

McGrath-Champ, S, Fitzgerald, S, Gavin, M, Stacey, M and Wilson, R (2022), Labour commodification in the employment heartland: Union responses to teachers' temporary work, *Work, Employment and Society* Copyright © 2022 (The Authors). DOI: 10.1177/09500170211069854

Abstract

This article analyses the commodification of professional labour and union responses to these processes within the employment heartland. It explores the category of fixed-contract or ‘temporary’ employment using Australian public school teaching as the empirical lens. Established to address intensifying conditions of labour market insecurity, the union-led creation of the temporary category was intended to partly decommodify labour by providing intermediate security between permanent and ‘casual’ employment. However, using historical case and contemporary survey data, we discern that escalation of temporary teacher numbers and intensifying work-effort demands concurrently increased insecurity within the teacher workforce, constituting recommodification. The paper contributes to scant literature on unions and commodification, highlighting that within the current marketised context, labour commodification may occur through contradictory influences at multiple levels, and that union responses to combat this derogation of work must similarly be multi-level and sustained.

Keywords: Australia, commodification, decommodification, devolution, public education, recommodification, school, teacher, temporary, union

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This article explores how unions confront decommodification and recommodification as conflictual and contested employment processes that emerge at multiple levels. The commodification of labour involves, *inter alia*, insecurities that erode worker protections in employment regimes (e.g. employment security, wage-setting and voice systems) and exacerbate the inequalities between employees and management, labour and capital (Smith, 2016). Decommodification and recommodification involve changes that, respectively, weaken or strengthen this discipline of labour market competition on workers; changes that occur at different systemic, organisational and workplace levels.

Using Australian public school teaching as the empirical lens, the analysis outlines the decommodifying creation of a fixed-term ('temporary') employment category and, in particular, examines union responses to government policy and managerial influences that have then recommodified teachers' labour. Producing an additional 'axis of segmentation' (Stecy-Hilderbrandt et al., 2018: 561), this recommodification cuts across older core-periphery divides in education labour markets (Hausermann et al., 2015). In examining how the broader effects of neoliberal marketisation in education have undermined union efforts, producing in-work recommodification (Dukelow, 2021) of teachers' labour, we draw on research that traces the contradictory processes of decommodification through labour market regulation (Rubery et al., 2018). We argue that escalating temporary employment has been propelled by the subversive influence of market factors and a changing institutional context characterised by devolution of financial and staffing responsibilities to the individual school level. This context is part of broader neoliberal pressures of marketisation and managerialism which predispose greater labour commodification, and devolve employment risk, to individual teachers (McGrath-Champ et al. 2017; Connell, 2013). The article therefore contributes to scant literature on union

responses to commodification, for while manifestations of commodification, such as precariousness, casualisation, and non-standard employment are commonly discussed (Burgess and Campbell, 1998; Trif et al. 2021), unions' role in commodification processes is rarely considered. Our driving argument is that within the current marketised context, labour commodification may occur through contradictory influences at multiple levels, affecting union attempts to limit the expansion of non-standard (temporary) employment. Union responses to combat this derogation of work must therefore similarly be multi-level and sustained.

Our analysis of fixed-term employment is situated within public school education in New South Wales (NSW), the state with Australia's largest population and education system, which is also one of the biggest education systems in the world (NSW Department of Education, 2021). Teachers are highly unionised in Australia. NSW teachers employed by the Department of Education are organised by the NSW Teachers' Federation (NSWTF), which has retained remarkably high (80%) membership of the state's 65,000 public sector teachers (NSWTF, 2017 Annual Report), despite weakening of unionism in Australia and elsewhere.

Temporary teachers in NSW are employed full-time for four weeks up to a year or part-time for two terms or more and receive pro-rata pay of permanent teachers plus paid holiday and sick leave. 'Casual' employment involves temporal insecurity, few employment benefits and capped pay. The union in 2001 achieved creation of the 'temporary' employment category to provide greater security for impermanent, casual employees. Twenty years later, although the number of casual teachers has stabilised at around 10% of union membership, a new conundrum has developed: temporary positions increased to 20% of total union membership, with a similar proportional decline in permanent membership, suggesting substitution of

temporary for permanent employment. Nationally, the proportion of teachers on fixed-term contracts is also now high and growing rapidly. From 2007-13, the proportion of school teachers on 1-3 year contracts doubled (McKenzie et al., 2014). Although the pace of growth has since reduced, Thomson and Hillman (2020: 38) report that in 2018, 15% of Australian teachers were on a contract of three years or less.

To examine how processes of commodification and institutional change in the public education sector affect union attempts to limit the expansion of non-standard (temporary) employment, we aim to answer the following research questions:

1. How has the temporary employment category emerged in NSW public education?
2. What issues are associated with the emergence and use of this employment category?
3. How has the teachers' union responded to issues surrounding the temporary teacher category?

This article first provides a conceptual and theoretical context, canvassing the commodification of teachers' labour and union responses to labour commodification. After detailing the research methods, we present findings relating to decommodification initiatives, recommodification, and union responses. We conclude with a discussion of labour recommodification in a marketised context and implications for unions.

Segmentation of teachers' labour in a marketised, devolved context

Education and school teaching are key foundations of learning and life in society. As professional, white-collar, highly educated and skilled public sector workers, teachers are usually considered to be part of the employment 'heartland'. Although commonly perceived as jobs with security, and good working conditions and pay, teaching in Australia and many other countries nowadays sits within a highly marketised, neoliberal environment, manifesting surprising labour market contradictions.

