The new industrial relations, teacher unions and educational reform

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In the mid-1990s, Australia’s traditional centralised model of industrial relations was replaced by a new system designed to devolve control from an industry-wide level to an enterprise and workplace level. With this change came the expectation that the new system of enterprise bargaining would improve industrial harmony between teacher unions and employers, free schools from industrial constraints that previously impeded workplace innovations, and influence unions to focus more on educational reform and the ‘productivity’ of teaching and learning in schools. This article explores the validity of that expectation, using historical and contemporary developments in the Western Australian government and non-government school sectors. It concludes that five years of enterprise bargaining has done little to reduce the adversarial nature of industrial relations or increase the level of workplace innovation and professional unionism in education.

INTRODUCTION

For most of this century, industrial relations in Australia has been based predominantly on a model of centralised arbitration and conciliation (Dabscheck 1995). By the late 1980s, however, an economic imperative for Australia to become more competitive placed that model under extreme pressure (Fenna 1998). In response, business groups, political parties and some unions supported a shift towards a more decentralised, deregulated, devolved system of industrial relations. These moves culminated in the Industrial Relations Reform Act 1993 and the Australian Workplace Relations Act 1996. The thrust of these Acts and subsequent reforms was to reduce the role and power of the Industrial Relations Commission and the unions, and move industrial agreements from an industry-wide level to an enterprise and workplace level. The magnitude of such change marked 1993 as the beginning of the ‘new industrial relations’ in Australia (Hunt and Provis 1995). An indication of what the new industrial relations might mean for education can be gained from critiques of the ‘old industrial relations’ made by Max Angus in Australia and David Cohen and Charles Kerchner et al in the United States.
Angus claims that before award restructuring in the late 1980s teacher unions saw school reform as the employers’ responsibility. Furthermore, legislation confined the unions’ jurisdiction to industrial matters. This separation of issues into an education and industrial dichotomy focused the unions’ attention on how school reforms affect teachers’ working conditions, ‘rather than the educational substance of the proposed changes’ (1996, p.122).

Many of the changes Angus seems to have in mind here refer to alternative forms of school-work organisation, particularly alternative uses of time, patterns of student grouping and the selection, mix and deployment of school staff. From 1986-1992 Angus attempted to promote these type of reforms in his capacity as an Executive Director of Western Australia’s Ministry of Education and as Chair of the National Schools Project steering committee. In doing so he came up against powerful industrial constraints (Angus 1996, 1998; Chadbourne 1992, 1993). According to Angus, one way to remove these constraints would be to devolve industrial relations to individual school worksites. Among other things this would mean allowing teachers in one school to be paid more than teachers in another school if, by restructuring their work practices, they increase the productivity of student learning (1996, p.150).

David Cohen, speaking from American experience, takes a somewhat similar view to Angus on the relationship between industrial relations and educational reform. He argues that, because traditional collective bargaining provisions related to teachers’ working conditions are enforced with uniformity, they inhibit the capacity of individual schools to exercise local decision-making and to introduce non-standardised education practices they might deem best for their situation. As a result, intimates Cohen, collective bargaining encourages teachers to ‘think of themselves as laborers who have little responsibility for the ultimate outcome of their teaching activities’ (1997, p.376). In support of this observation, Cohen cites Shedd and Bacharach’s claim that under the traditional labour-union model, ‘collective bargaining has produced rigidity, centralisation, diminished supervisory authority, and a “laboring” conception of the teachers’ role’ (1997, p.378).

In their book, United Mind Workers, Kerchner, Koppich and Weerse state that according to conventional wisdom teachers’ contracts are ‘a principal impediment to educational improvement’ (1997, p.104). They then advocate replacing the bulk of centralised collective bargaining agreements with school-based educational compacts. These local compacts would authorise individual schools to control 90 percent of their fiscal resources, hire and fire staff, pay teachers on the basis of demonstrated professional knowledge and skill, set class sizes, decide how teachers’ work is organised, determine the length of the school day, set the number of days that school would operate each year, establish an ongoing program of PD for teachers, introduce regular peer appraisal of staff performance, secure agreement from teachers to guarantee the quality of the educational program they deliver, and resolve disputes by setting up a ‘court of competent jurisdiction’ (1997, p.136).
Collectively these writers represent the view that old-style centralised systems of industrial relations foster an adversarial relationship between teacher employers and unions, reinforce educational conservatism, discourage flexibility in schooling, and become almost exclusively preoccupied with teachers’ working conditions. Kerchner et al sum up much of the rationale behind this view in three premises about traditional collective bargaining arrangements:

1. 'Contracts are the vehicles through which the union protects its members from arbitrary actions by the employer' (1997, p.104). This occurs by developing uniform system-wide policies and standardised procedures in areas such as salaries, the salaried workday and the organisation of students for instructional purposes.

