

# New Zealand's Education Reforms: Engendering Changes in the Teacher Unions

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## Changes in teachers' work and the challenges facing teacher unions

Howard Stevenson, Guest Editor

### *New Zealand's Education Reforms: Engendering Changes in the Teacher Unions*

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**ABSTRACT:** The shifts in the New Zealand state formation have changed the environment within which teacher unions operate. The entire state has been reorganized into a market based model. From a position established in the 19th century as the voice of the profession in a relationship with the state, after 1989 the teacher associations were structurally shifted to a much more solidly industrial-only role as unions. Teaching itself was shaped to more outcomes based models, while teachers' workloads have increased enormously. This paper considers these changes in the legal structures, the industrial environment, and wider educational policy and their effects on the unions. It argues that a merger of the teacher unions is a logical response to the new political environment in order to provide unity for the development of an enhanced and deepened professionalism. However the particular professional identities of the members of both unions and their own separate histories are actively stopping the investigation of these opportunities.

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This article provides a brief overview of the changes to the structures of the state in New Zealand and their particular effect on the individual teachers' unions working in the secondary, primary, and early childhood sectors. These changes arose following the election of the Labour Government in New Zealand in 1984. The effects on teachers, their professional beliefs, and the changes in the New Zealand teacher unions can only really be understood in relation to wider structural changes in the New Zealand state formation, the shifts in employment law and the changing demands on the education system itself. The changes in the teacher unions are also part of the changes to the wider trade union movement. There are three trajectories that intersect in this process, one is the nature and form of the state, the second is the nature and form of industrial relations and the third is the nature and form of educational professionalism.

Following Jessop (2002, 2003), Dale and Robertson (Dale, 2001; Dale & Robertson, 2002) we argue that the New Zealand state in which schools are a prime structure, has undergone a shift towards a particular neo-liberal settlement as part of a process of globalization. The New Zealand model illustrates a shift from a form of Keynesian

Welfarism to what Jessop (2002) describes as a Schumpeterian workfare post-national regime (SWPR). Jessop's concept derives from the economist Schumpeter's portrayal of the development of capitalist growth. For Schumpeter, capitalist economies are based on innovations and competitive global entrepreneurship. This clearly matched the New Zealand model of reforms focused on actively creating a new innovative and competitive knowledge economy based on labor flexibility, termed the New Zealand experiment (Kelsey, 1997) or the New Zealand model (Dale, 2001). New Zealand's education reforms, like the rest of the state restructuring, were underpinned by New Public Management (NPM) that suggested the problems of the state could be solved by re-establishing all government administration with appropriate forms of management and governance (Boston, Martin, Pallot, & Walsh, 1996). Reforming the entire system of public administration including that of schools and industrial relations was portrayed as the only solution to the problem of demand (New Zealand Treasury, 1987). This model drew very directly from public choice and agency theories and focused on the lack of appropriate management incentives and processes. Contractual relations to force the separation of agencies and functions were created and all the state organizations (referred to as the machinery of government), was accordingly restructured in 1988 (New Zealand, 1988). The reform of educational administration was so important to Treasury's ideas that it received a full volume in its own right (New Zealand Treasury, 1987, Volume 2). Treasury's goal was an education system removed from state provision and the elimination of "provider capture" or teacher involvement in the mandate of education (Dale & Jesson, 1992; Codd, 1999).

In the Keynesian welfare state that had hitherto underpinned New Zealand society, unions were important organizations to which the state provided necessary mechanisms in order to balance the power of business with democratic ideals. This corporatist model had developed from the legislative endorsement of unionism and compulsory arbitration first established in 1894 (Holt, 1986). Most of the unions so formed were occupational ones reflecting the occupations that pulled them together.

