

The Efficacy of Contract Employment (under Australian Workplace Agreements) as a Tool

for Public Sector Performance Management in Australia.

ABSTRACT

This paper reports on the perceptions of Senior Executive Service officers of the Australian Public Service

on the extent to which their move to contract employment under Australian Workplace Agreements

impacted on their performance and performance management.

Senior Executive Service respondents surveyed reported no perceived improvement in performance

management and provided some evidence of negative impacts following the introduction of individual

contracts under Australian Workplace Agreements.

Most had little credibility in the performance appraisal process as assessments were moderated to reduce

significant differentials. The majority perceived limited sanctions for poor performance and little reward

for superior performance. The move to contract employment under Australian Workplace Agreements was

not an effective a tool for advancing public sector performance management in Australia.

Keywords: Performance management; Human resource management and organisational performance;

Perception; Work performance.

CONTRACT EMPLOYMENT AND PERFORMANCE MANAGEMENT

This paper is based on the second part of a broader survey of Senior Executive Service (SES) officers

undertaken as part of an in progress doctoral study on "The impact of contract employment under

Australian Workplace Agreements on performance management and accountability at the senior executive

level of the Australian Public Service". It reports on the perceptions of SES officers of the Australian

Public Service (APS) on the extent to which their move to individual employment contracts under

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Australian Workplace Agreements (AWA) impacted on their performance and performance management within their departments and agencies.

AWAs are individual contracts of employment between the employer and each employee in which their conditions of employment and their obligations are defined. While AWAs can be negotiated collectively, they must be signed individually.

The *Workplace Relations Act 1996* (Parliament of Australia, 1996), which introduced the concept of AWAs as the former coalition government's preferred instrument for setting remuneration and employment conditions (Sappey, Burgess, Lyons & Buultjens 2006) came into effect from 1 January 1997. Its AWA provisions commenced on 12 March 1997, with the first AWAs endorsed by the Office of the Employment OEA) Advocate in April, 1997 (OEA, 1997). The new, complementary Public Service Act was passed in 1999 after which all members of the SES across the APS progressively moved from their various agency based enterprise agreements to employment on individual AWA contracts. The use of AWAs was further entrenched through amendments to the WR Act in 2005 and the passage of the work choices legislation in 2007. The new Rudd government repealed work choices and scrapped AWAs in early 2008; however individual AWA contracts made before 28 March 2008 are to run their course before being replaced by enterprise based agreements (Workplace Authority, 2008).

The SES in the APS was the first group of employees to move exclusively onto AWAs as the basis for their employment contract. The former coalition government also devolved full responsibility for all SES employment and conditions matters to individual agency and departmental heads through the employer powers provisions of the new *Public Service Act 1999* (PS Act) (No. 147 of 1999, Part 4, APS Employees, pp. 14-19). The adoption of AWAs under the WR Act combined with the employment powers vested in agency heads under the PS Act meant that the managerial functioning of the SES, including required performance, was prescribed by individual SES AWA contracts.

This led to the following hypothesis.

Hypothesis 1: The introduction of AWAs improved SES performance.

The key research question from this hypothesis focused on the relationship between this form of contract employment and performance management within the SES. The study looked at issues such as: performance with respect to what; whether performance improved; the nature and extent of those improvements; and related issues such as rewards and motivation, commitment, performance measurement and appraisal. This broke down into a number of sub-questions relating to performance management including: how was performance managed in the federal public sector; how was performance assessed and improvement demonstrated; how, and to what extent, were AWAs used to manage SES performance; and what were the consequences of these approaches to performance management?

This study is important for a number of reasons. Firstly, the introduction and acceptance of AWAs into Australian workplaces changed the nature of the employment relationship, the way organisations managed their employees, and the way in which employees perceived themselves in relation to their work. Secondly, under AWAs employers and employees contractually determined the rewards, incentives, conditions of employment, and employee/employer performance expectations; yet the relationship between AWAs and performance management had not been subjected to any in depth examination. This study will increase our understanding of the link between contract employment under AWAs and performance in the APS. The findings may also be generalisable to other employment areas utilising similar forms of contract employment and may inform aspects of managerial practice relating to performance and accountability.

CONCEPTUAL FOUNDATION / RELEVANT LITERATURE

Performance and performance management is a subset of the general management discipline and derives its theoretical base largely from work undertaken in the areas of *rewards and employment conditions* –

within the literature on human resource management; *performance management as an organisational change intervention* – within the organisation development and change management literature; and *motivation* – within the organisational behaviour literature.