2. 'The contract serves as a statement of the accrued rights of individual teachers' (1997, p.106). That is, the contract is designed to establish individual teachers’ conditions of employment, not encompass institutional welfare or the goals of the educational program.

3. 'Union and management have inherently different, and conflicting, interests' (1997, p.107). For example, in crude terms, unions seek improved benefits for teachers without an increase in their workload; employers seek improved work from teachers without an increase in expenditure. Contracts reinforce conflict between teacher unions and employers because they are statutorily restricted to 'wages, hours and working conditions'. Generally, curriculum and educational goals lie legally beyond the bargaining table.

Purpose of the study

These critiques of the old industrial relations imply that the new industrial relations will create industrial harmony between teacher unions and employers, liberate individual schools from the industrial constraints that impede workplace innovations, and turn the unions’ priorities around so that educational reform takes precedence over teachers’ industrial interests – three outcomes that would improve the ‘productivity of student learning’. The purpose of this article is to examine whether these expectations are soundly based and, in the light of Western Australia’s (WA’s) experience, whether there is reason to believe that the new industrial relations can deliver these outcomes. To pursue this purpose, the article investigates three questions:

1. In the government school system, how do enterprise bargaining agreements (EBAs) since 1993 differ from teachers’ industrial awards set during the 1980s and early 1990s?

2. Does history support a claim that, prior to 1993, the State School Teachers Union of Western Australia (SSTUWA) put the industrial interests of teachers ahead of the educational interests of students?

3. What can be learned about the relationship between deregulated industrial relations and educational reform from developments in the non-government sector in WA?

Underlying these three questions is an assumption that if the teacher unions place the interests of teachers ahead of their clients (students), then this undermines claims that
teaching is a profession and that teachers should be rewarded accordingly (Darling-Hammond 1989, p.67). Another assumption is that community support for union campaigns to improve teachers' working conditions will only be given if it can be shown that these conditions are linked to improvements in student learning.

Methodology

The qualitative, rather than quantitative, paradigm of research was adopted for the study (LeCompte, Millroy and Preissle 1992). Data came from two sources: documents and interviews. Documents included the various industrial awards and agreements between the Education Department of Western Australia (EDWA) and the SSTUWA, particularly since 1980; four histories of the SSTUWA (Brown 1989; Horner 1961; Maher 1982; Thieberg 1961); SSTUWA and EDWA journals; and a range of studies on the relationship between industrial relations and educational reform in non-government schools in WA. An analysis of these documents occurred prior to, and provided a substantive basis for, six 1-2 hour interviews with two groups of people, namely three employer representatives and three teacher union representatives who had close contact with negotiations between the SSTUWA and the EDWA over the past 12 years.

The analysis of documentary and interview data was early, inductive and ongoing (Maycut and Morehouse 1994). It was conducted along the lines of the constant comparative method developed by Glasser and Strauss (1967) and Lincoln and Guba (1985). This involved identifying, coding and simultaneously comparing units of meaning, categorising them, exploring relationships and patterns across the categories, and integrating the findings to construct answers to the three research questions listed above. Validation of the data analysis took several forms. One was the use of multiple sources of data; for example, the interviews provided a check on the document analysis findings. Another form of validation involved seeking responses to a draft of this article from a long-serving SSTUWA executive member and an academic with previous experience as a senior officer within EDWA. It should be acknowledged that the selection, collection and analysis of the data was influenced by the conceptual framework underpinning the study, as outlined below.

Conceptual framework

This article is based more on the pluralist model of industrial relations than the unitary and Marxist models. The unitary model of industrial relations assumes that in each work organisation the employers and employees can achieve mutual cooperation, share a harmony of interests and agree on a common purpose, to the point where trade unions and intervention by the state are unnecessary. In contrast to this consensus theory, the pluralist model embraces the following assumptions:

1. The industrial relations field contains a plurality of groups, each with its own interests and ideologies.
2. Conflict between these groups is inevitable.
3. Power is diffused among the main groups and, while the balance of power may shift from time to time, no one group can gain a permanent monopoly of power.
4. To accomplish some of their aims, the parties need to negotiate, make concessions and compromise.
5. The state needs to, and does, set the rules of industrial relations and act as an impartial umpire.

