Academic industrialisation: The formation of the Victorian Universities Academic Staff Conciliation and Arbitration Board

Introduction

The regulation of academic employment conditions has traditionally occurred in isolation from the formal conciliation and arbitration framework applying to the terms of employment of the majority of the workforce in Australia. The formation in 1984 of the Victorian Academic Staff Conciliation and Arbitration Board heralded a major step in breaking down the virtually exclusive power of the Victorian universities to regulate their conditions of academic employment. Examination is made in this paper of the conditions under which the Victorian university staff associations were successful in persuading their Board to establish a formal conciliation and arbitration machinery to resolve industrial relations disputes.

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"Staff associations occupy a peculiar position insofar as they are neither a professional grouping of academics within the same field of study, nor are they traditionally seen as trade unions having a collective political and industrial clout."

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The power to determine employment conditions of academics was written into the founding Acts creating the universities. Section 3 of the Victorian and South Australia Acts and section 3A of the Queensland Act of 1902 give "full power to appoint and dismiss staff and to make such regulations for the management, control and discipline of the staff..." (emphasis added). These Acts authorised the making of statutes generally, while the various University Ordinances and Charters which were the relevant employers, made statutes for or with respect to the number, remuneration and manner of appointment and dismissal of the staff (and teaching staff). If it is evident from the Acts and Ordinances that the universities to regulate employment has been paramount...

The Victorian and South Australian University Staff Associations (FAUSA) were officially registered in 1968. In 1977, the Federal Chairman of the Victorian and South Australian University Staff Associations, Dr. J. D. Ramsey, the Victorian Minister for Labour and Industry, to establish a Wages Board to cover all academic and senior non-academic staff in Victoria's four universities. The decision of the Victorian University Academic Staff Associations (VUASA) to pull, through FAUSA, for a Wages Board was based on the argument that "no formal industrial mechanism currently exists at either state or federal level to provide academic staff with the advantages of the conciliation and arbitration process." The establishment of a Wages Board would provide a "much needed forum for the conduct of industrial negotiations and a means by which employment conditions could be subject to binding determinations."

Staff associations throughout Australia have sought to establish a conciliation and arbitration machinery with the employers. Under the terms of the agreement for a Wages Board for Victorian university staff, associations staff at the Universities of Adelaide, Queensland, South Australia, James Cook, and Western Australia and Murdoch were registered, and the staff associations at Griffith and the Australian National University were seeking registration. It was only in Victoria and Tasmania that registration moves had not occurred.

The original rationale for seeking state regulation was "to protect the membership from poaching by other organisations". With the restrictions during the late 1970s on university funding the emphasis in seeking state regulation shifted towards seeking state jurisdiction in order to gain employment agreements and protection of staff which were required to be registered under state laws. By 1978, staff associations at the University of New South Wales, the University of Queensland and the University of Melbourne were being represented by the UNITEU, the AST, the VUASA and the VUASA (Vic). The Peaceful Struggle of 1978 by FAUSA and VUASA in the industrial setting was limited, and the FAUSA Executive received a letter from the Melbourne University Staff Association criticizing them on these grounds. Such an action was in keeping with the fact that the move to establish a Wages Board was seen as a least that could be attempted by the staff associations to enter into the formal industrial setting.

Secondly, not all academics had accepted that their staff associations should take on the role of industrial mediators. Having a Wages Board outside of the university setting. According to VUASA notes, the decision to seek a Wages Board had been a controversial one within some staff associations, and resignations had occurred at Melbourne University over the issue. This was typical of the problem associations face when they endeavor to take on industrial duties. Academic employment conditions had fallen for two main reasons. One was that a number of objectives had been received from various employers and employee groups in Victoria and outside of the university setting. A second, and possibly more complex reason was that in order to establish a Wages Board for academic employment conditions needs to be seen as a move to bridge the gap between the two sets of employers and employees, the concerns of academic staff associations, and the industrial pursuits of trade unions.

The new industrial framework

The 1979 Industrial Relations Act of Victoria repealed the Labour and Industry Act 1902, and allowed for the establishment of Conciliation and Arbitration Boards for the former Wages Board. The first Wages Board in Victoria was set up under the Factories and Shops Act of 1896 to regulate the lowest rates of pay in the "sweated" industries and to ensure reasonable conditions of work such as hours of work,工资 rate, and trade marking of manufacturing. The jurisdiction of the Wages Board was extended through various statutes, which replaced former VUASA, and was extended further in 1984 through the "Revised Conciliation and Arbitration Act 1984". The Board was renamed the "Victoria Industrial Relations Commission" in 1984 (VIRC).

The move to establish an Academic Staff Conciliation and Arbitration Board

During 1982 discussions on the best way to proceed with the request for a Wages Board took place among representatives of the four Victorian Staff Associations based in Melbourne. The request was made by the Association of University Staff Victoria (AUSV) to the VIRC that the Victoria Industrial Relations Commission was the only body that could act as a mediator in resolving disputes related to the working conditions of academic staff. The VIRC recommended that the establishment of a Wages Board was no longer the decision of the university, but was instead through the medium of the government legislation and action and the Industrial Relations Commission of Victoria.

