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Filling the Void: Emerging Actors in Australian Industrial Relations

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Abstract
Considerable changes in the workforce and in industrial relations legislation have resulted in gaps in the system of representation and industrial relations regulation in Australia. With a falling trade union density the issue of employee voice outside of trade unions is addressed in this paper. The literature on industrial relations "actors" is reviewed and the discussion turns to contemporary developments in the Australian industrial relations system and the emergence of "new" actors.

Introduction

In recent years there have been numerous employment-related changes in Australia including the shift towards more precarious (part-time and casual) work, the growth in the knowledge and service sectors of the economy, the ascendancy of a neo-liberal economic agenda espousing the values of flexibility, deregulation, competitiveness and individualism associated with the previous Federal Government (especially its Work Choices legislation), the emergence of normative and individualised human resource management (HRM) with a performance orientation, and a greater recognition of global factors influencing the national system of work regulation (e.g. Peetz, 2006; Watson *et al.*. 2003). There can be little doubt that such changes have impacted the traditional actors and institutions in industrial relations as popularised by Dunlop (1958): trade union membership and influence in society has fallen precipitously (Oliver, 2008), employers have become more sophisticated in their employment practices, and governments and state-based agencies are increasingly influenced by a range of international regulatory institutions.

These broader changes and their impact on employment relations have been similar across a range of other countries, with the fundamental challenges they pose leading to debates about the future of the field of industrial relations (see, for example, Ackers, 2002; Ackers and Wilkinson, 2003; Piore and Safford, 2006). Noting the challenges, the majority of these writers remain cautiously optimistic about the prognosis for industrial relations, particularly if new theories, conceptual apparatus and methods can be developed to explain the changes to work, workplaces, voice and agency. However, the views are not all positive, some, like Kaufman in the U.S., have been more guarded and suggest that to the extent that the field is associated with the study of trade unionism and collective bargaining, then employment relations will become increasingly marginal (Kaufman 2003: 220). Declining trade union membership and collective bargaining coverage for workers has resulted in a 'representation gap' for the expression of employee voice, a pattern also observed in Australia (see Bray et al. 2001). While the Work Choices legislation was distinctly anti trade union (Bramble, 2008, ch.8), it was preceded and supported by a raft of policies and practices that were designed to erode trade union support, reduce their influence or remove them all together – see the Patrick's waterfront dispute (Bramble, 2008; Peetz, 2006) and the tying of public funding to individual non union workplace agreements (Bramble, 2008; Peetz, 2006).

As part of developments in Australia, the Commonwealth or Federal-level *Workplace Relations Act 1996* was significant in its attempt to decentralise and individualise the employment relationship, including the tendency to shift much decision making, including conflict resolution, towards the workplace

level. As such, the legislation has unequivocally weakened the capacity of the historically important actors to fully represent their respective jurisdictions, including those with a strong collectivist basis such as trade unions (Bramble, 2008), or those with a national-level orientation such as the Australian Industrial Relations Commission. With respect to the latter state agency, there is some evidence that both union and employer parties continued to seek assistance from the Commission in spite of the erosion of its arbitral powers (Sappey et al. 2009). But this does not fundamentally alter the fact that there has been a diminution in the role and importance of this traditional state actor in Australian employment relations (Dabscheck, 2001) and indeed, it will be replaced by Fair Work Australia under the new legislation (Sappey et al. 2009).

The *Workplace Relations Amendment (Work Choices) Act 2005* did, among other changes, shift national wage setting responsibilities (for minimum rates of pay) away from the Australian Industrial Relations Commission and towards a new body, the Australian Fair Pay Commission. At the same time, the 2005 amendments continued the momentum for individual employment arrangements by creating opportunities for individual bargaining and advocacy agents to operate alongside trade unions (Hatch, 2005). Thus, 'new spaces' are clearly emerging in the Australian labour market for new employment actors to enter and play a role. Starting with the 1996 legislation and continuing through to the 2008 Federal industrial relations legislation there has been a diminished recognition for trade unions as bargaining agents and as parties to traditional collective agreements such as awards. New spaces were created in the legislation for non union agreement making, and even with awards the centrality of trade unions as being a recognised party to the agreement was replaced by the term "employee representative" (Bray and Macneil, 2009). This clearly gave recognition to the participation of "new" actors in the system as substitutes for trade unions.