Standard management texts typically approach the issue of performance management by focusing on three areas: measuring performance; comparing the measured performance against an agreed standard; and taking managerial action to correct deviations and inadequacies (Bratton, Callinan, Forshaw & Sawchuk 2007; Carlopio, Andrewartha & Armstrong 2005; Robbins, Judge, Millett & Waters-Marsh 2008; Waddell, Cummings & Worley 2007).

This form of performance management is typically managed through the performance appraisal process.

Much of the literature on human resource management (HRM) tends to approach the issue of performance management from the perspective of goal directed (or criteria centred) performance appraisal, and the use of performance linked pay systems (Legge 2005; Nankervis, Compton & Baird 2008; O'Neill & Kramar 1995; Stone 2008).

The issue of whether or not performance related pay is a requirement for effective performance management is somewhat problematic and not universally accepted within the HRM framework. There is a considerable body of literature that questions the causality of the relationship (Anonymous 2000; Fandray 2001; Joinson 2001; McBain 1998; O'Donnell & O'Brien 2000). This questioning is supported by the results of the first HR based survey of performance management in New Zealand, conducted by Deloitte Touche Tohmatsu (Anonymous 2001). That survey suggests that the practice is often approached mechanistically, does not focus on outcomes related to the strategic goals of the organization, and often involves people simply going through the motions. That study found that some thirty percent of the survey respondents "either didn't indicate or don't have any strategic purpose for their performance management system" (Anonymous 2001).

In many cases it is the performance appraisal component of performance management that has come under fire. Fandray (2001), in examining performance management within a number of US organisations, argues that the ritualised appraisal process should be abandoned in favour of a system of performance management that embraces "an array of elective, flexible, coaching tools and formats" (2001:38). He presents evidence to show that those organisations that adopted such an approach have achieved improved employee satisfaction and significant reductions in turnover.

Joinson (2001) suggests that many organisations have weak or flawed performance appraisal systems that act as demotivators of employees and make it difficult for the employers to attract and retain talented people. She argues that flawed or weak performance evaluation systems result in performance reviews that are not fair, accurate and timely. As a result "they fail to reward star performers, fail to provide encouragement and guidance to borderline workers and fail to give proper feedback to those whose work is substandard" (Joinson 2001:37).

She puts forward a set of guidelines for HR professionals (Joinson 2001:36-41) which proposes three key design elements for getting performance appraisal systems right: flexibility; employee involvement; and clear objectives. The main advice Joinson (2001) offers is to keep it simple and consistent, to make sure the employees are involved in the system's design and in the evaluation process, and to ensure that the timing of the evaluations are linked to the organisation's business planning cycle.

Grensing-Pophal (2001) also identifies a number of dysfunctional aspects of contemporary performance management systems. She accuses HR professionals and senior management of creating performance management systems that "make managers procrastinate, hesitate or just plain resist because they see the system as a hassle, not a tool for developing and rewarding employees" (Grensing-Pophal 2001:45). She argues that many performance appraisal systems are too complicated and time consuming, and that managers see little evidence of their use affecting the quality of the work of employees whose

performance is being reviewed. She also argues that many managers are wary of possible legal challenges from employees who link a negative performance appraisal with a missed promotion or pay rise.

Her advice to HR professionals is to seek greater managerial commitment and compliance to performance management by making the process meaningful to them. This can be achieved by involving them in the systems design, by providing training in performance management, and by demonstrating to the managers that it is in their own interest to make performance management work. She argues that if this is done effectively, then the managers will embrace effective performance appraisal as part of their own performance goals (Grensing-Pophal 2001:44-48). A change is needed in the mindset of managers to view performance appraisal as a process through which managers manage, rather than as a discrete managerial task.

A large number of researchers into performance management link performance management and the appraisal process to accountability and control (Cutting & Kouzmin 1999; Digh 1998; Epstein & Birchard 2000; Gaiss 1998; Hogbin 1995; Osborne 2000; Osborne 2001; Schlegel 1999; Siers 1999).

Schlegel, for example, looks at associations as an organisational form and argues that they need to operate "on performance based criteria that demonstrate strong accountability to members and other stakeholders" (1999:75). He argues that the performance appraisal process should be linked to an organization-wide program of evaluation "that ensures alignment of the entire association toward achieving its strategic objectives" (Schlegel 1999:75).

