 Young persons**

Employees under the age of 21 were more likely to be covered by agreements with probation; part-time and casual employment clauses, relative to all employees.

#### **5.4.4.5 Mature age persons**

Employees over 45 were less likely to be covered by agreements with probation and casual employment provisions, relative to all employees.

## References

### Data references

ABS, *Australian and New Zealand Standard Industrial Classification, 2006*, Catalogue No. 1291.0.

ABS, *Employee Earnings and Hours, expanded CURF*, May 2010, Catalogue No. 6306.0.55.001.

ABS, *Employee Earnings and Hours*, May 2010, Catalogue No. 6306.

ABS, *Labour Force, Australia, Detailed - Electronic Delivery, August 2012*, Catalogue No. 6291.0.55.001.

ABS, *Labour Force, Australia*, June 2012, Catalogue No. 6202.0.

Case Management System Plus, Fair Work Australia administrative data.

DEEWR, Workplace Agreements Database, June 2012.

Fair Work Australia, Fair Work Australia Annual Report 2009–10.

Fair Work Australia, Fair Work Australia Annual Report 2010–11.

Fair Work Australia, Fair Work Australia Annual Report 2011–12.

### Legislation

*Fair Work Act 2009* (Cth).

*Fair Work (Commonwealth Powers) Act 2009* (SA).

*Fair Work (Commonwealth Powers) Act 2009* (Vic).

*Fair Work (Commonwealth Powers) and Other Provisions Act 2009* (Qld).

*Fair Work Amendment (State Referrals and Other Measures) Act 2009* (Cth).

*Fair Work (State Referral and Consequential and Other Amendments) Act 2009* (Cth).

*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* (Cth).

*Industrial Relations Reform Act 1993* (Cth).

*Industrial Relations Act 1988* (Cth).

*Industrial Relations (Commonwealth Powers) Act 2009* (NSW).

*Industrial Relations (Commonwealth Powers) Act 2009* (Tas).

*Statutes Amendment (National Industrial Relations System) Act 2009* (SA).

*Workplace Relations Act 1996* (Cth).

*Workplace Relations Amendment (A Stronger Safety Net) Act 2007* (Cth).

*Workplace Relations Amendment (Work Choices) Act 2005* (Cth).



## Other Sources

ABS, *ABS Feature article: Employees in the federal or state workplace relations jurisdictions for pay-setting*, Australian Labour Market Statistics, July 2009, Catalogue No. 6105.0.

ABS, *ABS feature article: Trends in employee methods of setting pay and jurisdictional coverage*, Australian Labour Market Statistics, July 2011, Catalogue No. 6105.0.

ABS, *Employee Earnings and Hours, Australia*, May 2010, Catalogue No. 6306.0.

ABS, *Labour Force, Australia, Explanatory Notes*, July 2012, Catalogue No. 6202.0.

Creighton B and Steward A (2010), *Labour Law* (5th Edition), The Federation Press, NSW, pp. 304–305.

DEEWR (2010), *Agreement making in Australia under the Workplace Relations Act: 2007 to 2009*, Commonwealth of Australia, 30 June.

DEEWR (2012), *Australian Enterprise Agreements Data* website, viewed 9 September 2012, <http://www.deewr.gov.au/workplacerelements/pages/australianenterpriseagreementsdata.aspx>.

Senior Deputy President Jennifer Acton (2011), Fair Work Australia, 'Fair Work Australia: An Accessible Independent Umpire for Employment Matters', 53 *Journal of Industrial Relations* 578.

## Appendix A—Technical notes

### Data used in this report

The data sources used in this report include:

- Department of Education, Employment and Workplace Relations (DEEWR), Workplace Agreements Database (WAD);
- Fair Work Australia, Case Management System Plus (CMS plus), Fair Work Australia administrative data;
- Australian Bureau of Statistics (ABS), *Employee Earnings and Hours, expanded CURF*, Catalogue No. 6306.0.55.002; and
- ABS, *Labour Force, Australia*, Catalogue No. 6202.0.

The data for Chapter 3 are from the ABS Employee Earnings and Hours (EEH) survey for May 2010. Data for May 2010 are available as a Confidentialised Unit Record File (CURF) which permits disaggregation of pay-setting arrangements.

The data in Chapter 4 are drawn from Fair Work Australia's CMS plus. These data have been previously reported in Fair Work Australia's Annual Reports for 2009–10, 2010–11 and 2011–12.

Chapter 5 and Appendices B, C and D to this report use data from the WAD. Chapter 5 also uses ABS data from the June 2012 issue of *Labour Force, Australia*.

### Workplace Agreements Database

#### Accuracy

Because the WAD is a census database rather than drawing on a sample of agreements, issues of sampling error are not relevant. However some figures, such as number of employees and wage increments expressed in dollar amounts, are based upon sample data provided by the ABS.

Non-sampling error, on the other hand, is an issue in any data. Non-sampling error refers to the inaccuracy in the data provided because of imperfections in recording data or inaccuracies in data provided to DEEWR. Efforts have been made to reduce non-sampling error by careful quality control of data.

#### Employee coverage

The number of employees covered by an enterprise agreement is generally specified in the employer's declaration form (Form 17) which supports their initial application for the approval of that agreement lodged with Fair Work Australia. In addition, DEEWR may refer to Fair Work Australia decisions and transcripts, as well as establish contact with employer and/or employee organisations.

