

# Comments on the Productivity Commission's Draft Report on International Air Services

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## 1. ***Introduction***

The Productivity Commission has provided a draft Report of its inquiry into International Air Services.

Three trade unions, the ASU, FAAA, and AIPA provided submissions to the inquiry. The Productivity Commission also received other submissions from airlines, the tourism industry and other industry groups. The draft Report of the Productivity Commission does cover much of the material on the nature of the airline industry and the international regulation of international air services. However, it fails to meet a number of tests required under the Productivity Commission Act 1998. In this regard, the general policy guidelines of the Act should be noted:

- (1) In the performance of its functions, the Commission must have regard to the need:
  - (a) to improve the overall economic performance of the economy through higher productivity in the public and private sectors in order to achieve higher living standards for all members of the Australian community; and
  - (b) to reduce regulation of industry (including regulation by the States, Territories and local government) where this is consistent with the social and economic goals of the Commonwealth Government; and
  - (c) to encourage the development and growth of Australian industries that are efficient in their use of resources, enterprising, innovative and internationally competitive; and
  - (d) to facilitate adjustment to structural changes in the economy and the avoidance of social and economic hardships arising from those changes; and
  - (e) to recognise the interests of industries, employees, consumers and the community, likely to be affected by measures proposed by the Commission; and
  - (f) to increase employment, including in regional areas; and
  - (g) to promote regional development; and
  - (h) to recognise the progress made by Australia's trading partners in reducing both tariff and non-tariff barriers; and
  - (i) to ensure that industry develops in a way which is ecologically sustainable; and
  - (j) for Australia to meet its international obligations and commitments.

In particular, the Productivity draft report fails to meet 1(d), (e), (f) and (j). The report is deficient as it:

does not account for the structural changes that has occurred in the industry due to deregulation, the Qantas/Australian merger, privatisation and the impact it has had on airline industry employees;

does not account for the improvements in productivity and efficiency in the industry due to the efforts of airline employees (eg through enterprise bargaining in the case of Qantas and Ansett);

does not adequately make the case that its recommendations will damage Australia's internationally renowned record for airline safety;

does not assess the net employment impact of its recommendations;

does not assess the balance of payments implications of its recommendations.

The report makes a number of suggestions for further liberalisation through the WTO and APEC. However, it fails to recognise the importance of labour standards (through Australia's international obligations with the ILO) which would benefit further international trade negotiations. A floor of internationally recognised labour standards and safety standards would assist the case for liberalisation in airline services. If the Australian public were satisfied that liberalisation air services and further competition were not coming at the expense of safety and decent wages and working conditions for airline employees then there would be overwhelming support for reform. This applies to trade liberalisation in general too. Trade liberalisation and associated reforms fail if bodies like the Productivity Commission do not recognise that there will be 'winners and losers' (and that the losers must be compensated). Furthermore, the reform process will fail if economic models provide unrealistic (and unfulfilled) predictions of the benefits of reform.

Aspects of reform and competition should be supported, especially if the benefits are passed on to consumers. There is evidence of consumer benefit from domestic reform in the airline industry. However, it is important to measure the benefits accurately. For instance, a study by Economist John Quiggin has found that there has been a social benefit from airline deregulation in terms of a small reduction in average prices of 1%, increased flight frequency, and expansion of frequent flyer schemes and airport lounges. Quiggin notes that:

*"....The distributional effects of deregulation are unclear, but are probably favourable on balance. There is no evidence for dynamic efficiency gains arising from deregulation...."*

[John Quiggin (1997), p.54 (Attachment 1)]

Trade unions support airline industry reforms that benefit working families. This is part of the reason for union ventures into travel benefits and travel clubs. It is important that more Australians have the opportunity to afford airline travel. However, it must be

noted that Australian attempts at reform are negligible if international product market considerations dominate. If there is a global cartel in shipping, airlines or any industry for that matter, then Australian attempts to 'open up' competition will be unsuccessful and potentially damaging to local industry. This point is, to a degree, recognised by the Productivity Commission's draft report in its rejection of unilateral liberalisation in the industry (p.XXVIII - XXIX, Overview of Draft Report). The final report should emphasise the necessary and sufficient conditions for successful reform including the interaction between international anti-competitive behaviour and the domestic industry.