His conception of performance evaluation goes beyond mere appraisal of employees. He proposes two requirements for his organization-wide program. First, he argues that the organization should commit to an annual performance review "of every organizational component – the governing board, executive committee, standing and ad hoc committees, task forces, foundation, for-profit subsidiaries, and staff" (Schlegel 1999:75). Second, he advocates the use of a "multiple-year strategic agenda" to provide a

common thread through each performance evaluation. His argument is that without a strategic plan, organisations have little accountability and are "simply in the business of keeping busy" (Schlegel 1999:76).

Although Schlegel proposes differential performance criteria for evaluating different aspects of the organisation based on the functions they perform (for example the criteria for evaluating the performance of the governing board compared to evaluating staff performance), he nevertheless argues for simplicity in design and consistency of approach. This is a common argument across much of the literature.

The organisation development and change management literature accords performance management a key role as an human resource management based change intervention (Burnes, 2004; Cummings & Worley 2005; Graetz, Rimmer, Lawrence & Smith 2006; Stace & Dunphy 2001).

The model illustrated in Figure 1 is typical of this literature set. It sees individual and group performance as the end result of the organisation's application of goal setting, performance appraisal, and performance linked reward systems within the context of the organisation's overall business strategy, level of employee involvement, and the technology in use (Cummings & Worley 2005).

Figure 1: A Model of Performance Management

The mainstream organisational behaviour literature defines performance as a "summary measure of the quantity and quality of task contributions made by an individual or group to the work unit and organisation" (Wood, Zeffane, Fromholtz & Fitzgerald 2006:60) and broadens the discussion to link performance management and individual performance levels with job satisfaction, rewards, goal setting and Management by Objectives (MBO), learning, motivation, and stress (George & Jones 2005; Ivancevich & Matteson 2002; McShane & Travaglione 2007; Patrickson 2001; Wood et al 2001;).

Management by Objectives (MBO) features prominently across the general management, human resource management, and organisational behaviour literature.

Research into individual performance and job satisfaction has established that the two are closely linked, although debate continues on the nature of that link, i.e., whether a high level of job satisfaction leads to higher levels of performance, or whether the achievement of a high level of performance creates greater job satisfaction. (Wood et al 2006; McShane & Travaglione 2007)

Porter & Lawler (cited in Wood et al 2006) see rewards and the perceived equity of rewards as key intervening variables between performance and satisfaction as per Figure 2.

Figure 2: Porter-Lawler Model of Performance-Satisfaction

In this context, learning is seen as the process of building a capacity to perform by developing the required knowledge and competencies. Performance, with respect to the quantity and quality of the task contributions made, is the result of motivation to apply this learning within the organisational setting (Wood et al 2006)

A significant problem with performance management within the public sector is the dynamic nature of politically set agency objectives. Departments and agencies frequently have multiple objectives whose nature and priorities change as government policies develop and change (Laurent 2001). In examining the performance of the federal bureaucracy in the US, Laurent also found that "A recurring theme ... is that politicians who eagerly denounce agencies for poor performance often create or fail to remove management obstacles and refuse to fully fund programs" (2001:12).

While Laurent's study relates to the US, many of her findings are equally applicable to the Australian public sector as demonstrated in Hogbin's (1995) analysis of the impact on government trading enterprises (GTE) of our Commonwealth and State governments' micro-economic reform programs of the 1980s and

1990s. The problem of competing goals related to the delivery of goods or services, community service obligations, policy, and regulatory functions means that "reliable measurement of performance becomes virtually impossible" (Hogbin 1995:43).

It is in this context that this study has been undertaken.

METHODOLOGY

The theoretical framework for this study comes from the key discipline areas of management (including human resource management, organisation development and organisational behaviour); employment relations; and public sector management. The doctoral study that this paper is based on explores SES perceptions of the AWA implementation process; the outcomes achieved under AWAs; the relationship between AWAs and performance; and the relationship between AWAs and accountability. This paper addresses the third of these – the relationship between their AWAs and performance.

The research commenced with a preliminary study of the literature on the WR Act; AWAs; contract employment; related HR practices; performance and performance management; accountability; APS reforms and the SES. This was supported by an archival search and examination of related APS employment practices covering the introduction and use of AWAs, the SES, performance management and accountability in the APS.

Preliminary data gathering commenced with an informal exploratory study based on an experience survey of four APS SES officers from a number of agencies who had moved onto AWAs and four APS human resource management practitioners who had direct involvement in managing the introduction of AWAs and AWA processes within their respective agencies.