However, the large majority of contemporary research in work and employment relations in Australia continues to privilege the interaction between managers and their organisations, trade unions, and the state to the exclusion of other social actors that might influence that relationship. It was if the legislative, structural and workforce changes of the past three decades (Watson, et al. 2003) are largely incidental to the analysis of industrial relations. It is not our purpose to critique either the research heritage or the valuable studies that continue to be undertaken; indeed, this has been one of the strengths of the Australian academic context. Rather, there is a need to extend intellectual endeavours in Australia to also examine those employment actors and processes that are both genuinely new in the field, as well as those newly-discovered (or which have existed for some time but have been largely ignored). It might well be the case that this oversight is due to a narrow conception of employment relations in Australia as being autonomous from

other realms of society, a point which Ackers (2002) in the United Kingdom., and Piore and Safford (2006) in the U.S.A., argue can no longer be sustained.

Whether this proposition holds for Australia is difficult to establish, but it does appear that a focus on new employment actors and processes in Australia has been relatively slow in comparison with some other countries. For instance, there has been research on the Citizens' Advice Bureaux in the U.K. (Abbott, 2004), end-users of services in Canada (Bellemare, 2000) and urban industrial mission in Korea (Michelson, 2009). The *British Journal of Industrial Relations* devoted a special issue to new actors in employment relations (volume 44, number 4, December 2006) with four of the six papers in the special issue devoted to examining developments from the U.S. In Australia the discussion and analysis of new actors has been in comparison very slight. An exception is Keith Abbott's (2008) discussion of the decline of social activism by the Catholic Church in the context of recent industrial relations reforms and the volume by Michelson et al. (2008) that examined the emergence of actors at a number of levels.

Nonetheless, the body of literature concerning new actors and processes in employment relations remains small. Yet the need appears clear; employment relations as both practice and theory must begin to embrace a wider range of non-traditional actors if the field is to adequately and comprehensively explain the changes affecting the regulation and experience of employment (see also Heery and Frege, 2006). As Kochan has recently argued, expanding the range of actors in employment relations analysis should include those groups and agencies both at the community/societal level as well as the international level (Kochan, 2004: 13). Developments occurring at the international level may influence or be influenced by employment-related changes at the national level (see Jones 2002).

This paper seeks to broaden our approach to employment relations by examining the development of new actors and processes and the role these play in the regulation and management of work in Australia. When addressing a range of new employment actors and processes it is not assumed that the historically important actors will all cease to function as important players within Australia. Many will, for the foreseeable future at least, continue to be major participants in Australian employment relations. This paper reviews the conceptualisation of an industrial relations actor and discusses potential new actors in the Australian industrial relations system. It examines the implications of the Forward with Fairness Legislation on voice and agency across workplaces. Finally, it considers the issue of the "representation gap" (Towers, 1997; Bray et al. 2001) in Australian workplaces and how it should be addressed.

New Actors at Work

To begin with, we need to address the following questions: what is an actor and how are they classified? Most theories of employment relations define actors in terms of their behaviours and their power and influence vis-à-vis other actors. In this context, John Dunlop's (1958) systems theory of industrial relations has been highly influential in shaping the domain of scholarly inquiry – that which establishes the substantive and procedural rules of the workplace. He argued that there are three well-defined categories of actors in an industrial relations system: 'a hierarchy of managers and their representatives in supervision…a hierarchy of workers (non-managerial) and any agents, and…specialized governmental agencies (and specialized private agencies created by the first two actors) concerned with workers, enterprises, and their relationships' (Dunlop 1993: 47). These actors do not behave in an autonomous fashion but are shaped by a series of contexts including technological, markets and political (power) contexts.

