

**THE EFFECT OF ENTERPRISE BARGAINING ON DOWNSIZING
IN THE AUSTRALIAN RETAIL BANKING SECTOR 1993-1998: A
UNION PERSPECTIVE**

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Abstract

This paper assesses the effect of enterprise bargaining on the incidence of downsizing in the Australian retail-banking sector between 1993-1998. It appears that the downsizing negotiations performed by the 'Big 4' banks were undertaken in a conflictual fashion, devoid of co-operation. Moreover it seems that enterprise bargaining neither ensured nor prevented downsizing: the decision to downsize was the sole prerogative of the 'Big 4' banks. Enterprise bargaining gave the 'Big 4' greater flexibility in determining staff numbers, yet also enabled the Finance Sector Union to negotiate processes aimed at restricting the number of retrenched employees.

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INTRODUCTION

Enterprise bargaining and downsizing were concepts introduced in the early 1990s to improve the flexibility and productivity of Australian enterprises, particularly in the light of increased international competition. Rather surprisingly, little research has investigated the relationship between these two concepts. This paper attempts to address this oversight by investigating whether the shift toward enterprise bargaining in Australia influenced the incidence of downsizing in a specific sector: retail banking. The paper explores also the negotiation process behind downsizing between the 'Big 4' banks (the Commonwealth Bank, Westpac, The Australian and New Zealand Bank (ANZ) and the National Australia Bank), and the union representing workers in this sector, the Finance Sector Union (FSU).

This paper begins with an overview of downsizing and enterprise bargaining and their establishment within Australian organisations. We follow this with a brief discussion of key concepts within the enterprise bargaining literature, which establishes a theoretical framework for the subsequent analysis. The findings from structured interviews conducted with industrial officers from the FSU which focus on the effect of enterprise bargaining on downsizing as well as the nature of the negotiations behind downsizing, are outlined in the final section.

DOWNSIZING & ENTERPRISE BARGAINING: AN OVERVIEW

A considerable body of empirical research into downsizing emanates from the United States (Cascio 1993; Cameron 1994; Capelli 1997). This literature provides various definitions of downsizing ranging from 'the planned elimination of positions or jobs' (Cascio 1993:96) to 'dismissing workers for reasons other than poor performance' (Capelli 1997:96). A comprehensive definition, which we adopted for this paper is provided by Cameron (1994:192) who views downsizing as 'a set of activities, undertaken on the part of management of an organisation and designed to improve organisational efficiency, productivity and/or competitiveness'.

The theoretical underpinnings of downsizing infer that its practice will enable organisations to cut labour costs and improve financial performance (Cascio 1993; Cascio 1997; Cascio, Young and Morris 1997). Cascio (1993) proposes that downsizing will yield both economic and organisational benefits. In terms of economic benefits, downsizing firms can 'expect to increase value for their shareholders' (Cascio 1993:98). According to Cascio *et al.* (1997:1175) 'lower labour costs should result either in increased earnings or in the ability to control product prices to improve competitiveness... and ultimately the market value of a firm's shares should improve'.

Downsizing in Australia rose to prominence in the early 1990s when organisations implemented strategies designed to reduce their workforce numbers (Dunford, Bramble and Littler 1998, Greenwood 1998, Morehead, Steele, Alexander, Stephen and Duffin 1997). The 1995 Australian Workplace Industrial Relations Survey (Morehead *et al.* 1997) revealed that 41 percent of surveyed firms reduced their workforces due to their own, or government initiated, restructuring. Morehead *et al.* (1997) concluded that between 1990 and 1995, redundancies increased while workplaces relied less on natural wastage or attrition. Whatever the motives were, during 1993-1995, 56% of larger Australian organisations downsized; while during 1997-1998, over 62% of Australian organisations downsized (Dawkins, Jensen, Valenzuela and Littler 1999). Another perspective is provided by Greenwood (1998:108) who observed that in the Australian context, the bigger the organisation, 'the harder they cut'.