The experience survey helped narrow down the topic; confirmed the practicality of the study; identified a number of data and information sensitivities; and contributed to the development of a self-administered

survey questionnaire and a set of qualitative interview questions. The survey instrument and interview questions went through several iterations and were tested on four SES officers within the Australian Taxation Office (ATO) and on a small number of academic staff within the School of Marketing and Management at Charles Sturt University. Both instruments were modified in the light of feedback from the testing and the data gathering proceeded based on the revised survey and interview instruments.

The key question for this part of the PhD study focused on how this form of contract employment impacted on public sector performance management. The study set out to examine, through a series of sub questions: how performance was managed in the federal public sector; how performance was assessed and improvement demonstrated; how, and to what extent, were AWAs used to manage SES performance; and what were the consequences of these approaches to performance management?

The data was collected through a self-administered survey containing a mix of Likert scale and open ended questions (linking performance management with AWAs) and through a series of structured interviews with SES officers of three APS agencies: the ATO; the Department of Defence (DoD); and the former Department of Immigration, Multiculturalism and Indigenous Affairs (DIMIA). Further data, by survey only, was collected from SES officers in the Department of Foreign Affairs and Trade (DFAT).

There were 411 Australian based SES officers employed within these four agencies of whom 77 (18.1%) responded to the survey while a further 15 participated in the interviews. The survey instruments were provided to the agencies and distributed internally to their SES officers in hard copy with reply paid envelopes within the ATO, DIMIA and DFAT, and in electronic form via e-mail within the DoD. No contact names and addresses were provided due to security and privacy considerations, so it was not possible to undertake a follow-up of individual SES officers to try to improve the response rate.

Data analysis was based on descriptive statistics and content analysis.

FINDINGS

This part of the doctoral study found that, despite AWAs being promoted as tools for enhancing performance, they were not used effectively for this purpose. Performance in the federal public sector is managed through a separate performance appraisal processes based around formal performance agreements negotiated between subordinates and their supervisors. While the terms of the AWAs formally linked them to these appraisal processes, the processes themselves were seen as largely dissociated from the terms and conditions of employment (including rewards) stipulated in the AWAs. These processes had limited credibility with the SES who reported that individual assessments were moderated to reduce significant differentials in appraisal outcomes. This resulted in a perception of limited sanctions for poor performance and offered little incentive, recognition and reward for superior performance.

The majority of the SES officers perceived performance management processes and outcomes under AWAs as inequitable because they resulted in appraisals and rewards that were dissociated from actual performance outcomes. It was largely this dissociation between the rewards and outcomes that contributed to the limited credibility of performance management under their AWAs. Most reported that the system fostered a performance disincentive as there were limited sanctions for poor performance, and little reward for superior performance. Many of the interview respondents described the whole process as demeaning and demotivating. None reported it in a positive light.

Some of the key findings discussed above are derived from the SES responses to questions relating specifically to the relationship between contract employment under AWAs and performance management. These are highlighted in Table 1.

Table 1: SES Perceptions of the Link between AWAs and Performance Management

The majority (55.3%) of SES officers across the four agencies surveyed did not believe that AWAs were effective performance management tools. Only about a fifth (21.1%) thought they were effective tools.

Similarly the majority (53.3%) believed that their performance had deteriorated following their move to an AWA. Only about an eighth (12.0%) thought their performance had improved since they went onto an AWA.

Most (71.4%) thought that there was nothing in their AWA contracts that motivated them to improve their performance.

While most (98.7%) agreed that their own performance was assessed, there appeared to be considerable uncertainty and confusion both within and across agencies on precisely what performance was being measured, what happened to the assessments afterwards, and what the consequences were for those officers who achieved low, medium and high performance assessments. The largest group of respondents (16.7%) believed that there were no consequences for poor performance. The figure is so low because of the sheer volume of different responses to this question. The uncertainty carried over to a slightly lesser extent onto the consequences of medium and high performance ratings.

CONCLUSION

These findings disprove the hypothesis that *the introduction of AWAs improved SES performance*. The evidence suggests that the move to contract employment under AWAs did not achieve any improvement in SES performance nor any perceived improvement in their performance management. Some of the evidence suggests a negative impact on performance following their transition onto AWAs with the majority reporting that their experience of the AWA process was an alienating one; largely divorced from performance management.