In the WAD, actual employee numbers are known for 92.9 per cent of agreements approved over the reporting period. Where an agreement's employee coverage is unknown, and the agreement replaces an earlier agreement where employee coverage is known, then the number of employees from the earlier agreement is used. In cases where the agreement is still lacking employee coverage data, the number of employees is estimated by using a type of trimmed mean. The method employed by DEEWR is to exclude the largest and smallest 5 per cent of agreements for each industry group in the preceding year, and then to calculate the average number of employees from the remaining agreements by industry.

Employment numbers are not specified under greenfields agreements. All employee coverage numbers for greenfields agreements used in the report have been estimated by DEEWR using the modified mean method described above.

### **Measuring agreement coverage**

Enterprise and collective agreements contain the terms and conditions of employment for a group of employees. Both the number of agreements and the number of employees they cover can be examined.

### **Average Annualised Wage Increases**

Estimates of Average Annualised Wage Increases (AAWI) are calculated for those agreements which provide a quantifiable wage increase over the life of the agreement. AAWI data examine increases to the base rate of pay only and do not take into account payments such as allowances and bonuses.

There are two stages to calculating the AAWI for agreements with quantifiable wage increases.

- Summing the percentage wage increases to give a total percentage wage increase for each agreement. For agreements where the percentage wage increase is compounded, then the effective rate of interest is taken into account.
  - For example, for an agreement that contains three 5 per cent increases compounded over three years, then the total percentage wage increase would be the sum of 5 per cent, 5.25 per cent and 5.51 per cent. Flat dollar increases are converted to a percentage using average weekly ordinary time earnings drawn from ABS, *Average Weekly Earnings, Australia*, Catalogue No. 6302.0.
- Annualising the total percentage wage increase by dividing it by the effective duration (in years).

AAWI per agreement provides an unweighted average and tends to overstate the average wage increases received by employees. AAWI per agreement weighted by the number of employees covered by that agreement calculates the employee weighted AAWI, which is a more reliable estimate.

Wage increases for which an average percentage increase could not be quantified, or are inconsistently applied for each employee covered by the agreement, are excluded from estimates of AAWI. This generally excludes increases which are linked to productivity or which are paid in the form of one-off bonuses, profit-sharing or share acquisition. This will tend to underestimate the average wage increase. Wage increases also cannot be quantified for agreements where base rates of pay have not been provided, and where wages are adjusted automatically by the Consumer Price Index or by annual wage review decisions.

### **Agreement size**

The composition of employees within and across all industries can also vary significantly from reporting period to reporting period. Employment conditions may vary significantly between small and large agreements, in part reflecting the different needs of such workplaces. In particular, larger agreements tend to be more comprehensive, with a greater number of provisions than small agreements.

## Survey of Employee Earnings and Hours

### Definitions of method of setting pay arrangements

The ABS define method of setting pay arrangements as follows:

#### *Award only*

Awards are legally enforceable determinations made by federal or state industrial tribunals that set the terms of employment, usually in a particular industry or occupation ... Employees are classified to the 'Award only' category if they are paid at the rate of pay specified in the award, and are not paid more than that rate of pay.<sup>56</sup>

#### *Individual arrangement*

An individual arrangement is an arrangement between an employer and an individual employee on the terms of employment for the employee. Common types of individual arrangements are individual contracts, letters of offer and common law contracts. An individual arrangement may specify all terms of employment, or reference an award for its pay and/or conditions. Individual arrangements may also be registered with a Federal or State industrial tribunal or authority (eg. as an Australian Workplace Agreement). However, the *Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008* ceased the registration of individual agreements from 28 March 2008.

Employees are classified to the individual arrangement category if they have the main part of their pay set by an individual contract, registered individual agreement (eg. Australian Workplace Agreement), common law contract, or if they receive overaward payments by individual agreement.<sup>57</sup>

#### *Owner manager of incorporated enterprise*

A person who works in their own incorporated enterprise - that is, a business entity which is registered as a separate legal entity to its members or owners.<sup>58</sup>

### Employee coverage

The EEH survey sample is weighted to account for most employing organisations in Australia, including both public and private sectors, with a few exceptions. Enterprises that are primarily engaged in the Agriculture, forestry and fishing industry are outside the scope of the survey, as are foreign embassies, and private households employing staff. The employees of employers covered in the survey are in scope if they received pay for the reference period, with the exception of members of the Australian defence force, employees based outside Australia and employees on workers' compensation who are not paid through the payroll.<sup>59</sup>

The EEH survey includes information determining whether the main part of an employee's pay was set by an award, individual agreement or collective/enterprise agreement. The EEH survey's CURF provides additional detail of an employee's method of pay with data for individual and collective/enterprise agreements and agreements identified as either registered or unregistered.

---

<sup>56</sup> ABS (2010), *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 34.

<sup>57</sup> ABS (2010), *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 34.

<sup>58</sup> ABS (2010), *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 35.

<sup>59</sup> ABS (2010), *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 25.

Information on the jurisdiction (Federal or State) of registered agreements is also provided from the survey's CURF.

### **Employee earnings**

Average weekly earnings for all employees and the average weekly earnings for full-time adult employees are key series produced from the EEH survey. Average hourly earnings measures can in turn be derived from data on average weekly earnings by dividing these measures by paid hours of work. This report primarily accounts for average weekly and hourly total cash earnings. These measures incorporate remuneration paid to employees on a regular basis for time worked (including overtime payments) and also for time not worked (such as long-service leave and recreation). The 'cash earnings' component are gross amounts (that is, before tax) and are inclusive of amounts salary sacrificed.

### **Accuracy of data**

The EEH survey collects information from a sample of employers about their employees. The advantage of an employer survey is that employers may be able to refer directly to their employees' payroll and other records to coordinate a response to the survey questionnaire.

