

**“MAPPING ENTERPRISE AGREEMENTS IN
THE NSW AND QUEENSLAND
COAL INDUSTRY”**

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Executive Summary

This report has been prepared by the Australian Centre for Industrial Relations Research and Teaching (ACIRRT) at the University of Sydney, for the Australian Coal Industry Council's (ACIC) "Study of the Queensland and NSW Black Coal Industry", chaired by Mr Rae Taylor.

This report investigates the quantitative dimension of "enterprise bargaining" within the Queensland and NSW black coal industry. The black coal industry agreements were compared with enterprise agreements from other industries to capture both the "depth" and "quality" of enterprise bargaining.

The extent of enterprise bargaining within the black coal industry appears reasonably high. Over two-thirds of production and engineering staff and mines accounting for nearly two-thirds of production are covered by some form of enterprise agreement.

Yet many of the black coal agreements, in fact 95% of our sample, still continue to rely upon the award to determine some of the conditions of work. However this is also the case in other industries with agreements, where 87% of agreements still rely upon rather than replace the award.

In terms of their content, for the most part, black coal agreements do not differ radically from those agreements that have been negotiated in other industries. In many respects, the agreements in black coal are similar to those negotiated in mainstream industries such as construction and metal manufacturing. Innovations in areas such as scheduling, staffing and remuneration are, however, beginning to appear in black coal agreements.

Our analysis reveals a diversity of agreement types. From the sample, 17 (40%) of the agreements are “broad” agreements in terms of the issues covered. On the other hand, the other 25 (60%) of agreements appear quite narrow in their application. These “narrow” agreements are of two types; those “facilitative” agreements concerned primarily with the implementation (or modification) of the Work Models and those which only deal with a single issue or single employee.

This report finds that the state of enterprise bargaining in black coal, when compared to developments elsewhere, is reasonably healthy. If there are any “deficiencies” within the agreements, we would then argue that these deficiencies exist in the mainstream industrial relations system.

PART ONE

1. INTRODUCTION

1.1 About this report

This report has been prepared by the Australian Centre for Industrial Relations Research and Teaching (ACIRRT) at the University of Sydney, for the Australian Coal Industry Council’s (ACIC) “Study of the Queensland and NSW Black Coal Industry”.

This report investigates the quantitative dimension of “enterprise agreements” in the Queensland and NSW black coal industry and examines the spread of bargaining within the industry, noting developments in agreements in terms of their content and their focus. These developments are compared to agreements in other Australian industries.

1.2 The Terms of Reference

The Terms of Reference are to examine and make recommendations regarding optimising the coal industry’s ability to introduce world’s best practice in Australia’s coal production and expanding exports in an era of expanding trade. The full text of the study’s terms of reference are contained in Appendix A.

The specific terms of reference for this report are to investigate the spread of enterprise agreements within the NSW and Queensland black coal industries. Especially :

- The proportion of workforce and output covered by “enterprise agreements”

- An analysis of the contents of these agreements in key areas, as well as an analysis of how well these compare to agreements developed elsewhere within the Australian economy.
- An assessment as to whether the “enterprise agreements” contain a “significant enterprise focus”.

This report analyses these developments within the broader context of moves towards enterprise bargaining. It concludes with an assessment of the current state of enterprise bargaining within the black coal industry.

2. ENTERPRISE BARGAINING IN AUSTRALIA

2.1 What is “enterprise bargaining”?

Historically, Australia has had a highly centralised and formalised industrial relations system. The formal system has centred around industrial tribunals which set down basic wages and working conditions for an industry or an occupation through decisions known as “awards”. These awards, which have the force of law, provide a standard set of basic conditions of employment for those within the same occupation or industry. This system of industrial regulation has long been an object of criticism from commentators as being “inflexible” (see Blandy and Niland, 1986; BCA, 1989). However, the award system has also provided a mechanism which has ensured some degree of economy wide equity and labour market regulation, through comparative wage justice and the sharing of productivity increases (Callus and Buchanan, 1993).

Bargaining for conditions of employment over and above those contained within awards has been an important element of the industrial relations system. The traditional method for such bargaining has been “over award” bargaining. Agreements reached in such bargaining could take many forms; an unregistered written agreement, a registered “industrial agreement” or an enterprise award. Enterprise bargaining can take many forms and may range from a “stand alone” comprehensive agreement to one with only minor changes to certain award conditions.

The second half of the 1980’s saw dramatic legislative changes designed to formally move away from centralism. Federal and State governments throughout Australia have introduced legislation aimed at shifting the determination of basic employment conditions from the tribunals and awards, towards a formalised form of “enterprise bargaining”. Under this emerging system, employers and employees (with or without the involvement of their union) negotiate enterprise-specific conditions of employment. Awards have been recast as a “safety net” and tribunals are being increasingly marginalised in this process, with direct bargaining expected to take place at the enterprise level (Ludeke, 1994; Stewart, 1994; Shaw and Walton, 1994).

For supporters of this approach, the benefits of enterprise bargaining are thought to be many: greater responsiveness of wage outcomes to labour market conditions, a greater commitment of the parties to each other and the outcomes of bargaining, increased flexibility within the firm and a greater focus on efficiency and productivity (see Blandy and Niland, 1986; BCA, 1989; Hilmer, 1993). Indeed the current Labor government now subscribes to the notion that labour market reform and enterprise bargaining are key elements in improving Australia’s economic performance and international competitiveness. Supporters of enterprise bargaining also claim that the new enterprise focus will mean that working conditions can be customised to better suit the specific needs of the workforce.

Enterprise bargaining is now an industrial reality. Although not widespread, it now covers a sizeable portion of the Australian workforce. The best available figures estimate that slightly over one million workers in Australia are covered by enterprise agreements, the bulk of these in the federal jurisdiction and in industries such as manufacturing, construction and public administration (ACIRRT, July 1994).

2.2 An overview of the Federal and NSW Legislation

While “over award” agreements have a long history in Australia, it was through the “second tier” negotiations in 1987 and the introduction of “Section 115” agreements in 1989 that the recent round of enterprise bargaining reforms at the federal level took place. The second tier involved direct negotiations between the parties in line with the Commission’s principles aimed at reforming awards. Section 115 agreements provided for a tightly regulated method under which unions and employers could fashion enterprise agreements. However, the legislation required the Australian Industrial Relations Commission (AIRC) to review the agreements within the “public interest” test, restricting outcomes to remain within National Wage Case guidelines. Despite high hopes, barely more than one hundred such agreements were ever registered.

