the October decision has generated more debate than results. The latter part of 1992 should determine whether the concept has "legs", as the jargon puts it.

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Notes
1. This is the case in reverse in Fyfe, M. (1991), "Economic Rationalism in Canberra", Canberra University Press, Australia. His critique on the link,
2. See, for example, GEGC, "Recent Trends in Performance Agreed and Performance-Related Pay Schemes in the Public Service", Public Management

Universities and enterprise bargaining

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In mid 1991 the The Australian's Higher Education Supplement reported the Opposition's leadership was talking up industrial relations reforms. In The Australian, 10/2/91, 11. This "freedom" was to be based on voluntary agreements and the principles of enterprise bargaining. The comment by Dr Kemp highlights the values which are central to the

conservative industrial relations policy. These are not essentially about restoring some mythical freedom of choice for workers and

employers but about extricating an unfettered managerial prerogative, restoring management's 'right' to manage. Such policies seek to reverse the historical trend of the last 100 years which has seen the progressive establishment of industrial legali-

designed to limit managerial prerogative. The new conservative

offensive, however, goes beyond merely seeking to repeal the

features of existing legislation. It also seeks to confer further powers on employers and to deconstruct the workplace through the promo-

of 'voluntary agreements'. As Dr Kemp's remarks make clear, academics will be subject to the general principles of the Opposi-
designed relations policy.

In recent years a shift to enterprise bargaining has also been

promoted by the federal Labor Government and the ACTU. How-

ever, the nature of enterprise bargaining used by the ACTU differs

significantly from that advanced by the Coalition. Both the federal
government and the ACTU see enterprise bargaining as occurring within

the existing legal framework for regulating industrial rela-
tions. A shift to enterprise bargaining in the universities under

electoral laws would not have the same implications for academics as

the Coalition proposes. This is not to say that there will be no significant changes in the employment conditions for academ-

ics under the former.

In this paper we explore the implications of enterprise bargaining for academic staff and academic unionisation under the different
codes of enterprise bargaining advocated by the present govern-
ment and the federal opposition.

The Conservative Approach: Enterprise bargaining and managerial prerogative, voluntary agreements and enterprise unionism

Under the Coalition's proposed industrial relations policy union recognition or the right to bargain is not guaranteed. This continues with the existing legislative framework where union recognition and bargaining (over some issues) is virtually assured. Under registered
by the federal Industrial Relations Act have the right to recruit

members from particular occupations or industries in accordance with

their registered rules and to bargain on behalf of those workers.

Since a determination can be reached via arbitration even if the

employer refuses to deal with the union, employees are encouraged
to recognise and negotiate with unions (equally employers can take

matters to arbitration if a union refused to consider an employer-

indicated claim). Disputes may be resolved through direct nego-
tiation between the parties or consolidation, and in practice the vast

majority of disputes are resolved without recourse to arbitration.

The awards, agreements or determinations that result cover both

union and non union members of the employees concerned.

The speeches of the Shadow Minister for Industrial Relations

John Howard, however, clearly enunciates a vision of enterprise

bargaining where employees will be encouraged to vote by-pass union and deal directly with their employers. Employees may choose union representation if they wish by nominating either an existing union or one formed by workers at that enterprise as a "bargaining agent". The normal recognition process whereby bargaining agents will enjoy or what new rules will regulate such

bargaining. These ground-rules are vital. In the United States, for

instance, union recognition or rights to bargain and bargaining

practices are highly regulated - and in a manner unfavourable to

unions. The procedures in the United States have offered little

protection to organised workers from 'slum bargaining' - changes in employer operation or forms of management resistance or

attack, they have raised the cost of new organisation and, by freeing

an enterprise focus on workers, they have rendered wider industrial

and political action difficult and ineffective (Ruggles 1996). In the

post-war period union density in the United States has declined

from a peak of 25.5% in 1935 to 16.4% in 1989 and the particular form of American labour law (based on enterprise bargaining) has been

playing a pivotal role in the decline of American unionism (Ruggles
1996:54).