In common with Marxist theory, the pluralist model of industrial relations fits a conflict rather than consensus theory of society. However, unlike neo-Marxist models, it does not assume that the fundamental and inherent conflict of interests between employers and employees is as aspect of class relations in capitalist society (Deery, Plowman and Walsh 1997).

The findings of the study will now be presented. They are organised into sections that correspond with the three research questions listed above. Where data allows, discussion within each of the three sections will consider the issues of industrial harmony versus adversarial relations between teacher employers and employees, system-wide uniformity of educational practice versus school-based innovations, and industrial versus professional unionism. The term ‘Union’ refers to the SSTUWA and ‘Department’ refers to EDWA.

CENTRAL AWARDS VERSUS ENTERPRISE BARGAINING AGREEMENTS

Before the advent of enterprise bargaining, the centrally set industrial awards in WA contained the outcome of deals on salaries, promotional positions, allowances, additional payments and holiday loading for teachers. That is all. Nothing in these awards made provision for reforms in curriculum, pedagogy, school-work organisation, the professionalisation of teaching, or restructuring the education system. By legislation and ministerial ruling, arbitrated industrial awards for teachers were not allowed to contain educational items. For decades, the Union had sought to broaden the range of matters covered by awards, but predominantly in the domain of teachers’ working conditions – e.g. matters such as ‘duties other than teaching’ (DOTT) time and class sizes. For its part, the employer resisted these moves mainly because class sizes and DOTT time can be used as a tool for managing budget problems.

In contrast to the centrally set awards that prevailed until the mid-1990s, the 1996 WA Government School Teachers Enterprise Agreement and the 1998 WA Government School Teachers Certified Agreement did contain items concerned with educational reform and teachers’ professional interests. For example, they made provision for matters such as curriculum development, professional development, the inclusion of students with intellectual disabilities, early childhood education, change management, staff meetings, and a rewarding career in teaching.

A clear difference, then, exists between the old teachers’ awards and enterprise bargaining agreements; the awards contained no items on educational reform whereas the EBAs do. However, do these differences represent greater industrial harmony, more
workplace innovation, and increased union support for teacher professionalisation and educational reform?

**Industrial harmony and conflict**

None of the people interviewed said that relations between the Union and the Department have been less adversarial and less conflictual since the introduction of EBAs in 1993. Quite the contrary. The 1996 EBA was settled after a long, bitter industrial dispute that took place throughout virtually the whole of 1995 (Robertson and Chadbourne 1997, 1998). In comparison, the 1998 EBA emerged from a process that involved seemingly minimal struggle between the two parties. However, it contains a 'change management' clause that has formed the basis of a serious rift between the Union and the Department. This clause requires the Department to consult with the Union before introducing new initiatives to determine the extent and nature of its likely impact on schools. Shortly after the EBA's adoption, the Union expressed concern that the Department was 'Conveniently ignoring the clause and rushing through as much change as possible' (WA Teachers' Journal 1998, p.54). The Union also listed 30 new initiatives as examples of changes recently introduced by the Department which, said the Union, should be put on hold until each one had been through the 'change management process'.

In its defence, the Department said that, with respect to new initiatives, it was addressing issues of workload and impact on schools. The Union wrote back saying that 'Any discussion on workload must involve the Union', that the change management process 'as per the Certified Agreements has been ignored' (p.57), and that it did not believe the Department was operating in good faith. The Union then took the matter to the Australian Industrial Relations Commission, which recommended that 'EDWA provide schools and teachers with the necessary time and resources for any change to be introduced' (Western Teacher 1998, p.1). Subsequently, according to the Union, 'EDWA has halted all but three of the many initiatives this year [1998] which have been choking school administrations, overloading teachers with work, and impacting badly on the education system's primary aim - teaching' (p.1).

These conflicts suggest that, while advocates of enterprise bargaining might argue that in principle the process should be underpinned by the unitary model of industrial relations, in practice (in WA's government school system) it is informed by the pluralistic model.

**Uniformity**

The 1996 and 1998 EBAs go beyond teachers' working conditions by including provisions for educational reform. Also, in contrast to the awards, labour law requires EBAs to be voted on by all teachers, not simply signed off by the Union in isolation from an electoral mandate from the membership. However, in common with the provisions of 1980s-style centrally set industrial awards, the EBA educational reform clauses apply system-wide. They do not represent individual school workplace innovations. By defining the whole system as the 'enterprise', the EBAs negotiated by the Union and the Department require no less uniformity than the awards they replaced. Nor do they represent a
greater commitment to devolving industrial relations to the local level; the process for determining the EBAs is just as centralised as the process for setting old-style awards.