As they developed in the early nineteenth century, the New Zealand teacher unions (or professional associations as they were known before 1988) also mirrored the sectors from which they emerged, with their professional identity forged from those early developments. A primary teachers' institute (NZEI) was first established in 1880 and a secondary teachers' association in the 1930s incorporating technical teachers (PPTA) in the 1950s as state secondary education expanded. Teachers sought a corporatist process in which the professional interests of the teachers and the goals of the government were shared. While there were mechanisms for some national pay setting, the conditions of teachers' work and many of the curriculum developments were established with the state acting as the power-broker between the elected education boards and the teachers when necessary. The state, the regional boards of education (like LEAs), and local secondary school governors and the teachers' associations all shared a commitment to the ideals of "equality of opportunity" (Alcorn, 1999, p.11).

In 1989 the rapid and complete restructuring of education took place under the banner of Tomorrow's Schools (Lange, 1988). This followed Treasury's model. Individual local schools were established as separate enterprises each with a principal as Chief Executive Officer (CEO) and governing Boards of Trustees. School zones were abolished and schools received a roll-based grant forcing them to function as individual organizations, modeled as competing businesses, and delivering education. Competition for students, staff, and for resources very quickly exposed the wide disparity of provision (Fiske & Ladd, 2000). Target setting and audits established the modern climate of performativity (Ball, 2003).

### **Industrial Relations Reforms**

As part of the overall state re-structuring, the industrial relations laws applying to both the private and state sectors were also changed by The Employment Contracts Act (New Zealand, 1991). This Act abolished compulsory unionism and removed the rights of unions to organize and bargain on behalf of their members. Unions became designated as bargaining agents along with lawyers or other individuals. The underpinning basis of the law was the Friedmanite philosophy that an individual worker is equal to the employer and enters into an individual contractual relationship through their own voluntary bargaining (Friedman & Friedman, 1962). The local enterprise was the site of that relationship and many employers refused to bargain at a national or regional level. The effects of this legislation coupled with high unemployment quickly caused a radical decline in membership in most unions. The impact on the private sector was immediate and devastating. In 1990 the minimum pay and conditions of over 70% of New Zealand

workers was determined by a national award or collective agreement (Harbridge, May, & Thickett, 1993). By the year 2000, in a situation of high unemployment, that number had plummeted to 20%. Workplaces experienced a plethora of worksite contracts, fixed term contracts, contracting out, large scale casualisation, and other "flexible" work arrangements.

This environment immediately impacted on the teachers in the early childhood education sector. The employer demands for local bargaining and workplace employment contracts combined with years of underfunding produced the same effects as in the private sector. There was a loss of union membership and an erosion of pay and conditions. Sections of the early childhood education sector were quickly privatized as control over teacher salary costs was devolved to individual employers, along with the responsibility for operating within a budget set by the government or from fees. Early childhood teachers' pay, already comparatively low, did not move for over 5 years. As the logic of the new industrial relations environment became clear, CECUA the early childhood education teacher's organization merged with the primary teachers' organization the NZEI (NZEI official personal communication, August 2003).

Although the bargaining climate was harsh, teachers and unions in the school's sector suffered less in terms of reduction of membership or erosion of pay and conditions. Collective agreements which apply nationally are still in existence today, mainly because the unions fought such a concerted battle against the devolution of the teacher salaries budget to individual schools (Gordon, 1991). The greatest challenges for their organizations was being excluded from any input into educational policy and being confined to an industrial arena, while fighting against the devolution of teacher salaries; and resisting pressure to conform to a managerialist performance agenda. All of these had severe consequences on teachers' professional autonomy in the classroom and, as they saw it, the quality of education for students (Cross, 2000).

### **Structural Constraints on Teachers' Collective Action**

The State Sector Act, 1988 circumscribed for the next ten years the way in which the teacher unions could act strategically in pursuit of any of their professional goals. This Act consolidated New Public Management theory (NPM) (Boston, Martin, Pallot, & Walsh, 1996). The distinctive features of NPM were that:

- \* Public and private organizations should both be managed on the same basis;
- \* Quantifiable output measures and performance targets are emphasized rather than input;
- \* Management is emphasized rather than policy;
- \* Devolution of management control is desirable;
- \* Separation of policy advice from delivery and regulatory functions;
- \* Preference for private ownership, contestable provision and contracting out;
- \* Adoption of private sector management practices such as mission statements and the introduction of performance-linked remuneration systems;
- \* Monetary incentives rather than ethics, ethos, and status are preferred.