If guaranteed recognition was removed in Australia many groups of

employees (such as those in small business, retail, tourism and

other service industries) would find it very difficult to secure union

representation or would be obliged to accept the union the employer

finds most acceptable. Where this is the case one may speculate how

bargaining is to occur on an equitable basis. An employee without

union representation is unlikely to risk confronting an em-

ployer if they fear losing their job or damaging their prospects of

promotion. Equally, as the Japanese experience shows (see Chalmers,

1989:175-196) the enterprise specific unions which most employees

might favour are (by definition) often small and lack the resources

or logistical strength to bargain effectively on behalf of their

members. Further, in contrast to industry or occupation-wide awards which are specific enterprise agreements generally consistent with these

in terms of wage rates, hours etc) that exist at present, the Coalition's

reforms are likely to lead to a fragmented system entailing a matrix of workplace or enterprise agreements whose enforce-

ment would be problematic to say the least. If the experience of

New Zealand (where similar laws have been introduced) is any

guide, for many workers these agreements will involve a significant

deterioration of wages and working conditions (see for example


University academics, and some groups in particular, will not be

exempt from these processes. In all but the most strongly organised

workplaces union recognition will depend critically on the attitude

of employees. While individual universities may be unlikely to

refuse to recognize existing unions altogether some may put this for

the creation of an enterprise specific union with a affiliation to FAUUA,

UACA, as has already occurred at Bond University (see below).

Alternatively, some may place pressure on an existing staff associa-
tion to either distance itself or sever its links with FAUUA/UACA. An

indirect way to frustrate unionisation will be to create an internal Vice-

Chancellor's office, which recognising existing unions, simply declare

certain issues are only to be negotiated at institutional level (AAHIA

has already done this in relation to the accommodation of academic

positions) and that some issues (like loadings, confirmation and

promotion grievances) are not open to union representation or

bargaining at any level.
Page 24

The prospects of the last topic are not too rose. For example, the Vice-Chancellor of the University of Melbourne and former head of AHEIA, Professor David Pennington, has already made it abundantly clear that the crisis is not in the words - become masters of their own destiny (The Australian 2 October 1991). The achievement of this mastery is seen to rest on resisting the influence of others and doing things in their own way. This resistance is essentially decided by academic merit. In law well endowed faculties are likely to find it easy to continue to attract the best students and to make it possible for them to have a high degree of autonomy and to be managed in such a way that would be able to have to spread the same. Fundamentally, all students must be more clearly aware of the needs of their specific academic communities. For these reasons, the Vice-Chancellor suggests that the academic staff associations could also readily extend to instances where the new corporate style of university management has led to disputes and grievances. Even if not all Vice-Chancellors agree with Professor Pennington's philosophy there can be little doubt that under the Coalition's legal framework and bargaining rights, the most important offer is still to be made at the level of the public sector. According to the Ausheia union, the Jurec University is an obvious choice, as we can secure the merger. In the past, the University has always been aware of the need to improve the conditions under which the various students are being offered and to improve students' living standards in the longer term. However, the specific context for the University for the longer term of the University's efforts to bring these changes about. Further, the university is committed to making changes which will be seen as progressive, given the strong support in the community for the University's efforts to bring these changes about. Therefore, the effect of the changes in union recognition will also be felt by the Commonwealth government.

Even where bargaining does occur the outcome may be far from desired. For example, in the case of private funding and the shifts of some universities to maintain or enhance their reputation as pre-eminent learning and research institutions. Indeed, differences in terms of funding are likely to be exacerbated if the Coalition fulfills its commitment to introduce a student voucher system of funding (a funding which is not the only university to sell). The Commonwealth government has already made public its intention to further institutional differentiation in the sector. The approach taken by AHEIA and Vice-Chancellor's (AVC) has already made public its intention to introduce a student voucher system of funding (even if the AVC has not made it clear how this would work). The student voucher system of funding is likely to be a major issue for universities as they seek to enhance their reputation as pre-eminent learning and research institutions. Further, the university is committed to making changes which will be seen as progressive, given the strong support in the community for the University's efforts to bring these changes about. Therefore, the effect of the changes in union recognition will also be felt by the Commonwealth government.

The students lodge their bargaining under the Coalition's legislative framework is likely to be more beneficial for new or most, if not all, forms of private funding and the attempts of some universities to maintain or enhance their reputation as pre-eminent learning and research institutions. Indeed, within the Australian university sector, there has not been a clear understanding of how this would work. The student voucher system of funding is likely to be a major issue for universities as they seek to enhance their reputation as pre-eminent learning and research institutions. Therefore, the effect of the changes in union recognition will also be felt by the Commonwealth government.