Professional unionism

One interpretation of the difference between the old awards and the new EBAs is that the Department used enterprise bargaining to lever the Union into the role of professional unionism, and away from an exclusively industrial role. Advocates of devolution would deem such a move to be necessary for the proper development of self-determining schools. Another interpretation is that the two EBAs (1996, 1998) simply provide official recognition of the Union's long standing commitment to the professionalisation of teaching. For example, advocates of this second interpretation could point out that:

- over the past 15 years the Union has supported annual cycles of staff performance management, provided that teacher appraisals are formative and accompanied by the provision of adequate professional development
- since the late 1980s the Union has supported moves to establish a three stage career path in teaching
- the Union supported local staff selection trials at several Perth senior high schools in the 1970s.

A third interpretation is that the educational items listed in the 1996 and 1998 EBAs are not as substantial as those envisaged by Kerchner et al, or those contained in two memorandums of agreement signed by the Union and WA Ministry of Education in 1990 and 1991. Some dispute exists about whether these memorandums were legally binding, but they were negotiated through a process similar to industrial awards. They also mark the beginning of building educational reform items into an industrial agreement in WA. After the 1989 teachers' strike, a change in Union leadership saw a willingness by both parties to work in partnership on the development and implementation of educational policy. Put differently, the 1990 and 1991 memorandums of agreement were made possible by the development of a working relationship between strategically placed Union and Department officers who held common views on the need to change the rigidities of the system and who believed that the way to start doing this was at the bargaining table.

The memorandums of agreement (Ministry of Education WA 1990, 1991) consisted largely of a mutually agreed vision statement of what schools should look like and how changes should be resourced. They attempted to foster a climate of acceptability for school-based innovation. And they officially recorded the Union's endorsement of four key policies designed to advance devolution (Ministry of Education WA 1989, 1990a, 1991a, 1991b). These two memorandums of agreement were successfully negotiated within a centralised industrial relations system. As instruments for using industrial relations as a lever for educational reform, what they accomplished is more comprehensive than anything that has been achieved so far under enterprise bargaining.

The high level of Union/Department partnership embodied in these two memorandums of agreement came to an end with the election of the state Coalition government in 1993. Following the election, complaints arose about the use of managerial prerogative
by the Department to keep the Union at arm’s length from educational policy development. For example:

At a Union meeting in 1994 the President produced a list of 64 important decisions made by the Department on which the Union had not been consulted. For his part, Education Minister Norman Moore made it clear that it was the Government that had been elected to run the education system, not the Teachers Union. In reply, the Union President pointed out that teachers do have ‘a legitimate right to be consulted because the changes have definite industrial implications on matters such as working hours’.

(Robertson and Chadbourne 1997, p.153)

In short, there are clear differences between the nature of the old industrial awards and the new EBAs. But the exclusion of educational items in the awards did not prevent the old industrial relations being used as an arena for the negotiation of educational reforms. And the inclusion of educational items in the EBAs has not led to enough changes on the ground to claim that the new industrial relations has substantially increased the level of industrial harmony, workplace reform, and professional unionism within the WA government school sector.

HISTORICAL PERSPECTIVE

Before 1993, did the Union put teachers’ industrial interests ahead of educational reform? If it did, this would strengthen claims that enterprise bargaining has led to the Union taking a more supportive role in relation to educational reform than was the case during the pre-1993 old industrial relations regime. If it did not, such claims would be weakened. Existing histories of the Union (e.g. Brown 1989; Horner 1961; Maher 1982; Thieberg 1961) are helpful here. The weight of argument in these histories suggests that between 1898 (when the Union was founded) and 1993 (when enterprise bargaining began to gather momentum):

1. The Union pursued two major purposes, namely to improve the working conditions of teachers and to improve schooling for students.
2. The Union devoted relatively more time, money and effort to educational reform from 1898-1968 than it did during the period 1968-1992.
3. In order of importance, the Union’s educational reform priorities were: the professionalisation of teaching, curriculum improvements, and school/system restructuring.
4. At times, the Union was in the vanguard of educational reforms, often pushing progressive proposals in the face of opposition from a conservative Department.
5. Generally, the Union opposed or impeded reforms it considered to be detrimental to teachers’ work conditions.
6. Generally, the government and the Department opposed or impeded reforms they considered to be detrimental to the education budget.
7. The Union did more to formulate a comprehensive education reform policy platform than it did to promote the adoption and implementation of that platform.
1898-1968: Seventy years of relative industrial harmony