The case for establishing an Academic Industrial Board

Appearing on behalf of the staff associations, the FAUSA Industrial Officer set out the grounds for the establishment of the Board in the following terms:

"The Board is proposed to be an advisory body, comprising 3,000 persons employed in academic positions in institutions who have no access to the collective bargaining mechanism. These people are finding it increasingly difficult to understand the number of disputes with their employers and have no access to any independent authority to resolve their grievances. The Industrial Relations system is quite unrealistic that such a large group of identifiable staff should be quite free from any form of industrial relations system..."
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ment relation to employment conditions of all staff and to salaries of staff not on the Academic Board. As recommended, it would order re-employment if it finds that a director has acted "unjustly, unreasonably".

Ironically the conditions under which the Academic Board was called for state intervention into their industrial relations were largely due to the intervention of the state into areas of tertiary education which had had a recreating effect on the Board. These conditions, as Hall notes, included:

- worsening of the student staff ratio due to funding cut to universities, reductions in staff and course control over human resources; an increasing number of financial term appointments and threatened sack on moratorium.

It was under these conditions that academics realized that they were not as an elite profession secure from the pressures with secure working conditions. A staff association confirmed these conditions in its interview.

It was quite clear that in terms of wages and conditions we had been overlooked. The state has a need for us and there was a real push in FAUSA to get a tough deal out. We were not balls and we fought it with full force. I think that once we started to say, O.K., look at what's been happening, and how do we feel about it, how will we do you? Look at the way you are going to have a say on your conditions, look at our traditional consultation, look at our powers with them. Look at the situation today, look at what has happened and where do you stand.

The three other arguments which the University used were: 1) that the academic work was unique and (therefore) unable to be regulated, that decision-making and dispute resolution occurred on a college basis, that university bargaining power would be destroyed. The second was on the issue of the state intervention in the relationship between the Academic Board and the state, and, in activities in which they wished to pursue, thereby reducing their power and autonomy.

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The University administration and executive were faced with the possibility of such state intervention into academic matters, a situation which brought the universities more sharply into conflict with the staff. The University, for example, argued that the power relations of the University, the intervention of the state into the regulation of academic, life in which colleges, faculties and arbitration boards, would undermine the autonomy and certainty of the universities to regulate their own affairs. It would provide academic staff with the power to act to those in place of restraints and conditions of appointment and remuneration on which would be bound on the universities.

The collegiate picture of university life was entwined on a consensus view of staff regularly, if not constantly, and a plan for student aspirations which was neither a consensus nor a consensus. The Board of the University was then used to force a consensus view of staff relations in which conflict is not a consensus, if the Board is to be able to that which is based on the consensus of the universities, indicates the way in which different ideological ideologies can be made of the concept of university meetings, depending on the context in which it is used. A consensus is a plan for a consensus of the universities.

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The force of destiny: Industrial relations in Australian universities

There is an atmosphere of the theatre about industrial conflicts, especially those between universities and their employees. They operate as if the stage was their own personal stage, and the cast members were their own hired actors. There is a sense of unreality to the entire process, almost as if it were a play being performed for the audience's enjoyment.

The university system in Australia is unique in that a large proportion of its employees, namely the academic staff, have not until recently been subject to any award.

So let us take our seats for this four act saga of Australian universities' industrial relations. But before the curtain rises, we must have an understanding of some of the main themes of the opera.

The university system in Australia is so large that a fair proportion of its employees, namely the academic staff, have not until recently been subject to any award. Indeed, the first real academic award, covering research assistants, took place in 1966 in Victoria, quickly followed by a determination covering tutoring tutors at Monash University, again in Victoria. It is perhaps surprising that an educational enterprise, with recent expenditure totalling over $100 million and with over 100,000 academic staff should have been award-free for so long. I would suggest two reasons, themes that will be developed later.

First, there is the collegiate nature of universities. Academic staff are both employees and managers. Vice-Chancellors, deans, chairpersons appoint and assign duties to their colleagues. They have to decide how to spend their allocated budgets, and sometimes even to interpret the benefits to their employers. The staff, in the modern participatory structures of university government, are becoming involved in decisions, many staff are involved in decisions by which they are affected. The university system is a vast institution, with many complex and interrelated systems. It is not easy to identify, and it is often difficult to assess the impact of any action or policy. It is a system that is affected by a wide range of factors, many of which are beyond the control of anyone involved. However, it is not possible to assess the impact of any action or policy.

Secondly, there have been structural differences between universities and other industrial processes. Staff associations have had an identity problem in deciding whether they are representing their members, or some other group, such as trade unions, a dilemma that still fairly persists. The development of conventional industrial relations in universities was inhibited until relatively recently by the narrow interpretation of what constituted an industry. Finally, until universities became large complex organisations with a bureaucracy of their own, there was an overwhelming need for awards and negotiations.

So much for our overture: the lights are dimmed and the curtain rises on Act I. We are in a calm peaceful setting dating about 1974. The old world is about to topple. The Federal Government has fixed the rate fully the universities rather than rely on joint funding with the States. In a moment of relaxed discussion between the vice-chancellor and a few senior staff about academic conditions or a chat between the university's deans and co-operative members of the senior staff about an uncertain minor incident, federal monies are becoming interested in universities.

First Act: Stage I - introduce the major characteristics, develop a little skirmishing between them and it ends with some dramatic incident, often a matter of dialogue, in a splendid court, that will dominate the remaining action.