

## 1. Welcome to Survey 6 of the AMMA Workplace Relations Research Project

This is the sixth survey of the AMMA Workplace Relations Research Project, the aim of which is to track the impacts of the Fair Work Act on resource industry workplaces over time. This is a survey where you help us to help you. The answers will form an important part of AMMA's efforts to improve the operation of Australia's industrial relations system, particularly at this important time when the government is reviewing the operation of the Act and announcing legislative change.

We need as many respondents as possible to ensure the survey is representative of the entire industry. Please complete this survey whether or not you have completed these surveys in the past.

AMMA will use the information and comments you provide on a confidential basis to lobby the Federal Government and other political parties for necessary changes to the Fair Work Act. The results will also be valuable to you after they are reported by RMIT University as a way of comparing your experience with that of other employers in the resource industry. The more detail you provide the better, particularly in the comment fields which help enormously to paint a picture of what's happening at the enterprise level.

Many of the questions in this survey arise out of recommendations made by the Fair Work Act review panel (and the government's response to them) on which we would appreciate your further insights.

As with all AMMA surveys, responses will be kept in the strictest confidence. No results will be attributed to any company or individual at any stage.

### \*1. Some questions about you

Name:	<input type="text"/>
Company:	<input type="text"/>
Email Address:	<input type="text"/>
Phone Number:	<input type="text"/>

### \*2. How many people are employed at your workplace(s)? Include both direct and contract employees.

**\*3. In which industry sectors do you operate? Tick all that apply**

- ☐ Oil and gas / hydrocarbons
- ☐ Maritime (offshore)
- ☐ Maritime (onshore)
- ☐ Construction (offshore)
- ☐ Construction (onshore)
- ☐ Metalliferous mining
- ☐ Non-metallic mineral mining and quarrying
- ☐ Coal mining
- ☐ Mineral processing / smelting
- ☐ Mineral exploration
- ☐ Mining services, ie catering, equipment supply
- ☐ Transport
- ☐ Other (please specify)

## 2. Your current industrial relations environment

**4. Using a scale from 1 to 7, how would you describe your current workplace relations environment? A score of 1 means extremely poor, 4 means acceptable, and 7 means excellent.**

	Extremely poor 1	2	3	Acceptable 4	5	6	Excellent 7
Your current workplace relations environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**5. How would you describe your current workplace relations environment in words?**

**6. Has there been a noticeable change in your IR environment over the past six months?**

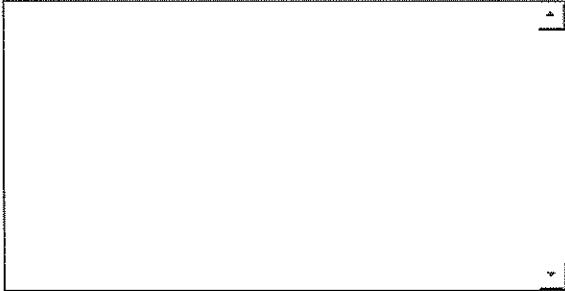
- ☐ Yes, it is much improved
- ☐ Yes, it is somewhat improved
- ☐ No, there has been no change
- ☐ Yes, it is somewhat deteriorated
- ☐ Yes, it is much deteriorated

Please give details

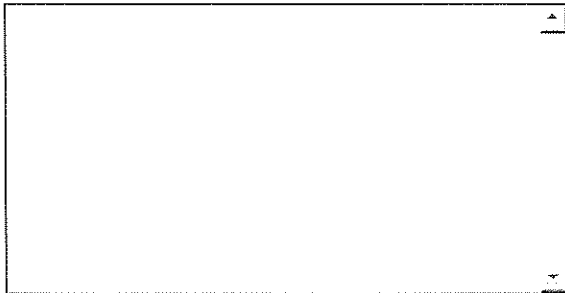
**7. What are your biggest industrial relations concerns at present?**

### 3. Resource industry competitiveness and profitability

**8. If you had the chance, what would you say to Prime Minister Julia Gillard about how she could help increase the international competitiveness of the resource industry?**

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**9. What do you see as the threats, if any, to the international competitiveness of the Australian resource industry at the present time?**

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**10. In the past six months, has your organisation decided to wind back any of its projects or operations?**

- ☐ Yes
- ☐ No

**11. If so, what have been the reasons behind those decisions?**

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#### 4. Labour productivity

**12. Using a scale from 1 to 7, how would you rate the current level of labour productivity at your worksite(s)? A score of 1 is extremely low, 4 is acceptable, and 7 is extremely high.**