From 1898 to 1968, relations between the Union and the Department were relatively cooperative and peaceful. During this 70-year period the Union resorted to direct industrial action on only two occasions (1920 and 1934 – both over salaries). Another characteristic of the period was that teachers’ working conditions were determined unilaterally by the Department. Also, the substantive rules of teacher employment were contained in the Education Act and Regulations and remained the province of the state government. This left the Union with little room for negotiation. All it could do was send deputations to the Director General and rely on the goodwill of the employer. There was no access to a third party for most issues because until 1985 the Union operated outside the mainstream conciliation and arbitration system. The establishment of the Public Service Appeal Board in 1920 and the Government School Teachers Tribunal in 1961 gave teachers an avenue for appeal over salary and promotions, but virtually nothing else. A study by Thieberg concluded that, during this period of sustained stability in relationships between the Union and the Department, the two parties worked together, not against each other (1961, p.78). Brown goes further by saying that:

The Union never seriously challenged the employer. Neither did there seem to be any rejection by the Education Department concerning the involvement of the Union negotiations on various matters. Although teachers experienced dissatisfaction with salary determination procedures during this period, relations between the Union and Education Department never became strained or antagonistic. (1989, p.129)

According to Brown, during this period the Union chose not to register as a trade union under the provisions of conciliation and arbitration because ‘it did not see its primary role as a union, but rather as a professional association’ (1989, p.81). Its aims, as laid down in 1898 and reported by Mossenson (1972, p.61), were:

- to provide young teachers with a means of keeping in touch with the best methods of teaching and to enable them to become better acquainted with the latest educational works and devices, and
- to enhance the interests of the profession generally and to promote a kindly feeling among all classes of teachers.

Throughout this long period, the Union developed proposals and campaigned for educational reform through a range of avenues, such as: establishing its own education committee and teachers’ journal; formulating an educational policy platform at its annual conferences; gaining representation on education policy committees and projects set up by the Department, government, and other public organisations; conducting its own investigations into issues of educational concern; and sending deputations to the Minister and the Department. The following gives some details of the Union’s commitment to educational reform from 1900 to the 1960s (SSTU 1979):

1900-1911 The Union formulated minimum and maximum curricula; suggested changes to the English curriculum; requested the Department to establish a uniform system of copy-book writing; emphasised the need for an ade-
quate system of teacher training; and pressed for a definite system of secondary education

1912-1920 The Union formed an education committee to 'initiate proposals concerning the best interests of education'; this committee met regularly to discuss matters such as rural education, infant education, primary education, and the education of girls, and it published the Educational Journal.

1921-1930 The Union submitted to the Department a draft of continuation class regulations; urged more expenditure on technical and agricultural education; pressed for the elimination of examination of children by inspectors; urged greater freedom for teachers to draw up more relevant courses of study; made a case for abolishing the system of examination for scholarships.

1931-1945 The Union formulated a detailed proposal for post-primary education; argued for improvements to the examination system administered by the University Public Examinations Board; pressed for an extension of teacher training to a two-year course; and drew up an extensive report of multilateral coeducational five-year high schools.

1946-1960 The Union called a public meeting that led to the formation of the WA Progressive Education League; wrote reports on the education of Aboriginal children, gifted children, and sex education; initiated a thorough investigation into secondary schools' development, size and range and into the virtues of a three-year high school course.

Although the Union conducted a lot of political action to seek improvements in teachers' working conditions during this period, it only took industrial action on two occasions (the 1920 strike and the 1934 'work to rule' campaign). Numerous factors account for the low level of industrial action. For example:

- A majority of members considered that the status of teaching as a profession depended on the Union being seen as a professional organisation, not a trade union.
- The Union executive was dominated by elderly, male, conservative headmasters who may have aligned themselves more with management than with classroom teachers. The anti-communist climate and movement (e.g. Democratic Labor Party) following World War Two discouraged militancy in interpersonal relations between the long-standing Union President, Noel Sampson, and long-serving Director General of Education, Dr Robertson (an ex-Union executive member), were characterised by mutual respect and trust.
- For two decades after World War Two, Australia enjoyed economic prosperity as a 'lucky country'.
Given these factors, the lack of industrial action during this period does not provide adequate grounds for claiming that the Union put the interests of educational reform ahead of improvements in teachers’ working conditions.

Another set of observations warrants mention here. The new industrial relations’ requirement for a collaborative, non-adversarial, non-confrontational relationship between employers and employees was met by the Union and the Department during this period. However, the relationship could also be described as paternalistic, if not entirely feudal. Also, industrial harmony was not accompanied by school-based innovation. The Department held a monopoly of power not only over industrial matters but also over educational matters. The outcome was a far greater level of uniformity across schools than existed during 1968-92, a period dominated by overt confrontation between the Union and the Department.

