

## BANNING VOLUNTARY LABOUR

### A Study of Teachers' Work and Collective Action in Western Australia

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#### 1. Introduction

Since the early 1980s, there have been considerable changes to the nature and extent of state responsibilities in Australia. Nowhere is this more evident than in the changing scope and pattern of educational governance, and, of particular concern to this paper, the relationship between teachers as workers and the state as employer. Central to understanding this shift is the changing nature of industrial relations in Australia which has moved progressively away from a system of state-regulated arbitration since 1988 toward either state-mediated forms of enterprise bargaining or to market-oriented workplace agreements. This can be schematised (see Table 1) as a move away from a state-mediated collectivist model based upon the social goals of worker job security, equality and social justice (Dabscheck,

1994), to an individualistic, market-oriented one directed toward the goals of employment flexibility, economic efficiency and productivity.

The movement away from a centralised system of state-managed arbitration offers a clear challenge to the prevailing 'political order' of the school as a workplace and signals the articulation of a new mode of regulation. In Connell's words (1995: 104), the 'political order' refers to "the structure of authority in the school; the powers and resources brought to decision making by the current players; and the alliances, mobilisations and divisions currently existing in the workplace." This complex of relationships between teachers, administrators, the local union and the state both shape and are shaped by policy and practice at multiple levels within the social formation.

The political order of the school is never fixed in some form of permanent arrangement. Rather, as analyses of teachers' work have revealed (cf. Connell, 1985; Lawn and Ozga, 1988; Lawn, 1988), teachers' relations to the state are defined by the dynamics of multiple trajectories: for example, whether schools are public or private agencies regulated either by the state or the market (Connell, 1982; Ball, 1990); the changing nature of state power (Dale, 1982; 1992); the shifting power of unions (Jesson, 1995), or the capacity of either side to mobilise ideologies of resistance and control in the workplace (cf. Lawn and Ozga, 1988).

Our analysis of teachers as political actors, during a period of attempted significant restructuring of the 'political order' of teachers' workplaces in Western Australia, explores the struggle waged in Western Australia between the state and the State School Teachers' Union in Western Australia (SSTUWA); a struggle which began in earnest in January 1995. We chart the politics of a deliberate drive to progressively re-regulate teachers' labour away from a system of state-mediated industrial relations toward a market-based model and focus in particular upon the strategic actions taken by the SSTUWA in a 10 month campaign against the implementation of a market-based model. We conclude the paper by arguing that 'new right' conceptions of society and the individual (expressed in various ways as rational or public choice theory, economic rationalism, human capital theory), when embedded within the new industrial relations of schooling, have the capacity not only to profoundly undermine the potential for a more collectively-oriented "political order" within the school but to establish the conditions for a closer 'regulation' of teacher's work and therefore limit the scope for teacher autonomy in the classroom. Nonetheless, our study suggests caution in a simple reading off of the outcomes of the struggle between the state/teacher binary. Rather, we suggest that a reading which takes into account the politics of

locally-rooted social compromises, or what Stephen Ball has described as 'localised complexity' (1990), gives some purchase on the interplay of economic, political, judicial and ideological forces at various levels within the social formation. Dale, in commenting upon the power of the state to direct the outcome of disputes between the state and state employees, makes the observation that "he who pays the piper always in the end calls the tune" (1982: 146). Our analysis of teachers' industrial action in Western Australia shows just how difficult it is for the state to specify precisely how the tune should be played.

Material for our study was collected from (a) interviews with Union officers, Education Department representatives, teachers and principals, and (b) information published in various forms of media such as The West Australian (daily newspaper), the Western Teacher (SSTUWA journal), School Matters (Education Department magazine), footage of six ABC TV interviews presented on the 7.30 Report with the Minister of Education, the Director General of Education and the President of the SSTUWA, and (c) documents released by the SSTUWA and the Department of Education of WA.

Table 1: The (Re)regulation of Industrial Relations in Australia

State Enterprise Workplace Arbitration Bargaining Agreement

Actors collectivist modified rational,  
collective interests self-interested, individualism;  
informed, utility  
maximising

State mediate/regulate limited state regulate conditions capital/labour  
relations mediation for market intervention

Goals equality/ efficiency/ efficiency/  
social justice/ productivity/ productivity/  
job security job security employment  
flexibility

Mode Industrial Industrial common law of  
Relations Relations contract  
Commission Commission

Labourindustry-basedenterprise-basedindividual worker

Rightscollective/socialcollective/economic/individual/economic/  
publicpublicprivate

## 2.(Re) regulating Teachers' Work

The restructuring of teachers' workplaces has been on the reform agenda in Australia for more than a decade. Backgrounding these changes has been the embedding of new patterns of governance within education, moulded by the ideologies of the market, corporate managerialism and devolution (cf. Smyth, 1993; Lingard et al, 1993). These changes which followed the election of Labor in 1983 at the Federal and State levels of government resulted in the deregulation of the financial markets, the floating of the exchange rate, the corporatization and privatisation of some government trading activities, the restructuring of the public service, diminished subsidies and tariff assistance, the pursuit of monetarist macro-economic policies, and the establishment of an Accord between peak unions, government and (later) peak business interests at the Federal level.

Cutting across these developments in Australia has been what Angus describes as the "centrifugal pull toward the setting of uniform national politics and standards" (1992: 10). As part of this process, the Federal government has targeted the school sector for restructuring to deliver the skills formation strategies of the Commonwealth government and ACTU as part of the industry reform package considered important to Australia entering a more competitive global economy (Angus, in press). Over this period, the Federal government has increasingly sought to control the direction and pace of crucial elements of school restructuring in the drive to construct a national school framework; this despite the lack of constitutional authority to do so. Clearly the State is not withering away under the impact of the globalizing economy. Rather, as Cerny (1994) among others notes, the concept of the national interest itself is expanding to embrace the international dimension in new ways. These tendencies, together, describe a complex displacement of state powers upward, outward and downward (Jessop, 1993) and signal a redefinition of state interests, action and modes of control toward the explicit purpose of capital accumulation and a reworking of legitimation in the interests of the accumulation process overall.