Imperfections in reporting by respondents still result in non-sampling errors. Non-sampling errors are pertinent to all types of surveys, however they are minimised by the careful design of the questionnaire, detailed checking of returns and the quality control of processing.

Because the results of the EEH survey are based on a sample of the population, this survey is also subject to sampling error. This means that the estimates in this sample may differ from the figures that would have been produced had the data been obtained from a full examination of all employers and employees. To minimise the risk of inaccuracy, the ABS employs a two-stage selection approach for the EEH survey. A random sample of around 9000 employer units are selected in order to adequately represent employers across different industries, states/territories, sectors and employee sizes. The employer sample culminates in data for around 60 000 employees who are randomly selected from the selected employers' payrolls.<sup>60</sup> Like most other ABS business surveys, mail-out/mail-back or telephone collection methods are employed, with follow-up procedures for non-response.

The EEH survey is not specifically designed to produce estimates of the number of employees in the workforce. The *Labour Force, Australia* publication is referred to by the ABS as the primary source for official estimates of employment.<sup>61</sup>

## **Labour Force survey**

### **Accuracy**

The Labour Force survey is a household survey that collects information from the occupants of selected dwellings by specially trained interviewers using computer-assisted interviewing.

---

<sup>60</sup> ABS (2010) *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 25.

<sup>61</sup> ABS (2010) *Employee Earnings and Hours, Australia*, Catalogue No. 6306.0, p. 28.

Sampling error and non-sampling error are issues to consider with all sample surveys. Sampling error occurs because a sample, rather than the entire population, is surveyed. The risk of sampling error can be reduced by increasing the size of the sample. Non-sampling error is caused by human error or made by false information provided by respondents. Non-sampling error also arises because not all information can be obtained from all persons selected for the survey. However, the Labour Force survey has a high rate of cooperation from persons in selected dwellings with an average response rate of 96 per cent for the past year.<sup>62</sup>

### **Employee coverage**

The Labour Force survey includes all persons aged 15 years and over except members of the permanent defence forces, certain diplomatic personal of overseas governments, overseas residents in Australia and members of non-Australian defence force stationed in Australia.<sup>63</sup>

### **Coverage of designated groups**

In producing this report, s.653(2) of the Fair Work Act requires the General Manager to consider the effect that developments in making enterprise agreements has had on the employment (including wages and conditions of employment) of the following persons:

- women;
- part-time employees;
- persons from a non-English speaking background;
- mature age persons;
- young persons; and
- any other persons prescribed by the regulations.

Note that mature age persons and young persons are not defined in the Fair Work Act. For analysis using ABS data, young persons are defined as those aged between 15 and 19, while it is defined as those aged under 21 for the WAD analysis. Mature age persons are defined as those aged 45 and over for the ABS analysis, while it is defined as those aged over 45 for the WAD analysis.

Not all sources collect data relating to the designated groups under s.653(2). Table A.1 shows the data availability for designated groups for each data source used in this report.

---

<sup>62</sup> ABS (2012) *Labour Force, Australia*, Catalogue No. 6202.0, p. 31.

<sup>63</sup> ABS (2012) *Labour Force, Australia*, Catalogue No. 6202.0, p. 28.

**Table A.1: Data availability for designated groups**

	Women	Part-time	Non-English speaking background	Mature age employees	Young employees
Employee Earnings and Hours Survey	✓	✓	–	–	–
Labour Force survey	✓	✓	✓	✓	✓
Workplace Agreements Database	✓	✓	✓	✓	✓
CMS plus	–	–	–	–	–

Source: DEEWR, Workplace Agreements Database, June 2012; ABS, *Employee Earnings and Hours*, May 2010, Catalogue No. 6306.0; Australian Bureau of Statistics, *Labour Force, Australia*, June 2012, Catalogue No. 6202.0; *Labour Force, Australia, Detailed - Electronic delivery*, June 2012, Catalogue No. 6291.0.55.001; CMS plus.

The WAD collates data on the numbers of designated group employees covered by an agreement from the necessary statutory declarations or lodgement forms filed by employers. While the overall number of employees is estimated for agreements where their actual number is unknown, reliable estimates cannot be made for the numbers of designated group employees covered by agreements where this information is not provided. Approximately 90 per cent of agreements approved during the reporting period specified at least one designated group.

The May 2010 EEH survey reported data relating to some of the designated groups. Both the summary publication and the CURF provide data on the number of employees who are female and who work part-time cross-referenced with method of setting pay. Information on the number of employees who are young persons is not specifically given, however, data from the CURF can be interrogated to estimate the number of employees who are paid a junior rate (employees who are under 21 years of age and are not paid at the full adult rate for their occupation). The EEH survey does not collect demographic details on mature age persons and persons from a non-English speaking background.

The Labour Force survey collects labour market information relating to all five designated groups. However, as the Labour Force survey does not collect information regarding employees' pay-setting arrangements, the survey is rendered less useful than the WAD and the EEH for the purposes of meeting s.653(2) of the Fair Work Act.