Examining shifting tendencies in the commodification of teachers' labour requires contextualisation within wider processes of the commodification of public services and the welfare state. In Australia, these processes emerged in the 1980s and 1990s at national, state and local government levels. While privatisation of public services has been particularly extensive at the state level, New Public Management (NPM)-style reform has been pervasive throughout the public sector. Harvey (2005: 160) views commodification, and the attendant methods of privatisation and corporatisation, as a 'signal feature of the neoliberal project', which in the last 40 years has opened up 'new fields for capital accumulation in domains hitherto regarded off-limits to the calculus of profitability'. Within the public sector, market-based principles and devolved decision-making increased the scope for flexible employment more closely resembling private sector employment patterns. Outright privatisation and contracting-out further eroded working conditions (Harvey, 2005) reshaping the context in which public sector unions operate.

The effects of neoliberal policy on the Australian education system provides a clear example of the commodification of welfare state institutions. Over the past four decades, an education

policy ensemble has advanced the devolution of responsibility (manifesting as greater autonomy), and heightened competition and individualisation as responses to economic, over educational, imperatives (McGrath-Champ et al., 2017). Starting in the 1990s, competition increased through expansion of the private education system and emphasis on school choice, inclining public schools to operate as small businesses (Connell, 2013). Given this has significantly changed the context in which public sector unions operate, it is important to examine how they are responding to in-work, and broader processes of, commodification in the public education system, especially as this sector is highly unionised and yet distinctly challenged in responding to these changes.

These processes have been underpinned by changing funding arrangements between the federal government and Australian states, including the provision of funding premised on states achieving certain educational performance outcomes (Lingard and Sellar, 2013). The NSW *Local Schools, Local Decisions (LSLD)* policy (NSW DEC, 2011) is a key instance of a state government implementing devolutionary policies emphasising local responsibility, control and accountability for ‘school performance’ (Gavin and McGrath-Champ, 2017). The size of the NSW public school sector plus recent devolutionary influences recommend it as a locale for observing contemporary labour market effects. A key contention in this article is that devolving staffing and budgetary authority to schools can create more precarious employment reflecting greater commodification of labour within the public sector.

The commodification of teachers’ labour, influenced by funding considerations, has been associated with new patterns of segmentation in teacher labour markets in the public sector and the expansion of non-standard forms of employment (NSFE). Historically, most occupations in the public sector, including teaching, were arguably ‘insider’ occupations, with strong

unionisation protecting workers from many employer-led flexibility strategies. However, high-skilled occupations, like teaching, have been susceptible to strategies that have increased the proportion of workers covered by ‘outsider’, non-standard employment (Bamberry, 2011; O’Sullivan et al., 2020). This means that employment vulnerability affects lower-skilled, as well as skilled, and even highly-skilled workers (Hausermann et al., 2015), plus areas of the public sector in which union density has remained relatively high. Given that unions have historically been a bulwark against in-work commodification, it is imperative to consider why these processes occur in unionised settings and how unions have responded.

In an attempt to chart the impact of NSFE on the labour market segmentation of teachers in school education, Preston (2019) proposes a two-dimensional matrix of labour market segmentation based on the dimensions of internal vs. external and primary vs. secondary labour markets (see Table 1).

Table 1 here

In Australia, most public school teachers are still employed in primary, internal labour markets, even though the marketisation of education has been accompanied by new control mechanisms, work intensification and lower pay (Fitzgerald et al., 2018). Preston’s model is supported by a well-established body of research on NSFE in school education, especially casual work. It connects both with Rubery et al.’s (2018) framework distinguishing conditions for decommodification and Burgess and Campbell’s (1998: 11) enduring, fine-grained discernment of types of insecurity associated with casual employment. Teachers employed ‘casually’ provide replacement for sickness or other reasons, may be hired for a day or longer, commonly at short notice, may be dismissed at short notice, and receive hourly pay which

includes a loading in lieu of paid leave and other standard-employment entitlements. For most fixed-term teachers, contracts terminate on a specified date, along with a more limited range of insecurities. Treated as a ‘convenient and expendable labour pool who serve the market’ (Charteris et al., 2017: 512), teachers in secondary labour markets confront working-time and employment insecurity. Moreover, faced with day-to-day uncertainty over teaching roles and with limited information about the facilities and routines of different schools (Jenkins et al., 2009), these teachers also experience functional insecurity regarding the content of their roles, an outcome that is particularly significant given the likelihood that casual and fixed term-teachers are early career (up to five years post-training), and working in such capacity out of necessity rather than desire (Stacey et al., 2020; Jenkins et al., 2009).

Within the context of the secondary labour market, teachers prefer being employed at the same school (see Table 1, Segment C) allowing more relationship and skill-building, stronger integration into school systems and processes, and greater functional security (Bamberry, 2011). Yet without the same kind of support, induction and professional development as permanent staff, teachers working in secondary markets report feelings of ‘exclusion’, ‘isolation’ and ‘marginalisation’ (Bamberry, 2011; Jenkins et al., 2009) and confront skill-reproduction insecurity. Often labelled as ‘itinerant’ (Charteris et al., 2017: 512), casual and fixed-contract teachers are less likely to be unionised (Krasas Rogers, 2001 cited in O’Sullivan et al., 2020) and therefore suffer representation insecurity. In sum, research on this expanding teacher workforce segment conveys that those working in ‘external, secondary labour markets’ (Table 1, Segment D) constitute a distinctly precarious and commodified form of labour without the elements that Rubery et al. (2018) associate with the decommodified standard employment relationship (SER). Understanding union challenges amidst these fluxes is vital not only to school teaching in Australia but to understanding labour commodification given

that union action remains a distinctive force counterposing market-driven forms of labour insecurity.

