Enterprise bargaining and higher education: A changed role for the AHEIA?

Russell Blackford
Chief Industrial Officer, Australian Higher Education Industrial Association

Introduction

The introduction of an enterprise bargaining principle into Australian wage fixation, as a result of the National Wage Case Decision of 30 October 1991, is not likely to have a rapid effect on industrial relations processes in the higher education sector or a dramatic effect upon the sector's operations in 1992. The nature of the Bench's decision makes it unlikely to view more than when I previously planned to produce this paper - should I expect that a centralized system of enterprise bargaining which has actually been introduced. In particular, I believe that changes to the role of the employer association representing higher education institutions, the Australian Higher Education Industrial Association (AHEIA), are likely to be modest for the foreseeable future. It is also likely to be true of academic and general staff unions operating in the sector, though not necessarily for identical reasons. Indeed, the approaches which I expect academic and general staff unions to take will consider one of the main constraints on changes to the role of the employer association.

The conclusion of this paper relates to the foreseeable future. I have not attempted to predict the situation which would arise if the Australian Industrial Relations Commission (AIRC) were, over a period of years, to develop a far less circumscribed regime of enterprise bargaining than that provided for in the October 1991 national wage principle. The same applies to the situation if an entirely different system of labour relations legislation were introduced by an incoming reformist government. It would be foolish to speculate in any detail about the implications of changes of another kind, though, in either event, the role of central employer bodies could change considerably in providing more an advisory or a consulting role and carrying out less hands-on negotiation with national union officials and representation of employers collectively in formal proceedings before the AIRC.

Even with such a scenario, the likely changes to the role of an employee's body such as AHEIA should not be exaggerated. The area of work which might be expected to decline would be the national negotiation or arbitration of new entitlements. However, a large proportion of the work currently undertaken by AHEIA officers is actually involved consists of providing advice on individual personnel decisions, handling or assisting in disciplinary matters, contacting the media of dismissal claims and handling disputes arising from the interpretation or application of awards, employment contracts and other instruments. This is, no doubt, the expectation of any employer organisation. In any imaginable future system of labour relations law, rights and quasi-rights' disputes will need to be handled through some formal mechanism or set of mechanisms and employer associations are likely to provide a source of professional expertise in handling them. Such disputes already constitute the time and resources of AHEIA more than do purely internal disputes. A further change in this direction would not make a dramatic impact on the day to day operations of the AIRC office, however, dramatic changes to the changes to wage fixing practice or statutory regulation which brought it about might appear on paper.

My conclusions should not be taken as suggesting an unwillingness on the part of the AHEIA office or the AHEIA membership to devolve responsibility for handling labour relations. On the contrary, the membership places the highest priority on a policy of maximum flexibility for individual institutions to handle such matters in their own way. For its part, the team of industrial officers employed by AHEIA is relatively small - currently six officers - and has nothing like the resources of, say, a State or Commonwealth Public Service Commission. These staff have provided a resource for institutions requiring expert advice or assistance in handling sensitive personnel matters or rights/quasi-rights disputes. In handling national claims for improved conditions of service, their efforts have been largely devoted to achieving outcomes which will enhance, or at least diminish as little as possible, the autonomy of individual institutional decision-making. The possibility of more manageable changes to AHEIA's role stems from the fact that the role already relates very much to providing a resource for handling local matters, together with the major constraints on adopting any full-blown regime of local bargaining in the higher education sector in the near future. These constraints arise from the current wage fixation system and from aspects of the higher education system itself, conceived as an industry. To summarize some of these constraints:

- The enterprise bargaining principle introduces only a limited form of local bargaining based upon concepts of "productivity".
- Enterprise agreements reached under the principle must be processed through and scrutinized by the AIRC.
- Enterprise bargaining will, in practice, include one or more federally registered unions as parties, giving the unions considerable power to frustrate bargaining if its outcomes run contrary to an industrial policy.
- The application of the concept of a "single bargaining unit" and an "enterprise or section of an enterprise" to higher education is unclear, reducing the possibility of collective bargaining.
- There is potelective for the funding arrangements in higher education to encourage innovations which either require up-front investment or which are imperfect in quality without existing cutbacks.
- Questions must be raised about the extent to which the sector can deliver further improvements in measurable productivity in any event.
- Industrial regulation of the sector has reached a situation where it is difficult to plan how enterprise bargaining will develop with the completion of other major changes in current conditions.
- The pace of change experienced by the higher education system in recent years has been such that the extent to which the system's resources and moratorium can absorb further dramatic change in the immediate future must always be kept under
The labour relations system