In broad terms, the state's responses to the changed political and economic circumstances have been based upon four principles which, as

Dale (1995) summarizes, collectively reflect the desire to minimise state obligations while maintaining or extending state control. These principles can be described as (a) major cuts in public spending, (b) a redefinition of the sphere of politics so that on the one hand the public service has been politicised, for example, through the direct involvement of Ministers in public service activities while on the other hand the relationship between the state and civil society has been depoliticised; (c) the considerable reduction in the size of the public sector while at the same time notions of public accountability and efficiency have been emphasised; and (d) a redefinition of the basis of state legitimation in order to accommodate new economic priorities directed toward entry into the global economy.

In Western Australia, public expenditure on education has been progressively reduced from 40% of the overall budget in 1981 to 34.1% in 1991 (McCarrey, 1993). The reduction in funds to education must be charted against a significant increase in the responsibilities teachers have assumed as a result of the devolution of managerial responsibilities to the local school level. In order to effect further "efficiencies", state governments have looked for greater levels of wages flexibility given that staffing costs represent an increasingly significant component of the public sector educational dollar. Teachers' salaries account for over 5% of all public outlays and 2% of GDP in Australia overall (Foggo, 1990). Clearly, more flexible staffing and salary arrangements would give governments considerable leverage in being able to reduce the commitment of the public purse to education.

At the same time, the state has systematically redefined the scope and pattern of educational provision to accommodate new economic priorities viewed as crucial for the development of a competitive international economy. Key organising slogans, such as "efficiency", "productivity", "managerialism", "privatisation", "devolution" and "flexibility", have been crucial vehicles for carrying the new ideology, and work at the discursive level to redefine the basis of state legitimation (cf. Smyth, 1993).

Over the past decade, Federal and State governments have sought to re-regulate the work of teachers. This began as a strategic ideological attack on teachers in the mid-1980's with the tabling of the Report of the Quality of Education Review Committee (1985) which argued that not only did teachers lack rigour in teaching but that they had failed to develop fundamental competencies in student. Then followed a series of reports and restructuring initiatives which mapped out an agenda for the reconstruction of teachers' work and their workplace (cf. Schools Council, 1989; 1990; 1992; Beazley, 1993). The key organising

discourse for this programme of re-regulation is centred upon notions of labour flexibility, efficiency and productivity (Seddon, 1992; Robertson, 1994; 1995).

State arbitration, award restructuring and teachers' work: Up until the mid-1980's, the restructuring of teachers' work was conceived within an industrial framework of state-arbitration directed toward the goal of social justice. By the end of the 1980's however, a paradigm shift in industrial relations had occurred. A key event was the 1987 and 1988 National Wages Cases. The National Wage Case in 1987 challenged existing ideas about wage fixing. Since 1975, salaries and wages for workers, including teachers, had been linked to the Consumer Price Index (CPI). It was through this mechanism that the Federal Industrial Relations Commission (IRC) had implemented the principle that national wage cases were the major source of wage movements within the Australian economy.

Following the abandonment of wage indexation in Australia at the end of 1986, Australia's system of industrial relations was structured by three factors: wage-tax deals between the ALP and the ACTU; the

emergence of the structural efficiency principle; and, the move toward enterprise bargaining (Dabscheck, 1994). Of particular concern to our analysis was the shift to the structural efficiency principle; that is, a fundamental restructuring of industry awards in order to enhance the productivity and performance of Australian industry. The later emergence of enterprise bargaining, with its tendency to focus upon a particular work-site as the unit for negotiation rather than an industry as a whole, was a response to what the Commission saw as inadequate progress toward the structural efficiency principle.

In 1987, the National Wage Case determined that there would be a 4% second-tier wage increase as an incentive to unions to restructure and to become more efficient. In short, if workers wanted the increase, they would have to modify their working conditions to demonstrate efficiency. This was refined in the 1988 National Wage Case placing award restructuring firmly on the agenda. Award restructuring involves unions and employers cooperating in a fundamental review of awards to deliver better career paths, multiple-skilling, flexibility and efficiency. The proposition is both simple and simplistic: restructured awards would lead to greater productivity which would, in turn, be rewarded with salary increases. Central to this proposition is the need to provide evidence of workplace productivity.

What award restructuring might mean in order to meet the requirements of the structural efficiency principle for teachers was another matter.

As Angus (in press) notes, the award for public sector teachers in Western Australia was confined entirely to the matter of salary specifications. This raised the issue of precisely what it was that

might be restructured. Added to this problem was the fact that while restructuring sought to overcome the consequences of Fordist deskilling through a process of multi-skilling, multi-skills were already a feature of teachers' work. In any event and in the face of these confusions, Angus's (ibid) account reveals that notions of productivity sat uneasily with teachers who publicly expressed their resentment at the intrusion of an industrial model premised on economic performance into the reorganisation of their work .

Enterprise bargaining: which end of the stick? The shift toward enterprise bargaining came as the result of a growing perception by the Federal government that award restructuring was unable to deliver more substantial change at the award level. However, it was not only government that sought more radical changes within the industrial relations arena. As Trevor Matthews (1994: 210) observes, by the late 1980's:

...business wanted more from the Accord than wage restraint and industrial peace. ...Faced with declining international competitiveness, business became increasingly critical of the centralised system of wage fixing principles and the Accord's commitment to it. Business leaders blamed the Accord for failing to deliver improved productivity and for impeding labour market reform. They also called for rapid micro economic reform and labour market deregulation. The catchcry was flexibility, particularly at the enterprise level.