In 1991, the “Enterprise Bargaining Principle” and Certified Agreements under Section 134 of the *Industrial Relations Act 1988* became the means by which enterprise bargaining took shape on the federal stage. These “Section 134” agreements represented the most radical innovation to date, changing the AIRC’s review powers from a concern with the public interest to a less restricted “no disadvantage” test.

The federal *Industrial Relations Reform Act 1993* represents a legislative promotion of enterprise bargaining within the federal industrial relations system.¹ In the earlier federal reforms, awards remained the core feature of the system. Now, awards primarily function as a “safety net”, with most improvements in wages and working conditions to be obtained through an agreement (see Stewart, 1994).

The federal Act now provides for two types of enterprise agreements:

- 1) Certified Agreements which involve a union and

¹ The *Industrial Relations Reform Act 1993* introduced a range of dramatic changes to the existing federal *Industrial Relations Act 1988* including a wide reworking of the powers of the Australian Industrial Relations Commission, the creation of a new Industrial Relations Court, and new provisions related to termination, parental leave, pay equity and minimum standards. Most provisions of this act came into effect in March 1994.

- 2) the new Enterprise Flexibility Agreements (EFAs) which permit agreement between an employer and employees without the involvement of a trade union as a party.

Certified Agreements are similar to former “section 134” agreements and must involve a union as a party. The AIRC has very limited powers in reviewing such agreements. Enterprise flexibility agreements (EFAs) are the new “non-union” agreements which may be negotiated within the federal system. Unlike Certified Agreements EFAs must undergo a more onerous review process, but once certified, they can dramatically alter award conditions.

The enterprise bargaining system within the Queensland jurisdiction has been closely following the reforms that have taken place at the federal level. The Labor government in Queensland has committed itself to introducing reforms which for the most part replicate the federal changes.

The *Industrial Relations Act (NSW) 1991* provides a somewhat different approach to enterprise bargaining, it aims to construct a totally autonomous bargaining stream. As with the federal and Queensland legislation, the NSW act similarly includes procedural and substantive requirements for the registration of an enterprise agreement.²

Enterprise agreements in NSW can potentially involve three types of employee representation. Unions can be a bargaining agent and party to an agreement. However the legislation also provides for non-union agreements where employees may either represent themselves or be represented by a “works committee”.

The NSW system permits the parties to effectively “opt out” of award conditions. The only substantive test is that an agreement meets minimum standards, namely one week’s sick leave, ordinary hours of work capped at 40 averaged over a 52 week period, and an hourly rate not less than that set out in the award. Similarly there are procedural requirements that an agreement must be approved by 65% of employees. The Commissioner for Enterprise Agreements must ensure the parties support the rights and obligations under the agreement in a compulsory conference.

2.3 Enterprise Bargaining in the NSW and Queensland Black Coal Industries

A centralised system with an industrial tribunal and awards has been a key feature of industrial relations in the NSW and Queensland black coal industry. A parallel but separate structure to the AIRC has regulated industrial relations in the Australian coal mining industry since the end of the Second World War. Industrial turmoil and the

² As with the federal reforms, the NSW legislation saw a fundamental reworking of industrial relations in areas such as the processing of disputes, restrictions on the varying of awards, new parental leave conditions and the creation of the Industrial Court.

strategic importance of coal production brought about the passage of the *Coal Industry Acts* in 1946. These acts, which were simultaneously passed in the Federal and New South Wales parliaments, effectively removed coal mining from the rest of the formal industrial relations system, through the establishment of the Coal Industry Tribunal (CIT) was established (Fisher, 1987). As with some industries within “mainstream” conciliation and arbitration system, the black coal industry maintained a strong tradition of site level bargaining (Hince, 1982).

The CIT consists of a single person with legal qualifications, agreed to and appointed by the New South Wales and Federal governments. The Tribunal has powers similar to those possessed by the commissioners in the mainstream system, namely powers to settle industrial disputes between the parties. In carrying out these duties, the CIT is empowered to make awards which among other things establish certain basic working conditions. Any award or decision of the CIT is binding and carries the full weight of law.

In addition to the CIT, there are several Local Coal Authorities (LCAs). These have a chairperson appointed by the CIT and are empowered to resolve disputes of a local matter. Currently there are three Local Coal Authorities in New South Wales; in the Southern, Northern and Western Districts. In Queensland, a Board of Reference deals with specific industrial issues of that state. While the CIT, LCAs and Boards of Reference function similarly to the industrial tribunals, it is important to note that the CIT is in no way bound to follow decisions of the mainstream tribunals. The CIT and LCAs were established not merely to settle disputes and arbitrate where needed, but to “promote the interests of the industry” as required by the *Coal Industry Act* (Fisher, 1987; p.240).

2.3.1 “Clause 20” Agreement

The moves to decentralise industrial relations through enterprise bargaining that have occurred in other industries in the late 1980’s, have also developed in the coal mining industry in recent years. Within the *Coal Mining Industry (Production and Engineering) Award, September 1990* there exists the provision for enterprise bargaining in black coal through what are known as “Clause 20 agreements”. The actual wording of Clause 20 of the *Production and Engineering Award* is as follows:

“Where an agreement is contemplated which proposes to substitute and/or trade off any matters, the subject of any provision in this award, then such agreement shall not be contemplated without the written acceptance of the District/State Secretary of the appropriate union. Such agreement shall provide for a disputes procedure with the appropriate union involvement for resolution of any dispute arising out of the terms of such agreement: and insofar as award provisions are to be substituted and/or traded off shall be referred to the Tribunal for approval prior to its implementation.”

As noted these agreements are directly negotiated at the site level and permit substitution and modification of award conditions. In addition similar provisions exist in the other awards operating in the black coal industry.

Like Certified Agreements in the “mainstream” system, there appears to be no requirement for a substantive review of the content of Clause 20 agreement by the CIT. Indeed the “no disadvantage” test which still applies on federal Certified Agreements is not applied on Clause 20 agreements, actually reducing the scope of review of agreements by the CIT. Similarly, like federal Certified Agreements, Clause 20 agreements must include a union as a party. Certain checks exist on Clause 20 agreements, the first being that they have to be registered and reviewed by the CIT (and must involve the union), and second that the District President/Secretary of the union must approve of any agreement before it is registered.

A major difference between the Black Coal Industry and the “mainstream” federal industrial relations system has been the introduction of Enterprise Flexibility Agreements (EFAs) in the later. As noted these are agreements that do not require a union to be party, although these agreements are subject to more stringent tests before the AIRC. There is currently no provision for EFAs in the black coal industry.