The early 1990s witnessed the onset of what some consider to be the most systematic and far reaching changes to the Australian labour market in Australian industrial relations history

(McDonald, Campbell and Burgess, 2001). At the forefront of these changes was a fundamental ideological shift to the decentralised system of enterprise bargaining as the dominant industrial relations paradigm (Loundes, Tseng and Wooden, 2003). The shift toward enterprise level bargaining in Australia was intensified by the Australian Industrial Relations Commission's enunciation of the Enterprise Bargaining Principle (EBP) in 1991. This shift was endorsed by all major political parties, employer groups, and the Australian Council of Trade Unions (ACTU) and was consistent with a worldwide change in attitudes concerning markets and institutions, and reflected an increased acceptance of neo-liberal economic thought, economic rationalism and reduced government intervention (Preston 2001). It also entailed recognition that wage levels and employment conditions had direct implications for productivity, skill and flexibility at the enterprise level (Hampson and Morgan 1998; Hawke and Wooden 1998; Loundes *et al.* 2003; Teicher and Grauze 1996; Teicher and Svensen 1997).

The adoption of enterprise bargaining principles in Australia can be specifically tied to the requirements for Australian organisations to increase their efficiency in the face of increasing international competition. Enterprise bargaining may facilitate increased productivity by enhancing incentives for organisations to introduce more efficient work and management practices. It may also promote more cooperative relations in the workplace, and smooth the process of a greater acceptance of new technology skill development. These measures are critical to long-run productivity growth. In addition to providing a more flexible labour market, the enterprise-based approach was introduced to foster the establishment of work arrangements and employment conditions designed to meet the specific needs of individual enterprises and their employees (Fells 1995).

Negotiation is a key element of enterprise bargaining. The concept of distributive (i.e. zero-sum) and integrative (i.e. joint-gain) models of bargaining, introduced by Walton and McKersie (1991), provides a useful framework for analysing the negotiation process. These two conceptual design processes present clear alternatives that can be utilised in negotiations. Walton and McKersie (1991:4) perceive distributive bargaining as a 'complex system of activities instrumental to the attainment of one party's goals when they are in basic conflict with those of the other party'. At the opposite end of the negotiating spectrum, integrative bargaining alludes to a system of activities which are 'instrumental to the attainment of objectives which are not in fundamental conflict with those of the other party and which therefore can be integrated'. Underpinned by cooperation, integrative bargaining is characterised by behaviour incorporating reciprocal concession making, information sharing, and the seeking of solutions with a greater propensity for 'win-win' outcomes (Mortimer, Bain and Crawford 1999).

The practice of distributive and integrative bargaining creates dilemmas for negotiators: conflictual tactics may generate a restricted set of joint shares for negotiators or worse still, an outcome in which both parties lose. Alternatively, being too cooperative and forthcoming with information can leave negotiators vulnerable (McKersie and Walton, 1992). Managing the gulfs between the two tactics often requires the utilisation of mixed bargaining. Mixed bargaining implies that negotiators who deal with a mixed agenda (negotiations with elements of conflict as well as the potential for integration) should engage in an integrative style of bargaining to increase the scope of joint gain and then adopt distributive tactics to achieve as large a share of that gain as possible (Walton and McKersie 1991). An example of mixed bargaining in Australia according to Fells (1998), is enterprise bargaining.¹

A potentially adverse effect of the onset of decentralised bargaining has been the rise in managerial prerogative, due in some part to reduced regulatory constraints, the curtailed influence of unions and the restricted role of the AIRC (Campbell and Brosnan, 1999, Kaye 1999, Loundes

¹ See a description of the City of Rockingham negotiations in Fells, R. (1998), 'Overcoming the dilemmas in Walton and McKersie's Mixed Bargaining Strategy', *Industrial Relations*, Vol. 53, Issue 2, pp.300-325.

et al. 2003).² Loundes *et al.* (2003), argue that enhanced managerial prerogative may come at the expense of consultative modes of negotiation, in turn fostering a climate of enhanced resentment and distrust of management amongst workers. Managerial prerogative has aroused considerable debate within Australian labour law. Despite previous attempts by the AIRC and High Court to reduce the realm of managerial prerogative (Davis and Lansbury 1986, Fox *et al.* 1995), the reduction of the AIRCs influence and the constraints placed on industrial action by the Workplace Relations Act, (1996), have precipitated its resurgence (Healy 2002).