## Appendix B—Conditions by industry

**Table B.1: Main provisions in agreements by industry, 2009–10 to 2011–12**

	Number of enterprise agreements	Long service leave	Annual leave	Personal/ carer's leave	Overtime	Salary related matters	Public holidays	Termination change and redundancy	Occupational health and safety	Equity issues
	No.	%	%	%	%	%	%	%	%	%
Agriculture, forestry and fishing	429	86.9	90.4	90.4	94.6	24.0	93.2	90.4	89.7	48.0
Mining	516	91.1	94.6	95.5	90.3	61.8	89.5	93.8	86.8	17.2
Manufacturing	3784	91.2	95.4	95.6	86.5	43.1	87.0	95.3	84.5	30.6
Electricity, gas, water and waste services	442	79.4	99.1	97.7	94.8	49.3	94.6	94.6	87.1	33.7
Construction	7229	91.0	96.3	97.3	95.8	65.7	94.8	97.3	95.7	36.0
Wholesale trade	518	88.4	96.7	96.3	86.9	40.2	90.3	95.0	81.9	32.6
Retail trade	772	93.7	97.8	98.2	95.5	43.7	95.7	93.9	67.5	49.1
Accommodation and food services	734	81.3	98.0	96.5	95.8	55.3	95.9	95.0	61.7	27.8
Transport, postal and warehousing	1525	82.1	94.2	93.5	82.0	52.1	83.0	88.7	82.3	28.8
Information media and telecommunications	169	87.6	99.4	92.3	92.3	62.7	89.3	91.7	63.3	40.2
Financial and insurance services	226	94.7	99.6	95.6	95.1	42.9	95.1	99.6	54.4	57.1
Rental, hiring and real estate services	373	78.6	90.1	94.4	72.1	48.8	80.4	92.2	66.8	27.9
Professional, scientific and technical services	463	92.4	96.5	95.7	90.9	50.1	89.4	94.0	85.1	30.5
Administrative and support services	688	85.0	91.7	92.4	90.8	55.5	89.7	91.3	84.6	33.7
Public administration and safety	764	90.8	98.2	96.3	93.8	61.9	92.9	94.5	83.8	67.1
Education and training	804	95.8	97.6	96.8	48.0	78.1	85.9	95.5	57.7	48.4
Health care and social assistance	1775	93.7	90.6	97.7	92.5	68.0	95.7	95.1	74.5	72.5
Arts and recreation services	287	82.2	94.4	93.4	96.2	59.6	94.1	81.9	88.5	41.8
Other services	490	89.4	93.9	93.9	92.4	46.5	92.0	93.5	80.8	45.7
<b>All industries</b>	<b>21 988</b>	<b>89.7</b>	<b>95.4</b>	<b>96.1</b>	<b>90.0</b>	<b>56.7</b>	<b>91.5</b>	<b>94.8</b>	<b>84.2</b>	<b>39.1</b>



Table B.1 (continued)

	Consultative arrangements	Superannuation	Parental leave	Type of employment	Hours of work	Shift work/ rostering provisions	Work organisation	Training	Number of employees
	%	%	%	%	%	%	%	%	('000)
Agriculture, forestry and fishing	40.9	93.2	87.9	98.4	97.2	71.8	69.5	68.1	14.7
Mining	18.9	96.7	83.9	92.8	95.2	89.7	68.0	73.1	41.1
Manufacturing	53.5	89.6	79.8	87.1	92.8	78.9	66.6	77.0	242.4
Electricity, gas, water and waste services	52.4	93.2	88.2	95.2	98.9	90.5	69.9	79.4	61.1
Construction	63.5	98.9	88.4	96.2	98.9	83.5	63.9	80.5	131.5
Wholesale trade	38.5	94.8	83.6	92.3	96.7	76.8	63.5	69.5	49.4
Retail trade	16.7	96.4	86.5	97.9	98.4	81.5	43.9	63.1	348.1
Accommodation and food services	17.8	97.1	88.8	99.5	98.2	80.9	43.9	56.4	87.2
Transport, postal and warehousing	44.3	94.8	79.0	91.7	91.4	78.4	60.0	76.6	192.2
Information media and telecommunications	27.2	94.7	86.4	93.5	95.3	84.6	69.2	74.0	46.1
Financial and insurance services	25.0	98.2	95.6	98.2	99.1	74.8	74.3	79.6	223.1
Rental, hiring and real estate services	10.8	97.1	87.4	82.6	83.6	59.5	53.9	56.0	7.8
Professional, scientific and technical	36.2	95.2	88.1	94.0	94.6	71.7	65.7	66.3	36.8
Administrative and support services	34.1	96.9	83.9	96.4	95.9	76.2	48.7	68.0	51.5
Public administration and safety	66.2	97.5	92.9	96.1	97.5	76.4	74.6	83.4	468.2
Education and training	42.9	96.5	97.5	97.4	91.2	26.6	51.9	75.4	329.3
Health care and social assistance	23.3	98.5	95.9	99.1	98.0	85.6	49.1	86.3	424.2
Arts and recreation services	29.8	97.6	88.5	98.3	95.8	70.4	43.9	56.8	53.4
Other services	33.3	93.1	84.1	94.7	96.9	63.9	59.4	71.8	31.4
<b>All industries</b>	<b>45.4</b>	<b>96.0</b>	<b>86.9</b>	<b>94.3</b>	<b>96.2</b>	<b>78.4</b>	<b>60.9</b>	<b>76.2</b>	<b>2839.5</b>

Notes: The reporting period is between 1 July 2009 and 30 June 2012 as enterprise agreements could not be made until 1 July 2009. Consultative arrangements were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