These principles were effected in each school through this legislation. This re-structuring repositioned the collective of teachers from a professional partnership with the state over education, to marginalized players whose only relationship with education was as employees within a managerialist framework (Dale, 2001).

### **The Changed Nature of Educational Professionalism**

Administrative operation of education from that time is now devolved to individual schools within a heavily regulated environment. The elected parent representatives of the Board of Trustees (BOT) are responsible for governance, whilst the principal of the school carries the function of Chief Executive Officer. The BOT is formally given the title of employer but their employer powers are somewhat limited. In theory, they hire and fire and are accountable for the operation and enforcement of the teachers' collective agreement but the Ministry of Education has overall discretion on major provisions involving money. The Education Review Office is the evaluation body that oversees the compliance of schools with regulations set by the Minister. The Teachers' Council is responsible for teacher registration and for approving teacher education providers which creates an interesting interface with BOTs. BOTs are responsible for teacher behavior and for their competence. However their decisions on employment can be overridden by the Teachers' Council as the newly established professional body with the power to de-register

teachers. The New Zealand Qualifications Authority is responsible for assessing qualifications held by teachers applying from overseas for positions.

The place of the unions for teachers in the school is also constrained by this structure. In PPTA the members in each school form a branch of the union while for NZEI a regional branch is formed from clusters of schools. Each branch has two functions. One is to act on behalf of members over disputes and enforcement of the collective agreement in each school. The branch also monitors compliance with other pieces of industrial legislation, such as health and safety. The members within the local branch are now isolated from other members in other schools or regions. A national collective agreement is negotiated between the national union and the Ministry of Education on behalf of BOTs. Industrial support for these negotiations can only be exercised through coordination of the separate branches by the central bodies of the unions.

There are no formal avenues for teacher input on education back to the state except through industrial negotiations. For the whole of the 1990s, the government would not consult with teacher unions. This meant that the only input teachers had into the education mandate was through their industrial negotiations. The negotiating table thus became the only forum in which teachers could discuss their professional concerns with government and the school employer representatives. Matters such as class sizes, staffing ratios, professional development, school funding, curriculum directions, and assessment became industrial matters. At the time of renewal of the collective agreements teacher unions seized the opportunity to attract the attention of the media and the parents, if not the government, to their professional concerns.

#### *Curriculum as teachers' work and the basis of professional knowledge.*

Curriculum in its widest sense of what teachers do includes knowledge that teachers impart, how it is taught, and how the teacher works out whether or not the student has learned and to what standard. It also includes the unintended consequences of what students learn—the "hidden curriculum." So that teachers' work and curriculum go hand in hand. However, in New Zealand curriculum is no longer seen as a professional matter. It has become an outcome for contracted delivery. An interesting effect of the New Zealand reforms therefore has been to polarize the existing professional bodies between independent unions and a government created professional body, the Teachers' Council, which validates what it means to be a teacher (New Zealand Teachers Council, 2001).

At the same time as the administrative reforms in New Zealand were being implemented in 1990, the government changed, and the incoming conservative National government brought substantial changes to the content of the curriculum and to assessment practices. Thus, teachers who had sometimes found that administrative changes had passed them by found structural changes occurring right in the heart of the curriculum. Curriculum and assessment changes which supported the idea of schools as enterprises with a "product" to deliver imposed more pressure to shift teachers' cultures away from a belief in a national professionalism and citizenship. The curriculum now promoted a technicist view of society with strongly economic goals. In the past, teachers had been professionally involved in all curriculum change and sought citizenship as the goal. Now, the new curriculum was developed by contracted individuals who advocated broad generalist outcome based ideas as "competences," with context-based subject knowledge divided into eight learning areas. Schooling is now seen as "seamless" (Ministry of Education, 1993).