	Extremely low 1	2	3	Acceptable 4	5	6	Extremely high 7
Current level of labour productivity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**13. Does your organisation formally measure labour productivity?**

- ☐ Yes
- ☐ No

Please give details

**14. How important are each of the following factors in limiting improvements in labour productivity at your worksite(s) at the present time? Please use the scale below where 1 means having no effect, 4 means having a moderate effect, and 7 means having an extremely large effect.**

[illegible]

## 5. Direct engagement with your workforce

**15. Using a scale from 1 to 7, how would you describe the current level of direct engagement your organisation has with its workforce? A score of 1 means extremely low, 4 means acceptable, and 7 means extremely high.**

	Extremely low 1	2	3	Acceptable 4	5	6	Extremely high 7
Current level of direct engagement with your workforce	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

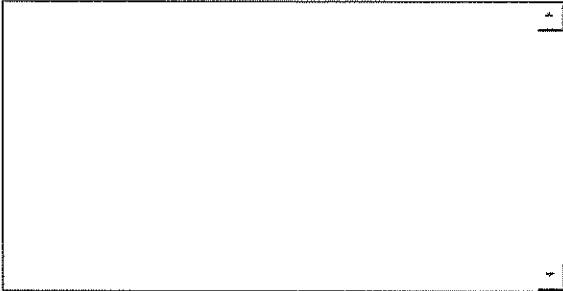
**16. What are the most important factors affecting your organisation's ability to directly engage with your employees?**

**17. How would you describe the current level of difficulty in directly managing your workforce due to union activity?**

- ☐ Unions are currently posing no difficulties to our ability to directly manage our workforce
- ☐ Unions are making it somewhat difficult for us to directly manage our workforce
- ☐ Unions are making it extremely difficult for us to directly manage our workforce

Please give details

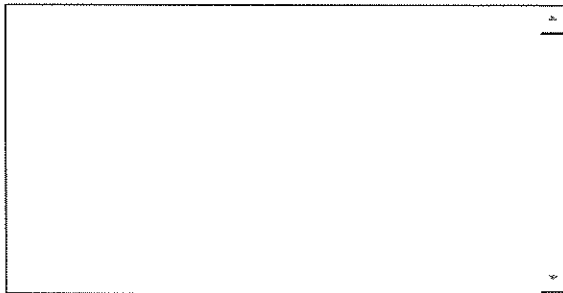
**18. In what situations, if any, are union demarcation disputes (ie rivalries between competing unions) arising at your worksites and what effect are these disputes having on your operations?**

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**19. Is bullying by union officials and/or unionists a feature of any of your worksites?**

- ☐ No, it is not a feature on our worksites
- ☐ Yes, it is a minor feature on our worksites
- ☐ Yes, it is a significant feature on our worksites

Please give details

A large, empty rectangular text box with a thin black border, intended for the respondent to provide details about bullying by union officials or unionists if they selected 'Yes'.



## 6. Workplace flexibility

**20. Using a scale from 1 to 7, how satisfied are you with the current level of workplace flexibility at your enterprise(s)? A score of 1 means totally dissatisfied, 4 means neither satisfied nor dissatisfied, and 7 means totally satisfied.**

	Totally dissatisfied 1	2	3	Neither satisfied nor dissatisfied 4	5	6	Totally satisfied 7
Current level of workplace flexibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**21. What is your opinion of a proposal that would require employers to hold a discussion with an employee every time they make a request for unpaid parental leave unless you agree to that request?**

- ☐ We would strongly support it
- ☐ We would support it
- ☐ We would be neutral about it
- ☐ We would oppose it
- ☐ We would strongly oppose it

Please give reasons for your answer

**22. What is your view of the proposal to extend the current right to request flexible working arrangements following the birth or adoption of a child to a wider range of caring arrangements?**

- ☐ We would strongly support it
- ☐ We would support it
- ☐ We would be neutral about it
- ☐ We would oppose it
- ☐ We would strongly oppose it

Please give reasons for your answer

**23. What is your view of a proposal to introduce a national long service leave standard?**

- ☐ We would strongly support it
- ☐ We would support it
- ☐ We would be neutral about it
- ☐ We would oppose it
- ☐ We would strongly oppose it