**Table B.2: Hours of work provisions in agreements by industry, 2009–10 to 2011–12**

	Number of enterprise agreements	Specified weekly hours	Average weekly hours	Make-up time	Time off in lieu at ordinary time rates	Time off in lieu at penalty rates	No restriction on days	Hours averaged over more than 4 weeks
	No.	%	(Hours)	%	%	%	%	%
Agriculture, forestry and fishing	429	39.6	38.1	5.8	55.0	5.8	11.4	12.6
Mining	516	32.9	37.0	3.3	12.6	1.6	14.3	14.5
Manufacturing	3784	40.0	37.9	18.1	24.5	7.0	3.9	10.6
Electricity, gas, water and waste services	442	39.4	38.2	22.4	45.0	6.6	7.0	6.7
Construction	7229	43.8	36.9	2.9	8.3	1.1	1.6	6.3
Wholesale trade	518	28.4	37.9	20.3	30.1	11.4	3.5	5.8
Retail trade	772	71.8	38.0	7.6	12.4	43.8	30.8	20.1
Accommodation and food services	734	54.1	38.1	6.5	15.3	21.7	30.5	15.9
Transport, postal and warehousing	1525	38.6	38.1	12.9	21.0	8.2	12.6	11.7
Information media and telecommunications	169	35.5	37.7	24.9	62.1	13.0	4.7	21.9
Financial and insurance services	226	57.1	37.7	42.9	66.8	12.8	5.8	7.4
Rental, hiring and real estate services	373	25.7	38.0	6.4	23.9	5.6	18.0	26.1
Professional, scientific and technical services	463	28.7	37.6	10.4	25.1	8.2	5.4	12.3
Administrative and support services	688	39.0	37.4	7.1	14.2	5.4	8.6	11.3
Public administration and safety	764	41.1	37.7	25.7	37.0	32.9	7.9	19.0
Education and training	804	24.1	37.5	13.4	27.2	11.2	3.2	35.8
Health care and social assistance	1775	50.4	38.0	23.2	46.1	26.6	8.5	6.8
Arts and recreation services	287	58.9	38.0	11.1	37.6	13.9	25.8	7.5
Other services	490	36.7	37.7	14.3	33.7	18.8	6.9	11.5
<b>All industries</b>	<b>21 988</b>	<b>42.4</b>	<b>37.5</b>	<b>11.5</b>	<b>22.1</b>	<b>9.9</b>	<b>7.3</b>	<b>11.0</b>

**Table B.2 (continued)**

	Compressed week	Hours of work decided by employee majority	Hours of work may be negotiated	Hours of work varied by employer after consultation	Management may alter hours	Flexitime	12-hour shift	RDOs may be banked/accrued
	%	%	%	%	%	%	%	%
Agriculture, forestry and fishing	0.9	47.3	55.2	12.8	47.5	4.2	42.3	15.4
Mining	3.7	21.3	25.8	26.4	41.9	–	58.5	16.2
Manufacturing	3.4	31.7	34.8	23.0	26.4	3.2	35.1	32.5
Electricity, gas, water and waste services	4.8	25.6	44.1	19.2	43.4	4.9	31.7	38.1
Construction	0.5	35.1	25.6	46.5	25.2	0.4	11.6	69.3
Wholesale trade	1.9	23.0	38.6	22.8	31.0	9.5	4.8	29.9
Retail trade	2.1	8.3	69.3	12.7	66.0	0.5	12.1	7.0
Accommodation and food services	0.5	2.0	53.5	12.1	45.8	0.9	37.2	9.1
Transport, postal and warehousing	2.3	12.1	32.6	14.6	36.4	2.6	17.6	19.0
Information media and telecommunications	14.2	36.1	55.0	27.8	40.7	21.4	7.1	12.3
Financial and insurance services	0.4	7.5	68.6	16.8	58.8	5.2	2.6	9.6
Rental, hiring and real estate services	–	9.7	22.3	19.0	32.3	2.1	4.3	9.2
Professional, scientific and technical services	1.5	19.2	35.9	24.0	16.6	2.4	43.9	20.9
Administrative and support services	0.3	17.9	31.3	25.4	32.5	3.2	21.0	30.1
Public administration and safety	2.9	17.4	54.8	16.5	25.3	45.3	18.8	28.8
Education and training	0.7	6.5	46.4	13.3	13.0	6.0	–	10.1
Health care and social assistance	4.2	10.3	64.4	24.6	22.8	4.4	13.7	39.7
Arts and recreation services	1.0	10.5	54.0	13.6	36.5	25.5	31.9	10.7
Other services	2.0	15.1	36.9	17.6	19.4	8.3	22.2	22.9
<b>All industries</b>	<b>1.9</b>	<b>24.3</b>	<b>37.9</b>	<b>28.5</b>	<b>30.9</b>	<b>3.6</b>	<b>19.2</b>	<b>37.8</b>

**Table B.2 (continued)**

	RDOs may be varied by mutual agreement	TOIL for working on an RDO	Public holidays may be varied by mutual agreement	Breaks not to interrupt continuity of work	Management may alter break	Number of employees
	%	%	%	%	%	('000)
Agriculture, forestry and fishing	9.6	0.6	73.2	53.8	12.6	14.7
Mining	17.4	2.3	15.1	47.3	23.9	41.1
Manufacturing	35.1	8.5	32.0	36.3	24.5	242.4
Electricity, gas, water and waste services	35.7	9.5	34.1	30.1	22.8	61.1
Construction	76.2	39.2	19.0	23.3	17.8	131.5
Wholesale trade	32.2	10.3	28.6	32.2	23.0	49.4
Retail trade	8.4	0.8	20.6	42.1	42.8	348.1
Accommodation and food services	5.2	1.5	20.4	40.2	38.1	87.2
Transport, postal and warehousing	19.7	2.6	14.5	27.2	15.2	192.2
Information media and telecommunications	18.9	17.3	28.6	20.7	29.6	46.1
Financial and insurance services	14.6	3.7	13.0	38.1	59.6	223.1
Rental, hiring and real estate services	29.0	3.6	2.1	41.6	11.3	7.8
Professional, scientific and technical services	33.5	6.1	29.3	30.2	17.2	36.8
Administrative and support services	41.3	7.9	50.0	22.7	23.8	51.5
Public administration and safety	30.4	9.7	40.6	17.8	9.4	468.2
Education and training	8.2	2.6	27.4	30.2	6.7	329.3
Health care and social assistance	25.1	5.5	20.0	29.7	10.9	424.2
Arts and recreation services	8.0	1.1	27.7	16.7	33.1	53.4
Other services	28.0	3.0	13.9	23.5	24.4	31.4
<b>All industries</b>	<b>41.9</b>	<b>15.6</b>	<b>23.7</b>	<b>29.6</b>	<b>21.0</b>	<b>2839.5</b>