Universities which enjoy high levels of private funding (for private endowments as well as grants and bequests from industry and professional bodies). Such as the University of Melbourne, is a significant player in the Australian university sector. These universities will be able to attract the best students by providing them with more opportunities for various disciplines in a more direct and formalised manner that is possible at present. Disparities may be further entrenched if particular attention is paid to establishing the separate bargaining units rather than the university as a whole. Such an idea has already been proposed by Professor David Pennington (see Journal of Higher Education 14(263)). The experience in graduate schools of management of some universities already indicates what we might expect to see in the future. Graduate schools of management are essentially decided by academic merit, and in law well endowed faculties are likely to find it easy to continue to attract the best students and to make it possible for them to have a high degree of autonomy and to be managed in such a way that would be able to spread the same. Fundamentally, all students must be more clearly aware of the needs of their specific academic communities. For these reasons, the Vice-Chancellor suggests that the academic staff associations could also readily extend to instances where the new corporate style of university management has led to disputes and grievances. Even if not all Vice-Chancellors agree with Professor Pennington's philosophy there can be little doubt that under the Coalition's legal framework and bargaining rights, the most important offer is still to be made at the level of the public sector. According to the Ausheia union, the Jurec University is an obvious choice, as we can secure the merger. In the past, the University has always been aware of the need to improve the conditions under which the various students are being offered and to improve students' living standards in the longer term. However, the specific context for the University for the longer term of the University's efforts to bring these changes about. Further, the university is committed to making changes which will be seen as progressive, given the strong support in the community for the University's efforts to bring these changes about. Therefore, the effect of the changes in union recognition will also be felt by the Commonwealth government.

Page 25

Enterprise bargaining under the current industrial relations system

Enterprise bargaining under the present legal/industrial framework

A clear understanding of the Industrial Relations Commis-
sion (the IRC) introduced its own version of enterprise bargaining. This involves bargaining at the enterprise level. Flowing from such bargaining may operate in conjunction with, or replace awards and may not involve a consultation with the relevant universities or any other form of bargaining. This means that the IRC's attempt to meet the concurrent challenge outlined above by seeking to institutionalise its own version of enterprise bargaining. This version preserves the existing legislative and union framework but seeks to gain us a greater workplace focus. By encouraging greater workplace focus, the IRC hopes to act to strengthen in traditional base and win some of the support lost through the year.

This type of enterprise bargaining is likely to produce some of the same effects as that favoured by the Coalition, although such changes would be far more profound and rapid under the Coalition model. Any form of enterprise bargaining is likely to encourage the further corporatisation of university management, the breakdown of central structures, and the development of far more complex and fragmented pattern of employment conditions at each university. The effects of enterprise bargaining on university management have the professional resources and experience to deal with more localised negotiations. In fact, the lack of a bargaining infrastructure at each university may result in the most serious problems currently confronting academic unions. The move to enterprise bargaining by the IRC has significant implications for the university sector as a whole. As this approach is more likely to be associated with a greater degree of division and internal conflict, the IRC is likely to be faced with the most serious problems currently confronting academic unions. The move to enterprise bargaining by the IRC has significant implications for the university sector as a whole. As this approach is more likely to be associated with a greater degree of division and internal conflict, the IRC is likely to be faced with the most serious problems currently confronting academic unions. The move to enterprise bargaining by the IRC has significant implications for the university sector as a whole. As this approach is more likely to be associated with a greater degree of division and internal conflict, the IRC is likely to be faced with the most serious problems currently confronting academic unions. The move to enterprise bargaining by the IRC has significant implications for the university sector as a whole. 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The move to enterprise bargaining has some potential benefits for academia if there is an overall positive outcome. Although award coverage provides basic protection in a number of areas such as salary rates and career structure it fails to cover many important conditions. These are locally determined and play an essential role in determining the quality of work life. They include health and safety, work loads, parking and access to childcare. Increased union activity at the local level over such issues holds some very significant advantages for staff and, it should be said for, university administrations. At a time when administrations face additional pressure to deal with the outcome of amalgamations, greater responsibility for funding raised, as well as the absence of a chain which allows staff to directly communicate collective grievances.唯一适用于的是unions.

The survival of national unionism is likely to depend on the present unions' ability to convince academia that they can make a significant contribution to the improvement of day to day working conditions through local action. The building of such locally based structures, within a broader structure of a nationally organised union, provides not only the best way of making gains out of the present push to union-based enterprise bargaining but also one of the more effective ways of building the commitment and the structures necessary for effective unionism under a conservative regime.