The Australian retail-banking sector has traditionally not been immune from managerial prerogative practices. Hill's (1986) research illustrates the presence of managerial prerogative in the sector from the mid 1980s when it began attracting recruits who were comfortable working under a bank's benevolent control. Furthermore the presence of managerial prerogative, along with the decline in union power in the sector, has seen the FSU experience difficulty with securing its claims 'due to branch closures and job losses' (ADAM 1997, p.29).

DOWNSIZING & ENTERPRISE BARGAINING IN AUSTRALIA 1993-1999

As the 1990s progressed, the incidence of retrenchment being covered in enterprise bargaining agreements increased. Retrenchment was covered by 22% and 21% of Part VIB agreements in 1993 and 1994 respectively (Department of Industrial Relations 1995; 1996)³. Within the banking sector, the ADAM report (1994) revealed that the issue of redundancy was covered in only 13 % agreements, yet by 1997, it was evident that redundancy provisions were becoming a feature of many enterprise agreements (ADAM 1998).

The impact of enterprise bargaining on downsizing has aroused some interesting appraisals. Back in 1992, Buchanan proposed that the likely short-term outcome of a shift to enterprise bargaining was a one-off increase in labour productivity generally arising from labour shedding. Somewhat pessimistically, Larrett (1992:5) suggested that 'all people should go to work each day prepared to be fired', and Campbell and Rimmer (1994) considered that under the conditions of an enterprise bargaining negotiation, the chances of achieving an equitable retrenchment clauses were significantly reduced.

The literature suggests a tenuous link between enterprise bargaining and downsizing, focusing on a potential increase in the incidence of downsizing through enterprise bargaining, reflected by the increase in the number of retrenchment clauses appearing in enterprise bargaining agreements. The following section explores this issue along with the negotiations behind downsizing via an examination of the retail banking sector between 1993-1998. Much of the data utilised here was obtained through structured interviews with the chief FSU negotiators in each of the 'Big 4' banks' enterprise bargaining negotiations between 1993 and 1998.

Findings

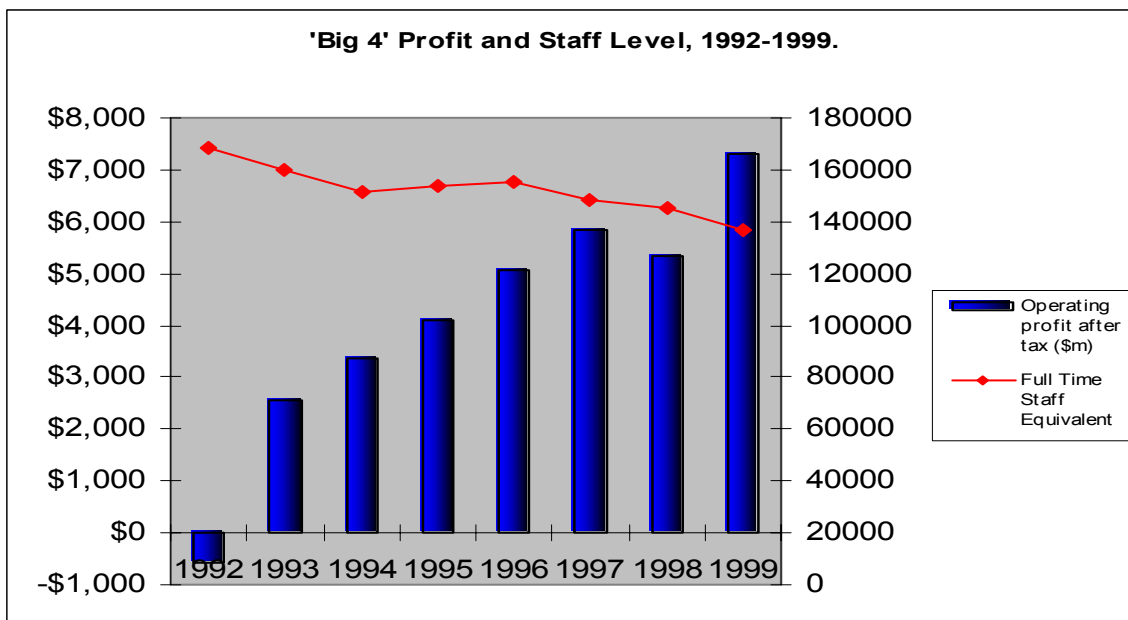
The threat of being made redundant through downsizing was a regular characteristic of employment for many employees of the 'Big 4' in the 1990s. The onset of the 1990s saw many banks undertake unprecedented changes to their workforce structure, resulting in large scale redundancies. The annual reports of the 'Big 4' reveal a 19% reduction in full-time staff equivalent