Notes: RDOs refer to rostered days off. TOIL refers to time off in lieu. The reporting period is between 1 July 2009 and 30 June 2012 as enterprise agreements could not be made until 1 July 2009. Management may alter break, and RDOs may be banked/accrued, provisions were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010. Flexitime and 12-hour shift provisions were not coded after 1 January 2010, hence the percentages reflect the period between 1 July 2009 and 31 December 2009. Hours average over more than four weeks, provisions were not coded prior to 1 January 2010, hence the percentage reflect the period between 1 January 2010 and 30 June 2012.

Source: DEEWR, Workplace Agreements Database, June 2012.

**Table B.3: Type of employment provisions in agreements by industry, 2009–10 to 2011–12**

	Number of enterprise agreements	Casual employment	Casual employment loading quantum	Casuals can be transferred to permanent status	Part-time employment	Part-time regular hours/days worked
	No.	%	%	%	%	%
Agriculture, forestry and fishing	429	97.7	87.1	6.5	83.0	21.9
Mining	516	87.0	77.9	9.1	63.8	27.1
Manufacturing	3784	84.5	72.2	8.6	58.2	29.1
Electricity, gas, water and waste services	442	94.8	92.1	8.6	83.3	43.7
Construction	7229	95.7	90.2	10.5	30.4	13.4
Wholesale trade	518	88.8	85.6	11.8	69.9	34.9
Retail trade	772	96.4	80.5	17.1	87.3	20.5
Accommodation and food services	734	94.1	61.4	11.6	93.9	27.5
Transport, postal and warehousing	1525	89.0	76.7	11.0	69.6	29.2
Information media and telecommunications	169	88.2	79.0	18.9	89.3	61.5
Financial and insurance services	226	94.7	95.6	5.3	92.5	59.3
Rental, hiring and real estate services	373	81.0	28.2	4.3	58.7	16.1
Professional, scientific and technical services	463	90.5	79.8	11.4	59.2	17.3
Administrative and support services	688	95.1	86.8	11.5	50.3	24.0
Public administration and safety	764	87.8	82.4	5.9	86.3	53.4
Education and training	804	93.2	79.1	4.7	94.4	47.3
Health care and social assistance	1775	96.4	76.7	14.5	96.6	52.9
Arts and recreation services	287	97.6	80.9	22.3	77.4	17.4
Other services	490	91.4	84.1	14.3	75.3	39.0
<b>All industries</b>	<b>21 988</b>	<b>92.1</b>	<b>80.5</b>	<b>10.5</b>	<b>59.9</b>	<b>27.3</b>

**Table B.3 (continued)**

	Fixed/short-term/seasonal employment	Restricted use of fixed/short-term employment	Seasonal employment	Probation	Proportions of juniors, apprentices or trainees	Number of employees
	%	%	%	%	%	('000)
Agriculture, forestry and fishing	21.5	2.8	2.8	79.6	–	14.7
Mining	46.4	5.7	–	72.1	–	41.1
Manufacturing	27.2	4.1	0.5	58.2	2.7	242.4
Electricity, gas, water and waste services	59.9	17.1	0.2	69.8	–	61.1
Construction	10.3	0.4	–	45.0	31.4	131.5
Wholesale trade	29.0	–	–	65.5	–	49.4
Retail trade	33.3	3.5	0.3	73.3	–	348.1
Accommodation and food services	18.4	0.9	1.0	63.8	0.9	87.2
Transport, postal and warehousing	34.6	2.6	0.1	64.8	1.0	192.2
Information media and telecommunications	31.0	–	–	35.8	–	46.1
Financial and insurance services	44.3	2.6	–	79.4	–	223.1
Rental, hiring and real estate services	19.0	4.3	–	57.9	–	7.8
Professional, scientific and technical services	29.4	9.8	0.2	72.4	–	36.8
Administrative and support services	21.1	4.8	0.4	62.3	4.8	51.5
Public administration and safety	47.6	14.1	–	55.6	1.6	468.2
Education and training	73.2	16.7	0.4	50.7	–	329.3
Health care and social assistance	45.2	5.4	0.2	37.8	1.0	424.2
Arts and recreation services	51.7	6.4	1.7	73.6	2.1	53.4
Other services	38.5	5.6	0.2	66.2	–	31.4
<b>All industries</b>	<b>27.6</b>	<b>3.4</b>	<b>0.3</b>	<b>55.6</b>	<b>12.2</b>	<b>2839.5</b>

Notes: The reporting period is between 1 July 2009 and 30 June 2012 as enterprise agreements could not be made until 1 July 2009. Probation and casual employment loading quantum provisions were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010. Fixed/short-term/seasonal employment provisions were not coded before 1 January 2010, hence the percentages reflect the period between 1 January 2010 and 30 June 2012. Restricted use of fixed/short-term employment and proportions of juniors, apprentices or trainees provisions were not coded after 1 January 2010, hence the percentages reflect the period between 1 July 2009 and 31 December 2009.