2.3.2 *The Work Models*

Another important industrial development which has impacted on enterprise bargaining in black coal and arose out of the 1990 Consent Award has been the Work Models. This award encompassed the “Structural Efficiency Principle” in which the parties agreed to:

1. *undertake a fundamental review of work organisation*
2. *provide a rewarding work environment for employees through access to more varied, fulfilling and better paid jobs.*
3. *establish a simplified award structure.*

To accomplish this the parties established two National Joint Working Parties, one for the underground sector, and one for the open cuts sector. These Working Parties developed “work models” which set out new classification structures, new wages rates as well as training and skills development guidelines. The CIT’s Work Models decisions required that agreement at the site level had to be obtained before the new work models could be implemented (CIT Matter No. 143 of 1991 and No. 367 of 1994). This meant that the implementation of the new wage rates, classification structure and training provisions could only be done through site level agreements.

For instance , to implement the Underground Work Model, the parties are expected to produce a site agreement which i) implements the wage rates set out in the decision ii) sets productivity / efficiency targets for attainment within 12 months and iii) provides for

rates or targets not below those sought by the unions in the case. Similarly, implementation of the Open Cut Work Model required a site level agreement.

Although not a requirement, Clause 20 agreements have been used by the parties in some circumstances to implement, and even modify, the Work Models. As will be noted later, this has had a profound impact on enterprise bargaining in the black coal industry.

PART TWO

3. EVALUATING AGREEMENTS

3.1 About ADAM and Some Methodological Considerations Regarding a Quantitative Study of Enterprise Agreements

The primary method used to analyse agreements in this report is the Agreements Database and Monitor (ADAM). ADAM is a comprehensive computerised data-base used for monitoring the contents of registered enterprise agreements. As of September 1994, ADAM contained detailed information from 599 currently registered agreements in the NSW, Queensland, and Federal jurisdictions. Clause 20 agreements were compared with this sample of non-mining agreements.

The sample of Black Coal agreements consists primarily of Clause 20 agreements, though a Clause 31 agreement (from the deputies award), Clause 18 agreement (from the award) and a pre-“Clause 20” enterprise award from 1990 were deemed appropriate to be included in the sample. The total number of black coal industry agreements included in the study was 42. This is a sizeable proportion of the operational agreements as at September 1994. Certain agreements were excluded at the request of the industrial parties.

The list of agreements to be included was provided to ACIRRT by the Study Secretariat after it had consulted with the parties. The agreements were provided with the written approval of the industrial parties involved and the co-operation of the Coal Industry Tribunal.

As with other agreements currently on the ADAM database, the 42 black coal agreements were read and coded using the ADAM coding framework, which has the capability of capturing information on over 800 variables commonly included in enterprise agreements. This information was then entered onto our database. This research method permits the differences and similarities in enterprise agreements to be assessed in detail. It is especially suitable for tracking changes in the contents of enterprise agreements over time. This analysis was supplemented through consultations with the industrial parties held in September 1994 (see Appendices C and D). These consultations were designed to “contextualise” the quantitative data.

Quantitative analysis of this type, however, has some limitations. For example it does not capture developments in unregistered agreements or the persistence of informal “custom and practice”. Further, this type of quantitative analysis does not record the success or failure of implementation.

Such issues would be better investigated and evaluated through other research methods for instance, focus groups and case studies. All of these methods have been successfully used by ACIRRT in researching the specific contours of change at the workplace level. However, these methods are expensive and take considerable time and effort to undertake. The rigorous quantitative analysis of agreements using a highly developed aid such as ADAM can yield much useful information quickly and relatively inexpensively

As will be noted, the extent to which this type of analysis provides us with an understanding of whether the agreements have a “significant enterprise focus” is difficult to tell. On the one hand, we would argue that “ a significant enterprise focus” is very much in the eye of the beholder. Developing a litmus test from the contents of agreements, for such an evaluation is both difficult and potentially of little value.

Studying the content of agreements can be a valuable exercise in mapping the contours of bargaining. However, it can do little to evaluate the appropriateness, efficacy or significance of the arrangements contained within agreements. That is something for the parties to decide.

4. THE EXTENT OF ENTERPRISE BARGAINING IN THE QUEENSLAND AND NSW BLACK COAL INDUSTRY

While a number of government agencies dealing with the black coal industry keep comprehensive statistics, little has been collected to monitor the extent of enterprise bargaining. One estimate has been provided by the Mining and Energy Division of the CFMEU, who polled their members to estimate enterprise agreement coverage. As of October 1993, they estimated that Clause 20 agreements covered 38% of mines and 45% of employees in the coal mining industry. While the employers' associations do not appear to dispute these figures, they dispute the "quality" of the agreements, especially in facilitating flexibility and improved work practices (See Summary of *Winning Coal* 1994, pp.15-18).

This section of the report investigates the extent of enterprise bargaining in the black coal industry of Queensland and NSW, using our sample of 43 agreements. Calculating the proportion of the workers covered by those agreements and the total output was accomplished through consulting 1993 Joint Coal Board and Queensland Coal Board statistics.

Employee and output (saleable coal) were assigned to most agreement entries. Care was taken not to include the entire workforce of a mine if the agreement only covered a portion of the staff.

Output statistics (in terms of saleable output from the mine) were also included in the analysis. The mine's output figure was only coded for an agreement where the agreement covered production and engineering staff. Agreements which covered deputies, white collar staff or mine services only were not "assigned" any output for these purposes, though obviously they do contribute to the overall output of the industry. Therefore the statistics below should be considered "conservative", especially as the sample does not include all agreements³.

4.1 Employees covered by an enterprise agreement

It was found that our sample of 42 covers *approximately 12,500 workers*, about one half of the entire black coal workforce of 26,000. However, the vast majority of agreements only covered production and engineering staff. From that population there are currently about 18,000 employees in the Queensland and NSW industries. This would lead us to estimate that about ***two-thirds of the entire production and engineering black coal workforce*** in NSW and Queensland is covered by a Clause 20 agreement.

³ As well, agreements which covered "greenfield sites" were included in the sample. Those that had yet to commence production by 1993 did not have their output or employment numbers included in our calculations. This would further lead to somewhat conservative statistics.