Despite its own reservations and in the face criticism from the official union voice and Accord partner, the Australian Council of Trade Unions (ACTU), by the early 1990's the IRC had moved toward the endorsement of enterprise bargaining (Dabscheck, 1994: 159). This was reinforced with the Federal government's tabling of One Nation which foreshadowed a continued legislative shift to enterprise bargaining and workplace agreements. This move was supported by the federal Department of Industrial Relations, through funding enterprise bargaining initiatives and publishing research (Fells, 1995: 218). The principal assumption is that an enterprise-based approach

will result in the establishment of work arrangements and employment conditions that will meet the specific needs of the enterprise and employees.

Notwithstanding the diminishing role of the IRC with the implementation of enterprise bargaining, the guarantee of a floor of protection under the award nonetheless provided a minimum set of conditions for workers and thus provided a state-guaranteed safety net. This safety net is enforceable by the Federal Commission but only in those cases where workers are on a Federal award or can claim to show that the

union has Federal coverage. The importance of this point will emerge in our discussion of the strategies pursued by the SSTUWA in their struggle with the Western Australian government. At the same time, however, enterprise bargaining does combine a number of elements which sit in uneasy relationship to each other. While collective in its orientation, either enterprise-based committees or the local union can undertake to bargain at the level of the enterprise. In the case of enterprise-based committees, however, their lack of resources often makes them dependent upon management within the enterprise (Bennett, 1994). This asymmetrical power relation limits the capacity of the committee to bargain effectively with management. A further tension arises with the uneasy combining of traditional "laborist" values, such as the notion that legally recognised unions can most effectively bargain for employees, with management's concern for increased efficiency and productivity. This tension is evident in the pressure to trade-off existing award conditions for productivity-based wage increases.

However, there are more than enough complexities in the notion of enterprise bargaining and how it might be defined. This is evident in the case of education. To begin, as a strategic move, the teachers unions have agreed to support enterprise bargaining but have pressed the employer to regard/accept the education system as "the enterprise", not individual schools. In this case, for the teachers' unions, enterprise bargaining is almost synonymous with award restructuring. A further complexity arises in relation to the right to represent labour, as is found in the case of enterprise committees. For example, from the point of view of the Education Department of Western Australia, any of the principal's associations might also be regarded as enterprise committees. For many unions, however, the residual protection of the enterprise-based model of industrial relations pursued by the Federal government in Australia, while a significant watering down of the protection afforded under a system of state-mediated arbitration, has been far preferable to the market-based model pursued by the Victorian, Tasmanian and Western Australian governments.

Workplace agreements: who wins and who loses? Workplace agreements break with a number of important traditions which have underpinned industrial relations throughout the century and which shaped in particular ways the political order of the school. To begin (and as we have schematised in Table 1), workplace agreements are individually negotiated contracts between a worker or group of workers and an employer, as opposed to collective agreements with an enterprise. As such, the terms and conditions of the contract are private concerns rather than being, as is the case with an enterprise agreement, a public document. It is also individualised in the sense that: (1) collective worker rights have no precedence over an individual's right to have a personal contract; (2) employees are not allowed to strike in support of multi-employer contracts; (3) there is no method of

extending coverage through a 'blanket coverage' mechanism; and (4) the Union and the Industrial Relations Commission are excluded from the process.

Two key assumptions underpin this model of industrial relations. First, that actors are rational, self-interested and informed

individuals (cf. Marginson, 1993; Coleman, 1994) who make decisions to maximise their gains within the marketplace. Second, that there is no inequality of bargaining power between the employee and the employer. In other words, employee and employer are functionally equivalent. As a result, there are few procedural safeguards within the regulatory framework which might compensate for an employees' weak position. The fact that employees do not, however, operate in a relationship of symmetry can be seen in the differential outcomes for different sectors of the workforce. Quoting research by Fruin and Hall, Bennett (1994: 200) provides evidence to suggest that workers in female-dominated industries in Australia received fewer pay rises, less access to career paths and training and increased peripheral employment. In writing on the implementation of New Zealand's Employment Contract's Act, Harbridge and Moulder (1993) report that over half of the workers received either a wage decrease (some 8,000 workers in the sample of 130,000) or no increase over the preceding settlement, and that wage increases were largely achieved by strong groups of workers. These developments provide evidence of a further division between primary and secondary labour markets. The pressure to employ more casual and flexible para-professionals in schools (cf. Ashenden, 1992; Caldwell, 1995) suggests that some categories of workers are likely to benefit more than others. These structural changes, when linked to the new market-model of industrial relations developments, have the potential to significantly alter the political order of teachers' workplaces.

### 3. Holding the Line: "United We Bargain, Divided We Beg!"

Educational reform has occupied a central place in Western Australia since the early 1980's (see Chadbourne, 1991; 1992; Robertson, 1994). The restructuring of the educational bureaucracy into new functional units, along with the implementation of the corporate managerial model focused upon performance and outcomes, was soon followed by the release of a radical devolutionary reform agenda. These reforms reconceptualized schools as business enterprises rather than educational units, responsive to centralised policymaking and hierarchically accountable to head office.

Since that period, there has been an uneasy alliance between teachers and the government in a period marked by conflict. During 1988, the

SSTUWA called upon its members to refuse to implement the “Better Schools” proposals, citing lack of consultation, no resources for implementation and hasty time-lines as matters to be contested. Later memoranda of agreements struck in 1990 and 1991 between the Ministry of Education and the SSTUWA followed a bitterly fought dispute in 1989, as teachers sought wage rises which they claimed resulted from efficiencies arising from restructuring and increases in productivity. The marginal increases in pay were less than satisfactory for teachers. In all, the dispute left teachers financially compromised, many school-staffs divided, and teacher morale low (Robertson and Soucek, 1991).