² Managerial prerogative refers to 'those areas or issues which remain exclusively in the control of management; in a prescriptive sense the term denotes areas of decision making which ought to reside exclusively with management' (Fox, Howard and Pittard 1995, p.305).

³ The 1994 ADAM report concluded that with only eighteen percent of agreements making any substantive references to redundancy while only two percent of agreements made a commitment to 'no redundancies', while seven percent stated that redundancies may occur in certain circumstances (ADAM 1994).

between 1992-99.⁴ Employment in the finance sector fell by approximately 100,000 during the 1990s, and 1600 bank branches were closed throughout Australia, countered by a doubling of the number of automatic teller machines to 9400 and the establishment of an additional 250,000 EFTPOS terminals (Gettler 2000). The total reduction in full-time staff equivalent in the 'Big 4' banks between 1992-1999 and the total increase in operating profit after tax (\$m) for the 'Big 4' during the same period are displayed in Figure 1.

Figure 1: Big 4 profit level and staff level 1992-1999



We examined 24 enterprise bargaining agreements (21 certified and 3 non-certified) negotiated between the FSU and the 'Big 4' between 1993-1998, to determine whether redundancy was covered. All agreements included retrenchment clauses, though some were in the form of references to clauses appearing in previous agreements (as these clauses were still valid), indicating that redundancy was a feature of enterprise bargaining agreements (ADAM 1998). Despite this, the agreements failed to indicate whether downsizing would occur. Instead, the redundancy clauses focused primarily on defining the processes the banks would utilise to implement their retrenchment strategies as well as an overview of the payments and employee entitlements (e.g. annual leave, long service leave). The majority of the agreements outlined the 'Big 4s' commitment to redeploying and not retrenching staff, as well as consulting with the FSU regarding retrenchments to be undertaken. While the agreements outlined the retrenchment processes and employee benefits, they also illustrated clearly the autocratic nature of the decision making behind downsizing through the inclusion of clauses such as 'retrenchment is at the bank's instigation only', and 'the bank's selection of employees to be retrenched and any decision giving effect to such selections is final'.

The FSU industrial officers were united in refuting any direct effect for enterprise bargaining on the incidence of downsizing, as enterprise bargaining did not ensue nor prevent the occurrence of downsizing. Instead they identified increased competition in the sector and mergers as the primary motivators for downsizing. One remarked that 'how the bank wants to position itself within the market is going to occur regardless of enterprise bargaining' and therefore 'enterprise bargaining did not have an impact on the reduction in staff'. Acknowledging the impact of other competitors in

⁴ For the full-time employment figures of the 'Big 4' banks between 1992 and 1999, see annual reports of the ANZ Bank, the Commonwealth Bank, the National Australia Bank and Westpac from 1992 to 1999.

decision making, another industrial officer asserted that bank employee numbers were 'influenced by what happens in the banking industry' and restructuring had been undertaken out of a desire not to fall behind competitors.

A strong view held by the industrial officers was that downsizing had been undertaken by the 'Big 4' to increase their profitability by reducing costs and increasing productivity. They also pointed to the influence of shareholder value on the decision to downsize, claiming that by downsizing 'the banks were doing nothing more than catering to their shareholders'. This need to cater for shareholder interests saw the introduction of new technology, characterised by the automation of tasks and processes once undertaken by employees thus eliminating many jobs. The enthusiastic reaction of Australian consumers to e-banking (Chessel 2000), seemingly made this process easier.