In the consultations, the employers' associations claimed that of these agreements less than a dozen could be considered "true" enterprise agreements in that they reflected the needs of the mine

4.2 Output covered by an enterprise agreement

For those Clause 20 agreements which cover production and engineering staff, *the total output of the mines covered by these agreements is about 110 million tonnes of saleable coal. This is **slightly under two-thirds of the total output** of the industry, now at approximately 180 million tonnes.*

These estimates roughly correspond to those offered by the CFMEU in our consultations. The employer associations do not necessarily dispute these figures, though as noted above, they do contest the quality of the agreements.

4.3 Years that these agreements were registered

The black coal agreements were analysed according to the calendar year that they were registered. Below are the number of agreements from our sample, according to the year in which they were registered.

Table 4.1 Number and Percentage of Black Coal Agreements, by Year Agreement Registered

Year Registered	Agreement (n=42)
1990	2 (5%)
1991	2 (5%)
1992	16 (38%)
1993	13 (31%)
1994 (As of July)	9 (21%)

This sample does not include all CIT agreements. However, it does appear that since 1992, the level of enterprise bargaining has remained reasonably consistent, as long as the second half of 1994 progresses accordingly.

4.4 Duration of the Agreements

The duration of the agreements was also analysed. It would appear that most of the black coal agreements run for between 13 and 24 months.

Table 4.2 Number and Percentage of Black Coal Agreements, by Duration of Agreements

Duration	Agreement (n=42)
1-12 Months	10 (24%)
13-24 Months	19 (45%)
25+ Months	11 (26%)
Unspecified	2 (5%)

These figures roughly correspond to the duration of agreements in the mainstream.

4.5 Location of the Agreements

The location of mines with agreements, in terms of which region they operated in, was also analysed. A relatively high proportion of the agreements are located at mines in Queensland and the Northern District of New South Wales.

Table 4.3 Number and Percentage of Black Coal Agreements, by District

Region	Agreements (n=42)
Queensland	20 (48%)
Northern NSW*	17 (40%)
Southern NSW (Illawarra)	5 (12%)

* Includes Newcastle, Hunter and Gunnedah regions.

While bargaining appears slower in the Southern District, an important factor is that one of the major agreements in this area is a multi-site agreement.

4.6 Type of Mine Covered by the Agreement

The agreements were analysed according to the main facility covered by the agreement. If the facility included both an underground and open cut facility, the one with the higher output was taken for the purposes of this analysis.

Table 4.4 Number and Percentage of Black Coal Agreements, by Type of Operation

Type	Agreements (n=42)
Open Cut	32 (76%)
Underground	10 (24%)

It would appear that the type of mine covered and the regions in which enterprise bargaining is occurring are interrelated. The higher proportion of open cuts corresponds with the higher proportion of agreements located in the Queensland and Northern District of NSW. As will be noted later, the higher level of Work Model adoption in the open cut sector (often implemented through the use of a Clause 20 agreement) may partially explain this discrepancy.

5. THE CONTENT OF ENTERPRISE AGREEMENTS IN THE QUEENSLAND AND NSW BLACK COAL INDUSTRIES

This section analyses the content of NSW and Queensland black coal industry enterprise agreements. These results were compared to enterprise agreement developments elsewhere in the economy, by using the 599 agreements currently on the Agreements Database and Monitor. These 599 agreements represent a sample of agreements from all industries from the mainstream Federal, Queensland and NSW enterprise bargaining systems.

This analysis will provide us with several insights. First, it allows us to examine what issues are being dealt with within black coal agreements. Further, by comparing these developments with those that have taken place in other industries located in the “mainstream” we will gain an insight into the impact that industry and institutional differences make on outcomes.

Lastly, we will gain an insight into the broad trajectory that enterprise bargaining in black coal is taking. In our earlier research, ACIRRT has noted that agreements are taking two broad paths, those which are “cost minimising” and those which are “productivity enhancing”. Those which are “cost minimising” aim to lower labour costs either through reduced remuneration (i.e. through reduced base rates, abolition of penalties and overtime) or through work intensification (i.e. longer hours, more flexible scheduling). “Productivity enhancing” agreements aim to improve labour productivity through training, consultation and innovative practices (see *ADAM Report*, various issues).

5.1 Status of the Agreement

Most of the agreements in the black coal industry continue to rely upon the award. In total 95% of agreements in black coal continue to rely upon the award for some conditions of employment.

However, this situation does not place coal “out of touch” with the mainstream. Despite claims that “holistic bargaining” is rampant in the mainstream, data from ADAM indicates that 87% of our 599 mainstream agreements also continue to rely upon the award for some or most conditions of employment. In this respect, the black coal industry displays trends similar to those noted in the mainstream.

5.2 Objectives

The existence of objectives within an agreement provide direction for the parties. While such preambles and objectives sections may merely be rhetoric, it often provide us with an idea of what the parties wish to accomplish, as well as providing a focus for future bargaining.

The most popular single objective within the black coal agreements is the “improvement of efficiency” which is mentioned in 64% of the agreements. The next most common agreements objectives was “improvements to productivity” in 57% of the agreements; then “increasing flexibility” in 45% of the agreements; and the “enhancement of skills” in 41% of the agreements. These figures correspond closely with those elsewhere in Australian industry.

Issues such as best practice, continuous improvement and Total Quality management (TQM), are just as likely to be found in black coal agreements as objectives as they are in mainstream agreements. Nearly one-quarter (24%) of the black coal agreements state the achievement of “best practice” as an agreement objective, a figure slightly above the overall proportion of agreements in the mainstream. In promoting “continuous improvement”, black coal agreements lag somewhat to the mainstream (19% compared to 26%) , though in the area of placing TQM as an agreement objective, black coal agreements compare quite favourably (10% compared to 8% in the mainstream).

Table 5.1 Percentage of Enterprise Agreements with Selected Objectives, by Industry

Industry	“Best Practice” as Objective	“Continuous improvement” as Objective	“TQM” as Objective
Black Coal (n=42)	24	19	10
All Other (n=599)	19	26	8
Construction (n=47)	35	41	10
Food & Beverage (n=48)	20	35	10
Metal Manufacturing (n=52)	40	58	18
Other Manufacturing (n=82)	31	30	14
Public Utilities (n=37)	10	21	3
Wholesale / Retail Trade (n=39)	9	20	7
Transportation & Storage (n=54)	21	29	5
Financial Services (n=51)	8	17	2
Public Administration (n=23)	22	22	13
Community Services (n=95)	4	6	2
Recreational Services (n=55)	7	9	4

Source: ADAM database. September 1994.