The new national enterprise offers only a limited form of enterprise bargaining. In no sense has scope been created for parties to opt out of the labour relations system with its panoply of tribunals, courts, and arbitrators to deal with disputes between public and private employers. The new enterprise bargaining principle purports to do no more than extend the existing “efficiency mechanism” of enterprise to “sectoral enterprise bargaining.”

In the shorter term, parties will be able to frustrate negotiations by arguing that improvements in productivity are not enough to justify increased real wages in the face of higher employment costs. It is evident that higher productivity will not in itself guarantee that higher wages will not have to be paid. The profitability of the enterprise itself will in large measure determine what can be paid. The parties will therefore argue that productivity gains are also an indication of the need for increased real wages.

In some cases, it can be argued that parties will put productivity gains on the line of a threshold. If productivity is not improved, then the parties will maintain that none of the gains should be shared.

The focus on productivity and the detail in which the enterprise bargaining principle is set out will tend to restrict debate about industrial regulation within an enterprise. It is not always clear what possible role will remain for the union to play in the enterprise. It is more likely that the union will become an agent of management rather than an agent of the workers in the enterprise. The focus on productivity will also mean that the enterprise bargaining principle will not be of any practical value.

The higher education sector

The major source of potential frustration in the higher education sector is the relationship between enterprise bargaining and funding levels. The government has indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The higher education sector is a significant part of the economy, and it is important that the government ensure that it is adequately funded. The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.

The government has indicated that it will introduce enterprise bargaining to the higher education sector. The government has also indicated that it will introduce enterprise bargaining to the higher education sector.
Higher education is currently beset by multiple overlapping levels of industrial regulation, often in conflict with each other, through State and Federal legislation, royal commissions by State and Federal governments, and in some cases by industrial awards set by the Australian Industrial Relations Commission (the AIRC). These awards are the result of the collective bargaining process between employers and employees, and they typically cover matters such as pay, working conditions, and rights and responsibilities of both parties.

In recent years, there have been significant changes to the industrial relations landscape for higher education institutions. These changes have been driven by the introduction of enterprise bargaining agreements, which allow for greater flexibility and discretion in the workplace. However, this has not been without its challenges, as the institutions have had to navigate complex regulatory frameworks and ensure that their practices comply with legal requirements.

Enterprise bargaining agreements have allowed for more tailored and flexible arrangements between employers and employees, allowing institutions to address specific needs and challenges within their workforce. However, this has also led to increased complexity and costs for institutions, as they need to continually review and negotiate agreements to remain compliant with legal and regulatory requirements.

Conclusion

In summary, the changes in the regulatory landscape for higher education have had a significant impact on the way institutions operate and manage their staff. While enterprise bargaining agreements have provided greater flexibility and discretion, they have also introduced new complexities and challenges for institutions to navigate.

References

1. Print ISBN. Note that the views on this document and its likely implications for AHEIA are my own, not those of the AHEIA or its members. While I have held the position of senior academic administrator in a number of organisations, I have had limited experience in the field of industrial relations. I have, however, been involved in the development of enterprise bargaining agreements in higher education institutions, and I believe that the new arrangements represent a significant departure from the traditional model of industrial relations.

2. Print ISBN. The changes in the industrial relations landscape for higher education have been driven by a combination of factors, including the introduction of enterprise bargaining agreements, the need to address the unique challenges faced by higher education institutions, and the desire to promote greater flexibility and discretion in the workplace.

3. Print ISBN. These changes have been met with mixed reactions from both employers and employees, with some expressing concern about the potential for increased costs and complexity, while others have welcomed the opportunity to tailor arrangements to meet the specific needs of their institution.

4. Print ISBN. The role of enterprise bargaining agreements is expected to continue to evolve as the landscape of higher education continues to change. Institutions will need to remain vigilant in monitoring the changing regulatory environment and ensuring that their practices remain compliant with the latest requirements.