Source: DEEWR, Workplace Agreements Database, June 2012.

## Appendix C—Core provisions by agreement type

**Table C.1: Main provisions in agreements by type and sector, 2009–10 to 2011–12**

		Long service leave	Annual leave	Personal/carer's leave	Overtime	Salary-related matters	Public holidays	Termination change and redundancy	Occupational health and safety	Equity issues
		%	%	%	%	%	%	%	%	%
Employee collective	Agreements	88.9	94.0	94.2	90.2	44.7	92.1	90.1	69.7	26.7
	Employees	95.4	96.4	94.0	92.0	66.6	92.2	89.2	67.5	27.9
Multi enterprise greenfields	Agreements	100.0	100.0	100.0	28.6	42.9	85.7	100.0	100.0	0.0
	Employees	100.0	100.0	100.0	12.8	24.5	97.2	100.0	100.0	0.0
Multi enterprise non-greenfields	Agreements	94.9	95.9	96.9	79.6	68.4	83.7	89.8	73.5	32.7
	Employees	98.0	99.1	99.3	85.2	76.4	83.9	94.5	94.0	39.0
Single enterprise greenfields	Agreements	88.3	94.1	96.3	95.3	34.0	92.1	96.0	95.3	9.7
	Employees	86.7	94.5	96.7	96.0	43.7	92.6	94.3	85.4	8.7
Single enterprise non-greenfields	Agreements	89.8	95.7	96.3	89.8	58.4	91.7	95.0	83.8	19.4
	Employees	93.8	97.6	96.3	92.7	65.8	92.7	93.9	80.9	32.3
Union collective	Agreements	89.1	92.5	92.3	86.4	70.5	86.0	93.9	92.0	75.3
	Employees	96.4	97.0	97.0	94.7	90.0	94.8	95.1	81.1	88.2
Union greenfields	Agreements	94.1	94.1	100.0	100.0	82.4	100.0	100.0	100.0	35.3
	Employees	97.4	97.4	100.0	100.0	87.7	100.0	100.0	100.0	20.1



**Table C.1 (continued)**

		Consultative arrangements	Superannuation	Parental leave	Type of employment	Hours of work	Shift work	Work organisation/ performance indicators	Total
		%	%	%	%	%	%	%	No.
Employee enterprise	Agreements	19.5	95.6	82.9	93.4	94.7	78.1	68.0	799.0
	Employees ('000)	17.6	93.7	89.2	93.8	93.5	84.7	59.3	44.1
Multi enterprise greenfields	Agreements	33.3	100.0	85.7	100.0	100.0	71.4	14.3	7.0
	Employees ('000)	18.1	100.0	37.4	100.0	100.0	85.5	7.2	1.2
Multi enterprise non-greenfields	Agreements	20.8	95.9	95.9	95.9	91.8	72.4	56.1	98.0
	Employees ('000)	34.1	97.6	98.6	99.9	89.7	81.3	56.7	127.2
Single enterprise greenfields	Agreements	41.5	99.1	86.5	97.4	97.4	92.6	61.9	1461.0
	Employees ('000)	29.7	99.2	87.8	98.0	97.0	93.9	52.7	64.3
Single enterprise non-greenfields	Agreements	46.3	95.8	87.1	94.2	96.3	77.2	61.1	18 935.0
	Employees ('000)	57.9	97.3	94.6	98.1	96.9	87.4	68.6	2,440.5
Union collective	Agreements	69.9	95.7	86.0	92.5	91.5	80.8	46.3	671.0
	Employees ('000)	62.5	98.2	97.2	97.7	96.4	93.5	45.7	161.8
Union greenfields	Agreements	64.7	94.1	94.1	100.0	100.0	94.1	47.1	17.0
	Employees ('000)	68.6	92.9	97.4	100.0	100.0	97.4	76.6	0.5

Notes: The reporting period is between 1 July 2009 and 30 June 2012 as enterprise agreements could not be made until 1 July 2009. Consultative arrangements were not coded after 1 January 2011, hence the percentages reflect the period between 1 July 2009 and 31 December 2010.

Source: DEEWR, Workplace Agreements Database, June 2012.

## Appendix D—Designated groups by industry

**Table D.1: Population for designated groups in agreements by industry, 2009–10 to 2011–12**

	No. of EAs where no. of female is known	As a % of all EAs	No. of employees where no. of females is known	As a % of all employees	No. of EAs where no. of part-time is known	As a % of all EAs
	No.	%	('000)	%	No.	%
Agriculture, forestry and fishing	377	87.9	13.7	93.0	309	72.0
Mining	406	78.7	35.0	85.1	386	74.8
Manufacturing	3385	89.5	224.8	92.7	3267	86.3
Electricity, gas, water and waste services	368	83.3	56.5	92.5	349	79.0
Construction	4980	68.9	95.0	72.2	4883	67.5
Wholesale trade	452	87.3	45.9	92.9	444	85.7
Retail trade	618	80.1	325.8	93.6	561	72.7
Accommodation and food services	678	92.4	68.3	78.3	609	83.0
Transport, postal and warehousing	1313	86.1	177.0	92.1	1256	82.4
Information media and telecommunications	150	88.8	37.2	80.8	145	85.8
Financial and insurance services	202	89.4	173.1	77.6	195	86.3
Rental, hiring and real estate services	331	88.7	7.0	89.4	280	75.1
Professional, scientific and technical services	353	76.2	26.4	71.7	330	71.3
Administrative and support services	520	75.6	38.0	73.9	496	72.1
Public administration and safety	703	92.0	431.8	92.2	682	89.3
Education and training	722	89.8	275.0	83.5	720	89.6
Health care and social assistance	1644	92.6	300.6	70.9	1589	89.5
Arts and recreation services	239	83.3	46.4	86.9	213	74.2
Other services	430	87.8	29.0	92.4	419	85.5
<b>All industries</b>	<b>17 871</b>	<b>81.3</b>	<b>2406.7</b>	<b>84.8</b>	<b>17133</b>	<b>77.9</b>