These changes involved substantial reform assessment systems at all levels. The organization of senior school assessment is now placed under the New Zealand Qualifications Authority (NZQA) requiring an outcome-based standards model of assessment. The NZQA required continuous internal assessment by the teacher, so measuring learning in silos and allowing little opportunity for the synthesis of learning. While the greatest assessment effect has been on secondary schooling, primary teachers have had to fight a constant battle as these technicist assessment practices flow down to primary schooling. The shifts to outcome-based learning, coupled with the competition for resources and students at each school, has had the effect of shifting responsibility for schooling failures from the broader system on to the individual teachers.

Yet in spite of the shifts in the structure to create teachers as workers, teachers do not see themselves as proletarian workers. They continue to see themselves as an occupational group of professionals engaged in a largely individual relationship with a group of learners to enable the autonomous development of their needs (Jesson, in press). The constant measurement of their performance required under outcome-based models remains foreign to their image of

themselves. Their work over the last fifteen years has thus contained a tension between what the state wishes them to be, transmitters of some ill-determined technical content, and what they want the reality of learning to be: the development of the individual's potential. Given the changes already described the only place for teachers to express that tension has been in their industrial negotiations.

#### *Union strategies in the new environment<sup>1</sup>.*

The New Zealand Council of Trade Unions (NZCTU) adopted a number of different strategic policies to assist unions with survival in the hostile climate. The first in 1988, was the merger of the two union "peak" organizations, the private sector Federation of Labour and the state sector Combined State Unions into the NZCTU. Foreseeing the potential dangers of the state sector operating under the same industrial law as the private sector enabled common strategies to be adopted. The NPM environment and the use of the concept of "provider capture" led to many of the professional bodies in the state sector (including those covering doctors for example) being re-defined as unions and having to quickly learn to use union tactics to defend both their professional democratic beliefs and institutions and in some cases to band together to oppose complete privatization of key parts of the state.

The NZCTU's next strategy was to encourage unions to amalgamate into industry-based unions. This was adopted by unions in the private sector, often as a matter of survival. Thus, the National Distribution Union, the Service and Food Workers' Union, the Engineering, Printing and Manufacturing Union (EPMU) are now the umbrella private sector unions that absorbed many smaller ones. A disadvantage of these mergers has been a loss of common identity between the membership that occupational unionism had once provided.

The reaction of all unions to various oppositional forces is shaped by their history. Their responses and the search for opportunity often form a continuity with their past. The unions in the education sector, like those in the health sector, largely stood aside from the industry mergers enacted by other unions. The argument in this paper is that members of individual teacher unions have been reluctant to abandon their particular sense of professional identity and this has become part of their antagonism to the changes in the labor process itself. But as we shall see, an initial reluctance to merge has become a constraint on further progress.

### **Two Teacher Unions: Different Strategies**

Traditionally, both teacher unions, the NZEI and PPTA, have been strongly committed to professionalism and the quality of opportunities in education for students. However, their historical separation and development has resulted in different styles and therefore different continuities with their past. These differences have intensified as the reforms continued. The school sector has been more fortunate than other parts of the state as teacher activism has prevented the full devolution of teacher salaries to the individual workplace and this in turn has reduced the pressure towards local bargaining. However, the two unions each negotiate separate national teacher collective agreements.

Some cooperation has occurred between these two unions, particularly against the devolution of teacher salaries to schools, but their different histories shaped by different priorities have resulted in different strategies in response to initiatives by the government. Tragically, these different strategies have sometimes served to undermine each other. This is particularly so in the implementation of performance management systems. (Jesson & Simpkin, 2000). While space does not allow a full description of what has occurred, an example is given here to illustrate the tensions that have arisen.

Prior to the reforms, the PPTA in its professional role was committed to a system that they believed provided objective protection for their members against unsubstantiated charges of incompetence, while recognizing the importance of maintaining the quality of the profession. To maintain the quality of the profession, they developed a set of criteria that signify a minimum teacher professional competence level, below which the union agrees to its members being formally brought under competence procedures. In the employment contract round of 1994/5, PPTA succeeded in gaining the inclusion of these criteria into the collective agreement. This was a significant victory for the union as it had been trying to get agreement to these criteria for more than ten years. The PPTA saw this as a tactical maneuver against linking performance and pay that the government was striving for.