This leads to the conclusion that the impact of AWAs on SES performance and performance management was neutral at best, negative at worst, and that contract employment under AWAs did not work as a tool for advancing public sector performance management in Australia.

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Figure 1: A Model of Performance Management

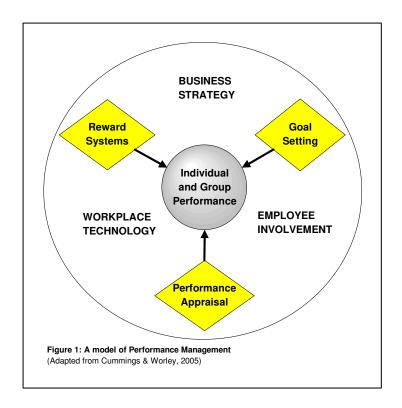


Figure 2: Porter-Lawler Model of Performance-Satisfaction

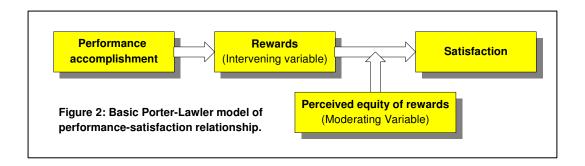


 Table 1: SES Perceptions of Relationship between AWAs and Performance Management

Question	Response	Of those who responded to this question		
	Rate to	Most Frequent	Next Most	Third most
	Question	response	Frequent	Frequent
			response	response
Is performance managed within your department/agency	100.0%	Yes (96.1%)	No (3.9%)	N/A
If yes, what type of performance is managed?	27.3%	Overall outcomes (44.4%)	Performance against deliverables (22.2%)	Performance of individuals and org units (11.1%)
If yes, what types of performance indicators are used?	28.6%	Milestones and outcomes (26.3%)	Generic outcome indicators (15.8%)	Quantitative and qualitative (15.8%)
If yes, how is performance management undertaken?	27.3%	Appraisal against performance agreements (55.9%)	Evaluation reports (22.2%)	Annual performance reviews (11.1%)
Is your own performance assessed?	100.0%	Yes (98.7%)	No (1.3%)	N/A
If yes, how?	64.9%	Through my performance agreement (60.0%)	Assessment of actual against expected performance (6.0%)	Review of achievements against deliverables (6.0%)
If yes, by whom?	76.6%	Direct manager (79.7%)	Jointly by managers, clients and peers (8.5%)	Jointly between their manager and CEO (3.4%)
What happens with the assessments after they have been made?	84.4%	Sent off for moderation at higher level (26.2%)	Nothing. They just get filed away (12.3%)	Used to determine my performance pay (12.3%)
What is your understanding of the consequences to SES staff who achieve low performance assessments?	85.7%	Nothing happens (16.7%)	I don't know (12.1%)	You are moved out of your job (9.1%)
What is your understanding of the consequences to SES staff who achieve medium performance assessments?	81.2%	You get a 5% bonus (38.1%)	Nothing happens (23.8%)	I don't know (6.3%)
What is your understanding of the consequences to SES staff who achieve high performance assessments?	77.9%	You get a 10 to 15% bonus (31.7%)	You get enhanced career options (11.7%)	10 to 15% bonus <u>and</u> your career opportunities are enhanced (10.0%)

Does your own AWA prescribe any performance related measures and/or outcomes?	100.0%	Yes (59.7%)	No (36.4%)	Don't know (3.9%)
If yes, what sorts of measures/ outcomes are prescribed?	79.2%	There are no measures or outcomes prescribed (42.6%)	Its an indirect measure. The AWA refers to it but doesn't prescribe any (21.3%)	Development of my leadership capabilities (8.2%)
Is there anything in your AWA that strongly motivates you to improve your performance?	100.0%	No (71.4%)	Yes (27.3%)	Don't know (1.3%)
If yes, what?	27.3%	Access to performance pay bonuses (51.7%)	My negotiated salary (14.3%)	The fact that it's a personal agreement (9.5%
If not, what would have?	31.1%	Nothing – my motivation is internal (40.6.6%)	I don't know what would (15.6%)	Inclusion of better pay and conditions in the AWA (9.4%)
AWAs are an effective performance management tool	100.0%	Disagree (55.3%)	Neither agree nor disagree (23.7%)	Agree (21.1%)
My performance has improved since I moved onto an AWA.	100.0%	Disagree (53.3%)	Neither agree nor disagree (34.7%)	Agree (12%)