## 2. ***Structural Change in the Airline Industry***

The Productivity Commission is required to have regard to the need:

*"....to facilitate adjustment to structural change in the economy and the avoidance of social and economic hardships arising from those changes...."*

[8(1)(d), Productivity Commission Act]

The airline industry have undergone significant structural change since the abolition of the two airline policy in 1987 (which allowed new entrants in November 1990). During this period, a number of structural reforms took place in the airline industry as well as a major international recession, a slump in international airline activity due to the Gulf War in 1990-1991, and the East Asia financial crisis of 1997-98. This has had a substantial impact on airline employees.

Major changes in the industry include:

the Entry, Exit, Entry and Exit of Compass Airlines following the end of the two-airline policy (Compass only flew between December 1990 and December 1991, and between August 1992 and March 1993);

the privatisation of Australian Airlines and partial-privatisation of Qantas in June 1992 and the Qantas-Australian merger in September 1992;

the foreign investment of 25% in Qantas by British Airways in March 1993;

the eventual 'public float' of Qantas in 1995;

the venture by Ansett into the international market with 'Ansett International' (flying mainly Asian routes);

the purchase of 50% of Ansett by Air New Zealand in 1996;

the proposal for a Singapore Airlines/Ansett/Air New Zealand 'closer alliance' (endorsed by the Australian Consumer and Competition Council);

the increased use of 'codesharing' by international carriers on Australian domestic routes;

the increased use by major domestic airlines of lower cost regional alliances to regional locations;

the introduction of licensed ground handling organisations outside airlines;

The privatisation of airports in Australia.

The Productivity Commission Final Report needs to acknowledge the structural change that has occurred. The Productivity Commission needs to understand the importance of recent changes in the context of proposing further reform. For instance, there has been significant change, often resulting in employment losses and increased workloads for airline employees. The changes have also affected the corporate performance of the airlines. The recent financial performance of Ansett should be of concern to the Productivity Commission. The Productivity Commission should not propose reforms that will cause further financial damage to either Qantas or Ansett who are both major employers in the Australian labour market.

### 3. ***Employee's Interests***

Under the Productivity Commission Act 1998 the Productivity Commission has to recognise the interests of employees [(8)(1)(e)] among others namely the industry, consumers and the community.

Employee interests are not a major part of the draft Report, although the Productivity Commission did acknowledge the submissions of the ASU, FAAA and AIPA. The final report should include a stronger emphasis on the interests of airline industry employees in the reform process.

Deregulation and Globalisation in the airline industry has created a great deal of research and analysis internationally. The International Transport Workers Federation (ITF) has made a major contribution to this work. The proposals for 'open skies' and global alliances in the airline industry and its implications for labour relations have been analysed by Stuart Howard, Secretary of the Civil Aviation Section of the ITF.

[see S. Howard (1998) "Open Skies, Global Alliances and Labour Relations in the 21st Century, ITF - (Attachment 2)].

The ITF has provided some evidence on the effect on employees of airline industry restructuring since 1978.

The ITF, under the heading 'Employees Take the Burden', provides evidence on the social effects of EU liberalisation in civil aviation.

The European Commission provided a study which reports that :

*"....not only have employment levels (ie the QUANTITY of jobs) in the aviation industry (sic) in the EU remained static in a growing industry, but that the QUALITY of jobs has deteriorated: full time jobs have been replaced by part-time jobs; secure employment has been replaced by insecure employment."*

[Howard (1998), p.2].

Furthermore:

*"It reports that the number of jobs in 1996 (four years after the Third Package) was 489,700. This is actually slightly down on the 491,000 job figure for 1990 (two years before the Third Package). At the same time the Commission's report notes that "one of the main features of the period under review is the diminishing job security". It also cites longer working hours and a shift from full time to part time work, short term contracts and other forms of labour flexibility."*

[Howard (1998, p.2)]

The ITF also commissioned a world wide study on aviation with the University of Cardiff Business School.