**24. What features would you like to see included in a national long service leave standard?**

## 7. Agreement making

**25. Have you finalised an industrial agreement under the Fair Work Act since 1 July 2009?**

☐ Yes

☐ No

**26. If yes, please provide some details about the type and content of any agreements finalised.**

	Type of agreement (ie greenfield or non-greenfield)	Type of workforce (ie blue-collar or white collar)	Union involvement (ie unionised or non-unionised workforce)	Annual percentage pay rise	Protected industrial action (threatened or taken)	Productivity offsets (achieved or not achieved)	Duration of agreement (in years)
Agreement 1	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Agreement 2	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Agreement 3	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Agreement 4	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Agreement 5	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Agreement 6	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**27. Were there any other increases in terms and conditions included in the above agreements that will have a financial cost, such as superannuation contributions, retention bonuses, etc? If so, please specify the extra terms and conditions for each agreement finalised in the boxes below.**

Agreement 1	<input type="text"/>
Agreement 2	<input type="text"/>
Agreement 3	<input type="text"/>
Agreement 4	<input type="text"/>
Agreement 5	<input type="text"/>
Agreement 6	<input type="text"/>

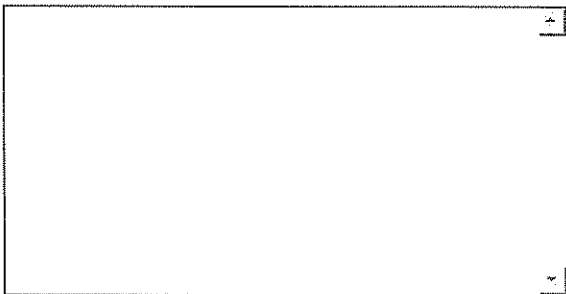
**28. When are you next due to renew an enterprise agreement?**

- ☐ No agreement renewals planned at this stage
- ☐ 2012
- ☐ 2013
- ☐ 2014
- ☐ 2015
- ☐ 2016 or beyond

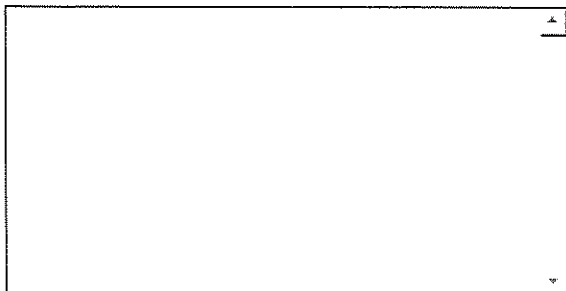
**29. When are you next due to negotiate a greenfield agreement?**

- ☐ No greenfield agreements planned at this stage
- ☐ 2012
- ☐ 2013
- ☐ 2014
- ☐ 2015
- ☐ 2016 or beyond

**30. Are there any matters in enterprise agreements that you believe should be specifically outlawed?**

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**31. Are there any changes you would like to see made to the Better Off Overall Test as applied by Fair Work Australia to enterprise agreements?**

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## 8. Individual agreement-making options

**32. Does your organisation currently use any of the following individual agreement making options under the Fair Work Act? Tick all that apply**

☐ Individual Flexibility Arrangements (IFAs)

☐ Common law contracts

☐ Other (please specify)

**33. What, if anything, would make these options more attractive for your organisation?**

**34. What would be the benefits to your organisation, if any, of individual flexibility arrangements being able to be offered and agreed before employment commences?**

**35. What other individual agreement making options would you like to see?**

**36. What is your view of a proposed requirement that employers would have to notify the Fair Work Ombudsman's office in writing whenever you make an individual flexibility arrangement with an employee, including providing the start date of the arrangement, the name of the employee and the agreement or award under which the arrangement was made?**

- ☐ We would strongly support such a requirement
- ☐ We would support such a requirement
- ☐ We would be neutral about such a requirement
- ☐ We would oppose such a requirement
- ☐ We would strongly opposed such a requirement

Please give reasons for your answer

## 9. Greenfield agreements

**37. Has your organisation attempted to negotiate a greenfield agreement with a union or unions under the Fair Work Act since 1 July 2009?**