1968-1992: Escalating conflict

From 1968 to 1992 the Union became more militant, unionate and able to access an increasingly strong third party, namely the Government School Teachers Tribunal. This tribunal was revised and strengthened in 1979 and became incorporated into the WA Industrial Relations Commission in 1985. Apart from a few brief phases of harmony (e.g. 1974-75, 1983-85, 1990-92), the relationship between the Union and the Department became more adversarial and the Union’s agenda gave higher priority to industrial matters than to professional and educational issues. The activities and events outlined below give an indication of the industrial ethos that prevailed between 1968 and 1992:


1974-1975 Brief period of peace and partnership between the Union and the Department, largely due to the short-lived Six/Six Committee, established to negotiate the implementation of the Teachers’ Charter goals.


1982-1985 New government and new Minister of Education; building of cordiality, cooperation and consultation between the Union and the Department; Government School Teachers Tribunal incorporated into the AIRC in 1985.

1986-1989 Souring of relations between the Union and the Department; mass meeting of teachers in 1986; Union calls on members to not implement the Bet-

1990-1992  A breakthrough in Union/Department collaboration; two memorandums of agreement.

During this period, the Union shook off relying on the goodwill of the Department and responding in ad hoc fashion to decisions handed down by the Department. In place of the old stance of complying with management’s expectations, the Union became more independent; it moved away from accepting the situation of unilateral policy making by the employer and headed towards ongoing negotiations with the Department.

Another Union change in direction was a willingness to use strategies of industrial action to achieve policy goals – to engage in overt conflict with the Department when meaningful negotiations broke down. According to Brown, ‘The overall theme was one of militancy, industrial action and political protest’ (1989, p.244).

In some ways, developments during this period (1968-92) fit the claims by Angus, and Cohen, and Kerchner et al about the link between industrial relations and educational reform. The Union did not allow concerns over the professional status of teaching to prohibit the use of industrial action for gaining improvements in teachers’ working conditions. On the whole, relations between the Union and the Department were more adversarial than collaborative. And placing the Government School Teachers Tribunal under the jurisdiction of the Australian Industrial Relations Commission strengthened the centralisation of industrial relations in the government school arena. These developments provide grounds for two assumptions. First, increased confrontation over teachers’ working conditions took up large amounts of the Union’s resources that might otherwise have been used to pursue a professional unionism agenda. Secondly, the deepening of central control over industrial relations focused Union/Department attention and energy on system-wide arrangements, rather than fostering an interest in school-based innovations.

Nevertheless, despite the demands of all this industrial activity, the Union proposed and/or participated in a range of initiatives intended to improve the quality of teaching and learning in schools. For example, between 1968-1992, the Union:

- pushed for teacher registration, unsuccessfully
- succeeded in having Regulation 139A removed; this regulation forbade teachers commenting publicly on the administration of any state government department
- worked to raise the professional status of teachers, particularly through the Secondary Teachers Association, Progressive Teachers Association and Teachers Charter
- advocated teacher participation in educational policy-making
- continually pressed for teacher professional development
- appointed a full-time Union educational research officer
- established sub-committees on assessment and supervision of teachers, multicultural education, induction for beginning teachers, and teacher education
- completed an inquiry into the Achievement Certificate
• researched and reported on primary discipline
• pressed for reforms in primary staffing and remedial, environmental, Aboriginal and migrant education
• argued for democratic decision-making in schools
• campaigned for better levels of educational funding
• provided representatives on major educational inquiries, such as those chaired by Beazley (1984) and McGaw (1984)
• developed and updated the Union’s educational policy platform at its annual conferences.

This involvement occurred despite the Union sometimes being excluded from educational policy-making by various Ministers and Directors General of Education who considered the Union’s role was only to represent the industrial interests of teachers, not their professional and educational interests.

In 1987, prior to the EBA period, the Department launched an initiative called the Managing Change in Schools Project. This project invited seven volunteer schools to propose alternative forms of work organisation and undertook to see if the ‘rules’ could be waived so that the proposals could be implemented in the schools that put them forward (Angus 1992). Of the 30 proposals submitted, only nine were approved. Industrial obstacles associated with centralised award restructuring played a part in vetoing some of these proposals. According to a Department representative, ‘The Union wanted agreements on uniform principles that could be invigilated. They wanted uniformity to protect teachers’ (Chadbourne 1992, p.59).