Stuart Howard notes:

*"The study surveyed aviation trade unions around the world on the impact of liberalisation and globalisation of jobs, conditions of work, and industrial relations. This study of unions covering around half a million employees, is being finalised for publication, but I will share with you now some of the key points which emerged in his research.*

*The survey results show that an overwhelming majority of trade unions report the effects of liberalisation as having a negative impact for employees. 78% report increased work intensity while 40% report a wage decrease or freeze. Two thirds report loss of job security. Over half report having experienced the permanent outsourcing of work to sub contractors. 68% report loss of jobs satisfaction."*

[Howard (1998), p.2]

Job insecurity, work intensification, and adverse changes in working hours are a major concern in the Australian labour market. Whilst space does not provide a comprehensive discussion of these issues, some work done by the ACTU is included in the references. [see ACTU (1998a) "Working Time Arrangements and Economic Security", and ACTU (1998b) "Stress at Work - Not What we Bargained For"].

In the airline industry in Australia, similar changes have occurred to those identified by the ITF. This is a result of deregulation and changes in industrial relations institutions. A survey of these changes up until 1995, including the introduction of enterprise bargaining in the industry, has been provided by Professor Mark Bray of the University of Newcastle.

[Attachment 3 - Mark Bray (1996) 'The Limits of Enterprise Autonomy: Enterprise Bargaining in the Australian Domestic Airline Industry, ELRR, Vol. 7, No. 1., June].

Professor Bray notes:

the occupational groups in the industry;

the changes in occupational structure in the industry;

the level of union density in the industry, which is above the national average;

the movement for award-based bargaining to enterprise-based agreements.

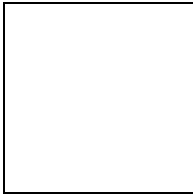
The Productivity Commission should note that despite the great deal of structural change occurring in the industry, the employees have demonstrated a considerable deal of restraint. Professor Bray shows that there has been a strong reduction in industrial disputes since 1989 in the industry. This is shown in Table 1 in the Chart below.

**Table 1: Industrial Disputes in Australian Air Transport: 1978-1997**

	Number of Disputes	Employees Involved (000s)	Working Days Lost (000s)
1978	20	11.5	24.3

1979	18	14.0	77.3
1980	26	11.7	18.9
1981	21	8.3	71.5
1982	7	0.8	2.0
1983	10	1.8	3.6
1984	26	4.7	7.3
1985	16	1.4	2.0
1986	12	1.8	6.1
1987	10	2.0	4.1
1988	19	4.4	6.4
1989	18	5.7	9.4
1990	4	0.4	0.3
1991	3	2.6	2.6
1992	19	3.7	2.2
1993	4	0.5	1.2
1994	na	1.4	0.2
1995	4	0.7	1.3
1996	7	1.0	0.6
1997	5	2.9	2.2

Source: ABS Cat No. 6322.0, 6203.0 and Bray (1996)



Employees have had a great deal to cope with in terms of change but have provided the management of both Qantas and Ansett with plenty of scope to manage their respective businesses. For instance, employees have made a significant contribution in terms of productivity for both airlines.

Productivity improvements for both Qantas and Ansett are shown in Tables 2 and 3:

**Table 2: Airline Productivity - Qantas**

1993	1611	2326
1994	1749	2427
1995	1793	2493
1996	1844	2563
1997	1968	2707

Source: Qantas Annual Report.

Note: RPKs are the number of passengers carried, multiplied by the number of kilometres flown.

ASKs are the total number of seats available for passengers, multiplied by the number of kilometres flown.

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**Table 3: Airline Productivity - Ansett**

	RPKs per employee	ASKs per employee
1992/3	665	899
1993/4	741	982
1994/5	824	1171
1995/6	860	1240
1996/7	997	1464

Source: Ansett Annual Report.

Note: RPKs are the number of passengers carried, multiplied by the number of kilometres flown.

ASKs are the total number of seats available for passengers, multiplied by the number of kilometres flown.