Trade union responses to labour commodification

Fudge (2017: 374) argues the SER was ‘both embedded in, and the outcome of, an institutional ensemble that was fashioned out of the post-war capital–labour compromise’ in which trade unions played a significant role in limiting the commodification of labour. The ‘decommodification’ of labour (‘the institutional protection of the labour force from total dependence for survival on the discretion of the employer’) has been supported by a ‘regulatory web governing employment’ including specific collective agreements and broader labour law (Hyman, 2008: 261, 269). In the public sector, unions have resisted NPM-guided reform by contesting ‘the degradation of workers’ rights at work [and] the commodification of all aspects of work’ (Vandenberg, 2018: 7). Yet, unions have faced challenges in responding to employer-led flexibility. While public sector workers, in most developed economies, are the strongest bastion of union strength and decent working conditions, it cannot be assumed that higher-level ‘insider’ occupations are immune to employer pressure and exposure to non-standard conditions (Hausermann et al., 2015). Trade unions have achieved varying levels of success in negotiating regulations on casualisation. O’Sullivan et al. (2020) argue that this effectiveness is dependent upon the particular conditions which gave rise to casualisation amongst occupations. In teaching, unions have made some efforts to reverse trends, such as demanding improved employment security for teachers in collective bargaining (O’Sullivan et al., 2020).

Yet the role unions have played in limiting the commodification of labour through expansion of the SER has not been straightforward. Streeck (2005) emphasises that unions have

contributed to both the decommodification *and* commodification of labour by limiting commodification while seeking to sustain the wage-relation for their members. By seeking to suspend

ruinous competition and creating institutions of contractual governance that protect workers...unions overcome inherent imperfections of labor markets and make them work in the first place...[Unions act] as agents of both suspension and perfection of labor markets...of fairness as well as of efficiency (Streeck, 2005: 263).

As Burawoy's (1985) 'second wave' contribution to labour process theory noted, in successfully moving away from the condition of 'market despotism', unions helped achieve the decommodification of labour and the contractual governance of the wage-effort bargain, in addition to strong internal labour markets, collective bargaining and the internal state of 'industrial citizenship' based on consent and compromise that increased productivity and/or expenditure of labour power in the labour process. This form of hegemonic regime was premised on not only a regulatory web governing employment but also the establishment of a reciprocal social contract developed through interactions between management and unions at the institutional level and between individual employees and their supervisors at workplace level. Although such social contracts and consent remain an element of work regimes, since welfare, unions, and internal labour markets are undermined by neoliberal processes, this consent is now also predicated on workers' greater dependence on insecure wages and employment. However, such shifts are far from uniform and Burawoy's conception of successive 'labour regimes' has been rightfully critiqued for proposing a simplified and sequential account of coercion, control and labour commodification 'settlements' (Thompson and Smith, 2017). Decommodification and recommodification can occur simultaneously

(Rubery et al. 2018) and unions' responses confront labour commodification at the macro, meso and micro level. As such, unions need to be mindful that commodification influences at one level can undo decommodification initiatives they have tried to secure at another level.

Current debate hinges on whether existing institutions of labour market regulation, particularly trade unions, have both the capacity and will to reverse the trend to new forms of coercion and despotism. Unionisation in decline, coupled with weakened political influence and reduced effectiveness in collective bargaining, suggests their capacity may indeed be questioned (Trif et al., 2021). Meanwhile, the decline in the volume and efficacy of collective action in most developed economies contributes to a self-reinforcing logic where, in the absence of significant victories, workers are less inclined to take such action (Hyman and Gumbrell-McCormick, 2017). Often legislation also curbs the taking of industrial action. While public sector unions have not experienced the same decline as private sector unions, enduring structural, institutional and regulatory challenges nevertheless affect their capacity to protect the conditions of workers.

Moreover, as Purcell and Brooks (2021: 7) argue, while hegemony and despotism are 'intricately entangled within contemporary labour regimes', coercion and despotism can overshadow hegemony and consent in applications of Burawoy's (1985) notion of hegemonic despotism. For instance, union responses to the recommodification of labour are complex, particularly in the context of NPM education reform and managerial professionalism (Connell, 2013). Here teacher unions have sought to respond to pervasive regulatory change by overtly reorienting their focus from primarily protecting teachers' industrial interests to promoting teaching as a profession and advocating shared responsibility for improving education quality and student outcomes. A strategy of 'rapprochement' (compromise) has seen teacher unions

attempt to defend conditions by maximising member benefits within those parameters. While teacher unions may not necessarily accept the neoliberal logic of policy reform, they do not attempt to fundamentally challenge it (Gavin, 2019). Trif et al. (2021) similarly argue that the capacity for unions to ‘fight precarity’ in an adverse global context requires a ‘win-win’ discourse and member-communication that persuades them to support actions that prioritise the interests of precarious workers.

Methods

To investigate union response to processes of decommodification and recommodification of teachers’ labour, this article draws on two data-sets: a union case history and a contemporary survey of teachers’ work. The case research depicts origins of and contemporary union responses to temporary work. Survey findings elaborate the attributes and experience of temporary work.

To examine decommodification of teachers’ labour, this article first draws upon case history research conducted over 2015-18 concerning the NSWTF’s responses to neoliberal education reforms affecting teachers’ work over the 30-year period, 1985 to 2017. This article specifically reports on union campaigns aimed at decommodifying teachers’ labour. This includes the court-led ‘Amery’ case to secure a new category of ‘temporary’ teacher employment, and union responses to the devolutionary *LSD* policy which enhanced processes enabling the hiring of temporary teachers. A range of documentary evidence was collected and analysed for the larger project to understand union responses to neoliberal reforms over this period. Over 2,600 archival union documents were analysed, including annual reports, union minutes and articles

from the union journal *Education*. These documents provided insight into key campaign issues, internal decision-making, and public reporting of union action.

To gain deeper understanding of phenomena observed in document analysis, data were also collected via semi-structured interviews (n=71) with NSWTF officers, rank-and-file members, principals' organisations, Department officials and Education Ministers. Participants were recruited through 'purposive sampling' (Lincoln and Guba, 1985) based on their involvement in the campaigns examined (gleaned from documents, interviewees or key stakeholders) and/or tenure with the union. Interviewees were approached either through the union, independently or via 'word of mouth' recommendation from interviewees. Interview themes focused on the formulation of union response to education policies or industrial issues, campaign tactics, and evaluation of outcomes. Given this article's focus, data produced from interviews with NSWTF officers are most relevant. In using a constant comparative method (Glaser and Strauss, 1967), documents were analysed whereby tentative categories were formed (e.g. 'casuals', 'salary campaigns') and incidents relating to these categories were grouped, which subsequently informed the interview themes. Using an iterative process, documents were re-analysed if new themes emerged during interviews or existing themes needed refining.