5.3 Work Time Arrangements

Dealing with work time arrangements is a major issue in many enterprise agreements. Enterprise agreements not only alter ordinary weekly and daily hours, but often also address overtime, penalties and shift work issues.

In the area of ordinary weekly hours, agreements which cover production and engineering staff in the black coal industry maintain the 35 hour week. While the 38 hour week remains the most common arrangement elsewhere, it would appear that agreements have generally stayed within previously agreed to arrangements regarding ordinary working hours.

Table 5.2 Most Common Weekly Hours Provisions in Enterprise Agreements, by Industry

Industry	Ordinary Weekly hours
Black Coal (n=42)	35 Hours
All Other (n=599)	38 Hours
Construction (n=47)	38 Hours
Food & Beverage (n=48)	38 Hours
Metal Manufacturing (n=52)	38 Hours
Other Manufacturing (n=82)	38 Hours
Public Utilities (n=37)	38 Hours
Wholesale/Retail Trade (n=39)	38 Hours
Transportation & Storage (n=54)	38 Hours
Financial Services (n=51)	38 Hours
Public Administration (n=23)	35 Hours
Community Services (n=95)	35/38 Hours*
Recreational Services (n=55)	38 Hours

Source: ADAM Database, September 1994.

* 35 and 38 Hour weeks appear equally in Community Services agreements.

Only three agreements (at two mines) contemplate longer shifts for production and engineering staff. For instance, one set of agreements (which have proven somewhat controversial) for a mine in Queensland provide for 12 hour shifts carried out over 7 consecutive days. However such radical changes are rarely considered within black coal agreements.

The averaging of weekly hours over an extended period (for instance 4 weeks) has become another innovation within agreements. Such arrangements reduce requirements to pay overtime and grant employers greater flexibility in scheduling labour. Such arrangements exist in 9% of all non coal agreements, with their existence most prevalent in Recreational and Other Services, 18%. The proportion of agreements in the black coal

industry (5%) with such arrangements compares to developments in construction and metal manufacturing. The table below looks at this and other flexible scheduling provisions in finer detail.

Table 5.3 Percentage of Enterprise Agreements with Selected Work Time Provisions, by Industry

Industry	Hours Averaged over More than 2 Weeks	Employer may request extension of hours	Flexible Meal Times
Black Coal (n=42)	5	5	26
All Other (n=599)	9	7	11
Construction (n=47)	4	9	21
Food & Beverage (n=48)	6	0	4
Metal Manufacturing (n=52)	4	10	25
Other Manufacturing (n=82)	9	7	14
Public Utilities (n=37)	10	3	5
Wholesale / Retail Trade (n=39)	9	10	20
Transportation & Storage (n=54)	7	7	17
Financial Services (n=51)	12	15	4
Public Administration (n=23)	9	4	9
Community Services (n=95)	11	2	0
Recreational Services (n=55)	18	9	11

Source: ADAM Database, September 1994.

5.4 Training

Training is one subject with which black coal agreements often deal. This appears related to the use of Clause 20 agreements to implement the Work Models, which contained a training component. The table below compares the existence of selected training provisions within black coal agreements compared to agreements elsewhere in the economy.

Table 5.4 Percentage of Enterprise Agreements with Selected Training Provisions, by Industry

Industry	Training Committee	Training Program Developed	Competency Standards Developed	Skills Audit Conducted
Black Coal (n=42)	24	27	45	41
All Other (n=599)	8	27	11	6
Construction (n=47)	9	36	17	11
Food & Beverage (n=48)	13	35	4	6
Metal Manufacturing (n=52)	17	42	13	19
Other Manufacturing (n=82)	13	38	14	11
Public Utilities (n=37)	3	19	5	3
Wholesale / Retail Trade (n=39)	5	22	2	0
Transportation & Storage (n=54)	9	26	13	9
Financial Services (n=51)	4	15	8	4
Public Administration (n=23)	0	39	39	0
Community Services (n=95)	2	13	8	0
Recreational Services (n=55)	9	25	9	0

Source: ADAM Database, September 1994.

As the above table notes, black coal agreements appear highly committed to training issues. Nearly half of the black coal agreements make some commitments in the area of training. This is particularly the case in the development of competencies and the use of skills audits.

5.5 Consultation

Consultative arrangements are also an area enterprise agreements are expected to address. Though the penetration of consultative arrangements in coal it is not as spectacular as in some other industries, it does appear that some level of consultative arrangements is being established within the black coal industry. Below is the percentage of agreements in each industry which includes a provision for a Consultative Committee.

Table 5.5 Percentage of Enterprise Agreements with Consultative Committee Provisions, by Industry

Industry	Agreements with Provision for Consultative Committees
Black Coal (n=42)	21
All Other (n=599)	19
Construction (n=47)	38
Food & Beverage (n=48)	35
Metal Manufacturing (n=52)	15
Other Manufacturing (n=82)	26
Public Utilities (n=37)	16
Wholesale / Retail Trade (n=39)	37
Transportation & Storage (n=54)	11
Financial Services (n=51)	10
Public Administration (n=23)	0
Community Services (n=95)	11
Recreational Services (n=55)	13

Source: ADAM Database, September 1994.

What is interesting to note here is that patterns observed in other areas, where black coal closely followed construction and metal manufacturing, does not apply in the area of consultation. Indeed construction agreements (38%) are by far more likely to establish consultative committees within the agreement, while agreements in metal manufacturing (15%) and black coal (21%) are far less likely to do so.

5.6 Performance Indicators and Performance Based Pay

One area where black coal industry agreements are near the front of developments within enterprise bargaining is in the area of performance based pay systems. The long tradition of production bonuses makes the industry fertile ground for experiments in new payments arrangements based on performance rather than time worked. As noted below, nearly one fifth of all black coal agreements have a performance based pay element, more often than not a production bonus scheme. Only Public Administration (where merit pay has expanded) and Financial Services (with a long tradition of commissions) have a higher proportion of agreements with Performance Based Pay.

Table 5.6 Percentage of Enterprise Agreements with Selected Performance Based Pay Provisions, by Industry

Industry	Performance Based Pay	Gainsharing
Black Coal (n=42)	21	7
All Other (n=599)	12	3
Construction (n=47)	9	6
Food & Beverage (n=48)	2	0
Metal Manufacturing (n=52)	17	2
Other Manufacturing (n=82)	7	7
Public Utilities (n=37)	19	3
Wholesale/Retail Trade (n=39)	10	2
Transportation & Storage (n=54)	9	2
Financial Services (n=51)	23	6
Public Administration (n=23)	22	4

Community Services (n=95)	7	2
Recreational Services (n=55)	18	2

Source: ADAM Database, September 1994.