☐ Yes

☐ No

**38. If so, has a union refused to make an agreement when you have sought to reach one?**

☐ Yes

☐ No

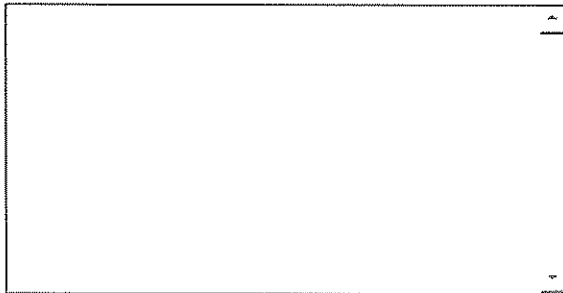
Please give details

**39. Please describe your experience of negotiating with unions for greenfield agreements under the Fair Work Act.**

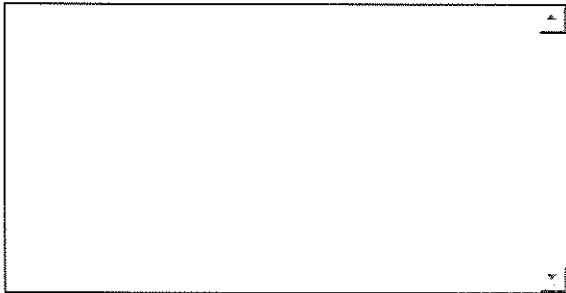
**40. Has union conduct during greenfield negotiations had an impact on the scheduled mobilisation or start-up dates for projects?**

- ☐ Yes, union conduct has caused major delays
- ☐ Yes, union conduct has caused some delays
- ☐ No, union conduct has not had any impact either way
- ☐ Yes, union conduct has caused some improvements
- ☐ Yes, union conduct has caused major improvements

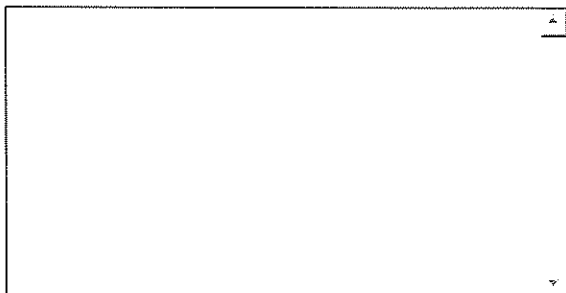
Please give details, including any financial impacts associated with any delays

A rectangular text input box with a thin black border. It is currently empty, intended for the respondent to provide details regarding the impact of union conduct on project mobilisation or start-up dates.

**41. What impact would it have on your organisation if you were required to notify all eligible unions of your intention to make a greenfield agreement rather than just a single union or unions of your choice?**

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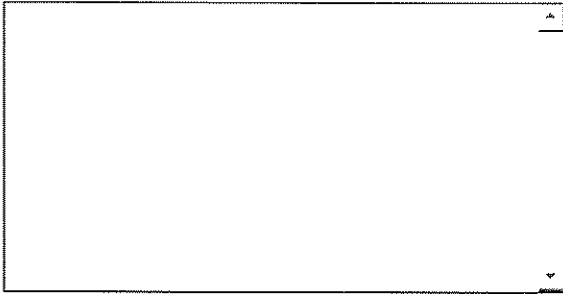
**42. What are the risks involved in starting up a new project without a greenfield agreement in place?**

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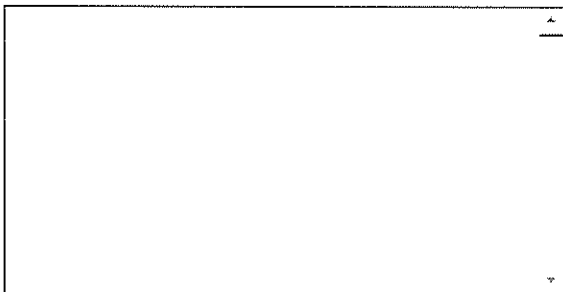


## 10. Enterprise bargaining

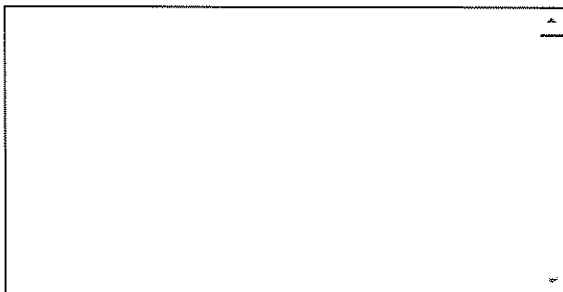
**43. What impact would it have on your organisation if bargaining orders were able to be applied for in situations where bargaining commenced more than 90 days before a current enterprise agreement expired?**



**44. What impact would it have on your organisation if good faith bargaining obligations applied to proposed variations of enterprise agreements, not just to the negotiation of such agreements in the first place?**