The Productivity Commission final report should acknowledge the achievements of employees in the airline industry in the face of structural change. The Commission's final report should also acknowledge the efforts of airline unions and management to negotiate major industry agreements (including the introduction of employee share ownership in the case of Qantas) at a time of deregulation, mergers and privatisation. These negotiations and productivity improvements have been negotiated in a highly unionised industry. A recognition of these achievements would enhance the credibility of the final report.

#### **4. *Community Interest/Safety Concerns***

The Productivity Commission is also required to have regard to the interests of "...consumers and the community" in performing its functions.

A major concern to both consumers of airline services and the community at large is safety. Even the most rigid neo-classical economist would admit that there can be 'market failure' in the market for safety. There are clearly externalities involved in safety. For example if a plane crashes it can hurt not only the passenger ('the consumer') who engages in the market transaction but also the person in the house upon which the plane crashes ('the community'). Safety is a 'public good' and there is a long recognised need for government regulation in the setting and enforcing of safety standards.

The Productivity Commission has acknowledged the importance of safety in its draft report but says that is "...has seen no evidence that economic deregulation need lead to lower safety standards." (overview XXVII).

The Productivity Commission final report would benefit from a reference to the 'Safe Skies' report by the ITF Civil Aviation Section.

[Attachment 4 - ITF (1998) 'Safe Skies - An Agenda for Aviation Safety in an Era of Globalisation.']

The 'Safe Skies' report notes current concern over aviation safety:

*"Recent major aviation accidents have led to an unprecedented crisis of public confidence in aviation safety. For the first time in the history of the industry there have been mass refusals by passengers to board individual flights because of concerns about aviation safety."*

*What differentiates current public concern is that this anxiety has not only focused on the immediate technical causes which may have led to an accident, but on the wider economic and regulatory environment in which aviation operates."*

[ITF (1998), p.1]

The ITF is concerned that:

*"...economic liberalisation has not been matched by an significant strengthening of safety monitoring and enforcement of standards at either the international or national levels."*

[ITF (1998), p.1]

Part of the problem in improving and even maintaining safety standards in the new trends in the airline industry including contracting out, new entrants and flags of convenience. It is a problem of industry regulation not a technical or engineering problem. The ASU, FAAA, and AIPA submissions provided substantial evidence on contracting out, outsourcing and the impact on safety standards. For example, the ASU provided significant evidence on the experience of ValuJet in the US (see ASU (1998), p.17-18). The FAAA illustrated the importance of high safety standards and adequate crew training which has occurred in Australia but not elsewhere (FAAA (1998), p.3). The ITF too has drawn the link between contracting out and safety in terms of airline operations.

The ITF notes:

*"International and national safety rules place primary responsibility for the implementation of safety regulations on the operator. But despite the designation of this responsibility to the operator, the operators are increasingly sub contracting the actual safety tasks. What was once a single process in the provisions of an airline operation under the control of one central management has now been de-centralised and dispersed. Instead of providing their own loading, passenger handling, cleaning, catering and even security services, many airlines now prefer to contract these out."*

[ITF (1998), p.2]

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The ITF also links employment insecurity and structural change to safety. It notes:

*"Employee commitment and safety awareness is increasingly expected to operate through a casualisation insecure workforce with only an indirect relationship to the airline. A «virtual» airline is likely only to have «virtual» safety culture. While this may not be their intention, operators who outsource their operational functions in this way are in many cases effectively contracting out of their safety responsibilities."*

The Productivity Commission should note these links between employment insecurity and safety. An insecure workforce is not good for the employee, the airline's reputation, or the consumer. If employment insecurity threatens safety it is even worse. The Productivity Commission should identify the importance of employment security, training and airline operations in maintaining excellence in safety standards.

In terms of new entrants, the ITF notes:

*"The number and quality of air carriers flying passengers has changed significantly in many countries as a result of liberalisation. Aviation authorities which had formerly only been responsible for perhaps one international and one domestic carrier are now responsible for monitoring an influx of new entrants many of which lack experience in the industry and frequently lack proper financial resources to keep to regulated safety standards. New entrants typically aim at the low cost market and rely heavily on contracting out many airline functions such as aircraft maintenance. Yet despite this extra work burden most national aviation authorities have not received significant additional resources required for supervision and oversight. Some have even suffered cuts in real terms."*

[ITF (1998), p.3]

New entrants should always be welcome but not one with inadequate safety and employment standards. It is against the public interest if the price of a new entrant is a decline in safety and an adequately trained workforce.