Some remain firmly committed to this 'tri-actor' model of employment relations among employers and their organisations, workers and their organisations, and government entities and agencies (e.g. Fashoyin, 2005). While Fashoyin acknowledges the emerging trend of a range of civil society and non-governmental organisations in employment relations, he regards them as subordinate and secondary to the extant three actor groups and seeks to locate them within a tripartite framework. The role of any new employment actor is not to act independently of, but rather to form alliances and collaborations with, the three principal actors within the tripartite framework (p. 38). In this way, Fashoyin (2005) believes that unions and employers' organisations for instance, will be strengthened in terms of their collective voice and influence. Thus, the influence of Dunlop's model is reinforced as the new actors are clearly not envisaged as supplanting but supporting the conventional employment actors. The 'stability thesis' presented by Fashoyin assumes incorrectly that the social, economic and/or political goals of the new actors (and therefore the way in which they behave) are necessarily consistent with the goals and behaviours of trade unions, employers' organisations and government agencies. This is unlikely even within the same actor category – in this case, the government and its various agencies we can point to the Human Rights and Equal Opportunities Commission as being critical of the Work Choices legislation. In contrast to Fashoyin we would suggest these new actors are important in their own right. Indeed, Piore and Safford (2006: 314) argue that the conventional categories of Dunlop's framework now present 'an outdated view of the structure of industrial society and how that structure would evolve'.

If the thesis of Piore and Safford is correct, then even attempts to extend Dunlop's model to include a 'fourth actor' as has been considered by

Albrechtsen (2004) in the case of the unemployed, will remain somewhat limited. Such efforts to adopt more relevant frameworks of analysis still operate with a basic acceptance of the extant three-actor grouping but with the addition of a further actor that is specific to the particular focus of enquiry. In Australia some have tried to address this context-related problem to account better for the numerous changes in the field of work and employment relations. Braham Dabscheck, for instance, has suggested the inclusion of multiple new employment 'interactors' (a term which appears analogous with actors) including, for example, the media, academe, money market operators, customers, medical, women, feminist, ethnic, religious and other groups in his general theory (Dabscheck 1994: 11-12). Others have also sought to expand the analysis by introducing a more gendered approach to new employment actors (see Jones 2002). While this expansion of non-traditional actors is consistent with the scope of this paper and therefore welcome, unfortunately Dabscheck did not specify when a particular individual, group or organisation becomes an actor.

Efforts to define an employment actor that are not limited by Dunlop's model or which fail to specify the conditions that enable an actor to be classified are needed. Here, the contribution of Bellemare (2000) is a very important one because he proposes an analytical model of actors that:

- does not assume *a priori* that any individual, group or organisation should be categorised as an actor, including any of the traditional actors of employment relations analysis;
- seeks to discuss the 'significance' of an actor at different levels of analysis; and
- can be adapted to different historical periods and different countries.

Guy Bellemare defined an actor as: 'an individual, a group or an institution that has the capability, through its action, to directly influence the industrial relations process, including the capability to influence the causal powers deployed by other actors in the IR environment (indirect action)' (Bellemare 2000: 386). This approach has clearly influenced the work of others. For instance, in her study of industrial mission Bell defined an actor as an: 'individual, group or institution with the capability to directly influence the industrial relations process through its action. The form of influence exercised by an actor may be direct or indirect, the latter by affecting the actions of other actors in the industrial relations environment' (Bell 2006: 332). In both of these almost identical definitions, it is shown that an actor is constituted by its activities and these activities are significant to the extent that they provoke reactions among other employment actors or impact employment relations more generally in a meaningful way.

The claim that no actor should automatically be privileged in terms of analysis is highly polemical because it contends that trade unions, employers and the state (and its various agencies) may or may not be classified as an employment actor. The identification of an employment actor is therefore something to be determined empirically. This feature is a major departure from Dunlop. Influenced by ideas from sociology in particular, Bellemare notes that social agency is not a matter of intentions but of consequences (desired and intentional). To be a genuine actor, some exercise of action must occur, but in addition there is capacity for other actors to take these actions into consideration and to respond in some way (Bellemare 2000: 386).

For Bellemare, an employment actor is a continuous rather than a dichotomous variable. In other words, the individual, group or organisation is either a more or less significant actor or it is not an actor at all. Further, he does not provide any limits to the number of new employment actors in the system and this number may fluctuate according to different temporal and spatial contexts. Therefore, an actor that is currently influential in one country's employment system may not be significant in that same country (or even a different country) in the future (Bellemare 2000: 399). In this sense, the framework establishes a dynamism in its orientation. To evaluate the significance or effectiveness of an employment actor, Bellemare operationalised an actor's influence along two dimensions – an instrumental dimension and an outcomes dimension.