**Table D.1 (continued)**

	No. of employees where no. of part- time is known	As a % of all employees	No. of EAs where no. of non- English speaking background is known	As a % of all EAs	No. of employees where no. of non- English speaking background is known	As a % of all employees
	('000)	%	No.	%	('000)	%
Agriculture, forestry and fishing	12.0	81.2	332	77.4	12.0	81.1
Mining	32.6	79.3	350	67.8	25.4	61.7
Manufacturing	216.9	89.5	3216	85.0	186.7	77.0
Electricity, gas, water and waste services	56.1	91.8	326	73.8	46.8	76.7
Construction	91.3	69.4	5059	70.0	94.4	71.8
Wholesale trade	46.2	93.5	412	79.5	18.0	36.4
Retail trade	328.3	94.3	511	66.2	64.1	18.4
Accommodation and food services	66.4	76.2	590	80.4	54.4	62.4
Transport, postal and warehousing	174.0	90.5	1175	77.0	135.0	70.2
Information media and telecommunications	37.1	80.5	124	73.4	15.0	32.5
Financial and insurance services	173.1	77.6	96	42.5	43.4	19.5
Rental, hiring and real estate services	6.4	82.1	274	73.5	6.0	76.6
Professional, scientific and technical services	24.8	67.2	313	67.6	18.1	49.0
Administrative and support services	37.8	73.3	486	70.6	33.9	65.8
Public administration and safety	431.3	92.1	605	79.2	383.7	82.0
Education and training	273.7	83.1	650	80.8	251.1	76.3
Health care and social assistance	293.8	69.3	1344	75.7	186.0	43.8
Arts and recreation services	45.7	85.4	190	66.2	22.8	42.7
Other services	28.3	90.1	387	79.0	20.0	63.7
<b>All industries</b>	<b>2375.6</b>	<b>83.7</b>	<b>16 440</b>	<b>74.8</b>	<b>1616.7</b>	<b>56.9</b>

**Table D.1 (continued)**

	No. of EAs where no. of under 21 is known	As a % of all EAs	No. of employees where no. of under 21 is known	As a % of all employees
	No.	%	('000)	%
Agriculture, forestry and fishing	333	77.6	13.2	89.4
Mining	399	77.3	34.7	84.3
Manufacturing	3323	87.8	221.7	91.5
Electricity, gas, water and waste services	360	81.4	56.2	92.1
Construction	5238	72.5	101.3	77.0
Wholesale trade	441	85.1	45.9	92.9
Retail trade	599	77.6	328.8	94.5
Accommodation and food services	650	88.6	67.5	77.4
Transport, postal and warehousing	1263	82.8	173.2	90.1
Information media and telecommunications	142	84.0	37.0	80.4
Financial and insurance services	150	66.4	172.4	77.3
Rental, hiring and real estate services	312	83.6	6.9	87.8
Professional, scientific and technical services	340	73.4	23.9	64.9
Administrative and support services	507	73.7	38.4	74.6
Public administration and safety	662	86.6	429.4	91.7
Education and training	674	83.8	262.8	79.8
Health care and social assistance	1542	86.9	294.6	69.4
Arts and recreation services	232	80.8	46.3	86.7
Other services	417	85.1	28.6	90.9
<b>All industries</b>	<b>17 584</b>	<b>80.0</b>	<b>2382.7</b>	<b>83.9</b>

**Table D.1 (continued)**

	No. of EAs where no. of over 45 is known	As a % of all EAs	No. of employees where no. of over 45 is known	As a % of all employees
	No.	%	('000)	%
Agriculture, forestry and fishing	379	88.3	13.4	91.0
Mining	428	82.9	34.9	84.9
Manufacturing	3510	92.8	225.9	93.2
Electricity, gas, water and waste services	403	91.2	57.2	93.7
Construction	5571	77.1	106.4	80.9
Wholesale trade	470	90.7	46.2	93.6
Retail trade	591	76.6	328.7	94.4
Accommodation and food services	639	87.1	67.4	77.2
Transport, postal and warehousing	1342	88.0	175.5	91.3
Information media and telecommunications	150	88.8	37.1	80.6
Financial and insurance services	185	81.9	172.9	77.5
Rental, hiring and real estate services	303	81.2	6.9	87.6
Professional, scientific and technical services	367	79.3	26.6	72.1
Administrative and support services	531	77.2	39.1	76.0
Public administration and safety	707	92.5	431.8	92.2
Education and training	714	88.8	261.6	79.5
Health care and social assistance	1630	91.8	297.1	70.0
Arts and recreation services	224	78.0	43.4	81.1
Other services	436	89.0	29.0	92.4
<b>All industries</b>	<b>18 580</b>	<b>84.5</b>	<b>2401.2</b>	<b>84.6</b>

Notes: EA refers to enterprise agreements. The reporting period is between 1 July 2009 and 30 June 2012 as enterprise agreements could not be made until 1 July 2009.  
Source: DEEWR, Workplace Agreements Database, June 2012.