To understand recommodification of teachers' labour, the article then draws on survey data. The survey aimed to gather the views of a representative sample of public school teachers regarding work and workload. The survey was commissioned and facilitated by the NSWTF in 2018 and conducted with academic independence and ethical approval. Among the very large 33.6% of all teacher respondents (n=18,234), the proportion of teacher-respondents in temporary roles (21%, n=3749) very closely reflected their membership of the union (19%). To understand more recent processes of recommodification examined in this article, the survey

provides insights about how the relatively new category of temporary teaching compares to that of permanent and casual staff in relation to workload. From this survey, we draw on quantitative data from SPSS analysis to establish a contemporary ‘profile’ of temporary teachers, including demographic information, work hours and demands. In addition, we report on qualitative responses of temporary teachers to one open-ended survey item: ‘Why do you work as a temporary? Other, please state’ (n=220). Qualitative responses were analysed thematically (Gioia et al., 2012), identifying informant terms, codes and theoretical level of themes.

Commodification Forces in Teachers’ Work

Decommodifying Teachers’ Labour

Despite permanent, full-time tenure historically being the category of employment for most Australian teachers, throughout the 1980s and 1990s, the number and proportion of teachers in casual work increased distinctly, reaching 20% by the 1990s. Permanent positions plummeted proportionally by a corresponding quantum (see Figure 1). Given the insecure attributes of casual work, this represented a deepening commodification of the teaching labour force.

Figure 1 here

For many years, the NSWTF had been attempting to improve the employment conditions of non-permanent teachers and in 1981 secured an industrial award for casual teachers, which improved pay and conditions but did not provide access to the full pay scale (NSWTF, *Education*, 18/9/06: 10). Along with concern over how casual teachers were paid, the union mounted a legal campaign to address these issues. This colloquially-known ‘Amery’ campaign

drew attention to extensive casualisation of the NSW teaching workforce, and emphasised how the Department's employment policy indirectly discriminated against female teachers. The union argued that the employer's policy assumed a traditional male career path of continuous, unbroken service despite the reality that most women break their service for childbearing or to carry out family responsibilities, disadvantaging women during their careers (NSWTF, *Education*, 17/10/94: 7). This industrial context meant that women engaged in childbearing were 'forced' to resign from their permanent positions and re-enter the teaching workforce as casual teachers, either on a daily basis or in 'block relief' (Former NSWTF General Secretary).

This issue was particularly problematic given the union's observation of the Department employing teachers on a casual basis in vacant positions over long periods of time (NSWTF, *Education*, 26/5/97: 9). The union's arguments emphasised gender pay inequity and indirect discrimination because casual teachers could not progress beyond a certain step of the salary scale and the overwhelming majority of casual teachers (90%) employed in the 1990s were women (NSWTF, 1996 Annual Report). Additionally, parenting leave was not available to casual teachers.

A former union Women's Coordinator described a common experience of women teaching casually during this period:

You're casual, you come in and you're employed for the day...but you have no job certainty...[Y]ou weren't paid through the school holidays and that's 10 weeks....[Y]ou...could be told 'no, we don't need you tomorrow'. They won temporary teacher status which was a huge win...Another huge factor for women was....if you were a casual teacher you would only ever go up to the fourth year step, so that totally

capped your income. Many women might be working for 20 years as casual teachers, particularly in country areas, [be]cause they never got a permanent position where they were living but they were covering everybody's leave so they got work. But they were only ever paid at the fourth year level of pay because that was the limit on the casual work.

In a long-running legal case, commencing in 1995, a union-funded group of teachers, the 'Amery' women, made a complaint under the *Anti-Discrimination Act 1977 (NSW)*, alleging discrimination of the Department's policy to refuse casual teachers, who were equally experienced and performing work of equal value to permanent teachers, access to the higher increment levels of the salary scale (NSWTF, *Education*, 18/9/06). The union ran the matter as a 'test case' for indirect discrimination through the court process (not an industrial campaign) 'because there was no other way really to advance the concerns of casual teachers or the employment of casual teachers' (Former NSWTF Assistant General Secretary).

Reaching the High Court after several appeals, the decision ruled against the union on the matter of indirect discrimination. Notwithstanding this loss, the case was the catalyst for varying of the teacher industrial award to provide access to the full pay scale for casual teachers and the Department also agreeing to an industrial settlement that, from 2001, established the 'temporary' category of employment (NSWTF, *Education*, 18/9/06). A long-serving union official commented on the settlement that: 'The Amery case was never designed to win, it was designed to embarrass...the government and...the Department and put the spotlight on the itinerant fruit pickers [teachers in insecure positions] of the system' (Current NSWTF General Secretary). Significantly, it offered new recognition for the tasks and responsibilities taken on by casual teachers employed in block relief capacity and the subsequent need for appropriate

remuneration, echoed in comments from former NSWTF officers that: '[T]eachers were recognised for their intensive work, because if you're there a longer period of time, then you take on everything that a regular teacher would have to do' (Former NSWTF Assistant General Secretary) and '[casuals] were doing all the stuff and all the meetings – you're doing everything that the permanent teachers [are] doing' (Former NSWTF General Secretary). The union's barrister presiding over the case also articulated how casual teachers undertook 'the entire gamut of responsibilities' equivalent to a permanent teacher (NSWTF, *Education*, 30/8/99: 8).