The industrial officers did, however, acknowledge that the onset of enterprise bargaining had given the 'Big 4' more flexibility in decision making over their staff numbers, but alternatively it also provided an opportunity for the FSU to negotiate processes aimed at restricting the incidence of downsizing. As an example, one industrial officer reported that enterprise bargaining had provided the 'Big 4' with an easier path to implement their retrenchment strategies, by providing a vehicle for employers to 'reduce staff conditions and to change workplaces without significant opposition'. Furthermore, the bargaining power of 'Big 4' may well have been heightened by the introduction of enterprise bargaining, as the 'unions are not sufficiently strong to stop it (downsizing) in general and in retail banking, downsizing could not be prevented by workers and their unions'. The loss of a centralised system seemed to relegate the FSU to a weak bargaining position during the negotiations, inhibiting the FSU's ability to prevent downsizing occurring (ADAM, 1997).

These opinions seem to indicate that the concerns of Campbell *et al.* (1999), Kaye (1999), and Loundes *et al.* (1999) regarding the rise of managerial prerogative were well founded. Given the opinions of the industrial officers and the lack of any formal or informal agreement between the 'Big 4' and the FSU regarding the implementation of redundancies, it appears that the decision to downsize was considered to be the banks' management prerogative. One industrial officer put it this way: 'they (the banks) are in a very strong bargaining position'.

While the FSU was unable to prevent downsizing occurring through enterprise bargaining, it did consider that enterprise bargaining had played an important role in establishing the processes available to the 'Big 4' for the management of downsizing, as well as preventing further downsizing from occurring. As one industrial officer elaborated, the FSU in negotiations attempted to make sure that 'there was a general business need to restructure rather than just an imperative to drive down costs'. By negotiating specific clauses regarding redundancy in the enterprise bargaining negotiations, the FSU considered that it had won a 'philosophical and political commitment that there would be a retention of jobs' from the 'Big 4'. Furthermore, the establishment of guidelines within agreements was seen by the FSU as beneficial as 'enterprise bargaining enabled the brakes to be put on a little' and as a result the 'Big 4' have 'not been able to do the slash and burn they would otherwise have done without the agreements'. The industrial officers affirm that without the guidelines contained within agreements, downsizing between 1993 and 1998 may have been more laissez-faire. Just how successful the FSU was in this case is debatable: 'there are still people going out the door and there still are major re-configurations occurring in areas like the branch network' (FSU industrial officer).

From the perspective of the industrial officers, the strong bargaining position occupied by the 'Big 4' and their desire to retain the right to retrench employees at their own discretion, coupled with the FSU's subsequent concern over the loss of its members, created an air of conflict within negotiations, devoid of true cooperation or joint-gain negotiating tactics. While the conflict between the negotiating parties between 1993 and 1998 did not generally escalate into industrial action, there was considerable dispute concerning the downsizing clauses contained within the agreements. The comments from one industrial officer best illustrate this: 'from the perspective of someone sitting down and drafting the clauses and negotiating those through, every single word in

every single clause was fought over for six months'. The suggestion here is that there was little effort from either party to jointly-gain through either integrative or mixed bargaining; rather zero-sum tactics were employed.

It may be that the adversarial nature of the negotiations was partly the result of the importance placed on redundancy by both the 'Big 4' and the FSU. From the perspective of the FSU, downsizing was 'the number one issue for union members'. This made the matter all the more difficult to negotiate because from the FSU perspective, 'the banks were never going to agree to a no forced retrenchment policy, because their whole business strategy is driven on the notion of reducing costs and they always want to maintain that flexibility'. It is no surprise therefore that downsizing became a more difficult and complex issue to address than the wages issue.