However, opposition to waiving the rules also came from elements within the Department. Four directors of operations and 29 district superintendents were responsible for what went on in schools during the life of the project (1987-89). Waiving the rules could be seen as a threat to their authority and managerial prerogative. Also, from their point of view:

Saying ‘no’ to requests to waive regulations would have meant less hassles, less risk taking, and less burden of responsibility than saying ‘yes’. It would have been in the interests of the middle managers to have more specific rules and regulations, not less. (Chadbourne 1992, p.57)

In short, any analysis of impediments to professional unionism, either before or after the introduction of enterprise bargaining, needs to consider not only industrial relations factors but also the role of employer prerogative.

NON-GOVERNMENT SCHOOLS

Small alternative schools

Technically, teachers in most small alternative non-government schools that have not negotiated their own EBA are covered by the Independent Schools’ Teachers Award, negotiated by the Independent Schools’ Salaried Officers Association (ISSOA). In prac-
tice, the whole staff of a small alternative non-government school may not belong to the ISIOO or any other union. Nor may their employers comply with the award conditions.

These schools, then, can operate outside the constraints of a formal industrial relations regulatory framework. As such they constitute examples where, at a de facto if not de jure level, industrial relations have been completely deregulated and devolved to the individual school. In terms of the type of educational reforms that Angus, and Cohen, and Kerchner et al appear to have in mind, these alternative schools are highly innovative.

However, does the reform record of these schools support claims that teachers' industrial contracts impede educational improvement and that the removal of these contracts enhances the flow of educational change? Not necessarily! While these alternative schools appear to be innovative compared with traditional government schools, within their own context they may not be innovative. That is, they may not have changed significantly since the day they began. Many of them, from the very beginning, were established as alternatives to traditional education and thus do not have a long-standing, deeply entrenched traditional mode of work organisation to reform. In such cases, 'innovativeness' may be due more to the history, philosophy, size, physical plant and parents of the school than to the absence of industrial constraints.

Traditional non-government schools

In the traditional non-government school sector, EBAs are made between an employer and the ISSOA, in conjunction with employees. Systemic schools (e.g. those in the Catholic system and Protestant school commissions) bargain collectively and choose to be covered by the same EBA. Independent schools bargain individually and each school has its own separate EBA (e.g. see Clarke 1997). Several studies have been made of enterprise bargaining in these schools in Western Australia.

A study of nine WA Catholic secondary schools by Tutt (1997) showed that since the introduction of enterprise bargaining there have been virtually no innovations in work organisation at the school-based level. One of the nine schools attempted to introduce shift schooling, as a variation in the traditional use of time, but abandoned the initiative on the eve of its implementation. Several other schools planned innovations, such as building a centre for independent living and a technology education centre, but not in a sufficiently radical way to test the flexibility or rigidity of industrial regulations. When asked to explain the lack of workplace reform, most principals referred to legal, architectural, administrative, parental and resource factors, not industrial constraints.

In another study, Leck (1997) examined five non-government school EBAs negotiated between 1993 and 1996 in WA. Two of these EBAs applied at the 'system' level (Catholic Education and Anglican Schools Commission) and three were for individual schools (two high-fee grammar schools and a low-fee parent-run school). Across these five EBAs, Leck found variation in salary scales, carers' leave and long service leave. However, none of them used enterprise bargaining as a lever for introducing variations in long-established patterns of work organisation. Apart from a few clauses on teacher
appraisal and professional development, the five EBAs focused on industrial rather than educational matters.

In short, existing studies of traditional non-government schools show that, so far, even where the enterprise is defined as the individual school, enterprise bargaining has made little difference to workplace reform.

CLOSING REMARKS

The findings of this study show that, after five years of enterprise bargaining, the new industrial relations has not delivered the outcomes that its supporters hoped for. It has not created greater harmony between teacher unions and employers. It has not led to increased school-based innovation and less centrally driven reform. It has not resulted in a higher degree of professional unionism. Why has enterprise bargaining achieved so little? The answer to this question lies outside the brief of this study. Nevertheless, it seems useful to conclude the article by tabling some of the possibilities.

Why continued adversarial industrial relations?

The unitary model of industrial relations can rightfully assume Union/Department consensus on a key aim of education, namely providing students with equal and improved opportunities for learning. What it overlooks is the possibility that irreconcilable conflicts of ideology and interest divide teacher unions and employers on the best way to achieve that aim. According to this possibility, teacher development is the fundamental agency of educational reform for the unions. Improved teacher performance cannot be cost neutral; additional resources are required. For employers, school development is the fundamental agency of educational reform. Improved school development can be cost neutral; no additional resources are required, simply restructuring. The unions believe good teachers make good schools, more so than the reverse. The employers believe good schools make good teachers, more so than the reverse. This ideological conflict is reinforced by a related conflict of interest. Given the expectations of their constituency, the unions have a vested interest in pushing for increased expenditure on education, particularly in the area of teachers’ working conditions. Given the expectations of their political masters, teacher employers have a vested interest in containing expenditure, particularly in the area of teachers’ working conditions.