The establishment of the temporary employment category provided teachers in non-permanent jobs with access to pro-rata pay and conditions to that of full-time, permanent teachers and effectively 'broke through' the pay barrier, constituting a shift from Preston's segment D to C. Significantly, for casual teachers it also secured an historic recognition of equal pay for equal work (NSWTF, *Education*, 23/6/20: 2). Casual positions dropped and have remained stable at 10-11% since the establishment of this category (see Figure 1). Compared with the earlier proliferation of casual work, temporary employment initially reduced, but did not entirely eliminate, employment insecurities (Burgess and Campbell, 1998), and can be understood, according to Rubery et al. (2018), as a step in decommodifying the employment relationship. Creation of the temporary employment category constitutes a shift of non-permanent teachers from the external secondary labour market to the internal secondary labour market according to Preston's school employment matrix (Table 1; Stacey et al., 2020: 8).

Recommodification: Temporary Teachers' Contemporary Work

Decommodification, however, was quickly accompanied by patterns and pressures of recommodification. As expected with the creation of a new category of employment, the

number of temporary positions increased (Figure 1, vertical bars). If temporary positions were functioning as the intended alternative to less secure casual employment, the number of temporary teachers would have increased for around five years, then stabilised with perhaps modest subsequent growth. However, the rapid, sustained increase in temporary positions, and interaction with permanent employment numbers that emerged, were unanticipated. From 2005, when union reporting of temporary numbers commenced, they increased from 5% to 20% of total employment by 2017 (2,700 to 10,300) with the most rapid increases occurring since 2010. Distinctively, although total employment in teaching has increased over the last 20 years, permanent positions have declined since 2010. The Department's own latest-available data reveals a higher figure, 27% temporary teachers in 2017, noting a 4% increase in the previous year and a 4% decrease in permanent employment (CESE, 2020: 59). This suggests direct substitution of temporary positions for permanent employment.

Evidence from our union-member survey also shows that temporary employment has become subject to recommodification influences given the experience of temporary teachers. Eighty percent of temporary teacher-respondents work full-time, while 20% work part-time, commonly three or four days per week. Across these figures, 86% work a full year, the maximum length possible under a single contract. Temporary teachers are more commonly female (see Figure 2), and younger (average age: 37 years) than permanent (45 years) and casual (47 years) teachers. However, average age masks the demographic profile: 35% of temporary teachers are under 30 years, i.e. early career teachers (corroborating Preston 2019), compared to just 17% in casual, and 11% in permanent, positions.

Among older temporary teachers, more are female (22%) than male (16%), a finding consistent with the career trajectory issue that the Amery case highlighted: more experienced female

teachers are in temporary employment, commonly while undertaking caring duties. Indeed, in this heavily female-dominated occupation, our survey data show that more male teachers are permanent than female teachers (81% v. 75%) and male teachers are also more likely to become permanent more quickly (refer Stacey et al., 2020: 19-20).

Figure 2 here

Survey data showed that temporary teachers shared similarities *and* differences with casual and permanent staff members regarding work. Compared with permanent staff, results show that temporary staff bear similar, excessive work demands: for those full-time in temporary employment, during-term work hours are equally very long (over 50 hours per week, McGrath-Champ et al., 2018), and spill over to the same extent into between-term breaks. These self-reported data corroborate other reports of long, increasing school work hours (Bridges and Searle, 2011). Moreover, survey responses show that temporary teachers are undertaking specific work activities (planning, preparation, assessment and communication) as commonly as those employed permanently.

The proportions of teachers across all employment categories in the survey who feel that their work requires ‘too great an effort’ were all high (Stacey et al., 2020: 13-14), borne out by reported increases in hours, complexity, administrative requirements and data collection (McGrath-Champ et al., 2018: 29-30). However, casual teachers report less perceived difficulty in meeting the demands of their work compared to temporary and permanent teachers who have similar responses in this regard, with around 70% reporting that their work ‘always’ or ‘often’ requires ‘too great an effort’ and 60-65% documenting that they ‘never’ or ‘rarely’ have enough time to complete work tasks. It is unsurprising, if distinctly adverse then, that temporary

as well as permanent teachers report almost equally that their workload demands negatively impact their work/life balance (temporary: 4.4 on 5 point Lickert scale; permanent: 4.5/5), and career aspirations (temporary: 4.1/5; permanent: 4.0/5) (see also McGrath-Champ et al., 2018).

Although 27% of teachers in temporary positions chose this form of employment, 44% did so because there was no possibility of permanent work, corroborated by qualitative responses of the remaining 29% who selected the ‘other’ response option: ‘there are no permanent jobs’ and ‘there haven’t been permanent appointments in [numerous] years at the school I work at’. This is despite overall growth in the number of teaching positions. Those on temporary contracts report caring duties as the main reason, and where this involves less than full-time hours, lament in open-ended responses that permanent part-time employment is unavailable. It is noteworthy that whereas escape from stress, burnout and the demands of permanent or full-time teaching were common explanations by casual teachers as to why they work casually, this explanation was noticeably less common for temporary teachers. This corroborates the quantitative findings that temporary work is not less demanding than permanent work; it is just less secure. Most teachers who need a ‘lighter’ arrangement opt for casual employment.

In summary, although the temporary employment category diminished some elements of casual employment insecurity pertaining to income and benefits (Burgess and Campbell, 1998), its use as a substitute for permanent employment – instead of as an alternative to casual employment – heightens ‘working-time’ and ‘functional’ forms of insecurity (Burgess and Campbell, 1998). Imbued with different forms of insecurity, this constitutes a derogation of the intent and practice of temporary employment, and recommodification of teachers’ labour.

Union Action Against Recommodification of Teachers' Labour

Notwithstanding the initial positive signs of decommodification through the creation of the temporary employment category, the NSWTF has found it necessary to address the apparent reversal of this initiative and the emergence of new forms of insecurity. A key context to the union's response is the rollout from 2012 of the *LSLD* policy which increased staffing autonomy to local-school principals alongside maintenance of key elements of the state's long-established, centralised staffing system managed by the Department (Gavin and McGrath-Champ, 2017). The union has taken various actions over the past two decades attempting to manage encroaching recommodification through temporary employment, including negotiating with the Department to achieve or maintain particular provisions in a key regulatory mechanism (the three-yearly *Staffing Agreement*), monitoring and then court action for due appointment of teachers to permanent instead of temporary positions, and efforts to obtain professional development benefits for temporary early-career teachers.