The instrumental dimension comprises three different levels of analysis – activities at the workplace level, the organisational level and the institutional (social, economic, legal) level. An actor is regarded as more significant if it is able to shape developments at all three levels (breadth of involvement) and where this involvement occurs on a continual basis. On the other hand, actions that do not relate to all three levels ('narrow' involvement) or that take place more intermittently would lead to the conclusion that the actor is less significant in the employment relations field.

The outcomes dimension of an action evaluates the extent to which an actor achieves its objectives or produces wider changes in the regulation of work and employment. Thus, the framework makes central the notion of power. An actor that either has all or part of its goals accepted by other actors or imposes them on others would be characterised as a significant actor, particularly if the changes are more permanent and enduring (Bellemare 2000: 389). Acceptance of an actor's goals is more likely when there is a higher level of participation in decision-making (ranging from an advisory status through to genuine participation) regarding a wider range of topics (across the workplace, organisational and institutional levels).

In summary, his model can be presented in Table 1 as follows:

Table 1. An overview of Bellemare's employment actors

Dimension	*Evaluation Criteria*
1. Instrumental (means)	Involvement at all three levels (workplace, organisational and institutional); and Continuity of presence
2. Outcomes (ends)	Goals recognised by / impact other actors; and Level and breadth of participation in decision making

However, Bellemare's analytical framework does contain some limitations and these need to be acknowledged. First, actor importance and effectiveness is based on actor continuity, rather than allowing for the episodic intervention of the actor or even the ephemerality of an actor itself. In other words, the framework is ostensibly premised on the extant collectivist and stable model of employment relations, particularly as actor significance is determined by the breadth of participation across all three levels. This is likely to benefit the traditional actors *in practice* (emphasis added). Smaller actors and those groups pursuing a single issue are unlikely to have the necessary resources and leverage to shape a range of employment issues at different levels. But this overlooks the possibility that single issue actors such as the National Pay Equity Coalition in Australia may be highly significant within their sphere of interest. Given the various employment-related changes noted earlier, it might now be quite unrealistic to expect actors to be influential at all three levels.

Similar points have been noted by Abbott (2006) who has been one of very few scholars to empirically test Bellemare's model. Abbott's research has explored the Citizens' Advice Bureaux, a charity-based U.K. organisation which concentrates on the empowerment of individuals. He found that the Bureax were significant new actors in spite of not having a 'continuous presence', a characteristic also shared by some of the new employment actors in the Australian context. Indeed, the terms 'continuity' and 'presence' can arguably be exerted externally to the workplace and organisation and should not be considered synonymous with only an internal workplace or organisational presence as Bellemare's framework suggests (Abbott 2006: 444).

Relatedly, the framework is presumably limited for the contemporary analysis of new employment actors. According to Bellemare (2000), an actor's significance or effectiveness can only be established over time. However, the requisite period of time was not stated and remains indeterminate. In contrast, it is argued here that this time requirement, while desirable, is unnecessary and was clearly ignored in Abbott's research. Taking the case of new state actors created and abolished by legislative fiat for example, this would potentially

suggest that they are relatively unimportant, especially if the actor has a short legislative life. But even actors with a short existence can be highly influential, and sometimes this influence can extend even beyond the life of the actor itself. Here we would consider the Office of the Employment Advocate associated with the 1996 Federal industrial relations legislation as being a potentially significant, yet short term, actor. Indeed, one whose tenure was largely defined in terms of the operation of Australian Workplace Agreements.

While Bellemare's analysis is a major contribution to the identification and effectiveness of an employment relations actor, it is not without its problems. Given the broad range of employment changes noted earlier, it seems unrealistic to expect all new actors to have a continuity of action and to seek to influence developments at all three levels. Goals can certainly be recognised or impact other actors, even if these are concentrated around a more limited number of issues or where actor 'presence' is more intermittent and sporadic. Thus, an actor's ability to achieve their major objectives in Bellemare's model remains important as this highlights the notion of power, but the key modification to his analysis for the purposes of this article is that it is explicitly recognised that this can occur in many different ways. Because actors are not a homogenous group their significance needs to be demonstrated according to the specific type, goals, and nature of the actor. This requires a more fine-grained or nuanced approach to evaluating how and why new employment actors 'make a difference'.