NZEI, however, saw the inclusion of these criteria as PPTA agreeing to performance pay. When NZEI were faced with a similar suggestion in their negotiations, but this time with government-devised criteria, they believed that to contain the damage done, and to retain their professional integrity, they needed the principal of each school to be the one to attest against the criteria. In turn, PPTA saw this as undermining their professional position because it allowed into the system the notion of CEO control over teacher salary and the profession. However, at the time the PPTA were forced to accept this to conclude the pay round. NZEI then accepted the division of the criteria into Beginning, Classroom and Experienced Teacher Criteria reflecting the grading models of their old regional education bureaucracies. The PPTA saw that position as damaging to the idea of a minimum standard of professional competence for all. PPTA saw the three sets of criteria as paving the way for pay rationing according to years of experience (NZEI, 2005 personal communication, PPTA 2005 personal Communication). The outcome has been performance pay steps at each school, masquerading as professional standards.

The NZEI managed, in the 1990s to gain a significant victory for any union, private or state. This was the achievement of pay parity with their secondary colleagues and the entrenchment of this in the collective agreement so that any future pay gains by secondary teachers would automatically be passed on to primary teachers (McQueen, 2001). Pay parity was significant for primary teachers because it preserved and extended an important principle of relativity between primary and secondary teachers that had been lost in the reforms. There had always been some relativity between the two pay scales, with mutual benefit from successive pay rounds under the old system. Previously PPTA would argue for a pay rise based on recruitment and retention difficulties in secondary schools. PPTA members would then threaten strike action to achieve this and the existence of the arbitration system enabled secondary teachers to achieve good pay rises. In this scenario NZEI could then argue relativity and achieve a similar pay rise, albeit with some time lag, but without the need for direct action (NZEI official 2005, personal communication).

Pay parity and entrenchment of the two pay scales in the collective were seen by PPTA as undermining of their ability to achieve any pay rises. The PPTA had a tradition of strike action. NZEI did not-it had not really needed it. Now, in a difficult climate, PPTA members were arguing and striking for pay rises that were automatically passed on to members of a different union, and costed by government not only in their effect on secondary schools, but on primary teachers as well. This has led to very bad relations between the two unions.

However, the key point to make here is that while both unions have acted with integrity according to their own definitions of professional principles, their separateness has ensured the imposition of performance management systems in teaching, and constraints on the level of total pay rises. Of equal importance is the continuing existence of two ideals of professionalism that neither side will accept as having equal validity. The introduction of ideas about professionalism to both sets of teacher education students now occurs in fully integrated teacher education university departments with complementary programs. Both professionally, and over pay and conditions, the two unions appear to have reached stalemate.

### **The way forward for two unions in the new environment?**

What is the way forward in this new political environment? In considering a way forward, the two teachers unions will have to consider what form would best suit their long term democratic professional goals for education (Sachs, 2003) while simultaneously meeting their industrial ones. They will also need to consider the effects that the knowledge economy and performativity are having on teachers' work and on education. The logic to amalgamate could provide the best possible outcome for each union by bringing together the strengths of both in the face some formidable challenges. A key issue would be the need to achieve this without losing membership in the process.

NZEI has long been committed to amalgamation of both organizations and the logic of this was given additional impetus by the reforms. In 1992 a series of inter-union talks were entered into but the PPTA membership voted against it. There is a difference of style here again. The NZEI could never understand why the PPTA leadership did not press ahead with the merger because so much was at stake. They believed that the time was not one where full membership involvement in this debate could be countenanced. This was the contrasting style of the PPTA however. PPTA is very democratic and the members traditionally direct their leadership in matters of importance.

What have the two organizations achieved in being separate? They have fought successfully some defensive battles, in particular over devolution of teachers' salaries to the individual schools, termed salaries bulk funding (Gordon, 1991; Simpkin, 1995; Cross, 2000). However, as we illustrated above, performance management systems masquerading as professional standards, have been implemented because of union separateness. Much duplication of energy is spent between the two unions preparing for competing wage rounds when the focus should be on achieving strong pay increases for all with the employing party. Separate concepts of professionalism are not debated between them and this perpetuates the divisions and hampers any real educational benefits.