Implementation of the *LSLD* policy reshaped principals' role from 'educational leader' towards 'business manager' (Gavin and McGrath-Champ, 2017), providing them increased hiring capacity including advertising half of their school's permanent positions for local selection instead of centralised allocation, facilitated by the *Staffing Agreement 2012-16* (Former Senior NSWTF Official 1). Assigning temporary appointments to permanent vacancies was permitted but limited to specified circumstances (NSWTF Executive Decision, 3/1/13). This was exacerbated by packages of limited-time, contingent funding, and heightened principal uncertainty regarding future enrolment-hinged resourcing in devolved settings, stymieing commitment to engaging staff permanently when annual funding may vary. Survey respondents noted the increased pressure for temporary employees to make themselves

attractive as prospective permanent employees within their local contexts. Union concerns that the *LSDL* policy was also a government mechanism to reduce spending in the NSW public sector hold merit given that initially an average of 3.6 permanent positions per school were replaced by temporary appointments (NSWTF, *Education* 25/6/21: 4).

The establishment of a joint Department/NSWTF committee from 2013 to monitor the implementation of the new staffing procedures (NSWTF, *Education* 19/11/12: 5) was a ‘real move forward’ (Current NSWTF Organiser 1). Prior to the *2012-16 Staffing Agreement*, where schools were found to have an overly large number of temporary appointments, the NSWTF needed to request auditing of appointments in individual schools ‘to find out are [permanent] positions being hidden’ (Current NSWTF Research Officer). This was time and resource intensive, and relatively ad hoc. Such ‘camouflage...denies a teacher a full-time or part-time [permanent] job’, given ‘suspicion’ that ‘some schools [were] hiding substantive positions’ to obtain ‘flexibility’ (NSWTF, *Education*, 13/2/12: 5, 9). The data is now produced regularly by the Department. This auditing process, together with the usual staffing operation, resulted in 726 temporary appointments being filled permanently in the first four months of 2013 (NSWTF Executive Decision, 3/5/13).

Notwithstanding these initiatives, in 2017, the union accused the Department of failing to meet its obligations by allowing thousands of permanent positions to be filled by temporary appointments. In a letter to the Department outlining their intended court action, the NSWTF stated that temporary appointments were appropriate if the permanent staff member being replaced had the right of return to their substantive position (e.g. from parenting leave). However, they argued that ‘several thousand’ positions which had been vacated by permanent teachers, for reasons including retirement or promotion (NSWTF, 2017 Annual Report),

remained filled by temporary teachers who should have been employed in a permanent capacity. According to the union, it was ‘unfair and unacceptable’ for the Department to keep teachers in temporary status, which ‘by definition is precarious employment’ (NSWTF, 2017). The union eventually achieved terms of settlement providing for 2,630 temporary teachers to transition to permanent positions over 2017-18, described as a ‘major breakthrough for casual and temporary teachers’ (NSWTF, *Education*, 11/17: 1). The union’s campaigning for temporary appointments across school years and to extend to three years also succeeded (NSWTF, 2018). These outcomes constitute recognition that temporary positions have not been used in the intended manner.

Additionally, the NSWTF has attempted to gain for early-career temporary (and casual) teachers benefits for professional development (a mandatory requirement for teacher accreditation) equivalent to those of permanently-appointed beginning teachers (Gavin, 2019). Equivalent weekly, one-hour ‘release’ (from class) time to receive mentoring, prepare lessons or so on has also been sought by the union.

These actions regarding temporary positions reflect a growing tension within the NSW public school teaching workforce: the increasingly large proportion, and arguable exploitation, of a relatively new category of teacher. While temporary employment was created to reduce insecure employment, the very large, rapid growth of temporary teacher positions within the NSW teacher workforce, together with work-effort that is at odds with the level of job security, indicate concurrent recommodification accompanying the Amery-case decommodification settlement.

Discussion: Evaluating Union Responses to Recommodification

The NSWTF was generally successful in pursuing an initial approach of decommodification. However, the demands of management, heightened over the past two decades by market-related pressures, have seen an over-use of temporary teaching. Emblematic of broader NPM reforms, several significant federal and state-level policies and programs have played a part in this recommodification, including specific-purpose, limited-duration programs of funding, the enhanced devolution of staffing and financial decision-making to the local school (principal) level, and the reluctance of state government to acknowledge enduringly permanent positions as permanent (Gavin and McGrath-Champ, 2017; CESE, 2020).

Changing work expectations and practices within schools have underpinned the trends associated with temporary teacher positions. Illustrating Grimshaw et al.'s (2017) observation that employers are major shapers of employment inequalities, changes to organisational practice enabled by Departmental policy have undermined the temporary teacher decommodification settlement simultaneously driving recommodification. While the Department, as the formal employer, made commitments with the union at the institutional level, at the workplace level substantive changes occurred between supervisors and individual employees.

The expanded capacity to engage fixed-contract staff particularly impacts early-career teachers whose social context (a life stage after extended training involving education-debt) intensifies the brunt of heightened commodification when, as Preston (2019) notes, financial security is particularly important. Temporary teachers, although provided with leave entitlements denied to casual employees, remain precarious workers experiencing labour insecurity related to

crucial skill development (Burgess and Campbell, 1998) at the outset of their careers. These teachers felt they must give of themselves in a manner which is unduly weighted towards the employer (see also Stacey et al., 2020). Their employment remains precarious, intensified by needing to make themselves attractive as candidates for permanency (Charteris et al., 2017). Consistent with Streeck's (2005) insights, while the union played a role in decommodifying labour through employment protections, these same protections may have unwittingly facilitated a situation where principals and the Department have achieved better wage-effort outcomes, as insecure teachers are moved from external to internal labour markets, and embedded in the routines and expectations of local schools. In managing the new accountability and responsibility requirements associated with devolved school performance measures, risk is being transferred to temporary teachers via principals' attainment of staffing flexibility to safeguard school budgetary uncertainty. This recommodification highlights that wage-effort effects must be a priority for teacher unions.