New Actors in Australian Industrial Relations

A recent collection provides many examples of potential new actors in the Australian industrial relations system (Michelson et al. 2008). The collection divides actors into two types. Type one are new actors who are located within the Dunlopian trilogy of industrial relations actors. In the second section are actors who are located outside of the traditional framework but warrant consideration to be included in the industrial relations system since to different degrees they can perform the functions of an actor.

In the first section was included the Australian Fair Pay Commission (AFPC). The AFPC was established as a new actor in the industrial relations system with a new bureaucracy to support its functioning. A layer of intervention and regulation present in the industrial relations system has been transferred to a newly established organisation. It was not clear what rationale lay behind the establishment of the AFPC, nor was it clear why the then existing industrial relations legislation could not have been amended to alter the criteria for safety net wage cases conducted by the AIRC. Some insight, however, may be gained from a ministerial press release which indicated that the AFPC would move away from an adversarial and legalistic approach to wage determination; not involve ambit and arbitrary wage claims by unions; and consider different

criteria, primarily the employment of the low paid and the unemployed (Andrews, 2005). The Minister suggested that the establishment of the AFPC 'represents a long overdue shift from the arbitrary and ambit claims for wages made by employers and unions in industrial tribunals….'

Similarly, in its Work Choices document (Australian Government, 2005), the Government claimed that:

> 'the Fair Pay Commission represents a long overdue shift from the historically legalistic and adversarial process for setting wages in Australia…the Fair Pay Commission will adopt a consultative approach with all interested stakeholders.'

The AFPC may be a new actor but with a very short tenure since with the 2007 election of the ALP to office the AFPC was disbanded and its functions will be undertaken by Fair Work Australia through its Minimum Wages Panel (Sappey et al. 2009: 325). Fundamentally the functions and processes of the Minimum Wages Panel mirror those of the AFPC. Importantly the representations and the submissions to the panel are not confined to trade unions and employer representatives. There is scope for other representative groups to make submissions on behalf of certain groups of employees. In itself this has already become contentious (see below).

The recent spate of Federal industrial relations legislation has seen new state based actors emerge to either perform new functions or to carry out tasks previously performed by the Industrial Relations Commission. Under the Workplace Relations Act of 1996 an important state institution was the Office of the Employment Advocate who had an important role in administering and promoting individual agreement making through Australian Workplace Agreements. In 2007 it was renamed the Workplace Authority. Under the Forward with Fairness legislation of 2009 a new authority was established, Fair Work Australia, that would subsume all other federal industrial relations authorities and tribunals (Sappey et al. 2009: 234).

Michelson et al. (2008) concentrates more on the second category, actors located outside of the traditional framework. This is not surprising given the significant structural change to the workforce and to the industrial relations system over the past two decades. There has been a shift away from manufacturing to services; a gradual feminisation of the workforce; a declining trade union density; a shift towards decentralised and individual bargaining; growing non standard employment arrangements and growing ambiguity in employment arrangements (see Watson et al. 2003). What this means is that more workers and more industrial relations arrangements are falling outside of the traditional system. This is most clearly represented by the falling union density to 20 per cent (Oliver, 2008) and the decline in award coverage across the workforce (Sappey et al. 2009). This is a manifestation of

the long trend towards a representation gap in the Australian industrial relations system (Waring et al. 2003). As a consequence gaps and opportunities arise for new and different forms of voice, representation and bargaining. This is captured in the legislation where many of the voice and representation functions are no longer the exclusive domain of employer groups and trade unions. The second category of new actor includes:

- the Human Rights and Equal Opportunity Commission
- consumer groups
- bargaining agents
- independent arbitrators
- women's lobby groups
- corporate social responsibility

There are non traditional actors that are present beyond these groups. They include bargaining agents as per the Work Choices legislation, employee representatives as per the current legislation, the Churches and a range of NGOs including migrant support groups and community welfare groups.