**45. How important to your organisation are 'scope orders' in the context of enterprise bargaining?**

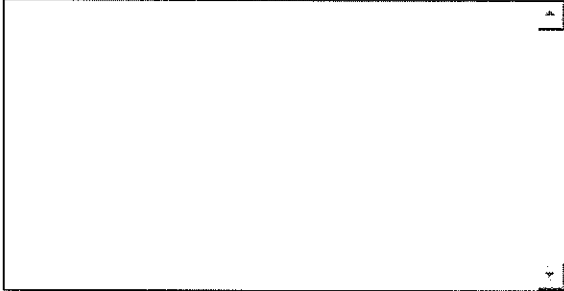


**46. Are you currently bargaining for a replacement or new agreement at any of your enterprises?**

☐ Yes

☐ No

**47. If so, please list some of the notable claims being made by unions or employees during bargaining.**



**48. During enterprise bargaining under the Fair Work Act, have union bargaining representatives pursued any of the following types of union-specific clauses for inclusion in agreements? Tick all that apply.**

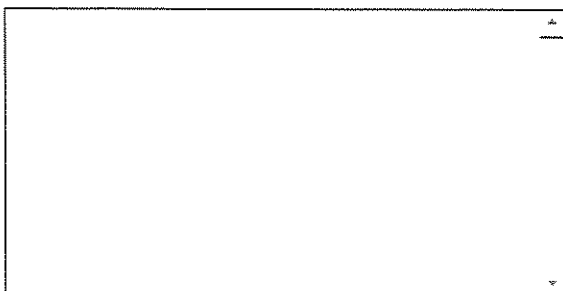
- ☐ Shop stewards' rights clauses
- ☐ Trade union training leave
- ☐ Trade union training levies
- ☐ The requirement for contractors to pay site rates
- ☐ Union picnic days
- ☐ Preferred lists of labour
- ☐ The requirement to have a union office onsite
- ☐ Payroll deductions of union fees
- ☐ The requirement for employers to encourage employees to participate in union activities
- ☐ Paid union meetings
- ☐ Other union-specific clauses (please specify)



**49. Is agreement renewal a major area of concern for your organisation under the Fair Work Act?**

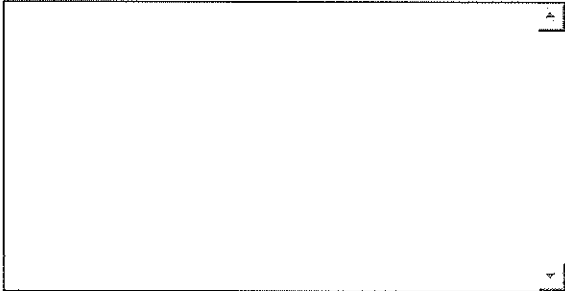
- ☐ Yes
- ☐ No

Please give reasons for your answer

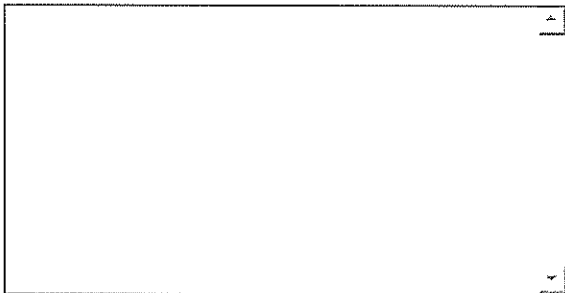


## 11. Industrial action

**50. What specific changes would you like to see made to the Fair Work Act to ensure that protected industrial action is only available as a last resort?**

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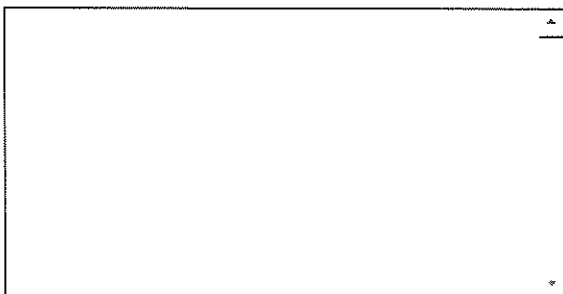
**51. What specific changes would you like to see made to the Fair Work Act to make it easier for you as an employer to apply to suspend or terminate protected industrial action?**

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**52. What is your view of the proposed requirement for employers to have to continue to provide accommodation to workers during periods of protected industrial action?**

- ☐ We strongly support it
- ☐ We support it
- ☐ We are neutral
- ☐ We oppose it
- ☐ We strongly oppose it

Please give reasons for your answer

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## 12. Right of entry

**53. Would you support Fair Work Australia having greater powers to resolve disputes about the **FREQUENCY** of union workplace visits?**