The Productivity Commission should note the ITF reference to 'Flags of Convenience' in regard to its recommendations to end cabotage. [at p.189-191, draft report].

*"One of the most serious threats to regulatory control over civil aviation is the risk of airlines seeking to step outside proper regulatory oversight altogether. In the maritime industry, the capacity of shipping companies to evade safety regulation through «flags of convenience» has led to a spectacular abandonment of safety standards within a major part of the world's merchant shipping fleets. It is important that such unscrupulous evasion of regulation is not allowed to spread to the aviation industry."*

[ITF (1998), p.3]

'Flags of Convenience' is a major problem in shipping (see House of Representatives (1993), 'Ships of Shame' report). Violation of safety standards and human rights by foreign carriers outweighs the marginal consumer benefit of having foreign airlines 'cherry pick' domestic routes at the expense of Qantas and Ansett.

In conclusion, the Productivity Commission should put more emphasis on safety as an issue of consumer and community interest in the final report. Public confidence in safety standards is important to the aviation industry's reputation and future profitability. As shown in the evidence of Australian airline unions and the ITF, contracting-out, outsourcing, and 'flags of convenience', and other forms of deregulation can have an adverse effect on safety standards.

Australia has a fine reputation on airline safety. This reputation has even been mentioned in popular culture.<sup>1</sup> It is in the national interest to uphold Australia's safety record (and that is not being xenophobic - 'please explain'). The Productivity Commission's final report would enhance its credibility in the public arena by placing a greater value on safety and by recommending that any changes in aviation regulation not be at the cost of the safety of airline employees, airline consumers (Australian and overseas) and the community.

## 5. **Employment**

The Productivity Commission guidelines include consideration of the need:

(f) to increase employment, including in regional areas.

The Productivity Commission should note the evidence of industry restructuring on employment and employment security as noted in section 2 and 3. It is clear that airline industry employees have had to bear the brunt of restructuring and have undergone a great deal of structural reform in the past decade. Some of it is to do with reform and economic activity (as noted by Bray) and some of it is due to international trends in aviation (as outlined by Howard). It is not in the community's interest nor the consumer of aviation services' interest to have an economically insecure, under-trained workforce with the constant threat of redundancies.

To the extent that this is already the status quo, the Productivity Commission should not add to these problems with poorly judged recommendations. There is reference to employment and labour costs at p.82 of the draft report. [It is noted that the Productivity Commission welcomes further information on the issue]. It would seem that the Productivity Commission sees the take up of cabotage rights by foreign airlines as an employment loss by domestic airlines but an employment gain by foreign airlines of Australia's. The Productivity Commission also sees such measures on expanding city designations as possibly a boost for regional employment. The Productivity Commission should be aware of three aspects in this regard.

Firstly, the Productivity Commission should not allow foreign airline 'cherry picking' to a degree that would damage the financial viability of Australian airlines who are the employers of some 50,000 Australians. The Productivity Commission should also consider the employment standards and terms and conditions of Australian employees as opposed to foreign airlines. The Commission should note the financial difficulties of Kiwi airlines, where it was difficult for the former employees to secure their entitlements. The Productivity Commission should also make a judgement on the net employment effect of the change.

Secondly, there are other 'first-best' solutions to boosting regional employment than ending cabotage and/or introducing additional city destinations. Ending cabotage, and bringing with it safety and security concerns, would be a 'second-best' or even 'third or fourth best' solution to employment expansion. Again the Productivity Commission should be aware of the costs and benefits of such a proposal. Putting a major national employer in financial jeopardy or harming Australia's airline safety record is not a price worth paying for a new foreign entrant to 'cherry-pick' Australian domestic routes.