Interestingly “gainsharing”, a group performance based pay system which involves bonuses based on improvements to labour productivity, is most popular in black coal. Only in the “other manufacturing” sector do we find gainsharing as prevalent.

While productivity bonuses are a reasonably established feature within black coal mining, performance based pay is a newly emerging area that many want to move into within bargaining. However, the outstanding criticisms of existing bonus arrangements by employer groups means that broadly speaking performance based payment systems, as they are currently constructed, may not be a panacea (*Winning Coal* 1994).

The table below notes the existence of performance evaluation provisions within agreements. In the area of performance evaluation, black coal agreements appear to be as developed as those within the overall mainstream. Interestingly, the only place where black coal appears to be behind is in having consultative committees play a role in establishing performance indicators. This may tie back to the lower level of enterprise-level consultative arrangements set out in black coal agreements.

Table 5.7 Percentage of Enterprise Agreements with Selected Performance Evaluation Provisions, by Industry

Industry	Performance Indicators established by JCC	Productivity targets Quantified	Product / Hours Worked Used as Performance Indicator	Absenteeism Targeted for Improvement
Black Coal (n=42)	12	14	12	17
All Other (n=599)	14	12	6	13
Construction (n=47)	18	6	8	16
Food & Beverage (n=48)	14	14	4	14
Metal Manufacturing (n=52)	35	32	14	31
Other Manufacturing (n=82)	15	11	5	14
Public Utilities (n=37)	17	17	3	10
Wholesale / Retail Trade (n=39)	20	9	9	11
Transportation & Storage (n=54)	17	17	7	10
Financial Services (n=51)	6	6	0	11
Public Administration (n=23)	21	13	13	26
Community Services (n=95)	3	4	0	4
Recreational Services (n=55)	7	11	7	9

Source: ADAM Database, September 1994.

5.7 Team Work

Like performance based pay, team work is an area where the traditions of the black coal industry appear well suited for the industrial innovations of the 1990's. Historically in the underground sector, work has traditionally been carried out small groups of workers.

5.8 Percentage of Agreements with Selected Team Work Provisions, by Industry

Industry	Work Teams Formally Established	Work Assigned on a Team Basis
Black Coal (n=42)	12	17
All Other (n=599)	10	6
Construction (n=47)	26	19
Food & Beverage (n=48)	2	2
Metal Manufacturing (n=52)	35	25
Other Manufacturing (n=82)	9	6
Public Utilities (n=37)	8	5
Wholesale / Retail Trade (n=39)	5	2
Transportation & Storage (n=54)	15	9
Financial Services (n=51)	6	2
Public Administration (n=23)	4	0
Community Services (n=95)	1	0
Recreational Services (n=55)	2	2

Source: ADAM Database, September 1994.

Given the traditions of group based work in black coal, it may come as little surprise that a portion of agreements formally address this issue. Indeed only in construction and metal manufacturing is there a greater likelihood that team work is formally addressed within an agreement.

5.8 OHS

While many Occupational Health and Safety (OHS) issues in black coal are dealt with in regulations, the parties have also turned their attention to OHS issues in enterprise agreements. Black coal agreements are among the most likely to deal with OHS issues such as protective clothing and OHS training.

5.9 Percentage of Agreements with Selected Occupational Health and Safety (OHS) Provisions, by Industry

Industry	OHS Clause within Agreement	OHS Training	Safety as a Performance Indicator	Protective Clothing Provisions
Black Coal (n=42)	12	19	10	36
All Other (n=599)	11	7	9	16
Construction (n=47)	24	23	10	34
Food & Beverage (n=48)	10	2	12	19
Metal Manufacturing (n=52)	20	8	25	19
Other Manufacturing (n=82)	9	7	11	18
Public Utilities (n=37)	14	3	10	8
Wholesale / Retail Trade (n=39)	14	15	5	24
Transportation & Storage (n=54)	9	7	7	2
Financial Services (n=51)	4	0	6	12
Public Administration (n=23)	13	9	13	13
Community Services (n=95)	3	7	2	14
Recreational Services (n=55)	9	4	5	18

Source: ADAM Database, September 1994.

5.9 Leave

It would appear that leave is another set of issues being dealt with within enterprise agreements.

Some black coal agreements appear to be dealing with leave in a flexible manner. In the area of sick leave there has been some changes brought about through agreements. For instance, while the Production and Engineering award provides for 15 days sick leave, there are some black coal agreements which provide for less sick leave (10 days annually).

In other areas, there appears to be substantial activity in black coal agreements in dealing with leave. As noted in the table below, nearly one-third of black coal agreements provide for flexible annual leave provisions. As well nearly a quarter of black coal agreements provide for family leave.

5.10 Percentage of Agreements with Selected Leave Provisions, by Industry

Industry	Flexible Annual Leave (may be taken on more than one occasion)	Family Leave
Black Coal (n=42)	31	24
All Other (n=599)	8	3
Construction (n=47)	17	9
Food & Beverage (n=48)	12	2
Metal Manufacturing (n=52)	6	2
Other Manufacturing (n=82)	6	1
Public Utilities (n=37)	0	5
Wholesale / Retail Trade (n=39)	5	2
Transportation & Storage (n=54)	6	4
Financial Services (n=51)	4	4
Public Administration (n=23)	4	4
Community Services (n=95)	7	3

Recreational Services (n=55)	13	2
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Source: ADAM Database, September 1994

5.10 Innovative Practices

The diffusion of innovative practices has taken place at an uneven pace in black coal. For instance, annualised salaries, which collapse allowances, penalties and overtime into the overall base rate, have been slow to penetrate black coal. Only 5% of black coal agreements have annualised salaries, a rate lower than most other industries.

However, nearly half of all black coal agreements maintain a provision for Electronic Funds Transfer (EFT) of wages. While many enterprises gained EFT in the award restructuring, the rate of 48% of agreements in black coal only lags behind construction / mining in the mainstream system.

Table 5.11 Percentage of Enterprise Agreements with Selected Innovative Provisions, by Industry

Industry	Annualised Salaries	EFT
Black Coal (n=42)	5	48
All Other (n=599)	10	35
Construction (n=47)	2	49
Food & Beverage (n=48)	0	42
Metal Manufacturing (n=52)	10	31
Other Manufacturing (n=82)	2	38
Public Utilities (n=37)	8	22
Wholesale / Retail Trade (n=39)	2	34
Transportation & Storage (n=54)	9	31
Financial Services (n=51)	12	19
Public Administration (n=23)	26	4
Community Services (n=95)	16	47

Recreational Services (n=55)	29	38
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Source: ADAM Database, September 1994.