Legislation created opportunities for different and new forms of representation, such as non union bargaining agents in Australian Workplace Agreements and in collective agreements. It is debateable whether these above actors would satisfy the Bellemarian conditions to be given actor status, nevertheless we would consider the ambit and field of industrial relations has been extensively extended as a result of workforce and legislative changes. Into the void of the representation gap, new actors are emerging to give voice to those workers who lack formal voice. Peetz (2006) discusses the visibility of community action and support in a number of well publicised Australian industrial relations disputes from the Pilbara to the waterfront. These cases illustrate coalitions emerging between community groups and trade unions. While these events were sporadic there are examples of enduring alliances such as the Fairwear campaign to protect clothing outworkers. This was a national coalition of NGOs and trade unions that sought to improve the pay and conditions of outworkers in the clothing and textile sector (Fairwear, 2006). Major sponsors of Fairwear included The Uniting Church of Australia-NSW Synod and Assembly and the Sisters of Charity Foundation Ltd. and had 'other financial contributors', including national, State or Federal branches of unions and the Labor Council of NSW.

The Australian Chamber of Commerce and Industry (ACCI) on Legitimate Industrial Relations Actors

The scope for the emergence of new actors through new legislation, together with developing tensions with old actors, is illustrated by the operations of the AFPC. The AFPC is firmly located in the state sphere of the traditional

Dunlopian framework of industrial relations actors. In its deliberations the AFPC, unlike the AIRC, could call on a wide range of submissions from interested parties. In its first two hearings it attracted submissions from many interest groups. However, in its submission to the 2007 wage inquiry the ACCI (2007) launched an extraordinary attack on the raft of groups outside of employers and unions who were making submissions to the hearings. The gist of the ACCI criticism is that these groups should not be heard since they had no legitimacy or they lacked the authority of the traditional industrial relations actors. The ACCI (2007) then went on to set out why unions and employers should be afforded exclusive (or privileged) status before the AFPC. The arguments were based on a number of propositions:

- Unions and employer groups were "long standing, widely accepted, highly reputable bodies in the Australian community." (21)
- "they are generally major bodies, and for the most part are the largest organisations representing interests in their sphere" (21)
- "employer associations and unions are democratic organisations" (22)
- "unions and employer associations are registered under the Workplace Relations Act for specific representation purposes directly relevant to the work of the AFPC" (22)
- "ACCI and the ACTU are recognised internationally as the most representative organisations of employers and employees in Australia" (23)
- "this (international recognition) is reinforced by considering the terms of the specific ILO conventions Australia has ratified" (23)

The ACCI were setting out a set of conditions that identified industrial relations actors in the context of formal wage deliberations. Essentially the ACCI endorses the Dunlopian trilogy regarding industrial relations actors. The criteria of Bellemare are satisfied in terms of appeals to level and breadth of representation, continuity of presence, recognition by other actors and ability to impact on other actors. It would seem that the ACCI was appealing to the established literature in order to decide who should receive official recognition as an industrial relations actor.

Here we have a manifestation of the tension created as a result of change within the industrial relations system and of the withdrawal of the voice monopoly provided to trade union and business groups through the Industrial Relations Commission. The ACCI critique suggests that industrial relations should initially be confined to the Dunlopian framework, that there are rules and regulations that legitimise the participation of these traditional actors, and that new forms of voice and representation through the submissions from non traditional groups cannot be taken to be on par with those of the traditional actors for the range of reasons set out above. If we are to go beyond the traditional trilogy then legitimate actors need to satisfy a number of

conditions: be long standing; be reputable bodies; be democratic; be registered under industrial relations legislation; have international recognition. It is clear that these criteria, while not entirely operational, would severely limit who could make representations to the AFPC.

Who were these groups that had raised the ire of the ACCI? Submissions to the wages hearing had been made by many community organisations, including:

Australian Catholic Council for Employment Relations
Australian Council of Social Services
Federation of Ethnic Community Councils of Australia
National Disabilities Services
The Smith Family
Women's Electoral Lobby
Youth Affairs Council of South Australia

However, it could be argued that ACCI missed the point. Namely, that the traditional industrial relations system and traditional actors failed to provide for adequate representation and voice for groups of workers (and those outside of the workforce) whose interests were not adequately represented by employer groups, trade unions or government in a new economic and institutional context. In this context, and provided the opportunity by the AFPC review processes, new actors have emerged to fill the gaps left in the traditional system, often providing voice for those in the system who for various reasons are located outside of the system for a range of reasons: high turnover; contingent employment arrangements; special employment needs and not being employed. Such groups include youth, the disabled, migrants and the unemployed. Peetz (2006) notes the long history of community activism in the USA and the visible campaigns around farm workers and janitors by community groups. He suggests that such activism is relatively underdeveloped and less visible in Australia. However, the AFPC process provided formal recognition for many groups who have acted as representatives for particular groups of employees and the unemployed in Australia over a long period of time – this applies to ACOSS and the Women's Electoral Lobby.