Another possibility is that those who preach industrial harmony, consensus, partnership and negotiation, actually practice confrontation, conflict, paternalism and domination. In these situations, instead of cooperation, goodwill and mutual respect, with employers and unions working together as joint stakeholders, relationships become marred by dishonesty rather than openness, an obsession with control rather than compromise, and abuses of power rather than treating participants with decency.

Why continued centrally driven industrial relations and educational reform?

Part of the answer to this question is that the education system, rather than the school, was defined as the ‘enterprise’. That decision made EBAs just another form of centra-
lised wage fixing. According to a Department senior officer who opposed defining the system as the enterprise and who believed that a centralised EBA system undermined devolution:

> Most of the senior EDWA and Union officials wanted to retain a centralised administrative system and a centralised wage fixing system. And of course they prevailed. Their power depended on it. Some of them may also have felt that the education system would become anarchic if each site could negotiate its own EBA. So you could argue that enterprise bargaining, like many educational reforms, was neutered at the beginning. (Personal communication with the author, November 1998)

In the view of other people interviewed during this study there are further reasons why the employers (Department and Minister) did not make individual schools the enterprise. One was the prospect of salary ‘leapfrogging’. Another was the lack of appetite among parents and other community members for schools taking on the extra work and responsibility of negotiating EBAs. Thirdly, the Minister for Industrial Relations, who was a powerful advocate for workplace agreements, gradually lost influence in Cabinet. And fourthly, the Minister of Education knew the Union was opposed to decentralised EBAs and saw no sense in making a fight of the issue.

**Why no change in the level of professional unionism?**

Again, a range of possible reasons can be suggested to explain why enterprise bargaining has not led to an increase in the level of professional unionism. For example, the following explanations are worth investigating:

- over the past five years, teacher employers have often excluded the Union from educational reform policy development
- there was no need to raise levels of professional unionism because pre-enterprise-bargaining levels were sufficiently high
- the dichotomy between teachers’ industrial working conditions and educational reform is false; that is, improvements in teachers’ working conditions are necessary for improvements in the quality of teaching and learning
- over the past five years, the Union has had to give priority to warding off unwarranted attacks upon teachers’ working conditions caused by enterprise bargaining and therefore has had little opportunity to increase its level of professional unionism.

**Some scenarios for the future**

This article has shown that over the past 100 years the WA State School Teachers Union has tried to improve teachers’ working conditions and the quality of teaching and learning in schools. If stakeholders are satisfied that the Union has got the balance between these two roles about right, then presumably the status quo will prevail and the future will mean more of the same. If they are dissatisfied, then two scenarios can be suggested. One is to sideline the Union by replacing EBAs with workplace agreements. Another is to strengthen the Union by giving it the right, responsibility and resources to conduct the
wide range of tasks advocated by Kerchner et al (1997) in *United Mind Workers*. According to these authors, teacher unions in the post-industrial knowledge society should organise around quality, schools and an external labour market. This means enabling teacher unions to:

- define and measure quality for students, teachers and schools
- take the lead in setting educational standards for student learning
- make choice a weapon in the fight to reform schools
- work with teacher employers to develop a new slender central contract
- support the introduction of site-based compacts for each school
- develop a career path in teaching, e.g. one based on the National Board for Professional Teaching Standards certification
- develop and assure quality among teachers through programs of peer review; that is, help teachers establish and enforce standards in their own occupation
- establish electronic hiring halls to register applications for teaching jobs, help applicants prepare portfolios and act as an employment broker
- help teachers change the nature of their work so that teaching becomes more complex, involves more interaction among adults, and becomes explicitly engaged in generating knowledge.

In a critique of *United Mind Workers*, Peterson (1998) endorses Kerchner et al’s view that teacher unions need to place more emphasis on professional unionism, as distinct from industrial unionism. He goes on to observe, though, that *United Mind Workers* ignores social issues of class, race and gender inequalities and that the book is ‘silent on how unions might help build a more just and equal society’ (1998, p.6). This observation provides a useful reminder that developing a more positive relationship between industrial relations and educational reform requires not only a focus on industrial unionism and professional unionism but also a focus on social justice unionism. Without such a focus, the principles of public interest, equity and access could be placed at risk and inappropriate mechanisms of industrial regulation could gain the ascendancy.

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