However black coal agreements have introduced many provisions which apply to their own special circumstances. For instance some greenfield agreements contain provisions for flexible manning levels and provision for “no custom and practice”.

One area to which black coal agreements have yet to turn their attention is Equal Employment Opportunity issues. Indeed it would appear that none of the black coal agreements from our sample contemplates an EEO policy or Sexual Harassment provision. However, this does not place black coal much behind many other industries. Overall only 2% of 599 agreements have either a sexual harassment clause or an EEO policy provision.

5.11 Content of Black Coal Agreements in Context

status quo remains in areas such as work time arrangements, the black coal agreements It would appear that black coal agreements continue to function within the context of the awards, as “add ons” rather than replacing the award. However, this is also the status quo in the mainstream.

The issues dealt with in black coal enterprise agreements are quite broad and - in most areas - are just as robust as agreements within the mainstream. While the compare quite favourably in areas such as team work, training and performance based pay. Other more innovative provisions such as consideration of “best practice/continuous improvement/TQM”, annualised salaries, EFT, and more flexible manning provisions are also beginning to appear in black coal agreements.

It would also appear that, for the most part, black coal agreements are generally “productivity enhancing” rather than “cost minimising”. The only component of “productivity enhancement” agreements that black coal agreements appear to lack is consultative arrangements. Indeed a lack of consultative arrangements may make implementing performance evaluation and “best practice/continuous improvement/TQM” type arrangements difficult at the enterprise level.

Otherwise, developments in black coal agreements closely resemble similar trends in agreements from metal manufacturing and construction. This would lead us to speculate, given the similar content of these agreements, that agreement developments may be less a creation of the unique institutional framework than of other, more industry specific, dynamics.

6. THE TYPES OF ENTERPRISE AGREEMENTS IN THE QUEENSLAND AND NSW BLACK COAL INDUSTRIES

This section looks at the nature of bargaining within the black coal industry. This analysis hopes to elicit a deeper understanding of the types of agreements being negotiated and the wider contours of enterprise bargaining within the industry.

Agreements were analysed using the ADAM Coding Framework, a summary of the major sections used, enclosed in Appendix E. As well, they were studied qualitatively to better grasp the different types of agreements which appear to be in operation. After a careful study of all 42 agreements, three basic types of agreements can be discerned.

- “Broad Agreements” which covered most workplace issues
- “Facilitative Agreements” designed primarily to implement or modify the work models.
- “Single Issue Agreements” which appear to cover a single issue or in some instances a single employee.

To make the analysis more systematic, criteria were developed to classify the agreements into the three types identified above. It was determined that if the agreement had a provision which dealt with 13 or more of the ADAM subject areas, it was deemed to be a “broad” agreement. The cut off of 13 was chosen because when placed on a frequency distribution of number of sections, the data presented two median one above 13 and one below.

“Broad” agreements have a “significant enterprise focus” in the sense that they deal with most or all of the conditions of employment within the agreements. This does not necessarily mean that they dramatically alter those award conditions, only that many of these issues are being dealt with within the agreement.

An agreement which has provisions in only 12 or fewer of the ADAM sections was designated as “narrow”. However, the “narrow” agreements were further disaggregated according to other criteria. If the agreements did not contain provisions in at least two of the three sections of Consultation, Wages and Training then they were considered “single issue”. If at least two of Consultation, Wages, or Training were dealt with within a narrow agreement, it was then considered a “facilitative” agreement.

6.1 Number of Agreements

Using the typology above, the following number of agreements fall into each category.

Table 6.1 Number and Percentage of Agreements, by "Type" of Agreement

Agreement "Type"	Number (Per Cent) of Sample
Broad	17 (40%)
Facilitative	21 (50%)
Single Issue	4 (10%)

The most common type of agreement are facilitative agreements, while single issue agreements were the least common.

6.2 Employees

While the majority of those working under an enterprise agreement, do so under a facilitative agreement, there is still a substantial number of employees who work under broad agreements.

Table 6.2 Number Employees Covered by "Type" of Agreement

Agreement "Type"	Employees Covered (n=12,498)
Broad (n=17)	3397 employees (27%)
Facilitative (n=21)	8650 employees (69%)
Single Issue (n=4)	451 employees (4%)

6.3 Output

The table below notes the total output of saleable coal of the mines covered by particular types of agreements. It would appear that in line with the above statistics, facilitative agreements cover the majority of output. However, broad agreements do cover a reasonable share of output at 26 million tonnes of saleable coal.

Table 6.3 Output of Mines Covered by “Types” of Agreement

Agreement “Type”	Output (Million tonnes of saleable coal) (n=108 million tonnes)
Broad (n=17)	26 million tonnes (24%)
Facilitative (n=21)	80 million tonnes (74%)
Single Issue (n=4)	2 million tonnes (2%)

6.4 District

The mines with particular types of arrangement were also disaggregated according to their location. Regional variations exist. As noted below, facilitative and single issue agreements are more likely to occur in Queensland. While broad agreements occur in all regions, it is in the Northern district that they proliferate. Interestingly, broad agreements also appear in the Southern District even though there are only a few agreements in this district.

Table 6.4 Number of Agreement “Types”, by District

Agreement “Type”	Queensland (n=20)	Northern (n=17)	Southern (n=5)
Broad (n=17)	5	10	2
Facilitative (n=21)	11	7	3
Single Issue (n=4)	4	0	0

6.5 Underground and Open Cut Operations

Corresponding with the developments within the districts, it would appear that facilitative and single issue agreements are generally more concentrated in the open cut sector. The high level of facilitative agreements in the open cut sector would correspond with observations that the Open Cut Work Model has been more widely implemented than the Underground Work Model. Interestingly, despite the notion that underground facilities are “more resistant to change”, there appears to be a reasonable number of broad agreements within the underground sector.

Table 6.5 Number of Agreements “Types” ,by Mine Operation

Agreement “Type”	Underground (n=10)	Open Cut (n=32)
Broad (n=17)	4	13
Facilitative (n=21)	6	15
Single Issue (n=4)	0	4

6.6 “Greenfield Effect”

It would appear, however, that there is one factor which importantly coincides with broad agreements that has not been identified, namely the existence of broad agreements at greenfield sites. In addition some of the more innovative practices, such as annualised hours, flexible manning and “no custom and practice” also appear at greenfield sites (see Section 5.10).