**Banning voluntary labour:** By 1995, teachers in Western Australian state schools faced a new set of industrial and administrative challenges as the Liberal/National Court government sought to implement a new regulatory framework for industrial relations along with further devolutionary reforms. The response of the SSTUWA was to impose a ban on teachers’ voluntary labour in schools. Banning voluntary labour is not a new strategy for teacher unions. Neither is industrial action, although the historical records show that teachers’ have not always been eager or predictable participants in industrial action as a form of workplace resistance. Some have argued that this has much to do with teachers’ contradictory class location (Harp and Betcherman, 1980; Harris, 1982), with the result that some teachers perceive their

interests as aligned with the ruling class. This alignment is both managed and masked by the ideology of professionalism which, at least at one level, works to fracture coalitions of worker’ interest.

The historical parallels between a similar action taken in the 1930’s Depression years are striking and are no doubt etched into the memory of veteran teacher union campaigners. In 1934, the SSTUWA rallied against the government in what it argued was unfair and differential treatment of its members. In the face of a loss of privileges and significant salary cuts, the SSTUWA--under the leadership of Noel Sampson--directed its members to avoid all duties which did not come within the immediate terms of their employment (Mossenson, 1977: 252). The ensuing struggle became known as the infamous Regulations Strike; teachers were requested to comply with the requirements defined in departmental regulations but to refuse to undertake additional tasks which might normally have been expected of them . After more than seven months of confrontation, the government was forced to accelerate the restoration of privileges to departmental teachers.

In commenting upon a similar action in South Australia in 1990, Luzeckyj notes that strategies such as banning voluntary labour and work-to-rules campaigns are highly effective in that they are able to demonstrate the value of teachers’ work by a withdrawal of goodwill. In the South Australian case, this action helped to “concentrate the

employers' mind on why the salary levels that were proposed were totally inadequate" (1992: 142).

In 1995, the SSTUWA took a similar action in somewhat similar circumstances. Confronted with what the SSTUWA regarded as a progressive devaluing of teachers' salaries, of growing pressure on teachers to manage in the face of fewer resources, the lack of genuine consultation between the Department and the SSTUWA on key policy initiatives and the proposed devolution of industrial relations to individual schools, the Union placed a ban on all voluntary activities carried out by teachers (see Appendix 2 for a list of activities banned).

The lack of consultation on major changes: During 1994, the Government and the Department of Education signalled its intention to press ahead with devolving further responsibilities to schools. The substance of this policy was contained in the Hoffman Report Devolution of Decision-Making in the Government School System of Western Australia (Education Department WA, 1994). Of particular concern to the Union was the government's intention to devolve industrial relations to the local-level through the introduction of workplace agreements. The Union raised a number of specific concerns: that workplace agreements would threaten the viability and long term future of the union; that school staffs would become divided as teachers were placed in a competitive relationship with each other; and that existing conditions would have to be traded off, resulting in longer working hours for teachers, fewer holidays, rosters to teach in the evening, less time available for Duties Other Than Teaching (DOTT), more use of personal time for professional development, limited teacher relief, the imposition of performance management and contracting out of services within the school. The Union also feared that differential workplace agreements would result in older more expensive teachers being replaced by cheaper new graduates. This was of particular concern, given the over-supply of able, willing and newly-qualified unemployed teachers.

Aside from industrial objections, the Union also held reservations about the educational value of the devolution of administration and industrial relations for schools. As the Union President explained:

We don't believe the children of this State should be involved in any kind of experiment. We want to see a stocktake of what devolution has produced so far. Every bit of evidence we have tends to suggest that

students have not benefited (The Western Australian, 25/1/1995, p. 37).

The determination of the government not to consult with the Union on the introduction of major changes to education in 1995 was both ideological and strategic in intent; ideological in that the SSTUWA

was seen as aligned with the Labor Party and therefore could not be trusted; strategic in that the government sought to run a provocative campaign against union consultation in Western Australia as part of its attack on organised unionism and collective bargaining. In seeking teachers' approval for action at a mass union rally the President of the SSTUWA, Brian Lindberg, produced a list of 64 important decisions made by the Department on which the Union had not been consulted but which, it was argued, "had definite industrial implications" (The Western Australian, 7/3/1995, p. 14).

Teachers' salaries and productivity claims: A second major claim of the SSTUWA centred upon the decline in teachers' salaries and for which the SSTUWA sought a 20% pay-rise. The Union argued that Western Australian teachers (a) had not received a salary increase since 1991, (b) were the lowest paid teachers in Australia, (c) were paid less than Perth's private school teachers, and (d) had not received recognition for working an average of 50 hour per week (Integra Teachers' Work Survey, 1990). The Union believed that not only would these conditions result in an attrition of talented teachers from the service, but that the profession would fail to attract teachers to begin with.

A series of attacks and counter-attacks followed from both sides. The view put by the Department of Education was that under the terms and conditions of enterprise bargaining, a pay-rise would depend upon an improvement in student learning and efficiency (The Western Australian, 31/1/1995, p. 32). In other words, pay increases had to be matched against evidence of increased productivity. Questions were raised, however, as to what might constitute productivity. First, would teachers have to pay for salary increases themselves by accepting larger classes and less DOTT time? If this was the case, then it could be argued that eventually, trading off conditions for pay rises would leave teachers with nothing left to bargain with in order to get pay rises in the future.

The differential treatment of different categories of workers in education--that is, senior bureaucrats versus teachers--also highlighted what the Union regarded as a politics of hypocrisy pursued by the government. According to the SSTUWA Vice President, Morag Whitney (The Western Australian, 8/3/1995, p. 5):

While we were running around to prove productivity, they were leaping ahead because they didn't have to prove productivity. It highlights the hypocrisy of government who say that to get wage increases you have to restructure to show greater productivity. In education this has been the loss of jobs, of superintendents and advisory staff but there has been no equivalent loss of jobs in parliament. Our productivity has been demonstrated through a new way of operating at school-level but we haven't seen a new way of operating theirs. We agreed to become

consultative and play a greater part in running schools but they seem to be returning to a far more dictatorial way of operating.

