

# ***AWAs: Retrospective and prospective***

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## **ABSTRACT**

With the Coalition's emphatic victory in the 2004 federal election, the place of Australian Workplace Agreements now seems assured. Further, the Coalition's unlikely control of the Senate provides it with a unique opportunity to fulfill any left-over ambitions it might have to extend the influence of AWAs. By contrast, the federal labor party is said to be closely re-examining each of its policies in light of its electoral defeat, and seems likely, if Mark Latham's recent speeches are any guide, to alter its industrial relations policies including Labor's long-held opposition to individual employment contracts. This particular juncture therefore appears to be an apt time to reflect on the experience of AWAs and consider how they might be reformed. In this paper we examine the extant AWA literature and its empirical observations of the issues, strengths, weaknesses and controversies associated with the use of AWAs since they became available in March 1997, before turning to consider the reform possibilities. We argue that this experience indicates that AWA regulation needs to be overhauled to improve procedural fairness but also to enable them to compete with the growing use of common law employment contracts.