This factor appears to cut across both district and type of mine. Indeed broad agreements exist at both underground and open cut greenfield sites, and throughout the Queensland, Northern and Southern districts.

6.7 Conclusion

There is a wide diversity within the agreements operating in the black coal industry. Agreements range from being broad and comprehensive, to those that are facilitative, to those that merely cover a single issue.

While many agreements are broad, in that they deal with most issues, most of the agreements are facilitative, in that they primarily implement, modify or develop a work model, with an emphasis on wage rates, classifications and training. Facilitative agreements also established consultative arrangements in some instances. It would appear for much of the open cut sector, the work model implementation and enterprise bargaining have progressed hand in hand.

However, using the above criteria, it would also appear that those broad agreements have an enterprise focus in the sense that they deal with most of the conditions of employment. Interestingly these agreements are located throughout all regions and types of operations. One factor which does appear to be influential in the establishment of a broad agreement is where the mine happens to be a greenfield site.

7. CONCLUSIONS

This report provides a snapshot of the formal outcomes of enterprise bargaining in the NSW and Queensland black coal industry. Some basic conclusions can be drawn from the data.

First, enterprise bargaining, primarily through the use of Clause 20 agreements, appears well established within the black coal industry. From our sample, we would conservatively estimate that around two-thirds of the production and engineering workforce employed in mines whose output is slightly less than two thirds of all Australian output are covered by some form of enterprise agreement. This level of bargaining compares quite favourably with other industries. It would be difficult to argue that the black coal industry lags behind other industries in the level of enterprise bargaining.

It would appear that enterprise bargaining has taken many forms. Development in enterprise bargaining appears more advanced within open cut mines than underground operations; in the Northern and Queensland District as opposed to the Southern and Western District.

Second, the content of agreements, when compared to those in other industries appears reasonably developed. In most instances, a sizeable portion of black coal agreements are turning their attention to issues which are also being dealt with in mainstream agreements. It would also appear that black coal agreements are more likely to be “productivity enhancing” (as is happening in manufacturing and construction) rather than “cost minimising” (as is happening in the private service sectors). This would lead us to consider the possibility that agreement developments in black coal have been less influenced by unique institutional arrangements in than the result of industry specific characteristics.

Finally, it would appear that there has been a diversity between agreements types. Three types of agreements in the black coal industry have been identified; broad, facilitative and narrow. Most agreements are “facilitative” and appear to be the product of implementing the work models. However the existence of both broad and narrow agreements point to a certain degree of institutional flexibility for the parties to deal with workplace specific issues. Some of the broad agreements, located at greenfield mines throughout Queensland and NSW stand as examples of what can be done.

Employers’ representatives may criticise the quality of black coal agreements. However in regard to its extent, content and nature, enterprise bargaining appears to be relatively well developed. Any “shortcomings” regarding enterprise bargaining within black coal also appear in the mainstream industrial relations systems. Indeed the centrality of the award system is a continuing feature of Australian industrial relations, both within the black coal industry and the mainstream.

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APPENDIX A

Terms of Reference

Australian Coal Industry Council

“Study of the Queensland and NSW Black Coal Industry”

Recognising the size of the NSW and Queensland black coal industry and the important place it occupies in the economy as a major export earner, generator of returns to the community, employer of labour and the regional importance of mines in each state.

Within 6 months, in collaboration with the Steering Committee nominated by the Council, examine and make recommendations for the council's considerations on appropriate action by governments, companies and unions on impediments to, and opportunities for, optimal coal industry, coal market and mine development in an environment of significant change and increasing market potential including:

- a) the introduction of world best practice in key aspects of coal production and export and
- b) the expansion of Australia's coal trade and the capturing of new markets.

APPENDIX B

Terms of reference

ACIRRT's Report for the "Study of the Queensland and NSW Black Coal Industry"

Within the context of the overall terms of reference for the study (see Appendix A);

Undertake an analysis of enterprise agreements in the black coal industry for the purpose of determining the spread of enterprise bargaining in the industry and to make an assessment of the content of agreements reached. The analysis should include a comparison with enterprise agreements applying in other areas of Australian industry.

The analysis will be used by the ACIC study of the black coal industry in its assessment of the impediments to, and prospects for, further development of the industry.

The exercise shall consist of:

- The identification and collection of enterprise agreements approved by the Coal Industry Tribunal (CIT) (including substantial agreements building on the flexibility clauses of major CIT awards and stand alone enterprise awards)
- subject to availability and consultation with CIT / industry parties.
- and with particular reference to the period since early 1990;
- The determination of the proportion of the workforce and output that is covered by enterprise agreements in the industry.
- An analysis of the features of the approved agreements on a statistical basis, eg changed working hours, training, consultative measures, performance/bonus relationship, continuous improvement, etc
- and a comparison with enterprise agreement, and their features,
- applying elsewhere in Australian industry;
- As assessment of whether agreements negotiated and approved have a significant enterprise focus
- the assessment might examine the extent to which the agreements are of a 'stand alone' nature or complementary to CIT awards.
- whether there are significantly different provisions in agreements reached on greenfield sites.

APPENDIX C

Interviews undertaken with the Parties

John Maitland (National Secretary) and Peter Colley (National Research Unit), Mining and Energy Division of the CFMEU, 22 September 1994.

Denis Porter (Deputy Executive Director) and Elizabeth Harrison, (Employee Issues Director), New South Wales Coal Association: and Barrie Mathias (Director of Operations), Ben Klaassen (Industrial Officer), Graham Gillespie, (Industrial Officer), Queensland Mining Council, 26 September 1994.

APPENDIX D

Interview Schedule for the Meeting with the Parties

1. What are your broad impressions concerning the current regime of “enterprise bargaining” in the black coal industry?
2. Could there be improvements to this regime?
3. What proportion of the workforce would you estimate are covered by these agreements?
4. How would you evaluate the content of these agreements? (especially in areas such as working hours, training, consultative measures, performance pay and continuous improvement)
5. How would compare these developments with those that have taken place in other industries.
6. Do you believe that agreements in the black coal industry have had a significant enterprise focus? Why or why not?
7. Do these agreements stand alone or do they complement the existing awards?
8. Have there been significantly different provisions in agreements reached on greenfield sites?
9. Do you have any further thoughts on enterprise bargaining in the black coal