Battling for hearts and minds: In mobilising a public campaign against the government, the Union argued the need for improvements in the quality of education. Campaigns are won or lost on the basis of being able to muster and maintain public support, and in this regard "Quality in Education" became a crucial Union campaign slogan to gain community support. This was a form of politics that could and did generate some public sympathy. Public education had faced considerable funding cuts

over the past decade, per capita spending could be shown to be below that of other OECD nations, and morale amongst teachers was low. Further, the Union raised the spectre of a two-tiered system of public education and argued that in a just society, "equity of access to quality education for all children" was paramount (The West Australian, 29/4/1995, p. 18).

Crucial to the campaign was the twinning of improvements in teachers' salaries and working conditions with resourcing and quality issues in education. These were articulated around the following claims (The West Australian, 24/2/1995, p. 3).

- smaller class sizes
- \$400m for school maintenance and refurbishment
- smaller schools
- curriculum changes to be resourced by the employer and in the employer's time
- an increase in the number of permanent teachers
- incentives for country teachers, such as locality and travel allowances, air conditioning, water and gas subsidies
- a comprehensive occupational health and safety policy
- extra leave provisions, including family, parental, cultural, sports, bereavement, Union business, re-location, and paid study leave
- a 20% increase in DOTT time for primary teachers

That schools were in a considerable state of disrepair was never denied by the government. The Union and teachers exploited this fact with graphic accounts of their working conditions published in the media. This not only worked to illustrate teachers' concerns, but was an important tactic in harnessing public support for the campaign. The following letters to the editor are illustrative:

Have you had a look in or around your local schools lately? If not, then do so. What you will find is not pleasant. Rooms and teaching areas cannot be cleaned properly because the number of cleaners employed has been drastically reduced and their workload increased. Desks are kept marked and sticky because they simply have no time to clean them properly. School gardeners have suffered a similar fate and as a result, school gardens are becoming unkempt (The West Australian,

23/2/1995, p. 12).

My science 'laboratory' with its dilapidated and broken stools, its four cold-water sinks which frequently block and drip water into the classroom below, bursts at the seams every lesson with students. They are unable to participate fully in practical work due to insufficient equipment, unable to prepare properly for tests or complete homework adequately because of lack of test material. Conditions six of us share in our small biology office crammed together like Fremantle sardines would be tolerated by workers in no other industry. Our desks and work material are frequently covered with ants, storage space is hopelessly inadequate, and old galvanised iron buckets are provided for us as tidy bins.

The dispute between the State School Teachers' Union and the State Government is not simply an attempt by greedy teachers to gain salary increases but a desperate plea to the Court Government to put sufficient money into the State Budget to provide and maintain quality education for the children of Western Australia who are surely our investment for the future (The West Australian, 29/4/1995, p. 18).

The deteriorating conditions in many schools were clearly an embarrassment to the Government. However, in the government's own estimate, there was a backlog of over \$400 million worth of maintenance and capital works claims. In essence, improving the quality of education through significant funds being directed toward changes to teachers' physical working conditions became and remained a highly contested affair.

In January of 1995--the beginning of the school year--the SSTUWA implemented its campaign strategy: a ban on voluntary labour. The first line of defence for the government was to act dismissively. The bans were brushed aside as ineffectual, with predictions that the impact would be negligible. Within weeks the conflict had escalated. Students held protest meetings in their school, some took to the streets, and others marched to the Education Department. Parents came out strongly in a public campaign of support of teachers, while the Parent Advocacy Group sided with the Union. Within the ranks of teachers themselves, support for the campaign started high and climbed. During the first six months of the dispute, Union membership increased from 14,000 to 16,000.

Both sides fought to find the high moral ground through the strategic use of the media. On the one hand the state sought to portray the demands as nothing more than a dispute over salaries. However, the state's offer of 5% pay increase to all teachers was strategically rejected by the Union as the offer did not address "quality of education" and resourcing issues. This left little scope for state

accusations of teacher self-interest.

In order to side-step the new Western Australian industrial relations legislation with its emphasis upon individualised workplace agreements, the SSTUWA placed an application with the IRC for coverage under an interim federal award. If successful, a federal award would enable the Union to negotiate a collective enterprise agreement and the safety net of minimum award conditions. Throughout the strike, the Union has stood firm on its application for an interim Federal Award, which then undermined the potential threat from the State government. In this respect, the Union was able to exploit the different ideological party-political positions between the Federal and State governments, as well as the structural differences that also arise as a result of Federal/State relations.

In retaliation, the state sought to bypass the Union by announcing a 5% collective enterprise agreement for all teachers with an additional 10% for teachers who chose to negotiate an individualised workplace contract linked to trade-offs. The Union was quick to warn its members, however, that this offer had the potential to be deeply divisive in schools; "teachers and administrators would end up working in different conditions and competing against each other in the workplace rather than concentrating on student education" (The West Australian, 1/4/1995, p. 7). This position is consistent with the Australian Public Service Union in general (Green, 1992: 194-5) where they have argued that productivity-based pay has the potential to result in different classes of public service workers. Over 95% of Union members rejected the state's offer on the basis that the offer lacked sufficient detail on the trade-offs. The Minister responded by setting up a series of meetings with selective groups of teachers in 39 remote schools in an attempt to procure workplace agreements.