The *LSLD* policy, as part of the broader devolutionary policy ensemble, has particularly been a catalyst for the spike in temporary positions. The union has struggled to argue against 'local choice' of staff due to a large portion of their membership (which includes principals) supporting enhanced decision-making power. This weakened the union's position entering into negotiations of the next Staffing Agreement (2012-16), which industrially operationalised the flexible staffing powers afforded by *LSLD* (Gavin et al., 2021). The occurrence of ('substantive') recommodification concurrent with ('formal') decommodification constitutes a refinement of theoretical analysis through connecting the meso level of labour markets (Rubery et al., 2018) with the micro level of the labour process and the macro political economy (e.g. Burawoy, 1985). The case of temporary teacher employment in Australia highlights that unions need to be mindful that contradictory (de-)commodification processes can occur

simultaneously at different levels. The arrangement that emerged from the Amery case was a high-level, system-wide settlement with the state-wide employer. Although this continues to operate, newer hiring authority at the local-level took the employment 'current' in an opposite direction; devolution ushered in greater diversity and marketism, effected at the school level. Thus we argue, for unions to exercise agency successfully they need to work at different levels simultaneously to combat labour commodification.

A key contention of labour process theory is that the deepening commodification of labour and the discipline of labour market competition may address the issue of the indeterminacy of labour power and lead to effort outside 'normal' expectations or contractual obligations of a role. Yet 'employers may more productively use labour power by engaging with it rather than controlling it' (Smith 2016: 209), eliciting consent and discretionary effort from employees. As Hyman (1987: 42) notes, the 'most rational' approaches to labour management grapple with an 'inherent contradiction: solutions to the problem of discipline aggravate the problem of consent, and vice versa'. Responses to the teachers' work survey reveal that the experience of temporary teachers, being both engaged and insecure, shapes effort bargains and provides school management with a more pragmatic approach to managing teachers' labour; a form of hegemonic despotism within a more competitive, marketised education system. In seeking to challenge commodification, unions are therefore confronted by the differentiated manner in which market competition affects workers as 'fictitious commodities' where labour 'contracts...rest on social norms which are non-contractual' (Hyman 2007: 11).

As elsewhere in the public service, current industrial and organisational climates place limits on 'industrial' union strategies, and in this regard the NSWTF has faced defending the losses rather than securing big wins, engaging in processes of both resistance and rapprochement

(Gavin, 2019; Trif et al., 2021). While it is possible for unions to represent the interests of precarious workers even in unfavourable conditions, the institutional climate constrains unions towards framing their objectives as a ‘win-win’ to drive support for their claims (Trif et al., 2021). However, there are major impacts of temporary positions for the union: fear of contract non-renewal imbues decreased willingness towards strike action. The commodification forces that dismantle permanency, converting a workforce into temporary and casual employees, with employment contracts that can be withdrawn at the employer’s discretion, increases those workers’ representation insecurity (Burgess and Campbell, 1998) and can be used as an anti-union strategy through eroding union strength.

Despite the difficult context for organised labour, this study has illustrated how a union with high membership density and active representation at the workplace level has been able to challenge and limit more pronounced forms of labour commodification. The union displayed agency within a context of marketisation to ensure that insecure ‘casual’ employment did not become normalised within this professional, white-collar, public sector occupation. But no settlement is permanent (Hyman 1987) and the study further illustrates that unions will be unable prevent commodification unless they are cognizant of the difficult task of confronting these processes at various levels and persisting at this over time. In attempting to address labour commodification processes, teacher unions are confronted by a contradiction. Although fixed contracts on balance enable teachers to be entrenched more fully within the wider professional role of schools, and thus become more closely connected to the education sector’s primary labour market (Preston, 2019), this experience has not solely been a mechanism for developing and recognising their skills and expertise. Rather, temporary contracts have enabled a work role, routines and effort similar to permanent staff but without the expected level of security. In attempting to both restrict the use of this employment category and respond to skill

reproduction insecurity (Burgess and Campbell, 1998) by providing members with a viable career path out of insecurity, the union's decommodification endeavours are consistent with professional unions strategies. However, access to professional development also underpins expectations around teacher standards that are a key form of control upon teachers (Connell, 2013). Thus, unions confront ongoing challenges to labour commodification which are inextricably linked to fluid and contested processes of control (McCabe et al., 2021).

Conclusion

This article has examined union responses to the commodification of teachers' labour within a wider frame of neoliberal government policy and marketisation pressures in the education sector. In observing how a new, less precarious category of non-permanent employment in Australian school education was subverted into a substitute for permanent employment, producing new problems of work insecurity, it identified the erosive effects of contradictory influences at multiple levels within an increasingly marketised setting. Further, we identified the need for unions to mount ongoing, multi-level responses, illustrated here through the union highlighting the inappropriate use of temporary employment, its achievement of large-scale permanency conversions and attainment of further professional engagement of non-permanent teachers with their profession. This approach combines elements of industrial and professional strategies in a context in which 'professionalism', competitive school 'outcomes' and employer-led flexibility are often overtly conflated.