☐ Yes

☐ No

Please give reasons for your answer

**54. Would you support Fair Work Australia having greater powers to resolve disputes about the **LOCATION** of union workplace visits?**

☐ Yes

☐ No

Please give reasons for your answer

**55. During the past six months, how often did union officials visit your workplace(s)?**

☐ Unions have not visited our worksite(s) in the past six months

☐ Occasionally (i.e. once or twice during the six-month survey period)

☐ Monthly

☐ Weekly

☐ Daily

**56. What is the largest number of entry requests you have received from unions in a single month under the Fair Work Act?**

**57. Is the number of entry requests on the rise?**

- ☐ Yes, the number of requests has increased significantly in the past six months
- ☐ Yes, the number of requests has increased slightly in the past six months
- ☐ The number of requests is pretty much unchanged in the past six months
- ☐ No, the number of requests has decreased slightly in the past six months
- ☐ No, the number of requests has decreased significantly in the past six months

Please give details

**58. How many hours of productive time, if any, do you estimate your organisation devotes each month to union visits, including management time?**

**59. Do you believe your site managers have a sufficient understanding of union eligibility rules?**

- ☐ Yes
- ☐ No

Please give details

### 13. Adverse Action

The Fair Work Act significantly broadened the anti-discrimination and freedom of association provisions contained in the Workplace Relations Act by introducing the 'General Protections'. Under the General Protections, an employer is prohibited from taking 'adverse action' against an employee because of an employee's 'workplace right'.

A workplace right can include: an entitlement to the benefit of an industrial instrument; the ability to initiate proceedings under a workplace law; or the ability to make a complaint or enquiry to seek compliance with a workplace law.

Where the adverse action is alleged to have been taken for a prohibited reason, an applicant has 60 days to bring a claim if dismissal was involved (although this is set to be reduced to 21 days), or six years to bring a claim where dismissal is not involved.

**60. Under the Fair Work Act, has your organisation received any adverse action / general protections claims from current, prospective or former employees or independent contractors? Tick all the groups you have received claims from.**

- ☐ Current employees
- ☐ Former employees
- ☐ Prospective employees
- ☐ Independent contractors

**61. Please share some examples of the types of adverse action claims, if any, that have been made against your organisation.**

**62. Are these types of claims on the rise?**

- ☐ Yes, significantly more so than in the past
- ☐ Yes, somewhat more so than in the past
- ☐ No, the levels are the same as in the past

Please give details

**63. Are adverse action claims a major area of concern for your organisation?**

☐ Yes

☐ No

Please give reasons for your answer

## 14. Wages

**64. Looking ahead to your next enterprise agreements, what is your expectation of the wage increases that will be included? (i.e. the percentage change)**

- ☐ The rate of wage increase is expected to increase significantly
- ☐ The rate of wage increase is expected to increase slightly
- ☐ The rate of wage increase is expected to remain the same
- ☐ The rate of wage increase is expected to decrease slightly
- ☐ The rate of wage increase is expected to decrease significantly

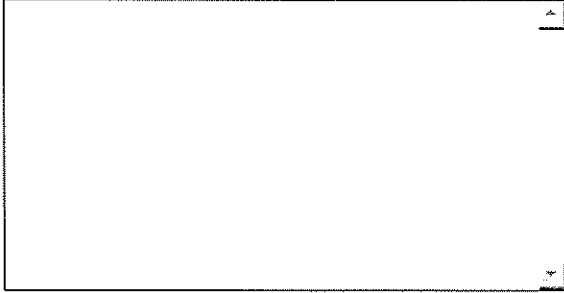
**65. If there has recently been or you expect to see a significant movement in wage increases, either upwards or downwards in your latest agreement, what do you put this down to?**

**66. Please compare the level of annual pay rises in key current agreements with the expected annual pay rises expected in those same agreements next time. Please choose the appropriate industry sub-sector that the agreements fall under.**

	Previous annual percentage pay increase	Next expected annual percentage pay increases
Oil and gas / hydrocarbons	<input type="text"/>	<input type="text"/>
Maritime (offshore)	<input type="text"/>	<input type="text"/>
Maritime (onshore)	<input type="text"/>	<input type="text"/>
Construction (offshore)	<input type="text"/>	<input type="text"/>
Construction (onshore)	<input type="text"/>	<input type="text"/>
Metalliferous mining	<input type="text"/>	<input type="text"/>
Non-metallic mineral mining and quarrying	<input type="text"/>	<input type="text"/>
Coal mining	<input type="text"/>	<input type="text"/>
Mineral processing / smelting	<input type="text"/>	<input type="text"/>
Mineral exploration	<input type="text"/>	<input type="text"/>
Mining services, ie catering, equipment suppliers	<input type="text"/>	<input type="text"/>
Transport	<input type="text"/>	<input type="text"/>