Discussion and Conclusions

In their introduction to the *BJIR* special issue on new actors, Heery and Frege (2006) justify the volume on the premise of the need to update the discussion of actors to reflect changes in the economy and the emerging plurality of interest groups engaged in industrial relations. They indicated that they saw the special issue as a means of exploring several key issues: new forms/institutions of worker representation; and institutions that shape/impact

on employer behaviour in both the private and state sectors. We would suggest that there are at least five fundamental reasons for examining new actors in the Australian context:

1) the decline in trade union density – this is not a peculiar Australian development, but it does give rise to consideration of what fills the vacuum with respect to employee voice (Oliver, 2008). We would add that the reach of trade unions through certified agreements and awards remains much greater than the trade union density. The falling trade union density has given rise to extensive debates over union strategies and trade union revival (Bramble, 2008; Peetz, 2006). In Australia this has been helped along by partisan policy by the previous Federal government specifically aimed at marginalising trade unions. The Work Choices legislation had an extensive array of regulations over trade union activities from recruitment through to industrial action (Sappey at al, 2009). Even under the Forward With Fairness legislation trade unions have not had their rights and status returned to pre 1996 arrangements (Bray and Macneil, 2009).
2) The constant legislative change within the Australian industrial relations system over the past 20 years. This has impacted on traditional actors, disposed of or curtailed traditional state actors (see the above discussion of the Australian Fair Pay Commission) and established new processes governing the behaviour of existing actors. The previous Federal government introduced (non union) bargaining agents in an attempt to provide alternative voices to trade unions and privileged individual (non union) bargaining in its Work Choices legislation (Waring and Burgess, 2006). This process will continue with legislative change contained within the Forward with Fairness proposals.
3) Significant workforce and workplace change. This reflects not only changes in the industrial and demographic composition of the workforce but the growth of contingent employment arrangements and ambiguous employment arrangements such as agency work and contracting that are located on the fringes of the industrial relations system (Watson et al. 2003).
4) The emergence of new coalitions within the industrial relations system. Legislative change, especially Work Choices, has seen opposition from many quarters including women's groups, welfare groups and the Church. Their participation in politics is not new, however, legislative changes have brought out concerns about the position of the low paid and women workers (many of whom are low paid) within a system that is based on individual bargaining. While AWAs were abolished under the Forward with Fairness proposals the lack of formal voice for many parts of the workforce remains apparent. It is also worth noting that where sympathetic governments have been elected into office that the

trend towards the expanding representation gap in many Anglo Saxon economies has not been reversed (Oliver, 2008).

5) The emergence of active NGOs that are lobbying organisations, unions and governments to act on a range of issues from the environment through to the effective representation of minority groups. Activism by NGOs is independent of legislative change in industrial relations. Whether directly or indirectly NGOs can offer voice functions and also seek to modify production and employment practices of organisations through a number of processes from lobbying governments through to consumer campaigns (Jamieson, 2008; Waring et al. 2008).

The recent consideration of new actors is important in terms of recognising the presence of a range of groups that impinge on industrial or employment relations processes and outcomes. The traditional triumvirate remains at the core of the system but we need to recognise that with workforce, institutional and legislative change that new participants and new coalitions will emerge in employment relations. Whether we adopt a neo Dunlopian view of the industrial relations system, a Bellemarian view or some variant, there is a need to recognise the evolution and transformation of long term actors and the emergence of new (and in some cases transient) actors in the industrial relations system. The debate over actors is at heart of the industrial relations system and it should be recognised that there is a need to evaluate the theorising of actors and to recognise the changing contours of voice and representation that are occurring across the workforce.

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