Building on these theoretically-informed interpretations of union response, further studies that examine phenomena associated with temporary teacher employment are warranted, including investigating how to address high attrition among young temporary teachers, how to design

compatibility between changes at different levels (greater labour market certainty alongside wider education system-level changes), and whether devolution policies can be rendered amenable to staffing and financial arrangements. Nonetheless, this article builds knowledge of labour market nuances in education, and may be relevant broadly to other settings, given that marketisation influences abound in many countries, including those with formerly non-marketised histories. Importantly, it presents a prominent instance of battles over labour commodification, not at the raw edges or periphery of the labour market but at the heartland of white-collar, professional work. Even if privileged with high membership density and strong workplace delegate presence, discernment that unions need to address counterposing commodification influences at multiple levels is important beyond education, including public-sector or centralised-system unions facing decentralisation, and where union coverage is less robust. These insights are relevant outside the education sector in Australia, and where multi-level forces exist in other countries.

Acknowledgements: The authors acknowledge gratefully the advice of Jill Rubery, John Burgess and Al Rainnie on an early draft of this paper.

Funding: This research was made possible, in part, through funding under contract with the Australian Education Union NSW Teachers Federation Branch.

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Author biographies

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	Internal labour markets (organisation-led)	External labour markets (market-led)
Primary labour markets	Segment A :Teachers permanently employed at a school	Segment B: Teachers self-employed or employed on casual or fixed-term contracts
Secondary labour markets	Segment C: Teachers regularly employed at the same school on casual or fixed-term contracts	Segment D: Teachers employed on insecure casual or fixed-term contracts in different schools.

Table 1: The four-fold labour market matrix of school teachers

Source: Preston (2019: 164)

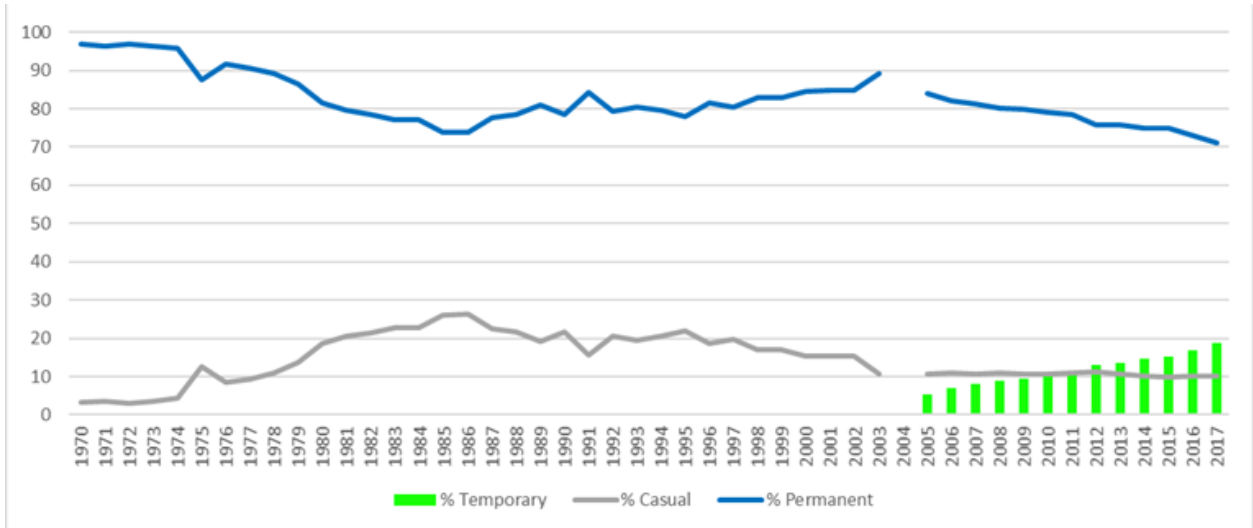


Figure 1: Permanent, Casual and Temporary union members, 1970-2017 (percent of total)

Source: NSWTF Annual Reports, 1970-2017. Data for 2004 not published.

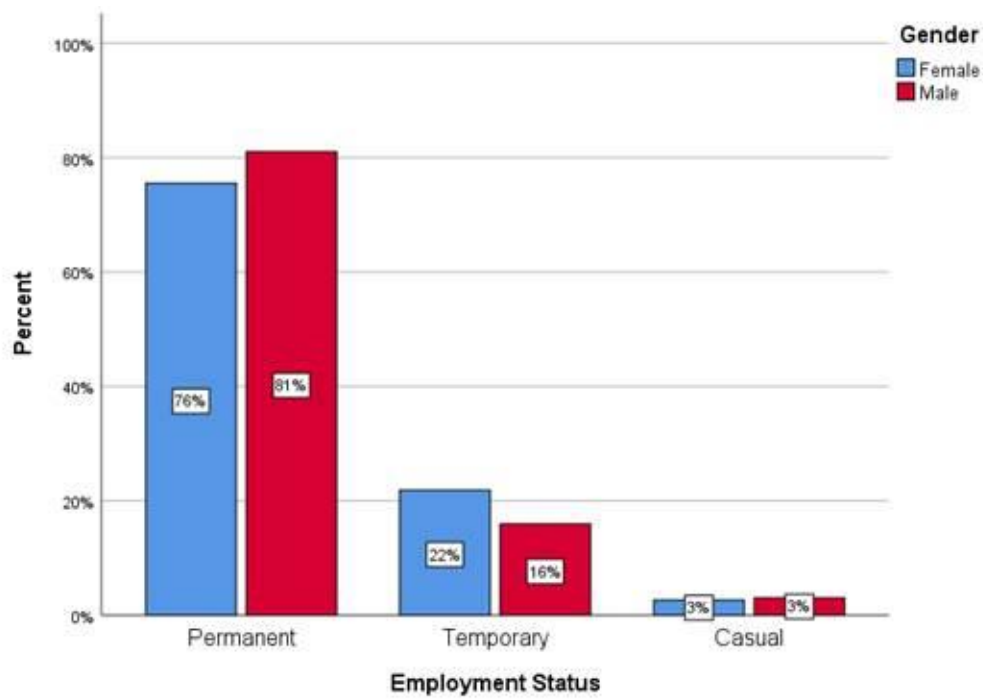


Figure 2: Temporary, Permanent and Casual Employment, 2018 (%)

Source: Author Survey