By the end of May 1995, the conflict had escalated. When it was revealed that the State Budget bought down in mid-June had not set aside funds to cover a salary rise for teachers, the crisis deepened (Premiers Budget Speech, June, 1995). The commitment by the Court government to individualised workplace agreements as the preferred industrial relations model, based upon the principle of trade-offs, was now clear. The ensuing offer of a 15% enterprise agreement over two years and the possibility of an additional 10% for teachers who signed a workplace agreement involved trade-offs such as an agreement to: engage in "voluntary labour", submit to changed employment conditions, undertake professional development outside of school hours, undertake performance management, and accept more school-level control over resources and more flexibility in operating schools including adjustable hours (such as a longer working day, rotating schools within

schools). This new offer by the state was accompanied by a letter from the Minister to all schools with the instruction that it be sent to

all parents of WA's 237,000 State school students.

The Minister's letter infuriated teachers and principals for a number of reasons. Firstly, earlier that year the Minister had advised all principals they should not use school resources to convey Union materials to parents. Secondly, the letter was seen by teachers as misleading parents as only 5 of the 25 significant trade-offs were listed. Finally, the offer of 5% in the first year included a previous wage increase of 2%. This meant that in reality the salary offer to teachers was only 3% for the first year. In a further attempt to undermine Union solidarity, the Department offered to subsidise representatives of the Principal's Federation to hold meetings around the State in order to sell workplace agreements to school administrators. In the words of the Director-General "...if the Union is not willing to enter genuine, realistic negotiations, the Department is more than happy to negotiate new pay and conditions deals with key interest groups" (The West Australian, 28/7/1995, p. 1). The inherent conflict for principals was evident; more than 70% of Federation members belonged to the SSTUWA. Another consequence, according to the President of the SSTUWA, is that schools would be turned into "war zones" by forcing teachers into competition with their principals in a fight for conditions.

By October, the dispute between teachers and the state took on a more threatening tone. During August and September, the Union organised a series of two hour stoppages, called a one-day strike, threatened further strikes and warned that its members would not mark examination papers for students sitting the Tertiary Entrance Examination (TEE). The state responded by using its coercive powers and threatened deregistration of the Union. It also threatened to cause financial chaos for the Union by stopping automatic deductions of Union dues from teachers' salaries. Moreover, teachers who took part in two-hour rolling strikes lost a full day's pay and had "a note placed on their employment records saying they had not performed their professional duties" (The West Australian, 21/8/1995, p. 7).

Essential versus voluntary work - a strategic decision?: Banning voluntary work has raised a number of important questions about teachers' work in general and the effectiveness of targeting voluntary labour as a strategic action by the SSTUWA. For example, in the case of teaching, on what basis can essential work be distinguished from optional extra work? What work are teachers paid to do? Legally, what activities must teachers carry out to avoid being charged with a breach of contract? During the dispute, the Union and the Department provided different answers to these questions.

According to the Union, what counts as essential, legally-required work is that which focuses upon (a) the teaching and learning activities of students and which takes into account (b) the commitments made in each of the two Memorandums of Agreement (1990, 1991) between the Union and

the Department. Lesson preparation and marking after hours count as part of teaching and learning activities. Playground supervision during lunch and recess also count as essential work. Apart from that, all activities (see Appendix 1) before normal school start time, lunch time and after school finish time are considered voluntary. This includes extra curricula activities such as sports training and school dances; student welfare such as detention classes and the enforcement of dress code; special activities such as graduation ceremonies and School Balls; parents and community activities, for example fund-raising; curriculum initiatives such as the development of student outcome statements and programmes for gifted and talented students; teacher development activities; and a wide array of administrative duties including time-tabling, extra staff meetings, subject coordination meetings and sitting on selection panels. In identifying and banning

voluntary work, the Union essentially was able to avoid the Department cutting teachers' pay, but at the same time highlight to the public the fact that professional time commitments (such as voluntary work) should be adequately remunerated.

The Education Department, on the other hand, took the view that tradition, precedent, and custom and practice determined what counted as the essential, required work of teachers. In the Minister's view, teachers are paid a professional annual salary which should be regarded as payment for extra-curricula as well as normal school time work. Furthermore, the extended holiday period for teachers was viewed as more than adequate compensation.

Shifting alliances, shifting terrains: As we have argued, the outcomes of the dispute are influenced by the interplay of forces which operate politically, economically and ideologically within the sphere of the state. This has clearly been the case in the dispute between teachers and the state in Western Australia. The challenge for either side has been how to mobilise and harness those forces to its own campaign.

Throughout the dispute, individual parents and citizen's associations have been reported as generally supportive of teachers, in opposition to the Department. This, despite the attempt by the Minister to directly influence parents. It could be argued that the capacity of the Union to gain conditional parental support arises out of a fundamental crisis of legitimacy for the state, following significant reductions in funding to public education (especially when senior public servants could be shown to have enjoyed significant salary increases). Further, by not withdrawing essential services, the Union was also able to minimise early public outrage at obvious disruptions to schooling; disruptions which typically arise for example, when families need to make alternative child-care arrangements. The Union also affirmed a commitment to the overall quality of education by turning down offers which failed to address "resourcing" issues. In this way, the Union was

able to deflect accusations of self-interest. While in the short-term parents stepped in and took over some “voluntary tasks”, as the campaign dragged on into the third term, parents began counting the cost of their involvement in schools and the costs to their children.

Principals of schools are crucial players in coordinating the implementation of policy decisions. Conceptualised as part of a policy network, they play an active part in getting the work of education policy done (Dale, 1992: 3). Principals can and did exert a significant influence, through various forms of persuasion, on how teachers felt about observing bans on voluntary work. However, their actions are not necessarily predictable. This arises out of their structural position which is contradictory. As line managers, they are expected to identify themselves first and foremost as agents of Central Office. In other words, principals are expected to demonstrate corporate loyalty to the Department’s position in the dispute. However, with more than 70% of principals also members of the SSTUWA, they are also expected to support the Union’s campaign. To further complicate matters, under devolution, the Department holds principals accountable for making the school the fundamental unit of change, for promoting teamwork, and for fostering a whole-school approach to the educational program. Divisions within the school which arise as a result of industrial strife could be seen to be the responsibility of the principal.