The conflictual nature of the negotiations regarding downsizing seemingly lacked the elements of good faith bargaining and was devoid of any joint-gain mentality, from the union perspective. The lack of collaboration and desire for both parties to increase the sum of their gain was demonstrated by one industrial officer who stated that the agreements regarding downsizing amounted to 'what came out in the wash'. This statement indicates clearly the lack of apparent cooperation between the negotiating parties, resulting in an agreement that was struck for the sake of striking an agreement rather than through an ideological consensus between the parties. Moreover, as a consequence of the tactics, both parties were denied the conditions they coveted.

In one case, previous bitterness played a large role in the attitudes of the two parties during negotiations. As the one industrial officer recalled: 'there was quite bitter industrial action in the previous campaign and there was a lingering bitterness within the bank about the industrial action that was influencing the tone and the nature by which they (the 'Big 4') conducted themselves during the negotiations'. This apparent antagonism was particularly concerning for the FSU, considering that the bank was: 'the last bank standing and resisting having legally enforceable conditions that would give some kind of security mechanisms within the whole scope of the downsizing processes. Previous attempts by the FSU to create legally enforceable conditions around retrenchment had not been successful, but the importance of creating these conditions for union members grew considerably in the three years spanning the certification of the last agreement to the formation of the new agreement, as more members became affected by downsizing. Within the negotiations, the FSU perspective of the banks' position was that the existing provisions regarding redundancy 'were adequate enough that staff shouldn't feel scared'. The FSU however believed that that there was no 'legal stability around the conditions that had been policy for a number of years'. After six months of mostly conflictual negotiations, an agreement was reached between the FSU and the relevant bank to establish legally enforceable conditions.

CONCLUSION

The threat of being made redundant through downsizing was a regular characteristic of employment for many 'Big 4' employees in the 1990s. From the standpoint of the FSU, the onset of enterprise bargaining while not directly ensuring nor preventing the incidence of downsizing, enabled the 'Big 4' more flexibility in controlling their headcount. Subsequently the role of the FSU within the negotiations was relegated to one of campaigning for better entitlements for retrenched workers as well as attempting to establish improved downsizing processes. How successful the FSU was in securing processes to deter further redundancies is debatable, considering the continual restructuring of the 'Big 4' and the ongoing trend towards workforce reductions. We found that factors relating to mergers and increased competition in the sector precipitated the 'Big 4's' desire to retain flexibility over their headcount and hence to retain the discretion over who to downsize and when.

Moreover, we found that the negotiations between the 'Big 4' and the FSU, from the perspective of the union, were seemingly characterised by enduring conflict, devoid of any sense of collaboration.

This conflict ultimately resulted in clauses not substantially reflective of either side's original position being adopted. Zero-sum tactics, sometimes employed over an extended period of time, were evident throughout the negotiations. The extreme importance placed on redundancy by both sides, combined with the seemingly conflictual nature of the negotiations, brings into question whether the enterprise as a whole benefited from the enterprise bargaining process.

The evidence provided in this paper suggests that the onset of enterprise bargaining will not necessarily lead to more harmonious negotiations between employers and employees (and their union). Retrenchment is generally an emotive issue regardless of the situation, and in this case, the negotiations were extremely conflictual. Such was the ill-feeling that it is conceivable that the negotiation of other clauses was also impacted negatively. If so, it is arguable that conflict led to deterioration in the overall negotiations and a reduced likelihood of equitable outcomes: one industrial officer identified clearly that previous ill-feeling between the two parties influenced the downsizing negotiations.

In conclusion, we found that in the retail banking sector, the onset of decentralized bargaining and the restricted power of the AIRC left the FSU constrained in combating the bargaining power of the 'Big 4' and subsequently ill-equipped to protect its members from redundancy. The difference in bargaining power was magnified by the reduction of the power of the FSU, primarily due to reduction in FSU membership numbers from 352,800 in 1991 to 316,300 in 1997 (FSU 1998). The presence of managerial prerogative was also evident in the discussions regarding redundancy, contradicting the notion that workplace bargaining is an opportunity to overthrow managerial prerogative (ACTU 1994). Any further reduction in the power of the FSU in the sector could enable the 'Big 4' to increase their dominance in negotiations, leaving the FSU less equipped to adequately protect its members. This is a concern for all unions and not just the FSU.

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