Conclusion

There are good reasons to believe that under the legal and funding framework proposed by the federal Coalition the majority of academia will suffer a diminution of employment conditions, including job security. At present academics and their unions lack the institutional organisation and muscle to survive in an industrial relations environment where such strength (and its use occasionally) is likely to be essential. The differentiation of conditions both within and between institutions is likely to create many problems among those who believe the value of their work has been denied. Under the Coalition's proposals, the massive effort and resources that FAUSA and UAC have put into amalgamation could be rendered meaningless almost overnight, as the recognition of unions and the provision of regulated bargaining agents occurs in a context largely determined by AHREIA and individual university Vice-Chancellors. Differenentiation of employment conditions will undermine the interest of some in jointing unions (see the existing situation with regard to membership in schools of medicine) and make the task of unions more difficult as they attempt to reconcile divergent interests. In the end fragmentation of union representation is likely to have adverse employment effects for more academics. Further, quite apart from the effective undermining of union representation by a non-unionised academic workforce and university system (via the voucher scheme of funding) it is likely to undermine the overall development and the coordination they provide. Funding shortages in areas of lower student demand or low government priority, as well as prestige institutions or provincial universities, will affect not only the provision of courses but also the standards of such courses and the quality of academics who teach them. Such outcomes have already been raised in New Zealand where legislation similar to that proposed by the Coalition is in operation (The Australian 11 September 1991:22). Of greater long term concern is the possibility of a more fragmented system of conditions and rewards. Differences in reward levels for academics in different disciplines or in the same discipline at different universities (and even with comparable levels of qualification, experience and publications) are likely to create more problems than they solve. As given that, apart from the new define hybrid divide, the bulk of present academics were employed (or chose their preferred universities) in the context of different very employment conditions; differentials in terms of institution status, role and employment conditions has long been entrenched and where a shift in institution is less likely to mean a major geographic shift (with associated difficulties for employed spouses and families) then this is the case in Australia. Indeed, the differentiation (likely to flow from enterprise bargaining especially under the Coalition model) could make a mockery of the division of the binary divide by simply providing a new set of incentives. As the absence of an incentive to train the next generation of teachers.

Many academics and the administrations of upgraded CAEs and institutions will have the breakup of the binary divide as one of the main problems, and a greater emphasis on research and the employment of multi-skilled academics. These changes raise issues of minimum professional standards and conditions which FAUSA and UAC have not confronted despite their impending amalgamation. Indeed, in contrast to teachers unions (and despite the redefinition of what one should do this almost 10 years ago) FAUSA has failed to link wages and other conditions of employment with professional qualifications/standards are, amenable to the quality of education (including class sizes). Industrial campaigns based on these linkages have been especially effective and there is no reason to believe that similar campaigns in the tertiary education sector would not have enjoyed similar results (especially given the looming major shortage of university academics).

Yes, what we have been in practice is a decline in both salaries (withstanding recent gains) and employment conditions, heavier workloads and major morale problems in universities (see the survey results published in The Australian, 3 July 1991:1-13). There has also been clear evidence of branch dissatisfaction with FAUSA's rather centralised handling of these issues and its apparent uncooperation with the UACAA amalgamation. Another worrying and not unrelated sign is the decline in the rate of union membership at least at some branches. The lack of a comprehensive industrial strategy by FAUSA and neglect of branch organisation means that academic unions are in a poor position to meet the very real threats associated with a shift to enterprise bargaining. What is at stake here is not simply basic employment conditions of university academics (such as salary levels) but the range of tasks they will be expected/barely anticipated to undertake (such as administrative responsibilities and research), the sourcing of such activities, and the quality of the education that they will be able to deliver. Finally, although academics, in some instances will bear the brunt of these changes academics in the most well-endowed universities are unlikely to remain immune from these effects. Even if the latter institutions resist inter-disciplinary differentials (and this is questionable) it is unlikely that large multi-campus institutions (as is the norm even amongst our oldest universities) will retain essentially identical conditions across all locations.

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Notes

1. There is no such indication from the Coalition to suggest that cost savings are to be achieved. Although the Industrial Relations Commission might be retained for its powers since a likely hypothesis is that the recovery of unexpected higher wages and other necessary benefits will have to be sought by the individual workers concerned (perhaps with the help of their union) before a collective law court - a process which inevitably and current experience indicates is by no means rapid or simple. Further, it should not be assumed that any transition to a new model is sufficient to satisfy contract manufacturing, contract cleaning and tourism is unlikely to entice the industrialists. Such shifts probably continue to face industrialists marked by large and professional employers (such as banks and finance) and since the more a fragmented and competitive wages system associated with enterprise bargaining will make both such problems more likely within universities.

2. This strategy would also have undesirable effects in terms of the usage of existing university infrastructure. In this short term at least, the physical and other infrastructure of the most Multi-campus-preferred institutions would become less available as concluded since they are the present while infrastructure of other institutions suffers from lack of utilisation.

3. The placing of academics on individual contract the details which are often determined a mental contract between the individual and the university (the hallmark of the core contractual voluntary employment agreements) rather than a public document (like existing awards and industrial agreements multi branch) gained major legal and philosophical problems in unions in order to define the general wage rate area in a form of making comparisons and claims.