Anecdotal evidence suggests that principals seeking promotion to larger schools or to superintendents’ positions have tended to side with the Department during the dispute. For example, some principals have returned from meetings with superintendents advising staff that “informed sources say the Union’s bid is unreasonable!”. Also, they have refused to allow teachers discretion on matters related to the bans. Other principals, however, have supported the Union’s “Quality

of Education” campaign in tangible ways, including attendance at mass rallies, refusing to engage in voluntary work themselves as well as encouraging their staff to do likewise, allowing school facilities (fax machines, photocopiers) to be used for campaign purposes, ignoring directives from the Director General of Education, writing letters to the editor of The West Australian in support of the Union, and documenting productivity claims.

For their part, the associations representing the Western Australian Primary Principals Association (WAPPA) along with the Western Australian Secondary Principals Association (WASPA) have changed political alliances. While arguing for a lifting of bans during the early days of the strike, they later declared their support for the union. However, these powerful groups have become uncertain allies in the struggle in the wake of revelations about the partisan role played by the Principal’s Federation during the dispute and outlined earlier.

These shifting alliances have fractured the unity of teachers' opposition to the state.

Even among the ranks of teachers, there is evidence of a fracturing of solidarity. For more than eight months, the Union had won the battle for the hearts and minds of the 18,000 teachers working in the state education system - even non-unionised labour. However, by mid-October, about 6400 teachers had "signed up for the Government's 15 per cent pay raise before it was closed off on 18th October" (School Matters, 25/10/1995, p. 1). Despite the high level of support for the Union throughout the campaign, our interviews reveal that some teachers have experienced a conflict of loyalties. Their commitment to exercising a "duty-of-care", providing students with what they see as an "all-round-education", and being receptive to worthwhile innovations have made them reluctant to support the ban on voluntary activities over a longer period of time. Generally this conflict of loyalties has been more acute for primary than secondary teachers, and for teachers in specialist areas such as music, physical education and drama. Traditionally primary teachers have seen themselves as teaching the whole child through an integrated curriculum rather than teaching subjects in isolation from one other; that is, as using a student-centred rather than a subject-centred approach to teaching. The professional self-interest and identity of specialist teachers is often fulfilled in after-hours activities such as evening concerts and plays, sports coaching after school, and weekend camps. Faced with these conflicts, some teachers have broken the bans and developed a rationale to justify their cases as necessary exceptions to the rule. Others have resolutely held the Union line. Still other teachers have developed creative compromises, such as coaching sport teams as parents rather than teachers, holding annual concerts in school time, or presenting the school musical in instalments at school assemblies rather than as a total production after hours at the end of the year.

#### 4. Conclusions

In drawing together our analysis of teachers' ban on voluntary labour, we would like to conclude by addressing two underlying themes: the matter of political strategy as teachers sought to contest the redefinition of the political order of the school; and the challenge to the autonomy of teachers through an attempt to codify and regulate teaching.

In relation to the matter of political strategy, we have argued that across Australia, both layers of government--Federal and State--of different ideological persuasions have moved away from a century old system of arbitration based upon the principles of legal precedent and uniformity toward enterprise bargaining and workplace agreements. The Federal government has actively supported the take-up of both

models within public and private sector enterprises. However, the Federal legislation provides some protection against individuals pitted against the vagaries of the market by maintaining a minimal set of conditions as a safety net; a position not shared by all States. Victoria and Western Australia, for instance, have put into place a set of conditions directly regulated by the market rather than the state. In essence, this new form of regulation of industrial relations redefines the relationship of workers to the state. Workplace bargaining models are based upon principles of individualism, self-interest, utility maximisation, rationality, efficiency and productivity directly mediated by the market rather than the state. This model, which excludes the unions and Industrial Relations Commission, creates the conditions for governing without government; for the regulation of teachers' labour by the market rather than mediation by the state. The outcome for the state is increased fiscal and human resource flexibility. Fiscal flexibility is achieved through pay-increases for teachers funded by trading-off those conditions of their work which have up until now defined the political order of the school: for example, who can teach, class sizes, who represents teachers, private versus public costs (eg. professional development), contractual transparency. Human resource flexibility is achieved through the principle of competition rather than collective agreement; that is teachers' behaviours are shaped by the marketplace; contracts are individually negotiated, private rather than public matters, and directed toward the goals of efficiency and productivity rather than equality and social justice. We believe that workplace agreements directly undermine opportunities for collective pedagogical and industrial activity in schools; a view shared by many teachers involved in the dispute in Western Australia. As such, workplace agreements are intended not only intensify the politics of teachers' workplaces but fracture and fragment teachers' capacity to mobilise and deploy power to affect the social distribution of resources (Connell, 1995: 101). As a result, their energies are more likely to be directed toward private material gain, precisely as envisaged by human capital theorists, rather than directed toward the collective and public interest.