**67. Which parts of your workforce have been able to negotiate the largest pay rises and why?**

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**68. What do you think can be done to keep resource industry wage increases at a reasonable level?**

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## 15. Building industry reforms

With the replacement of the Building & Construction Industry Improvement Act with the Fair Work (Building Industry) Act earlier this year, the former industry regulator the Australian Building & Construction Commission (ABCC) has been replaced with Fair Work Building & Construction (FWBC).

Under the new legislation now in force, FWBC is prevented from participating in or launching legal proceedings against parties that have breached building industry laws if other parties to the matter arrive at a settlement.

Other changes, such as those listed below, have also taken effect.

### 69. Which, if any, of the below areas of construction industry reform have had an impact on your organisation over the past few months since they were introduced?

	1. Major net benefit	2. Some benefit	3. No effect	4. Some harm	5. Major harm
The narrower definition of industrial action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The reduced scope for injunctions to stop unlawful industrial action	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The weaker anti-coercion provisions in relation to terminating, making, varying or extending an industrial agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The reduced penalties for unlawful conduct	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The weaker prosecutorial powers of the industry regulator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The less effective compulsory informing gathering powers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The narrower definition of building work	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please give details of any impacts of those reforms

**70. Have you noticed a change in culture in the industry as a result of these reforms?**

- ☐ Yes - there has been a significant deterioration in industry culture
- ☐ Yes - there has been a slight deterioration in industry culture
- ☐ No - there has been no noticeable difference in industry culture
- ☐ Yes - there has been a slight improvement in industry culture
- ☐ Yes - there has been a significant improvement in industry culture

Please give details

## 16. Superannuation

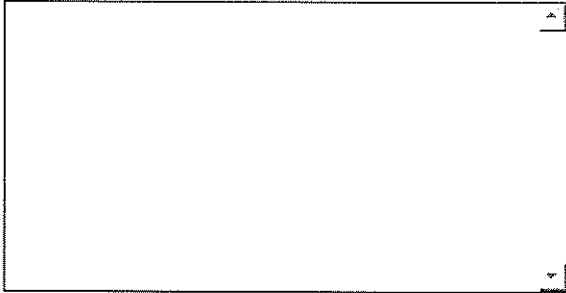
**71. What level of employer superannuation contributions do you currently make on behalf of your?**

White-collar employees

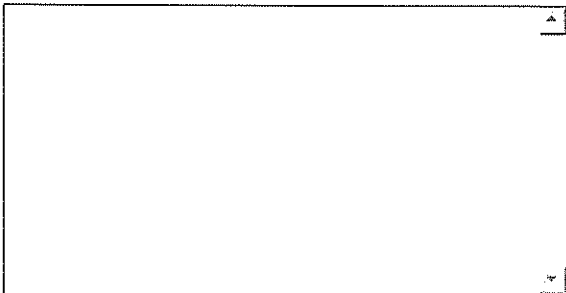
Blue-collar employees

## 17. Staff turnover

**72. What is your current rate of staff turnover on a 12-month rolling basis?**

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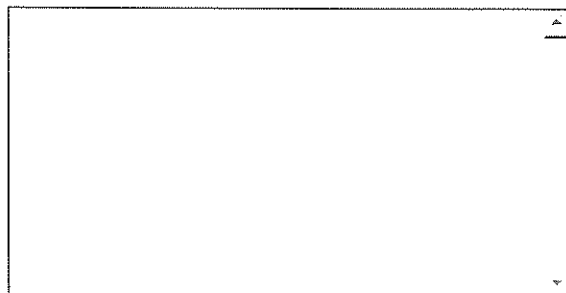
**73. In which roles are you experiencing the highest rate of turnover?**

A rectangular text input box with a small upward-pointing arrow in the top right corner and a small downward-pointing arrow in the bottom right corner.

**74. How do turnover rates for women compare to those for men at your enterprises?**

- ☐ Turnover rates for women are much lower than those for men
- ☐ Turnover rates for women are somewhat lower than those for men
- ☐ Turnover rates for women are about the same as those for men
- ☐ Turnover rates for women are somewhat higher than those for men
- ☐ Turnover rates for women are much higher than those for men

What do you put any differences in turnover rates down to?