Thus, the benefits gained from the separateness as a continuity with the world before the reforms has largely outlived its usefulness. Their separateness has become a constraint of the unions' own making. The question that now needs to be considered is: what is the best structure for a union in a new environment, particularly an environment focused on performativity, globalization, and a competitive knowledge economy?

First, there is a need for leadership within both unions of a rare and outstanding quality. This is not to criticize either past or present leaderships, but a successful amalgamation will require stepping outside the continuities of both unions. Both unions will have to relinquish prior prejudices, but not their commitments. Discontinuity and debate across the memberships may be the only way in which the deep commitment to an enhanced professionalism by both groups can find a productive way into the future. Leadership is required in order to conserve the quality of education, a leadership that only teachers themselves can provide. The most efficient way for that leadership to have an input is through the collective organization of both groups of teachers, where their professional input and goals are valued as separate from their concern over their own pay and conditions.

There are of course risks for both unions in this manner of proceeding. The NZEI has a proud history dating back into the nineteenth century. It has shown leadership in instituting mergers with the early childhood sector and support staff across all types of school, including secondary. Their executive has always comprised numbers of principals and because of the small size of these schools and centers it does not have a fear of principal domination, even though principals are legally now in the position of chief executive of a firm. Their vision of professionalism is thus becoming that of a managerial profession.

PPTA, on the other hand, has not had a principal on its executive since 1983 and as a more membership driven organization is used to debate over issues that are not found in NZEI. In fact, the PPTA membership overruled its executive twice in the collective agreement round of 2000-2002 refusing their recommendations for settlement. PPTA has a longer history of members prepared to take strike action and stand up to government and to Boards at the local level. Their professional vision is in many ways the activist one (Sachs, 2003) yet their traditional workplace is now an "enterprise setting" in keeping with the new environment. They face a diminishing number of strong activist members.

Yet in spite of PPTA's membership strength, the real danger of the new environment is for secondary teaching itself. The work of secondary teachers is continually under threat from two ends. There is the expanding pressure on junior secondary, years 9 - 10 with its generalized curriculum, from primary and middle schools responding to competitive market pressures. While at the upper level there are threats from increased workloads and the assessment documentation required as well as from the tertiary sector responding to pressures of competitive funding, and globalization. The danger will be a split in school organizations focused only on the senior secondary school curriculum and its assessment, even more targeting of teacher performance and a widening of the social class gap.

While the logic of the political environment creates pressure for the unions to merge, the trick will be to achieve a merger that leaves no doubt that the membership in both organizations will feel that the positive traits of both groups have been reinforced in an enhanced model of democratic educational professionalism (Sachs, 2003).

## Conclusions

Within the constraints of the legal environment, both of the New Zealand teacher unions are grappling with the complexity of what to do, and what to be, for the future. Teachers' professional identities and the schooling system they and their unions related to were established in a different time, and in response to a different political environment. Originally the teacher associations, now declared unions, were provided with a role as the organized professional arm of the state in which there was a shared commitment by all players to equality of opportunity in

education.

Now within a competitive Schumpeterian state focused on globalization and a competitive knowledge economy, the role of the organized teachers in unions has been considerably reduced. The changed schooling structures of the new environment have created their own imperatives on teachers. There are separate schools, each competing to achieve designated outcomes, within largely roll driven annual funding. In each school sector separate versions of professionalism are being created through performance pay systems and there is constant surveillance by media and government agents along with performativity through assessment. For the teacher unions the logic of the new environment presents them with the challenge of how to bring both unions together with a common vision of teacher professionalism that will preserve the best of the old in a way that is achievable in the new.

1 Much of the data in the following sections draws on interviews and discussions undertaken as part of an ongoing partially funded research project on union education, teacher unions and trade union organization entitled "Learning to labour for the new times".

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