However, while these new models will disrupt the existing political order of schools in significant ways, it is clear from our analysis that the outcomes for both teachers and the state were shaped by a complex interplay of politics and ideology. As we have outlined, the SSTUWA in Western Australia sought to control the implementation of the new industrial relations legislation by mobilising a campaign of resistance against the state. The SSTUWA, in seeking public support and attempting to draw together the teaching profession as a cohesive political force, argued for better working conditions in schools, increased resources and higher pay to teachers for already achieved higher levels of productivity. The campaign directed at banning voluntary labour was highly effective for a number of reasons. To



On October 19th, 1995, the Australian Industrial relations Commission handed down an interim Federal award, giving WA teachers a 5% pay rise. The award required the WA Government to halt attempts to deregister the Union, abandon moves to stop payroll deductions of Union fees, and drop disciplinary action against teachers who took industrial action during the 10 month dispute. The interim award required teachers to suspend industrial action including bans on voluntary work, to hold staff meetings, and to undertake professional development outside of school hours. While some 6400 teachers signed the WA Government's pay offer before October 19th and received a 7.5% increase back-dated to September 1st, 1995, around two thirds of Western Australian teachers did not. Whether ultimately a Federal Award will protect teachers is another matter, Nonetheless, the entry of the Federal IRC into the fray as mediator with the order for the WA Government and the SSTUWA to reach agreement before the interim award expires (November 30th) before Justice Monro decides on a final award has been crucial in deflecting the power of the state.

As can be seen from an analysis of teachers' industrial actions in Western Australia, the capacity of either the state or teachers to mobilise and deploy power arises from the intersections of competing and coalescing layers of interest, including interests from within the state and the union, and the state and civil society including teachers, professional associations, school administrators, parents, the media and the wider community. These alliances have been crucial in determining outcomes. On the other hand, the state for its own part has been able to effectively exploit not only the contradictory relationship of schools principals to the union and to the state, but ideological differences amongst teachers arising out of commitments to professionalism and individualism versus industrialism and collectivism.

The second issue to be addressed concerns what is clearly a dispute over the value and control of teachers' work; part of a broader battle over the state's attempt to both codify and more closely regulate teachers' workplaces and legitimate the redistribution of public resources away from education. We do not want to unequivocally endorse Kevin Harris's (1994: viii) assertion that "teachers are likely to have lost, in a single decade, most of the gains of the preceding century" for we believe this tends to suggest a linear and uninterrupted accumulation of professional autonomy for teachers. However, we endorse Dale's (1982) observation that in circumstances where the demands on the state are so pressing as a result of economic decline

and restructuring, there is a tendency to move from a pattern of "licensed autonomy" for teachers to one of "regulated autonomy". Licensed autonomy gives teachers choices from an a la carte menu in their classroom practice. Regulated autonomy hands teachers a fixed menu, while the various technologies are used to monitor the predicted

outcomes. This closer regulation of teachers by the state is particularly crucial during periods of political and economic transition (cf. Robertson, forthcoming). Teachers--accustomed to a margin for manoeuvre within a particular ideological framework which is no longer useful to the system--are, as a result, unreliable street-level bureaucrats.

The struggle between teachers and the state is also the result of the state's review and redirection of activities in an effort to deal with its core problems (Dale, 1982: 133). Specifically, this means: the need to provide the conditions for continued capital accumulation through the minimisation of spending on public sector education especially by challenging the basis for determining teachers' salaries; the reproduction of "appropriate" labour power for the post-Fordist economy through regulating the political order of schools in such a way that they correspond more closely to the new flexible economy; and finally, creating the conditions for the state's own continued existence through an attempt to minimise the potential for crises which challenge the legitimacy of the state. The codification of teachers' work by the state and the increased power to regulate teachers actions, including their capacity to make fiscal and political demands, is an effort to minimise the potential for crises of legitimation for the state arising from challenges by teachers.

Without doubt, the ban on teachers' voluntary labour in Western Australia has helped highlight the contested nature of these things. At this stage it is not clear whether the final resolution will work to the long term interests of teachers or the public good. What it does do, however, is provide a vivid example of how teachers can develop a culture of power exercised politically, responsibly and collectively. It is precisely this culture of power that Connell (1995: 100) calls upon social movements to develop if they are to become a progressive force, rather than being merely oppositional.

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Dale (1992) uses “scope” and “pattern” to describe the nature of educational policy. Scope refers to what is considered possible and desirable for the educational system to achieve; pattern refers to the contexts, conditions and resources with which schools operate.

While much of the industrial relations and policy literature talks about the market-model as a deregulated model, we concur with Bennett who notes that there is no such thing as a “pure” deregulated bargaining process. In her words, “the law still defines the nature of the parties to the bargaining, what might be bargained over, and how bargaining may occur. It also determines the legal status of the agreement and in some circumstances, its practical effects. Bargaining outcomes may be formally deregulated but, in practice, the results of bargaining will depend on how the regulation of the bargaining process affects the balance of power between worker and employer. One key element is how the legislation structures the ‘parties’ to the bargaining” (1994: 193).

Teacher unions in Australia are typically state wide. However teachers are directly represented by local school branches and district/regional councils. Local, in the case of teachers tends to refer to the dynamics at the school branch level as well as being used to differentiate the union from other State unions.

See, for example, the WA. Ministry of Education’s policy document, *Better Schools: A Program for Improvement in Western Australia*, 1987.

Indeed, the building occupied by the SSTUWA is called the Noel Sampson Building, standing as a daily reminder of past victories.

The outcome of this strike in SA was that after two months of action the Teachers Salaries Board had handed down a decision which made SA teachers the most highly paid in the Commonwealth (Luzekyj, 1992: 142). It must also be noted, however, that the government response to the Teachers Salaries Board was to reduce the number of teaching positions and school assistantships.

Though, not as drastic as those implemented by the Liberal Party in Victoria, where more than a 1,000 teachers lost their jobs immediately following the election of Jeff Kennett’s liberal conservative government in 1993.

As we have noted already, a Federal award may be granted if the union can show evidence that it has national coverage. The election of non-Labor governments in Victoria and Western Australia had accelerated the movement of various unions toward a Federal Award. Despite the obvious dangers were a Federal conservative coalition to be elected to government, the Union believed that the outcomes were likely to be fairer than might otherwise be expected from a State government. The reason for this, argued the SSTUWA, was that within the Federal parliament, the Senate (or Upper House) has tended to act as a genuine house of review as a result of multi-party representation.









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