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**75. Do you have Fly-in Fly-out workers at your enterprise(s)?**

- ☐ Yes
- ☐ No

**76. If Yes, how do turnover rates for your Fly-in, Fly-out workers compare to those for residential workers?**

- ☐ Turnover rates for FIFO workers are much lower than those for residential workers
- ☐ Turnover rates for FIFO workers are somewhat lower than those for residential workers
- ☐ Turnover rates for FIFO workers are about the same as those for residential workers
- ☐ Turnover rates for FIFO workers are somewhat higher than those for residential workers
- ☐ Turnover rates for FIFO workers are much higher than those for residential workers

What do you put any difference in turnover rates down to?

**77. What are the main costs to your organisation associated with labour turnover?**

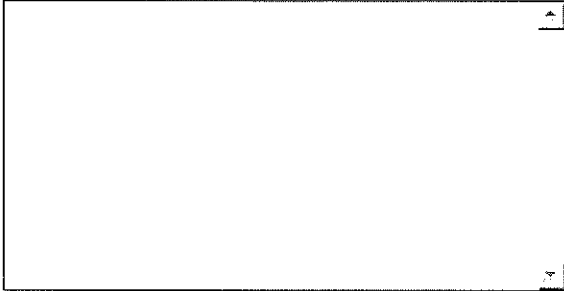
**78. Has any lack of willingness on the part of workers to move from one location to another affected your organisation's ability to source and retain labour for your projects?**

- ☐ Yes
- ☐ No

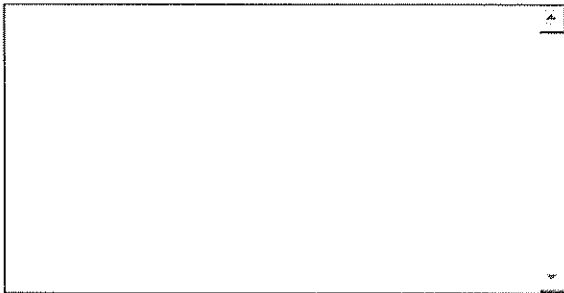
Please give details

**79. What percentage of your current workforce is female?**

**80. What would be the single most effective thing that could be done to enable your organisation to employ more women?**

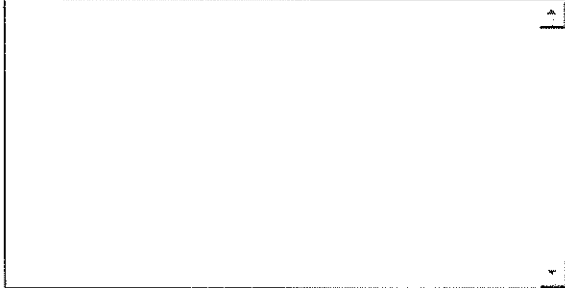


**81. What would be the benefits to your organisation of employing more women?**



## 18. Rostering arrangements

**82. What types and lengths of rosters do you currently have in place at your operations? Please give details of the different types of arrangements**

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## 19. Apprentices and trainees

**83. Do you employ apprentices or trainees at your enterprises?**

☐ Yes

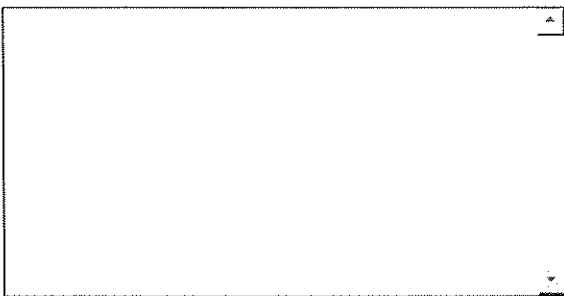
☐ No

**84. Would you support a system of competency-based apprenticeships and traineeships as opposed to the current time-based progression?**

☐ Yes

☐ No

Please give reasons for your answer

A large empty rectangular box with a thin black border, intended for the respondent to provide reasons for their answer. It is positioned below the question and the radio button options.

## 20. Skilled migration

**85. Does your organisation currently recruit skilled workers from overseas?**

☐ Yes

☐ No

If yes, what are the reasons for recruiting overseas workers?

**86. Do you plan to recruit skilled workers from overseas in the next six months?**

☐ Yes

☐ No

☐ Considering it

Please give details

**87. Do you believe that labour agreements and/or enterprise migration agreements are a viable way to facilitate access to skilled workers from overseas?**

☐ Yes

☐ No

Please give reasons for your answer