Thirdly, the Productivity Commission should consider the balance of payments implications of such reforms. If foreign carriers are replacing Australian airlines on domestic routes then this will count as an 'import' of airline services. Given Australia's external balance concerns, the Productivity Commission should provide an analysis of the impact of its recommendations on Australia's balance of payments.

## 6. **International Obligations**

"The Productivity Commission must have regard to the need:

"*"..for Australia to meet its international obligations and commitments." (8(j)).*

"The Productivity Commission report refers to international obligations in terms of the WTO, other trade-related laws, and international aviation regulations. The Productivity Commission also refers to APEC as a complement to the WTO in terms of liberalisation and deregulation.

"However, the Productivity Commission ignores Australia's international obligations and commitments in terms of labour standards. The current Federal Government has come under criticism for its violation of international recognised core labour standards as determined by the International Labour Organisation (ILO). For instance, the ICFTU in its report for the WTO General Council Review on the trade policies of Australia notes:

"*"...Australia's reputation as a country which respects the internationally-recognised core labour standards with regard to freedom of association has been called into question in recent years, despite the commitment Australia accepted at Singapore in 1996 and Geneva in 1998 in the WTO Ministerial Declarations."*

"*Although Australia has ratified ILO Conventions 87 and 98 on freedom of association and collective bargaining, a series of legislative changes at both federal and state levels have significantly undermined the application of international labour standards on freedom of association and collective bargaining. These have given rise to sustained criticism from the ILO for Australia's violation of the core labour standards concerned."*

[ICFTU (1998), Executive Summary]

"If trade liberalisation is to bring the benefits to economic growth and living standards that it promises, there must be accompanying mechanisms to maintain and improve labour standards. This view is also supported by recent OECD evidence on the effects of trade and labour standards, where a positive relationship was found between trade expansion, competitiveness and the development of labour market institutions. The OECD (1995:21) concluded:

"*".....it can be said that in order to raise people's material living standards, countries should seek economic growth, using trade and labour market policies as appropriate means to that end. Labour standards and international trade can be complementary. Such complementarities should be sought by countries and by companies and fostered by the international community (emphasis added)."*

The Productivity Commission draft report would benefit from an inclusion of Australia's commitment to international labour standards. Any recommendation for further liberalisation in air services should include a reference to labour standards. Similarly, any APEC working group or 'plurilateral' open club on aviation should refer to labour standards (see Harcourt (1997)). A set of minimum labour and safety standards should apply in international aviation. It is not in Australia's national interest to undermine labour and safety standards that have contributed to excellence in Australian aviation.

## **7. Summary**

"In summary, whilst the Productivity Commission draft report discusses a large number of issues in international air services, it is deficient on a number of counts.

"Firstly, it fails to adequately recognise the structural and workplace change that has occurred

already in the industry and the impact it has had on airline industry employees.

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“Secondly, it fails to adequately address the interests of employees in the industry in terms of further options for liberalisation.

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“Thirdly, it fails to adequately address the consumers of international air services in terms of safety and training-related issues.

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“Fourthly, it fails to adequately assess the net employment impact of its recommendations or to recognise existing employment changes that have occurred in the industry over the past decade. It also fails to address job insecurity, work intensification, and other workforce related issues that affect the well-being of airline staff and ultimately the satisfaction and safety of airline consumers. It also fails to account for the balance of payments implications of its recommendations.

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“Finally, it fails to address the international obligations and commitments that Australia has in terms of labour standards.

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## **ATTACHMENT 1**

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“Evaluating Airline Deregulation in Australia”

John Quiggin, James Cook University

The Australian Economic Review, vol.30. no.1, pp45-56

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## ATTACHMENT 2

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“Open Skies, Global Alliances and Labour Relations in the 21st Century”

by Stuart Howard, International Transport Workers Federation

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### ATTACHMENT 3

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“The Limits of Enterprise Autonomy: Enterprise Bargaining in the Australian Domestic Airline Industry”  
by Mark Bray

The Economic and Labour Relations Review, vol 7. no.1. June, 1996, pp.132-164

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## **ATTACHMENT 4**

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“Safe Skies - An Agenda for Aviation Safety in an Era of Globalisation”

ITF Civil Aviation Section